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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, hear the cries of the needy. Listen to the voices of the lonely, sick, homeless, incarcerated, poor, and institutionalized. Incline Your ears to the pleading of those who need our love, especially the spiritually destitute. In response to these needs, stir us and the Members of this body to see Your face in the depressed, hungry, and deprived people of our world. Open our eyes to see poverty beneath diamonds of glitter or wealth of spirit beneath raiment of rags. May the work done in the Senate bring deliverance to the least, the lost, and lonely.

Lord, solve the problems of poverty of soul and purse by giving our leaders the wisdom to pursue Your purposes. Help them to remember that You answer the prayers prayed by millions, using legislative hearts and hands. In their efforts to help the hurting, inspire our lawmakers to attempt something they couldn't do without Your power.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 3, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CHAPLAIN BLACK

Mr. REID. Mr. President, those of us in the Senate do not take for granted our Chaplain. I want those who were fortunate enough to hear his prayer this morning to understand that the Chaplain of the Senate, Barry Black, is a brilliant man. He has a photographic memory. He is a great writer, as indicated by the prayer he delivered. The prayer itself says it all about what our function should be as legislators.

His mother was a great mother. He talks about her all the time. He is from Baltimore. She used to give him pennies for memorization, and even at that, I am sure she lost a lot of money because he has such a great mind. He is the only person I have dealt with over the years with a memory that is comparable to Senator BYRD who has the ability to recite things.

I want to make sure those listening to this prayer understand that we don't take this great man for granted. He is a retired admiral from the U.S. Navy, a fine man.

MEASURE PLACED ON THE CALENDAR—S. 2128

Mr. REID. It is my understanding that S. 2128 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2128) to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

Mr. REID. I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

SCHEDULE

Mr. REID. This morning, following the time Senator MCCONNELL and I may use, the Senate will be in a period of morning business for an hour. The time is equally divided and controlled. The majority will control the first half; Republicans will control the final half. Following morning business, the Senate will resume consideration of H.R. 3222, the Department of Defense appropriations bill, and then conduct up to 30 minutes of debate with respect to the Graham amendment relating to emergency funding for border security. A vote in relation to that amendment will occur once the time is used or yielded back, around 11 or shortly thereafter.

I know I speak for the managers when I say that if Members have any amendments, they better get here because Senator STEVENS and Senator INOUYE won't wait. In fact, I think they will ask consent when the bill is on the floor that at a certain time, if no other amendments are offered, the only amendments in order would be those filed up to that time. Cloture was filed—not that it is necessary. We hope it isn't. I hope we can finish this bill today. I have had a short conversation

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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this morning with the Republican leader. We are moving along. If we can finish these two bills this week, we will have done half of what we are obligated to do regarding the appropriations bills.

I think at that stage—and I told the Republican leader—we are going to start conferences on all these bills we have passed, four already, starting today. We need to be in a position where we can start sending some of these bills to the President. As I indicated, I will confer with the Republican leader as to which ones we should send out first. We need to get moving along.

We have to do everything within our ability to try to finish our work by November 16. That is not going to be easy, but we should try. As I have indicated previously, there are a lot of things left to be done prior to the Senate recessing on November 16 and work to be done prior to our recess—hopefully, tomorrow—dealing with various work we think we can do by unanimous consent. I urge Members to continue the level of cooperation we have witnessed, as we consider other appropriations bills.

I have also explained this to Senator MCCONNELL, my desires in that regard; that is, as soon as we get back, that we start to complete the Labor-HHS bill. Before we leave here this week, we are going to do a circuit judge and a number of district court judges.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

APPROPRIATIONS

Mr. MCCONNELL. Mr. President, let me indicate my concurrence with the suggestions of the majority leader about moving forward. It is a good plan. We will have the maximum amount of cooperation possible on this side to move forward on appropriations bills.

BURMA

Mr. MCCONNELL. Mr. President, imagine living under a brutal regime that sends out troops to shoot and kill unarmed, innocent people in the streets.

Imagine living under a regime that rewards the winner of a popular election not with political office, but house arrest.

And imagine a regime that carelessly allows the bloody and bruised body of a Buddhist monk, whose only crime was presumably to protest on behalf of peace, to float down a river.

But we don't have to use imagination, Mr. President. These horrific events are real. They are occurring now.

They are actually taking place in Burma, a country ruled by an illegitimate military junta, the State Peace and Development Council, or SPDC. And since their seizure of power, the Burmese people have seen very little peace or development.

The world was reminded of the SPDC's oppression recently as Burmese democracy activists, led by Buddhist monks, demonstrated for freedom.

The government's reaction was brutal and barbaric, like something rarely seen since the end of the Cold War. They unleashed soldiers to fire at the unarmed demonstrators, killing untold numbers.

No one can be sure of the exact number because of the secrecy in which the SPDC cloaks the entire country. Nor can we be sure how many activists the government has imprisoned.

But we do know the fate of democracy leader and Nobel Peace Prize laureate Aung San Suu Kyi, the winner of Burma's last free parliamentary elections in 1990. The SPDC has kept her under house arrest for 12 of the last 18 years.

We are reminded that such tyranny still exists in the 21st century. This despotic regime does not even pretend to seek to adhere to basic standards of human dignity.

The SPDC's reign of terror is so complete that even simply turning off the television set is an act of political courage for a Burmese citizen.

The AP reported yesterday that people in Rangoon are switching off the first 15 minutes of the government-run nightly news broadcast. It is one of the last acts of protest they have left, after the uniformed thugs and the barbed wire barricades have taken over the streets. ''This is the least dangerous anti-government activity that I can take,'' the AP quoted one Rangoon woman, who was too afraid to reveal her name, as saying. ''By doing this, I am showing that I am not listening to what the government is saying.''

This Senate shares her contempt for the SPDC's empty words. Listen to how one SPDC ambassador explained events in Burma since the crackdown:

''As all are aware, things have calmed down. We are able to bring normalization to the situation.''

Such a description, Mr. President, reminds me of the ancient Roman dictum, ''They made a desert, and then called it peace.''

Just because the protests have been ruthlessly suppressed, and Burma is fading from the pages of Western newspapers, does not mean the value of Burma's pro-democracy cause has diminished.

On the contrary, now more than ever, America and our allies must continue to press the members of the U.N. Security Council for a strong resolution against the Burmese regime.

And here in Washington, DC we're going to leave our televisions turned on, and continue to help in any way we can to support these brave people's cries for freedom.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each and with the time equally divided between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I was assured that I would be given more time than that. Let that be resolved.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized.

ACCOUNTABILITY IN IRAQ

Mr. ROCKEFELLER. Mr. President, the calendar has just turned to October. The long-awaited month of September has passed. Why September? September, the month of the Petraeus report, was to be the month of accountability for Iraq, for its Government, and a time for accountability of the President's policy in Iraq. Instead, the result of the long-awaited month of September is that we are, once again, staying the course, as the President would have us do. We were not able to change course through the Defense authorization bill which passed yesterday, though many of us tried. Our efforts to change the mission away from deep involvement in Iraq's civil war and toward a more narrow focus on fighting al-Qaida failed, by a narrow margin, but failed. Efforts to enforce the transition with the power of the purse came up short as well.

Tragically, for well over 4 years into this war, at a time when the Army chief of staff is sounding the alarm about readiness of our Army, the Senate was not even able to provide our troops and their families with predictable deployment schedules—a stunning week. This is far less than the American people expect from us, when they elected us to do far more. Over the next few months, I implore my colleagues to use this time well and to think deeply about what our commitment in Iraq means to our future and the world. I especially want my colleagues and the American people to think about what might happen if there is another attack on the United States, which is always a possibility. The fact there has not been says there has been some interdiction and a lot of good luck, and al-Qaida takes its time in planning what it really cares about.

What if that attack has nothing to do with Iraq? What if the next attack is the result of planning and plotting

from al-Qaida and its terrorist affiliates who live in a safe haven on the Pakistani border? Will we regret that we did not do more to force the President to focus on the real threat facing this country—the only threat which wants to take us down in any way, shape, or form, which is possible?

We cannot continue to repeat the same mistakes over and over. It is past time for a thorough understanding of how we got to be mired in Iraq's civil war, and why we must get out of it.

I am often reminded of a prescient quote from Sandra Mackey in her book, ''The Reckoning: Iraq and the Legacy of Saddam Hussein,'' which was written, incidentally, before the war began.

Her book posed the central question: Would a future Iraq without Saddam Hussein be even more unstable and more problematic for the security of the United States itself?

Mackey did what this administration failed to do prior to the war and continues to fail to do today. She studied the historical, religious, ethnic, and political landscape that produced Iraq and the combination of the above factors that produced Saddam Hussein's dictatorship and allowed it to be sustained. She did her homework on the background and the nature of the country and the people and the ebb and the flow of the forces that have worked there for 1,500 years.

She predicted that we would pay a great price for our ignorance and utter lack of understanding of Iraq as a country.

She wrote in her book, looking back to the first gulf war, and now the future:

> Then, in August of 1990, when Iraq invaded Kuwait, the media turned its pages and air time over to Saddam Hussein.

Just say the word ''Saddam,'' and you had people's attention, at least for a few moments.

> Ever since, it has been Hussein, not Iraq, on whom Americans and their [civilian] leaders have riveted their attention. But the time is fast approaching when the United States, for a series of perilous reasons, will be forced to look beyond Hussein to Iraq itself. That is when all Americans will pay the price for what has been a long night of ignorance about the land between the rivers.

That being the Tigris and the Euphrates.

What a horrible price it is: 3,800 brave men and women killed; nearly 28,000 wounded, maimed, and scarred—most mentally and/or physically for the rest of their lives. Families have been torn apart. Divorce and suicide rates are climbing rapidly. Last year, 99 of our soldiers committed suicide, which is the highest rate since the Army started keeping records on that 26 years ago.

The war has cost us as a people and our security so dearly in lives, resources, our standing around the world, our sense of ourselves, our self-esteem, and our moral authority.

It tears my heart out that our troops are dying every day and suffering from these horrific wounds which are the new property of the recent years because of the White House's misguided policies from which it will not move.

So I ask, why must we remain bogged down in Iraq—at such great cost—when there is a far greater threat that we must face and are not facing? Instead of focusing our resources on Iraq's civil war, we should be focusing all of our efforts on the elimination of al-Qaida, and, incidentally, doing something called protecting the American homeland, which seems to be casually handled in budget and in action.

We must finally understand the fundamental fact that our brave and highly skilled soldiers cannot resolve Iraq's internal political, social, and religious fights—there is no argument about that—particularly when enormous majorities of these people—98 percent of Sunni Arabs and 84 percent of Shia—want our forces to leave the country. That is more than a hint.

This is not defeat. It is not surrender. It is not retreat. It is simply getting a grip on the problems we face.

The reality is, it is not our fight. We cannot contribute there. There is very little we can do to affect it, if anything. Iraq is chaotic and violent because of deep-seated, centuries-old disputes that have nothing to do with us. It will likely remain chaotic and violent for the long foreseeable future, whether our military is involved in their dispute or whether it is not involved. It will not make any difference.

We had an open intelligence hearing in which a number of experts, Arabists came and told us that, in fact, America is marginal to what is going on over there. It is all about Sunnis and Shias and Kurds, and about their ancient fights going all the way back to the death of Muhammad. So this sectarian war has nothing to do at all with the United States, and it has nothing to do with our true enemy, al-Qaida, which has only latched on to the sectarian competition to take advantage of our own mistaken involvement in it.

The only thing that can change the course of Iraq is the Iraqi people and their leaders, and only if they can make dramatic changes in the way they view one another. I do not think that day will come. That is this Senator's opinion. We have examples of people getting along on a temporary basis when there are lots of troops around, other things, but that is not in their nature. It is not in the nature of that part of the world. We like to think it is because that is our nature. But it is not their nature.

There is, however, a vital strategic and tactical role for our military, and that is eliminating al-Qaida. But it first requires understanding that global terrorism inspired by al-Qaida is a different problem from sectarian violence between Sunni and Shia. That is what you have to understand first—very simple, very plain. Our present policy continues to follow al-Qaida's playbook by conflating these two problems to create one single-minded ''enemy,'' thereby tying several different strands of violence into a single tangled knot. We must untie this knot and address these issues separately. And we must recognize that our involvement with Iraq is drastically diminishing our ability to do anything about al-Qaida.

The war against al-Qaida and affiliated terrorists has two key components, in this Senator's point of view: a tactical component—which is tracking, catching, and killing terrorists and disrupting their plots—and a strategic component—which is addressing the circumstances that produce terrorists and countering the ideology that drives them.

Our war in Iraq diverts our military and intelligence resources from the tactical component—it is very clear that al-Qaida is gaining strength along with the Taliban in Afghanistan because we moved a lot of people out to fight a war that we had no business being in, and so we suffered where we originally were about to be strong—and it limits the amount of money available to address poverty and evolution of governments in the Muslim world.

But perhaps the most damaging effect of the war in Iraq is the war of ideology. The Intelligence Committee has held several hearings this year looking at the role of ideology in the struggle against violent extremism. There is plenty of evidence, including unclassified intelligence assessments, that al-Qaida has successfully exploited the war in Iraq to recruit and train a new generation of terrorists—thanks to us. We have made that a possibility for them. Civilian leadership has handed them that golden gift, and they have made good use of it.

But there is longer term damage the war in Iraq is doing to our counterterrorism efforts. It is making it impossible for us to make any progress in the war of ideas throughout the Muslim world. It is clear that winning this part of the war is the only way we will have an effect in the long term on this kind of instability and chaos.

Al-Qaida wants us to stay in Iraq. As I said, we are following their game plan faithfully because our presence validates everything about their message of Westerners trying to dominate Muslims and occupy their lands—all of which is sacred to them. As long as we are there, voices of moderation toward the West will be drowned out.

The bottom line is this: Continued U.S. involvement in Iraq is in al-Qaida's interest, not America's. The longer we stay mired in Iraq, the stronger al-Qaida will grow.

Again, declassified intelligence reports and a broad spectrum of experts have noted al-Qaida is as strong as any other time since 9/11—this day—and growing stronger.

President Bush says we should not allow Iraq to become ''a safe-haven from which they could launch new attacks on our country.'' Yet the President has already allowed al-Qaida to

create a safe haven, a huge safe haven on the Pakistani border. That situation is deteriorating on a daily basis, and it allows al-Qaida to continue to plan deadly attacks. And, believe me, that is their purpose for existing and living, and that is what they want from us. We have given them what they want from us.

Our struggle to eliminate global terrorism may remain a mystery to our President, but it must not remain a mystery to us in the Congress and to the American people. We do have a responsibility to act. Whether history looks kindly on this Congress or not is not really so important. But we must take every single serious measure available to force the President to face reality and refocus America's mission in that part of the world.

We have created deep and profound sadness and left thousands of people sitting in wheelchairs for the rest of their lives with shards of steel through their bodies that cannot be removed by surgeons. So they sit in wheelchairs in agony for the rest of their lives. They cannot take them out because they are too close to organs, arteries, so they sit in agony, probably a great number of them wishing they had just simply been killed.

I will end that part and simply say that I would also like to remind the President of the United States that signing the CHIP bill won't change anything in Iraq, but it may have a whole lot to do with changing young people in America in the way they grow up, what their opportunities are, and their sense of optimism and commitment to public service and to the good of our country.

Mr. NELSON of Florida. Mr. President, would the Senator yield?

Mr. ROCKEFELLER. I yield to the Senator from Florida.

Mr. NELSON of Florida. Mr. President, I wanted to ask the Senator a question, but first I want to thank him for his very thoughtful and almost scholarly exposition of an examination of the situation in which we find ourselves in Iraq. I thank him for the service to his country, first in State government, rising to the position of Governor of his State, and now these many years as the Senator from West Virginia.

The question I want to ask the Senator is, in his statement about the antipathy between Sunnis and Shiites—and he noted the historical antipathy as it goes back, he said, to the time of Muhammad. Indeed, we saw that first erupt from—I guess it was Muhammad's grandson at the Battle of Karbala in 680 A.D., and as a result of the murder—or the defeat of the grandson at that point, it was that group that was defeated that went on, out of revenge, to become the Shiites—a minority among all Muslims but nevertheless one that was potent and built on revenge. Is this the understanding of history the Senator from West Virginia recalls in his statement and why it is so difficult for us as an outside power to come in, in the middle of that sectarian strife, and try to bring about reconciliation?

Mr. ROCKEFELLER. Mr. President, the Senator from Florida, as usual, is correct. I thank him for his kind comments; he is not quite so correct about that.

But, yes, that is very much the case. It is simply an example of why it is that America—why intelligence is the spear, the tip of the spear, and that we never do anything ever again without listening to our intelligence—not to Chalabi, not to Richard Perle, but to our intelligence—which told us all of these things, which told us what would happen, timidly at first but more boldly later on.

We just live in a different world. We are homesteaders. I have always felt that way.

After the industrial revolution, the East got sort of flooded up with folks who had come from other places, and they went out West with the Gold Rush and the land rush, they got their 10 square acres and built their houses and picket fences and went about educating their children and doing good things but paying very little attention to the rest of the world because there was no apparent reason to do so. We had never been attacked since 1812, and that was marginal, and 1941 had not arrived. This awakened us in many ways, but, in fact, it really didn't. Conscription for World War II passed the Congress, I believe—or one House of the Congress—I believe by one vote, after Pearl Harbor. We go over and we fight just wars, and then we come back and we disarm.

It is not in our nature to know about the rest of the world. There is not a profound curiosity factor that pulls us, now that we are very much a part of the world, to understand what is going on in other parts of the world and in specific countries where there happens to be a threat of people who have come to see us as greedy, hate our green lawns and picket fences, and think that our view of life and morality is way off. They are very serious about that. We slough it aside, but they are very serious about that.

So how we thought we could somehow do this, come in and mediate something which had been going on I would say since the death of Muhammad in 632—but that doesn't matter; it is a question of how his succession would be carried out. That has lasted ever since. The British and French came in and created a place called Iraq, but the tribal people who kept living all through those years there were always the same and their habits were always the same, and, in fact, it is true throughout most of the rest of the world, if you go to the Philippines, if you go to many places—revenge, tribal loyalties, as opposed to central government loyalties. I have never been convinced that a constitution or a parliament means a whit to the people of Iraq. It meant everything to us because it is sort of the definition of democracy on the rise, but I don't think it made any difference to them at all.

So we misread because we don't read, we don't read and we don't study, we don't go, we don't learn languages because we don't think we have to, and we have not had to because the world has been very simple—the Soviet soldiers in uniform versus American soldiers in uniform, our various planes, tanks, and all the rest of it, but then a red phone on each side to try to calm things down. The world is no longer simple. Everybody looks like everybody else in very dangerous places.

When we entered into Iraq, it was without thought, it was without study. The decision was more or less made within 2 or 3 days of 9/11, which, when you think about it, is rather silly. So there was no real understanding of Iraq, even as there is no real understanding of Iran today, no understanding of North Korea. There is a superficial understanding, the dramatic parts—nuclear this, something else that, starvation that. But who are they?

Why is it that North Korea and South Korea—44 million in the south, 22 million in the north—that amongst all of those people, 66 million people, there are only 400 surnames—''Nelson'' being a surname, ''Rockefeller'' being a surname—there are only 400 surnames. The world is mixed and varied.

Japan disappeared for 250 years during the Tokugawa era. Nobody could get in, nobody could get out. That was just 150 years ago, and they still bear some of that with them. Do we understand that? I don't think we do. They are a democracy. Are they? They were handed their Constitution by GEN Douglas MacArthur, and except for a period of 3 months—and I was there during those 3 months—in the last 60 years, one party has controlled the country in its entirety.

So there are many things to understand in this world, but among those places we did not understand and still do not are the vicissitudes of Iraq, the Sunni and the Shiites, each of them bearing within them many layers of competition, revenge, family feuds, all the rest of it.

Mr. NELSON of Florida. Mr. President, the Senate has just witnessed one of the most insightful analyses by the chairman of the Senate Intelligence Committee on the present-day changes on planet Earth and how the United States should adapt to it by virtue of the fact of recounting history. This Senator is grateful to his chairman for that statement.

Mr. ROCKEFELLER. I thank the Senator.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 222, S. 1538.

The ACTING PRESIDENT pro tempore.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1538) to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel level adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Incorporation of reporting requirements.
Sec. 106. Development and acquisition program.
Sec. 107. Availability to public of certain intelligence funding information.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.
Sec. 202. Technical modification to mandatory retirement provision of Central Intelligence Agency Retirement Act.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Clarification of definition of intelligence community under the National Security Act of 1947.
Sec. 304. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 305. Modification of availability of funds for different intelligence activities.
Sec. 306. Increase in penalties for disclosure of undercover intelligence officers and agents.
Sec. 307. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 308. Public Interest Declassification Board.
Sec. 309. Enhanced flexibility in non-reimbursable details to elements of the intelligence community.
Sec. 310. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.
Sec. 311. Terms of service of Program Manager for the Information Sharing Environment and the Information Sharing Council.
Sec. 312. Improvement of notification of Congress regarding intelligence activities of the United States Government.
Sec. 313. Additional limitation on availability of funds for intelligence and intelligence-related activities.
Sec. 314. Vulnerability assessments of major systems.
Sec. 315. Annual personnel level assessments for the intelligence community.
Sec. 316. Business enterprise architecture and business system modernization for the intelligence community.
Sec. 317. Reports on the acquisition of major systems.
Sec. 318. Excessive cost growth of major systems.
Sec. 319. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 320. Submittal to Congress of certain President's Daily Briefs on Iraq.
Sec. 321. National intelligence estimate on global climate change.
Sec. 322. Repeal of certain reporting requirements.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Requirements for accountability reviews by the Director of National Intelligence.
Sec. 402. Additional authorities of the Director of National Intelligence on intelligence information sharing.
Sec. 403. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
Sec. 404. Additional administrative authority of the Director of National Intelligence.
Sec. 405. Enhancement of authority of the Director of National Intelligence for flexible personnel management among the elements of the intelligence community.
Sec. 406. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 407. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 408. Title of Chief Information Officer of the Intelligence Community.
Sec. 409. Reserve for Contingencies of the Office of the Director of National Intelligence.
Sec. 410. Inspector General of the Intelligence Community.
Sec. 411. Leadership and location of certain offices and officials.
Sec. 412. National Space Intelligence Office.
Sec. 413. Operational files in the Office of the Director of National Intelligence.
Sec. 414. Repeal of certain authorities relating to the Office of the National Counter-intelligence Executive.
Sec. 415. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
Sec. 416. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 417. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 421. Director and Deputy Director of the Central Intelligence Agency.
Sec. 422. Inapplicability to Director of the Central Intelligence Agency of requirement for annual report on progress in auditable financial statements.
Sec. 423. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
Sec. 424. Technical amendments relating to titles of certain Central Intelligence Agency positions.
Sec. 425. Availability of the Executive Summary of the report on Central Intelligence Agency accountability regarding the terrorist attacks of September 11, 2001.
Sec. 426. Director of National Intelligence report on retirement benefits for former employees of Air America.

Subtitle C—Defense Intelligence Components

Sec. 431. Enhancements of National Security Agency training program.
Sec. 432. Codification of authorities of National Security Agency protective personnel.
Sec. 433. Inspector general matters.
Sec. 434. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 435. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
Sec. 436. Security clearances in the National Geospatial-Intelligence Agency.

Subtitle D—Other Elements

Sec. 441. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.
Sec. 442. Clarifying amendments relating to Section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

TITLE V—OTHER MATTERS

Sec. 501. Technical amendments to the National Security Act of 1947.
Sec. 502. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
Sec. 503. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 504. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 505. Technical amendment to the Central Intelligence Agency Act of 1949.

Sec. 506. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 507. Technical amendments to the Executive Schedule.
Sec. 508. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.
Sec. 509. Other technical amendments relating to responsibility of the Director of National Intelligence as head of the intelligence community.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101, and the authorized personnel levels (expressed as full-time equivalent positions) as of September 30, 2008, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Tenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL LEVEL ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number of authorized full-time equivalent positions for fiscal year 2008 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 5 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACTORS.—In addition to the authority in subsection (a), upon a determination by the head of an element in the intelligence community that activities currently being performed by contractor employees should be performed by government employees, the concurrence of the Director of National Intelligence in such determination, and the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of additional full-time equivalent personnel in such element of the intelligence community equal to the number of full-time equivalent contractor employees performing such activities.

(c) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives in writing at least 15 days before each exercise of the authority in subsection (a) or (b).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2008 the sum of $715,076,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2009.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1768 full-time equivalent personnel as of September 30, 2008. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels in elements within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2008 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2009.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2008, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 106. DEVELOPMENT AND ACQUISITION PROGRAM.

Of the funds appropriated for the National Intelligence Program for fiscal year 2008, and of funds currently available for obligation for any prior fiscal year, the Director of National Intelligence shall transfer not less than the amount specified in the classified annex to the Office of the Director of National Intelligence to fund the development and acquisition of the program specified in the classified annex. The funds as so transferred shall be available without fiscal year limitation.

SEC. 107. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2008 the aggregate amount of appropriations requested by the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2008 the sum of $262,500,000.

SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended by striking ''receiving compensation under the Senior Intelligence Service pay schedule at the rate'' and inserting ''who is at the Senior Intelligence Service rank''.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking ''other'' the second place it appears.

SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

(2) in paragraph (1), by striking ''may only delegate'' and all that follows and inserting ''may delegate the authority in subsection (a) to the head of any other element of the intelligence community.''; and

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

''(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.''.

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 305. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 306. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''ten years''.

SEC. 307. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

''(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 308. PUBLIC INTEREST DECLASSIFICATION BOARD.

The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended—

(1) in section 704(e)—

(A) by striking ''If requested'' and inserting the following:

''(1) IN GENERAL.—If requested''; and

(B) by adding at the end the following:

''(2) AUTHORITY OF BOARD.—Upon receiving a congressional request described in section 703(b)(5), the Board may conduct the review and make the recommendations described in that section, regardless of whether such a review is requested by the President.

''(3) REPORTING.—Any recommendations submitted to the President by the Board under section 703(b)(5), shall be submitted to the chairman and ranking member of the committee of Congress that made the request relating to such recommendations.''; and

(2) in section 710(b), by striking ''8 years after the date of the enactment of this Act'' and inserting ''on December 31, 2012''.

SEC. 309. ENHANCED FLEXIBILITY IN NON-REIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c(g)(2)) and notwithstanding any other provision of law, in any fiscal year after fiscal year 2007 an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or non-reimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element (or the designees of such officials), for a period not to exceed three years.

(b) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''element of the intelligence community'' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 310. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005 AND RELATED PROVISIONS OF THE MILITARY COMMISSIONS ACT OF 2006.

(a) REPORT REQUIRED.—Not later than September 1, 2007, the Director of National Intelligence shall submit to the [congressional intelligence committees] *appropriate committees of Congress* a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148) and related provisions of the Military Commissions Act of 2006 (Public Law 109–366).

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

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and section 6 of the Military Commissions Act of 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (including the amendments made by such section 6), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005 or the Military Commission Act of 2006, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the [congressional intelligence committees] *appropriate committees of Congress* about the implementation of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal justifications of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 or related provisions of the Military Commissions Act of 2006 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section:

[(1) The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee of the House of Representatives.]

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''element of the intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 311. TERMS OF SERVICE OF PROGRAM MANAGER FOR THE INFORMATION SHARING ENVIRONMENT AND THE INFORMATION SHARING COUNCIL.

Section 1016 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458; 6 U.S.C. 485) is amended—

(1) in subsection (f)(1), by striking ''during the two-year period beginning on the date of designation under this paragraph unless sooner'' and inserting ''until''; and

(2) in subsection (g)(1), by striking ''during the two-year period beginning on the date of the initial designation of the program manager by the President under subsection (f)(1), unless sooner'' and inserting ''until''.

SEC. 312. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of the National Security Act of 1947 (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

''(b) NOTICE ON INFORMATION NOT DISCLOSED.—

''(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and description that provides the main features of the intelligence activities covered by such determination, and contain no restriction on access to this notice by all members of the committee.

''(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.''.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''.

(b) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''(b)''; and

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

''(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

''(A) A concise statement of any facts pertinent to such report.

''(B) An explanation of the significance of the covert action covered by such report.''.

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b) in full or to all the members of the congressional intelligence committees, and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the covert action covered by such determination, and contain no restriction on access to this notice by all members of the committee.''.

(3) MODIFICATION OF NATURE OF CHANGE OF COVERT ACTION TRIGGERING NOTICE REQUIREMENTS.—Subsection (d) of such section is amended by striking ''significant'' the first place it appears.

SEC. 313. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting ''the congressional intelligence committees have been fully and currently informed of such activity and if'' after ''only if'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

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

''(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.''.

SEC. 314. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

''SEC. 506B. (a) INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its items of supply, that is proposed for inclusion in the National Intelligence Program. The initial vulnerability assessment of a major system and its items of supply shall, at a minimum, use an analysis-based approach to—

''(1) identify applicable vulnerabilities;

''(2) define exploitation potential;

''(3) examine the system's potential effectiveness;

''(4) determine overall vulnerability; and

''(5) make recommendations for risk reduction.

''(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall conduct subsequent vulnerability assessments of each major system and its items of supply within the National Intelligence Program—

''(A) periodically throughout the life-span of the major system;

''(B) whenever the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment; or

''(C) upon the request of a congressional intelligence committee.

''(2) Any subsequent vulnerability assessment of a major system and its items of supply shall, at a minimum, use an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in paragraphs (1) through (5) of subsection (a).

''(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the annual consolidated National Intelligence Program budget.

''(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

''(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by subsection (d).

''(e) DEFINITIONS.—In this section:

''(1) The term 'items of supply'—

''(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

''(B) does not include packaging or labeling associated with shipment or identification of items.

''(2) The term 'major system' has the meaning given that term in section 506A(e).

''(3) The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its items of supply.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

''Sec. 506B. Vulnerability assessments of major systems.''.

SEC. 315. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 314, is further amended by inserting after section 506B, as added by section 314(a), the following new section:

''ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY

''SEC. 506C. (a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees not later than January 31, of each year.

''(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

''(1) The personnel costs for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

''(4) The number of personnel positions requested for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

''(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

''(7) The number and costs of contractors funded by the element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the costs of contractors of the current fiscal year.

''(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, during the prior 5 fiscal years.

''(10) A written justification for the requested personnel and contractor levels.

''(11) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

''(A) internal infrastructure to support the requested personnel and contractor levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by section 314(b), is further amended by inserting after the item relating to section 506B, as added by section 314(b), the following new item:

''Sec. 506C. Annual personnel levels assessment for the intelligence community.''.

SEC. 316. BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION FOR THE INTELLIGENCE COMMUNITY.

(a) BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 314 and 315, is further amended by inserting after section 506C, as added by section 315(a), the following new section:

''INTELLIGENCE COMMUNITY BUSINESS SYSTEMS, ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION

''SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM MODERNIZATION.—(1) After April 1, 2008, no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system modernization described in paragraph (2) unless—

''(A) the approval authority designated by the Director of National Intelligence under subsection (c)(2) makes the certification described in paragraph (3) with respect to the intelligence community business system modernization; and

''(B) the certification is approved by the Intelligence Community Business Systems Management Committee established under subsection (f).

''(2) An intelligence community business system modernization described in this paragraph is an intelligence community business system modernization that—

''(A) will have a total cost in excess of $1,000,000; and

''(B) will receive more than 50 percent of the funds for such cost from amounts appropriated for the National Intelligence Program.

''(3) The certification described in this paragraph for an intelligence community business system modernization is a certification, made by the approval authority designated by the Director under subsection (c)(2) to the Intelligence Community Business Systems Management Committee, that the intelligence community business system modernization—

''(A) complies with the enterprise architecture under subsection (b); or

''(B) is necessary—

''(i) to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

''(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect.

''(4) The obligation of funds for an intelligence community business system modernization that does not comply with the requirements of this subsection shall be treated as a violation of section 1341(a)(1)(A) of title 31, United States Code.

''(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the Intelligence Community Business Systems Management Committee established under subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

''(2) The enterprise architecture under paragraph (1) shall include the following:

''(A) An information infrastructure that, at a minimum, will enable the intelligence community to—

''(i) comply with all Federal accounting, financial management, and reporting requirements;

''(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

''(iii) integrate budget, accounting, and program information and systems; and

''(iv) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

''(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

''(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM MODERNIZATION.—(1) The Director of National Intelligence shall be responsible for review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of an intelligence community business system modernization if more than 50 percent of the cost of the intelligence community business system modernization is funded by amounts appropriated for the National Intelligence Program.

''(2) The Director shall designate one or more appropriate officials of the intelligence community to be responsible for making certifications with respect to intelligence community business system modernizations under subsection (a)(3).

''(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The approval authority designated under subsection (c)(2) shall establish and implement, not later than March 31, 2008, an investment review process for the review of the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost, benefits, and risks of the intelligence community business systems for which the approval authority is responsible.

''(2) The investment review process under paragraph (1) shall—

''(A) meet the requirements of section 11312 of title 40, United States Code; and

''(B) specifically set forth the responsibilities of the approval authority under such review process.

''(3) The investment review process under paragraph (1) shall include the following elements:

''(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

''(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

''(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

''(D) Procedures for making certifications in accordance with the requirements of subsection (a)(3).

''(E) Mechanisms to ensure the consistency of the investment review process with applicable guidance issued by the Director of National Intelligence and the Intelligence Community Business Systems Management Committee established under subsection (f).

''(F) Common decision criteria, including standards, requirements, and priorities, for purposes of ensuring the integration of intelligence community business systems.

''(e) BUDGET INFORMATION.—For each fiscal year after fiscal year 2009, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

''(1) An identification of each intelligence community business system for which funding is proposed in such budget.

''(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

''(A) funds for current services to operate and maintain such system; and

''(B) funds for business systems modernization identified for each specific appropriation.

''(3) For each such system, identification of approval authority designated for such system under subsection (c)(2).

''(4) The certification, if any, made under subsection (a)(3) with respect to each such system.

''(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEMS MANAGEMENT COMMITTEE.—(1) The Director of National Intelligence shall establish an Intelligence Community Business Systems Management Committee (in this subsection referred to as the 'Committee').

''(2) The Committee shall—

''(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

''(B) review and approve any major update of—

''(i) the enterprise architecture developed under subsection (b); and

''(ii) any plans for an intelligence community business systems modernization;

''(C) manage cross-domain integration consistent with such enterprise architecture;

''(D) be responsible for coordinating initiatives for intelligence community business system modernization to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system modernization;

''(E) ensure that funds are obligated for intelligence community business system modernization in a manner consistent with subsection (a); and

''(F) carry out such other duties as the Director shall specify.

''(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

''(h) RELATION TO DEFENSE BUSINESS SYSTEMS ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION REQUIREMENTS.—An intelligence community business system that receives more than 50 percent of its funds from amounts available for the National Intelligence Program shall be exempt from the requirements of section 2222 of title 10, United States Code.

''(i) RELATION TO CLINGER-COHEN ACT.—(1) The Director of National Intelligence and the Chief Information Officer of the Intelligence Community shall fulfill the executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system that receives more than 50 percent of its funding from amounts appropriated for National Intelligence Program.

''(2) Any intelligence community business system covered by paragraph (1) shall be exempt from the requirements of such chapter 113 that would otherwise apply to the executive agency that contains the element of the intelligence community involved.

''(j) REPORTS.—Not later than March 15 of each of 2009 through 2014, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

''(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

''(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

''(B) specific actions on the intelligence community business system modernizations submitted for certification under such subsection;

''(2) identify the number of intelligence community business system modernizations that received a certification described in subsection (a)(3)(B); and

''(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems modernization efforts.

''(k) DEFINITIONS.—In this section:

''(1) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44, United States Code.

''(2) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40, United States Code.

''(3) The term 'intelligence community business system' means an information system, other than a national security system, that is operated by, for, or on behalf of the intelligence community, including financial systems, mixed systems, financial data feeder systems, the business infrastructure capabilities shared by the systems of the business enterprise architecture that build upon the core infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

''(4) The term 'intelligence community business system modernization' means—

''(A) the acquisition or development of a new intelligence community business system; or

''(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

''(5) The term 'national security system' has the meaning given that term in section 3542 of title 44, United States Code.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by section 314 and 315, is further amended by inserting after the item relating to section 506C, as added by section 315(b) the following new item:

''Sec. 506D. Intelligence community business systems, architecture, accountability, and modernization.''.

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(A) complete the delegation of responsibility for the review, approval, and oversight of the planning, design, acquisition, deployment, operation, maintenance, and modernization of intelligence community business systems required by subsection (c) of section 506D of the National Security Act of 1947 (as added by subsection (a)); and

(B) designate a vice chairman and personnel to serve on the Intelligence Community Business System Management Committee established under subsection (f) of such section 506D (as so added).

(2) ENTERPRISE ARCHITECTURE.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added) by not later than March 1, 2008. In so developing the enterprise architecture, the Director shall develop an implementation plan for the architecture, including the following:

(A) The acquisition strategy for new systems that are expected to be needed to complete the enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(B) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will not be a part of the enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(C) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will be a part of the enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

SEC. 317. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 314 through 316, is further amended by inserting after section 506D, as added by section 316(a)(1), the following new section:

''REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

''SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1) The Director of National Intelligence shall submit to the congressional intelligence committees each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105 of title 31, United States Code, a separate report on each acquisition of a major system by an element of the intelligence community.

''(2) Each report under this section shall be known as a 'Report on the Acquisition of Major Systems'.

''(b) ELEMENTS.—Each report under this section shall include, for the acquisition of a major system, information on the following:

''(1) The current total anticipated acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this section to the end of the calendar quarter immediately proceeding the submittal of the report under this section.

''(2) The current anticipated development schedule for the system, including an estimate of annual development costs until development is completed.

''(3) The current anticipated procurement schedule for the system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed.

''(4) A full life-cycle cost analysis for such system.

''(5) The result of any significant test and evaluation of such major system as of the date of the submittal of such report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system.

''(6) The reasons for any change in acquisition cost, or schedule, for such system from the previous report under this section (if applicable).

''(7) The significant contracts or subcontracts related to the major system.

''(8) If there is any cost or schedule variance under a contract referred to in paragraph (7) since the previous report under this section, the reasons for such cost or schedule variance.

''(c) DETERMINATION OF INCREASE IN COSTS.—Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under this section shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such contract.

''(d) DEFINITIONS.—In this section:

''(1) The term 'acquisition cost', with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

''(2) The term 'full life-cycle cost', with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

''(3) The term 'major system', has the meaning given that term in section 506A(e).''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 314 through 316, is further amended by inserting after the item relating to section 506D, as added by section 316(a)(2), the following new item:

''Sec. 506E. Reports on the acquisition of major systems.''.

SEC. 318. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.

(a) NOTIFICATION.—Title V of the National Security Act of 1947, as amended by sections 314 through 317, is further amended by inserting after section 506E, as added by section 317(a), the following new section:

''EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

''SEC. 506F. (a) COST INCREASES OF AT LEAST 20 PERCENT.—(1) On a continuing basis, and separate from the submission of any report on a major system required by

section 506E of this Act, the Director of National Intelligence shall determine if the acquisition cost of such major system has increased by at least 20 percent as compared to the baseline cost of such major system.

''(2)(A) If the Director determines under paragraph (1) that the acquisition cost of a major system has increased by at least 20 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

''(B) The notification required by subparagraph (A) shall include—

''(i) an independent cost estimate;

''(ii) the date on which the determination covered by such notification was made;

''(iii) contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

''(iv) the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

''(v) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

''(vi) a statement of the reasons for any increases in the full life-cycle cost of such major system;

''(vii) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

''(viii) the completion status of such major system expressed as the percentage—

''(I) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

''(II) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

''(ix) the action taken and proposed to be taken to control future cost growth of such major system; and

''(x) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

''(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

''(i) the acquisition of such major system is essential to the national security;

''(ii) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(iii) the new estimates of the full life-cycle cost for such major system are reasonable; and

''(iv) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

''(b) COST INCREASES OF AT LEAST 40 PERCENT.—(1) If the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 40 percent as compared to the baseline cost of such major system, the President shall submit to the congressional intelligence committees a written certification stating that—

''(A) the acquisition of such major system is essential to the national security;

''(B) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(C) the new estimates of the full life-cycle cost for such major system are reasonable; and

''(D) the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system.

''(2) In addition to the certification required by paragraph (1), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

''(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 30 days of the determination made under subsection (a)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2)(A).

''(2) If a written certification required under subsection (b)(1) is not submitted to the congressional intelligence committees within 30 days of the determination made under subsection (b)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(2).

''(d) DEFINITIONS.—In this section:

''(1) The term 'acquisition cost' has the meaning given that term in section 506E(d).

''(2) The term 'baseline cost', with respect to a major system, means the projected acquisition cost of such system on the date the contract for the development, procurement, and construction of the system is awarded.

''(3) The term 'full life-cycle cost' has the meaning given that term in section 506E(d).

''(4) The term 'independent cost estimate' has the meaning given that term in section 506A(e).

''(5) The term 'major system' has the meaning given that term in section 506A(e).''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 314 through 317 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 317(b), the following new item:

''Sec. 506F. Excessive cost growth of major systems.''.

SEC. 319. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—That section is further amended by adding at the end the following new subsection:

''(c) The Attorney General shall submit to the committees of Congress referred to in subsection (a)—

''(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of any provision of this Act, and any pleadings associated with such decision, order, or opinion, not later than 45 days after such decision, order, or opinion is issued; and

''(2) a copy of any such decision, order, or opinion, and the pleadings associated with such decision, order, or opinion, that was issued during the 5-year period ending on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 and not previously submitted in a report under subsection (a).''.

SEC. 320. SUBMITTAL TO CONGRESS OF CERTAIN PRESIDENT'S DAILY BRIEFS ON IRAQ.

(a) IN GENERAL.—The Director of National Intelligence shall submit to the congressional intelligence committees any President's Daily Brief (PDB), or any portion of a President's Daily Brief, of the Director of Central Intelligence during the period beginning on January 20, 1997, and ending on March 19, 2003, that refers to Iraq or otherwise addresses Iraq in any fashion.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 321. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL CLIMATE CHANGE.

(a) REQUIREMENT FOR NATIONAL INTELLIGENCE ESTIMATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate (NIE) on the anticipated geopolitical effects of global climate change and the implications of such effects on the national security of the United States.

(2) NOTICE REGARDING SUBMITTAL.—If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall notify Congress and provide—

(A) the reasons that the National Intelligence Estimate cannot be submitted by such date; and

(B) an anticipated date for the submittal of the National Intelligence Estimate.

(b) CONTENT.—The Director of National Intelligence shall prepare the National Intelligence Estimate required by this section using the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change—

(1) to assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of the enactment of this Act posed by global climate change for countries or regions that are—

(A) of strategic economic or military importance to the United States and at risk of significant impact due to global climate change; or

(B) at significant risk of large-scale humanitarian suffering with cross-border implications as predicted on the basis of the assessments;

(2) to assess other risks posed by global climate change, including increased conflict

over resources or between ethnic groups, within countries or transnationally, increased displacement or forced migrations of vulnerable populations due to inundation or other causes, increased food insecurity, and increased risks to human health from infectious disease;

(3) to assess the capabilities of the countries or regions described in subparagraph (A) or (B) of paragraph (1) to respond to adverse impacts caused by global climate change; and

(4) to make recommendations for further assessments of security consequences of global climate change that would improve national security planning.

(c) COORDINATION.—In preparing the National Intelligence Estimate under this section, the Director of National Intelligence shall consult with representatives of the scientific community, including atmospheric and climate studies, security studies, conflict studies, economic assessments, and environmental security studies, the Secretary of Defense, the Secretary of State, the Administrator of the National Oceanographic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of Agriculture, and, if appropriate, multilateral institutions and allies of the United States that have conducted significant research on global climate change.

(d) ASSISTANCE.—

(1) AGENCIES OF THE UNITED STATES.—In order to produce the National Intelligence Estimate required by subsection (a), the Director of National Intelligence may request any appropriate assistance from any agency, department, or other entity of the United State Government and such agency, department, or other entity shall provide the assistance requested.

(2) OTHER ENTITIES.—In order to produce the National Intelligence Estimate required by subsection (a), the Director of National Intelligence may request any appropriate assistance from any other person or entity.

(3) REIMBURSEMENT.—The Director of National Intelligence is authorized to provide appropriate reimbursement to the head of an agency, department, or entity of the United States Government that provides support requested under paragraph (1) or any other person or entity that provides assistance requested under paragraph (2).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary to carry out this subsection.

(e) FORM.—The National Intelligence Estimate required by this section shall be submitted in unclassified form, to the extent consistent with the protection of intelligence sources and methods, and include unclassified key judgments of the National Intelligence Estimate. The National Intelligence Estimate may include a classified annex.

(f) DUPLICATION.—If the Director of National Intelligence determines that a National Intelligence Estimate, or other formal, coordinated intelligence product that meets the procedural requirements of a National Intelligence Estimate, has been prepared that includes the content required by subsection (b) prior to the date of the enactment of this Act, the Director of National Intelligence shall not be required to produce the National Intelligence Estimate required by subsection (a).

SEC. 322. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—

(1) REPEAL.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 109.

(b) ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) ANNUAL REPORT ON SAFETY AND SECURITY OF RUSSIAN NUCLEAR FACILITIES AND FORCES.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(d) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking ''(1)''; and

(2) by striking paragraph (2).

(e) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(f) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

(g) SEMIANNUAL REPORT ON CONTRIBUTIONS TO PROLIFERATION EFFORTS OF COUNTRIES OF PROLIFERATION CONCERN.—Section 722 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

(h) CONFORMING AMENDMENTS.—Section 507(a) of the National Security Act of 1947 (50 U.S.C. 415b(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by redesignating subparagraphs (C) through (N) as subparagraphs (A) through (L), respectively; and

(2) in paragraph (2)—

(A) by striking subparagraphs (A) and (D);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as redesignated by subparagraph (B) of this paragraph, by striking ''114(c)'' and inserting ''114(b)''.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. REQUIREMENTS FOR ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking ''2004,'' and inserting ''2004 (50 U.S.C. 403 note),''; and

(B) by striking the period at the end and inserting a semicolon and ''and''; and

(3) by inserting after paragraph (3), the following new paragraph:

''(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.''.

(b) TASKING AND OTHER AUTHORITIES.—Subsection (f) of section 102A of such Act (50 U.S.C. 403–1) is amended—

(1) by redesignating paragraphs (7) and (8), as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6), the following new paragraph:

''(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary or if requested by a congressional intelligence committee, conduct accountability reviews of elements of the intelligence community or the personnel of such elements in relation to significant failures or deficiencies within the intelligence community.

''(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting accountability reviews under subparagraph (A).

''(C) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.''.

SEC. 402. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

(a) AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(G) in carrying out this subsection, without regard to any other provision of law (other than this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458)), expend funds and make funds available to other department or agencies of the United States for, and direct the development and fielding of, systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

''(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).''.

(b) AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to the department or agency.

SEC. 403. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: '', any Deputy Director of National Intelligence, *or* the Chief Information Officer of the Intelligence Community**[**, or the head of any element of the intelligence community**]**''.

SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1346 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in subparagraph (A) or (B), upon the request of the Director of National Intelligence, any element of the intelligence community may use appropriated funds to support or participate in the interagency activities of the following:

''(A) National intelligence centers established by the Director under section 119B.

''(B) Boards, commissions, councils, committees, and similar groups that are established—

''(i) for a term of not more than two years; and

''(ii) by the Director.

''(2) No provision of law enacted after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 shall be construed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.''.

SEC. 405. ENHANCEMENT OF AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 404 of this Act, is further amended by adding at the end the following new subsections:

''(t) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence may, with the concurrence of the head of the department or agency concerned and in coordination with the Director of the Office of Personnel Management—

''(A) convert such competitive service positions, and their incumbents, within an element of the intelligence community to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

''(B) establish the classification and ranges of rates of basic pay for positions so converted, notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

''(2)(A) At the request of the Director of National Intelligence, the head of a department or agency may establish new positions in the excepted service within an element of such department or agency that is part of the intelligence community if the Director determines that such positions are necessary to carry out the intelligence functions of such element.

''(B) The Director of National Intelligence may establish the classification and ranges of rates of basic pay for any position established under subparagraph (A), notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

''(3) The head of the department or agency concerned is authorized to appoint individuals for service in positions converted under paragraph (1) or established under paragraph (2) without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, and to fix the compensation of such individuals within the applicable ranges of rates of basic pay established by the Director of National Intelligence.

''(4) The maximum rate of basic pay established under this subsection is the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(u) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in consultation with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

''(2) Authority under this subsection may be granted or exercised—

''(A) only with respect to a position which requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

''(B) only to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

''(3) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

''(4) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5311 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

''(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

''(v) EXTENSION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES.—(1) Notwithstanding any other provision of law, in order to ensure the equitable treatment of employees across the intelligence community, the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, or for those matters that fall under the responsibilities of the Office of Personnel Management under statute or Executive Order, in coordination with the Director of the Office of Personnel Management, authorize one or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Director of National Intelligence—

''(A) determines that the adoption of such authority would improve the management and performance of the intelligence community, and

''(B) submits to the congressional intelligence committees, not later than 60 days before such authority is to take effect, notice of the adoption of such authority by such element or elements, including the authority to be so adopted, and an estimate of the costs associated with the adoption of such authority.

''(2) To the extent that an existing compensation authority within the intelligence community is limited to a particular category of employees or a particular situation, the authority may be adopted in another element of the intelligence community under this subsection only for employees in an equivalent category or in an equivalent situation.

''(3) In this subsection, the term 'compensation authority' means authority involving basic pay (including position classification), premium pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, and special payments, but does not include authorities as follows:

''(A) Authorities related to benefits such as leave, severance pay, retirement, and insurance.

''(B) Authority to grant Presidential Rank Awards under sections 4507 and 4507a of title 5, United States Code, section 3151(c) of title 31, United States Code, and any other provision of law.

''(C) Compensation authorities and performance management authorities provided under provisions of law relating to the Senior Executive Service.''.

SEC. 406. CLARIFICATION OF LIMITATION ON COLOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking ''WITH'' and inserting ''OF HEADQUARTERS WITH HEADQUARTERS OF'';

(2) by inserting ''the headquarters of'' before ''the Office''; and

(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.

SEC. 407. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting ''and prioritize'' after ''coordinate''; and

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

''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.''.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

''(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

''(7) develop 15-year projections and assessments of the needs of the intelligence community to ensure a robust Federal scientific and engineering workforce and the means to recruit such a workforce through integrated scholarships across the intelligence community, including research grants and cooperative work-study programs;

''(8) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and''; and

(2) by adding at the end the following new subsection:

''(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

''(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

''(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

''(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

''(A) are consistent with current or future national intelligence requirements;

''(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

''(C) take into account funding constraints in program development and acquisition; and

''(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').''.

(c) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2008, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) FORM.—The report under paragraph (1) may be submitted in classified form.

SEC. 408. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(3) in subsection (c), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'' the first place it appears.

SEC. 409. RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

''RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 103H. (a) IN GENERAL.—There is established a fund to be known as the 'Reserve for Contingencies of the Office of the Director of National Intelligence' (in this section referred to as the 'Reserve').

''(b) ELEMENTS.—(1) The Reserve shall consist of the following elements:

''(A) Amounts authorized to be appropriated to the Reserve.

''(B) Amounts authorized to be transferred to or deposited in the Reserve by law.

''(2) No amount may be transferred to the Reserve under subparagraph (B) of paragraph (1) during a fiscal year after the date on which a total of $50,000,000 has been transferred to or deposited in the Reserve under subparagraph (A) or (B) of such paragraph.

''(c) AMOUNTS AVAILABLE FOR DEPOSIT.—Amounts deposited into the Reserve shall be amounts appropriated to the National Intelligence Program.

''(d) AVAILABILITY OF FUNDS.—(1) Amounts in the Reserve shall be available for such purposes as are provided by law for the Office of the Director of National Intelligence or the separate elements of the intelligence community for support of emerging needs, improvements to program effectiveness, or increased efficiency.

''(2)(A) Subject to subparagraph (B), amounts in the Reserve may be available for a program or activity if—

''(i) the Director of National Intelligence, consistent with the provisions of sections 502 and 503, notifies the congressional intelligence committees of the intention to utilize such amounts for such program or activity; and

''(ii) 15 calendar days elapses after the date of such notification.

''(B) In addition to the requirements in subparagraph (A), amounts in the Reserve may be available for a program or activity not previously authorized by Congress only with the approval of the Director the Office of Management and Budget.

''(3) Use of any amounts in the Reserve shall be subject to the direction and approval of the Director of National Intelligence, or the designee of the Director, and shall be subject to such procedures as the Director may prescribe.

''(4) Amounts transferred to or deposited in the Reserve in a fiscal year under subsection (b) shall be available under this subsection in such fiscal year and the fiscal year following such fiscal year.''.

(b) APPLICABILITY.—No funds appropriated prior to the date of the enactment of this Act may be transferred to or deposited in the Reserve for Contingencies of the Office of the Director of National Intelligence established in section 103H of the National Security Act of 1947, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Reserve for Contingencies of the Office of the Director of National Intelligence.''.

SEC. 410. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 409 of this Act, is further amended by inserting after section 103H the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103I. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

''(B) to prevent and detect fraud and abuse in such matters;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and to report the progress made in implementing corrective action;

''(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of

such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

''(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

''(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve the question of which Inspector General shall conduct such investigation, inspection, or audit.

''(B) In attempting to resolve a question under subparagraph (A), the Inspectors General concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). In the event that the Inspectors General are unable to resolve the question with assistance of that Forum, the Inspectors General shall submit the question to the Director of National Intelligence for resolution. *In the event of a dispute between an Inspector General within the Department of Defense and the Inspector General of the Intelligence Community that has not been resolved with the assistance of the Forum, the Inspectors General shall submit the question to the Director of National Intelligence and the Secretary of Defense for resolution.*

''(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative Inspectors General with oversight responsibility for an element or elements of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any Inspector General, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

''(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

''(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report

summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively. *The Inspector General of the Intelligence Community shall provide that portion of the report involving components of the Department of Defense to the Secretary of Defense simultaneously with submission of the report to the Director of National Intelligence.*

''(B) Each report under this paragraph shall include, at a minimum, the following:

''(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

''(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

''(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. *The Director shall transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that portion of the report involving components of the Department of Defense simultaneously with submission of the report to the congressional intelligence committees.*

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

''(B) The Director shall transmit to the [congressional intelligence committees] *congressional intelligence committees, and as appropriate the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives relating to matters within the Department of Defense,* each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

''(3) In the event that—

''(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

''(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 409 of this Act, is further amended by inserting after the item relating to section 103H the following new item:

''Sec. 103I. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

SEC. 411. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The''; and

(2) by adding at the end the following new paragraphs:

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.''.

SEC. 412. NATIONAL SPACE INTELLIGENCE OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

''NATIONAL SPACE INTELLIGENCE OFFICE

''SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

''(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

''(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

''(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

''(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

''(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

''(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

''(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office under subsection (c).

''(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 119B the following new item:

''Sec. 119C. National Space Intelligence Office.''.

(b) REPORT ON ORGANIZATION OF OFFICE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Office shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Office established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Office.

(B) An identification of key participants in the Office.

(C) A strategic plan for the Office during the five-year period beginning on the date of the report.

SEC. 413. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 706. (a) RECORDS FROM EXEMPTED OPERATIONAL FILES.—(1) Any record disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the exempted operational files of elements of the intelligence community designated in accordance with this title, and any operational files created by the Office of the Director of National Intelligence that incorporate such record in accordance with subparagraph (A)(ii), shall be exempted from the provisions of section 552 of title 5, United States Code that require search, review, publication or disclosure in connection therewith, in any instance in which—

''(A)(i) such record is shared within the Office of the Director of National Intelligence and not disseminated by that Office beyond that Office; or

''(ii) such record is incorporated into new records created by personnel of the Office of the Director of National Intelligence and maintained in operational files of the Office of the Director of National Intelligence and such record is not disseminated by that Office beyond that Office; and

''(B) the operational files from which such record has been obtained continue to remain designated as operational files exempted from section 552 of title 5, United States Code.

''(2) The operational files of the Office of the Director of National Intelligence referred to in paragraph (1)(A)(ii) shall be similar in nature to the originating operational files from which the record was disseminated or provided, as such files are defined in this title.

''(3) Records disseminated or otherwise provided to the Office of the Director of National Intelligence from other elements of the intelligence community that are not protected by paragraph (1), and that are authorized to be disseminated beyond the Office of the Director of National Intelligence, shall remain subject to search and review under section 552 of title 5, United States Code, but may continue to be exempted from the publication and disclosure provisions of that section by the originating agency to the extent that such section permits.

''(4) Notwithstanding any other provision of this title, records in the exempted operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency shall not be subject to the search and review provisions of section 552 of title 5, United States Code, solely because they have been disseminated to an element or elements of the Office of the Director of National Intelligence, or referenced in operational files of the Office of the Director of National Intelligence and that are not disseminated beyond the Office of the Director of National Intelligence.

''(5) Notwithstanding any other provision of this title, the incorporation of records from the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency, into operational files of the Office of the Director of National Intelligence shall not subject that record or the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency or the Defense Intelligence Agency to the search and review provisions of section 552 of title 5, United States Code.

''(b) OTHER RECORDS.—(1) Files in the Office of the Director of National Intelligence that are not exempted under subsection (a) of this section which contain information derived or disseminated from exempted operational files shall be subject to search and review under section 552 of title 5, United States Code.

''(2) The inclusion of information from exempted operational files in files of the Office of the Director of National Intelligence that are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

''(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

''(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves

pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of the Inspector General of the Intelligence Community.

''(d) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the operational files exempted under subsection (a) to determine whether such files, or any portion of such files, may be removed from the category of exempted files.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

''(e) SUPERSEDURE OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

''(f) APPLICABILITY.—The Director of National Intelligence will publish a regulation listing the specific elements within the Office of the Director of National Intelligence whose records can be exempted from search and review under this section.

''(g) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office of the Director of National Intelligence has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

''(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office of the Director of National Intelligence, such information shall be examined ex parte, in camera by the court.

''(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

''(C) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

''(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office of the Director of National Intelligence shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsive records currently meet the criteria set forth in subsection.

''(ii) The court may not order the Office of the Director of National Intelligence to review the content of any exempted operational file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(E) In proceedings under subparagraphs (C) and (D), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

''(F) If the court finds under this subsection that the Office of the Director of National Intelligence has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section.

''(G) If at any time following the filing of a complaint pursuant to this paragraph the Office of the Director of National Intelligence agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 705 the following new item:

''Sec. 706. Operational files in the Office of the Director of National Intelligence.''.

SEC. 414. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTER-INTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 415. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

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

''(3) the Office of the Director of National Intelligence.''.

SEC. 416. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 417. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (j) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) maintained by the Office of the Director of National Intelligence; or''.

Subtitle B—Central Intelligence Agency

SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), (h), and (i) respectively; and

(2) by inserting after subsection (a) the following new subsections (b) and (c):

''(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

''(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.

''(c) MILITARY STATUS OF DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) Not more than one of the individuals serving in the positions specified in subsection (a) and (b) may be a commissioned officer of the Armed Forces in active status.

''(2) A commissioned officer of the Armed Forces who is serving as the Director or Deputy Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Director or Deputy Director of the Central Intelligence Agency shall not, while continuing in such service, or in the administrative performance of such duties—

''(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

''(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

''(3) Except as provided in subparagraph (A) or (B) of paragraph (2), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

''(4) A commissioned officer described in paragraph (2), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (e) of such section, as redesignated by subsection (a)(1) of this section, is further amended by striking ''subsection (d)'' and inserting ''subsection (f)''.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Deputy Director of the Central Intelligence Agency.''.

(d) ROLE OF DNI IN APPOINTMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended by adding at the end the following new subparagraph:

''(J) The Deputy Director of the Central Intelligence Agency.''.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 422. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY OF REQUIREMENT FOR ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is amended by striking ''the Director of the Central Intelligence Agency,''.

SEC. 423. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated—

(A) by striking ''and the protection'' and inserting ''the protection''; and

(B) by striking the semicolon and inserting '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and''; and

(3) by adding at the end the following new subparagraph:

''(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;''.

SEC. 424. TECHNICAL AMENDMENTS RELATING TO TITLES OF CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS.

Section 17(d)(3)(B)(ii) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amended—

(1) in subclause (I), by striking ''Executive Director'' and inserting ''Associate Deputy Director'';

(2) in subclause (II), by striking ''Deputy Director for Operations'' and inserting ''Director of the National Clandestine Service''; and

(3) in subclause (IV), by striking ''Deputy Director for Administration'' and inserting ''Director for Support''.

SEC. 425. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than September 1, 2007, the Director of the Central Intelligence Agency shall prepare and make available to the public a version of the Executive Summary of the report entitled the ''Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001'' issued in June 2005 that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

SEC. 426. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) Any recommendations regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''Air America'' means Air America, Incorporated.

(2) The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''terminated either by'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the employee;

''(ii) by the employee voluntarily; or

''(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and''.

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 21. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

''(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

''(A) any offense against the United States committed in the presence of such personnel; or

''(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

''(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

''(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

''(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.''.

SEC. 433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Arts,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking ''The head'' and inserting ''Except as provided in paragraph (2), the head''; and

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

''(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

''(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

''(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.''.

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

''(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 442. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

TITLE V—OTHER MATTERS

SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking ''section'' and inserting ''subsection'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)'';

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION''.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''.

SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''; and

(B) in subsection (h), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(3) In section 1071(e), by striking ''(1)''.

(4) In section 1072(b), by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears in a provision as follows and inserting ''Director of National Intelligence'':

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears in a provision as follows and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'':

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''.

SEC. 506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

SEC. 507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears in a provision as follows and inserting ''National Geospatial-Intelligence Agency'':

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency''.

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking ''National Imagery

and Mapping Agency'' both places it appears and inserting ''National Geospatial-Intelligence Agency''.

(B) The heading of such section is amended to read as follows:

''§ 1336. National Geospatial-Intelligence Agency: special publications''.

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

''1336. National Geospatial-Intelligence Agency: special publications.''.

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(f) OTHER ACTS.—

(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

SEC. 509. OTHER TECHNICAL AMENDMENTS RELATING TO RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE AS HEAD OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—

(1) The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended by striking ''Director of Central Intelligence'' each place it appears in a provision as follows and inserting ''Director of National Intelligence'':

(A) Section 704(c)(2)(B).

(B) Section 706(b)(2).

(C) Section 706(e)(2)(B).

(2) Section 705(c) of such Act is amended by striking ''the Director of Central Intelligence, as head of the intelligence community,'' and inserting ''the Director of National Intelligence''.

(b) CONFORMING AMENDMENT.—The heading of section 705(c) of such Act is amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE''.

Mr. ROCKEFELLER. Mr. President, the Senate is poised to take action today that is more than two years overdue. Today we will pass the Fiscal Year 2008 Intelligence Authorization bill.

For the first 27 years after Congress created the intelligence oversight committees, the annual authorization bill was considered absolute-must-pass legislation. Its importance to our national security was obvious to all. But in 2005 and 2006, the bills reported out of the Senate Intelligence Committee were never even brought before the Senate for consideration. I still cannot explain the reasons this happened, but thanks to hard work of the committee and the support of the majority leader, Senator REID, we are about to correct that failing.

The Intelligence Authorization bill is the tool the Congress uses to provide direction for the execution of some of the most sensitive and important national security programs conducted by the U.S. Government. This year's bill contains provisions, including specific requests from the Director of National Intelligence, intended to improve the work of the intelligence community. These provisions provide greater flexibility and authority to the DNI; require greater accountability from the intelligence community and its managers; improve the mechanisms for conducting oversight of intelligence programs; and reform intelligence program acquisition procedures.

Let me take a few minutes to provide my colleagues with more detail on the provisions in each of these areas.

The most significant reform of the intelligence community since its inseption in 1947 was the creation of the director of National Intelligence. With 2 ½ years of experience behind us, we have begun identifying ways to bolster the DNI's efforts to better coordinate the 16 different elements of the intelligence community. Starting with personnel authority, this bill uses a more flexible approach to authorize personnel levels and also gives the DNI the ability to exceed those ceilings by as much as 5 percent.

Because control of the budget is a key tool for the DNI, the bill changes reprogramming requirements to make it easier to address emerging needs, authorizes the DNI to use interagency funding to establish national intelligence centers, and establishes a contingency fund for the DNI, to react to emergencies or unforeseen opportunities. The bill also enables the DNI to fund information-sharing efforts that span across the intelligence community. Finally, it repeals several unneeded and burdensome reporting requirements.

As it increases the authority of the DNI, the bill also improves oversight of the intelligence community. The bill creates a strong, independent inspector general for the intelligence community, confirmed by the Senate, within the office of the DNI, and establishes statutory inspectors general at the NSA, NRO, DIA and NGA. The bill also gives the Congress more oversight of the major intelligence agencies by requiring Senate confirmation of the directors of the NSA, NRO and NGA and establishing a Senate-confirmed deputy director for the CIA. And as we increase the DNI's flexibility to manage personnel, we require an annual assessment of personnel levels across the intelligence community to include a statement that those levels are supported by adequate infrastructure, training and funding, and a review of the appropriate use of contractors.

The committee has been concerned that intelligence failures and programmatic blunders too often occur without anyone in a position of responsibility being held accountable. The bill gives the DNI the authority to conduct accountability reviews across the intelligence community if he deems it necessary or if requested by Congress. It also improves financial management by requiring a variety of actions related to the production of auditable financial statements—a standard most intelligence agencies cannot currently meet and an issue the committee has focused on for several years.

The final major theme in the bill is the reform of the acquisition process. The bill requires a vulnerability assessment for all major acquisition programs, and attempts to curb the profligate cost overruns and schedule delays we have witnessed in recent years by creating an annual reporting system on all major intelligence community acquisitions similar to the Nunn-McCurdy statute for defense acquisitions.

In addition to these legislative provisions, the bill is accompanied by a classified annex that includes specific budget recommendations. The budgets are necessarily classified, but any Senator wishing to review them has had that opportunity. The committee budget recommendations include a substantial increase for advanced research and development programs. The classified annex also includes language directing the intelligence community to restructure its strategy for acquiring imagery intelligence systems.

All of these provisions, in the public bill and the classified annex, are important to ensuring that the intelligence community has the authority and resources it needs to protect this country, and that there are mechanisms in place for appropriate oversight of these very sensitive programs.

Before I conclude I would be remiss if I did not mention the people who worked so hard to get this bill to this point. First and foremost among those is my incredibly dedicated vice chairman, Senator KIT BOND. He has been tireless in his efforts to identify and remove obstacles to the bill's passage. We would not have gotten here today without that effort. His commitment to real oversight, conducted in a bipartisan way, represents a return to the way the committee had operated for most of its history.

Next let me thank the members of the staff who played such a key role in preparing the bill and the annex and who have worked many hours on this task. First, the committee staff director, Andy Johnson, has implemented the committee's aggressive oversight agenda and has led the staff with true professionalism. I rely heavily on his counsel. His counterpart on the minority side, Louis Tucker, has not just supported Vice Chairman BOND but has made an enormous contribution to the success of our efforts so far this year. The general counsel, Mike Davidson, and minority counsel, Jack Livingston,

have been extraordinarily meticulous in drafting the legislative language that makes up the public bill. The committee is lucky to have them both. The budget director, Lorenzo Goco, did a superb job in putting together the classified annex. And as chairmen have been doing for the past 20 years, I give a special thanks to our chief clerk Kathleen McGhee for making everything on the committee work.

I look forward to the passage of this bill and the swift completion of a conference with the House so that we can enact a bill to help secure this nation from its enemies.

Mr. President, at this time I ask unanimous consent that the committee-reported amendments—which Senator BOND is about to say some words to and which he had an enormous amount to do with—be agreed to, the amendment at the desk be considered and agreed to; that the bill, as amended, be read three times; that the Intelligence Committee be then discharged from consideration of H.R. 2082, the House companion, and the Senate then proceed to its consideration; that all after the enacting clause be stricken and the text of S. 1538, as amended, be inserted in lieu thereof; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate; that S. 1538 be returned to the calendar, and any statements be printed at the appropriate place in the RECORD without intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BOND. No objection on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 3160) was agreed to.

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill, (H.R. 2082), as amended, was ordered to a third reading, was read the third time, and passed.

Mr. ROCKEFELLER. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, has the time for the majority side expired?

The ACTING PRESIDENT pro tempore. There is 51 seconds remaining. I don't see anyone seeking recognition, so the Senator from Missouri is recognized.

Mr. BOND. I thank the Chair. Most of all, I thank my chairman, Senator ROCKEFELLER. I thank the chairman of the committee and all of the members of the committee to be able to pass this very important intelligence authorization bill. We have had a 3-year hiatus with no intelligence authorization bill. This came despite multiple attempts on the Senate floor. Today, we see, fortunately, the end of that cycle with the passage of the fiscal year 2008 intelligence authorization bill.

Passing this bill is important and noteworthy because it is one of the committee's most important tools in providing strong congressional oversight of the intelligence activities the American people expect and deserve. This bill we have just passed contains important provisions that would improve the effectiveness of our intelligence agencies, most of which were requested by the intelligence community. It is not a perfect bill, and there are a few things in it that I may not totally agree with, but overall this bill will benefit the intelligence community and marks the important reassertion of congressional oversight over our intelligence agencies and operations.

I commend Chairman ROCKEFELLER for all of his hard work and the diplomacy, skill, and patience in putting together the managers' amendment that brought us to the floor today. In particular, we worked very hard to keep the bill clean and to strip it of challengeable and politically charged amendments, things that would have drawn objections from this side and the other side. Several Senators on both sides of the aisle had to give until it hurt to reach agreements, and I thank them for their flexibility and cooperation. We cannot get this bill done or any bill done in this Senate without bipartisan cooperation. With this bill, the chairman and I and our committee are making a great step forward in returning the work of the Intelligence Committee to nonpartisan oversight and away from the politics that have weakened it over the past few years. We have limited the bill to just those provisions that had strong bipartisan support. Chairman ROCKEFELLER and I were also able to get a number of good-government positions into our bill that will improve the effectiveness of our intelligence agencies.

Having said that, my colleagues should know that the chairman and I will fight very hard to keep this agreement in conference.

If the House were to put in political amendments or other problematic amendments which the Senate would not support, I will not support the bill. Intelligence should be conducted behind closed doors. When we talk about our intelligence matters openly in other committees or on this floor, we hamper our intelligence ability.

I asked the current Director of the Central Intelligence Agency at his confirmation hearing about 16 months ago: How badly have the disclosures of our most sensitive intelligence methods hurt our ability to deal with terrorists?

He ruefully said: We are now applying the Darwinian theory to terrorists. We are only capturing the dumb ones.

Every time we talk in public about how we capture information, it gives a roadmap to the terrorists to know exactly how to avoid being intercepted. Unfortunately, there have in recent days been more examples of such disclosures.

But back to this bill. This bill provides for the empowerment of the Director of National Intelligence to conduct accountability reviews of the individual elements of the intelligence community in relation to significant failures or deficiencies.

This provision will encourage the intelligence community to address their own internal failures or inefficiencies—something they have been reluctant to do on their own. In the event that they are reluctant or unable to do so, this amendment gives the DNI the authority he needs to step in and conduct his own reviews, authority the Director of National Intelligence currently does not have.

The Intelligence authorization bill also contains a wide range of other important provisions that will improve the efficiency and accountability of the intelligence community, while at the same time providing the DNI with additional authority and flexibility, including creation of a strong, independent inspector general for the intelligence community; additional authorities for the DNI to improve information sharing in the intelligence community; measures to protect the cover of our clandestine intelligence officers; and measures to address excessive cost growth in major acquisition programs—a real problem we have seen in recent years.

The intelligence community has now gone 2 years without the detailed guidance from the Congress that only this Intelligence authorization bill can provide. I hope we can move this bill expeditiously through a conference with the House to correct that situation.

We must do a better job of asserting congressional oversight of the intelligence community, and one of the best ways to accomplish that goal is to pass the annual Intelligence authorization bill. I am proud to announce that today we have done that.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 4½ minutes.

Mr. BOND. Mr. President, I want to talk more broadly about the war on terror and say it is with pleasure that we see the President's policy of bringing back troops home when they complete their mission successfully. Return on success is working. Marines are coming home after having pacified Al Anbar Province and turned the responsibility for maintaining security over to the Iraqi security forces. I know about that personally and it is working. The marines are coming home. We know they are coming home because

there was a story this morning on television about how marines were held up for about 2½ hours by the TSA at one of the places they landed in the United States. They refused to allow the marines to go into the terminal because I guess they provided some kind of threat. In any event, the marines are now coming back to face additional challenges—not just the challenges of the TSA that we all undergo, but, regrettably, too many of them have mental health problems, TBI and PTSD, and in the Defense authorization bill we have passed provisions to assist the wounded warriors coming home. But they have been successful, and return on success means al-Qaida is no longer able to exercise control over Al Anbar.

For those who think this is a diversion in the battle in the war on terror, all they have to do is listen to the leaders, Osama bin Laden and Zawihiri, who have said the headquarters of the caliphate from which they are going to conduct worldwide operations is the land between the two rivers. That is, of course, Iraq. If they win there, they are stronger, and they will establish their headquarters there.

The intelligence community leaders, in January of this year, spoke in open session before the Intelligence Committee. They said if we withdraw before we have established relative peace and stability in the area—in other words, if we withdraw on a political timetable dictated by this body—there will be chaos. Three things will happen. There will be increased killing among Shia and Sunni, genocide and bloodshed. Two, that will bring in the other states in the region to protect their coreligionists, and we will see the potential of a regionwide sectarian war. Three, most frighteningly, al-Qaida will establish the safe haven they have sought in Al Anbar and elsewhere from which to embolden their efforts and attack the United States and United States persons abroad, and our allies.

All you have to do to get an idea of the effectiveness of our new counterinsurgency efforts, led by General Petraeus, is to pay attention to what was found in the pocket of Abu al-Tunisi, the Tunisian al-Qaida leader in Iraq who was responsible for bringing foreign fighters into Iraq—the ones from Iran, Syria, Yemen, and others, with all of the resources they had. Al-Tunisi had written letters to his leader, saying: I am suffering. They are strangling us. I cannot get support.

We have hurt them and we have hurt them badly. Yes, al-Qaida is a threat, but al-Qaida is not basing that threat from Iraq. Their leaders are probably in the mountains of Pakistan or Afghanistan. I can assure you we are doing everything we can—and we obviously cannot discuss what we are doing—to capture and kill those leaders. Right now, we have taken advantage and the counterinsurgency strategy is working. I commend our troops and General Petraeus.

I thank the Chair and I yield the floor.

Mr. ROCKEFELLER. Will the Senator yield?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. ROCKEFELLER. Mr. President, we worked together on this, and I ask unanimous consent to have 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from West Virginia is recognized for 2 minutes.

Mr. DURBIN. Mr. President, my understanding is that the Republican side is going to extend its request for morning business.

Mr. CORNYN. Mr. President, I intend to ask unanimous consent that the time spent on the Intel bill not be deducted from our time.

Mr. DURBIN. The Senator from Missouri spoke for approximately 10 minutes, is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority side be given 10 additional minutes in morning business, 2 of those to be allocated to the Senator from West Virginia.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. BOND. Mr. President, does that include 10 minutes for my colleague from Texas? I will ask for 10 additional minutes for the minority side, which may have other subjects to talk about.

Mr. DURBIN. Reserving the right to object. I was protecting your side for the 30 minutes initially allocated.

Mr. BOND. In that case, I withdraw my request.

The ACTING PRESIDENT pro tempore. Is the request there would be an additional 10 minutes on the Republican side?

Mr. DURBIN. It is my understanding that 30 minutes was allocated to the Republican side for morning business. The Senator from Missouri spoke for approximately 10 minutes on an issue and asked that that not be deducted from the Republican morning business time. I am happy to acknowledge that, and I ask that we be given 10 minutes, 2 of which will be given to the Senator from West Virginia. So that protects those still here for the 30 minutes originally allocated for Republican morning business.

The ACTING PRESIDENT pro tempore. Without objection, the time will be so adjusted.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I thank the Chair and I thank the Senator from Illinois.

All I wanted to say is that I think the unanimous consent agreement which has been reached is the start. I want to use every fiber in my body to thank the distinguished vice chairman, Senator CHRISTOPHER BOND, from Missouri, for the enormous role he played in making this happen. It was objected to only a few days ago. It was cleared last night, and I think it exemplified the partnership the Senator from Missouri and myself are trying to bring to the Intelligence Committee. This is an example of our work.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, parliamentary inquiry: Is it now the appropriate time for us to begin our 30-minute allocation for morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct. There is additional time on the Democratic side, but nobody is seeking recognition.

Mr. CORNYN. I thank the Chair. I ask unanimous consent that following my remarks for up to 10 minutes, Senator BENNETT be recognized for up to 10 minutes, and then Senator KYL be recognized for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAXES

Mr. CORNYN. Mr. President, more than 1 month ago, I spoke on the floor regarding the need for the Senate to confirm Jim Nussle as the head of the Office of Management and Budget and about my constituents' concerns that are regularly voiced to me about the runaway Federal spending in Washington, DC, and its impact on their ability to earn a living or run a business, and their concern about the direction of the economy for the future if the Federal Government continues to occupy more and more space when it comes to their hard-earned tax dollars.

I mentioned my fear that the tax-and-spend season was upon us here in Washington, DC, and there seemed to be some early indications that some of the progress we have made as a result of progrowth, low-tax policies was going to be reversed under the new management in Washington.

In my State of Texas, to give you a snapshot, unemployment is near its lowest level in 30 years, while more than a quarter of a million new jobs have been created over the past year. That is out of the 8.3 million new jobs created in this economy since August of 2003. Instead of talking about how we can preserve these hard-won gains for the American people and my constituents back home in Texas, we hear more and more talk about raising taxes and expanding the size of the Federal Government. Instead of talking about how can we help support and nurture the entrepreneurial spirit in America, we are hearing more folks talking about how can we grow the bureaucracy and Federal programs and the size of the Federal Government.

Unfortunately, we are beginning to see a trend when it comes to raising taxes. Yesterday's suggestion by some members of the House is a disturbing example of that. Yesterday, the chairman of the House Appropriations Committee unveiled a proposal that would

require taxpayers to add anywhere from 2 percent to a 15-percent surcharge to their income tax bill.

In the Senate, the majority leader declared that nothing should be off the table. I am glad to see that the Speaker of the House of Representatives quickly voiced her disagreement with this tax surcharge proposed by Congressman OBEY. His proposal would amount to an annual tax increase of $150 billion a year, or three-quarters of a trillion dollars over the next 5 years—a bad idea, in my view.

At the same time, with this chart, I will document some of the proposals that have been made, because it helps to see them in one place and add them up because you only then begin to understand the full impact of these discrete proposals that are being made, all of which would result in increased taxes.

First, the budget that was passed earlier this year, of course, is where the Federal Government says how much it intends to spend and where that money is supposed to come from.

The disturbing thing to me was that it contemplated the spending levels in that budget that passed—without my support, by the way—contemplated an increase of $916 billion in additional revenue. The problem is, my concern is, frankly, that the revenue they are talking about—in other words, increased tax revenue—would come from not making the tax relief we passed in 2001 and 2003 permanent. In other words, it would result in a huge tax increase if allowed to go into effect without actually having Congress vote on increasing taxes by the mere expiration of those taxes.

Then there are some who say we want to tax the rich and don't worry about it because we are only going to tax the rich. I ask how many times we have heard that before. The alternative minimum tax is the latest example. We know that from roughly 4 million taxpayers who will be hit by this so-called alternative minimum tax this year. According to the Wall Street Journal, that number in 2007 could soar to 23 million Americans, from 4 million to 23 million Americans. In other words, the tendency all too often of the Federal Government is once a tax is created to see that tax expand and grow and to gobble up more and more taxpayers' dollars.

Certainly, that is the case where we see new Government programs created to provide for a larger and larger Government which, of course, has to be paid for, and guess where that money comes from. It comes from the beleaguered American taxpayers.

In a counterintuitive mood, this second provision of $70 billion, actually rather than tax the rich, what my colleagues on the other side of the aisle who recently voted for this new State children's health insurance expansion of 140 percent over the current program, they have actually targeted a regressive tobacco tax to fund expansion of Washington-run health care.

The President has vetoed the so-called SCHIP bill not because any of us disagree about the core mission of the SCHIP program, which is to provide health coverage for low-income kids, but the fact is that program has been hijacked and used as a Trojan horse to take an additional step, a huge incremental step toward a Washington-run health care system, which I believe is bad for the American people.

Three things one can say about Washington-controlled health care: No. 1 is, free health care isn't free because it is going to have to be paid for by the American people. No. 2, we can say Washington-controlled health care will be inevitably bureaucratic and some bureaucrat will be deciding what kind of health care you get and what kind of health care you don't get. And No. 3, we can be assured the way the Federal Government will control cost, to the extent it can, in this new program will be as a result of rationing and deciding who gets access to care and who does not, and that means more care programs, as we see currently underway in Canada, where people have to wait months and years for the kind of diagnostic care and treatment they get in a matter of days in America.

The third item, $11.4 billion, my colleagues on the other side of the aisle have proposed a massive increase on energy producers in the United States. We recently had a so-called Energy bill on the floor. The only thing was it didn't produce one drop of additional energy. What we saw happen was a proposal that actually would have increased taxes on domestic energy producers which would have made us more dependent on imported energy, something we have all said is a bad idea. We know it is a bad idea for us to be as dependent as we are on imported energy. So why in the world would we want to raise taxes and increase the burden on domestic producers in a way that would make us more dependent on that imported energy?

We see there are additional proposals about which we have heard: $6.1 billion in additional taxes on oil produced in the Gulf of Mexico, additional taxes on investing and creating jobs in America by foreign businesses that want to invest in the United States, that we benefit from, that actually creates jobs here, but our friends on the other side of the aisle have proposed an increased tax on that as well. We can see the other proposals that have been made.

This is a disturbing chart, at least to me. When we look at the cost for the average American taxpayer and how many days a week they have to work to pay their Federal taxes, that will invariably go up. Right now, American taxpayers have to work 79 days out of the 365 days in the year to pay Uncle Sam, to pay their taxes. That is more than 1 out of every 5 days of the year, and that is more than the average that taxpayers will spend on food, housing, health care or any other category.

Of course, working parents face challenges every day when it comes to making sure their children get what they need and deserve in terms of health care and education. So why would Congress continue to increase and add to their burden by increasing taxes?

I ask: Is this how Washington should be working for the American taxpayer? To me the answer is clearly no. We should not force American citizens to work even more days each year for Uncle Sam. I am sad to say, disappointed to say that the tax-and-spend season is indeed upon us in Washington, DC.

Our country faces a number of challenges when it comes to the war on terror, making health care more accessible to more Americans, and making sure we remain competitive in a global economy. But it seems that every day that passes, some spend their time thinking about more ways to raise taxes and grow the size of Government. I wish we would reconsider and not do that.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Utah is recognized for 10 minutes.

IRAQ

Mr. BENNETT. Mr. President, last week a group of us, both Senators and Members of the House, Republicans and Democrats, had the opportunity to sit down with Frederick Kagan, who is a fellow at the American Enterprise Institute, and listen to his comments about where we are with respect to Iraq.

At the end of that very illuminating session, he gave us each a copy of a new report that he has authored called ''No Middle Way, The Challenge of Exit Strategies from Iraq.'' The report is too long for me to ask consent that it be printed in the RECORD, but I recommend it to all my colleagues. It is one of the most thorough and thoughtful examinations of where we are in Iraq I have seen. I will be quoting from it, but I wish to make a few observations about the situation in Iraq before I do.

The Iraq debate seems to be mired down in arguments about past decisions and whether they were right. These kinds of arguments are useful, and they are particularly useful in the hands of historians who are reviewing an entire situation from a vantage point of years afterward, but they are not necessarily that valuable as we are addressing the question of what do we do now.

If I can play the historian for a moment and give examples of how we have entered into conflicts and seen the situation on the ground change and, therefore, strategies change, let me go back to the Revolutionary War. At the time of the Revolutionary War, the original strategies the Commander in Chief, George Washington, applied didn't work. Indeed, the Continental Army was defeated again and again and

again by the British troops, and Washington was forced to acknowledge that his original strategic decisions were the wrong ones. This did not mean we lost the war because Washington adjusted to the conditions on the ground, adopted new strategies, and ended up winning the war.

In the Civil War, when Abraham Lincoln made the decision to provision Fort Sumter, he did not understand how long the war would last, how difficult it would be, how much life and treasure it would claim. He was forced to change again and again in reaction to the results that came from the battlefield.

In Iraq, we made some decisions based on intelligence at the time which have proved to be wrong. Spending our time in this Chamber arguing over those decisions instead of recognizing how conditions have changed on the ground becomes a self-defeating exercise.

As I look at the decisions that were made prior to the decision to go into Iraq, the one that strikes me as being the most significant was our failure to understand the degree to which Saddam Hussein had destroyed that country, not just physically, not just in terms of its infrastructure but psychologically.

We believed there were Iraqis who could step forward and lead a resurgence of that country if we simply freed them from the heavy hand of Saddam Hussein. That was a false belief. We found Iraqis so shattered by 37 years of one of the most brutal dictatorships we have ever seen that the leadership vacuum was huge. For us now to spend our time saying, well, we made the mistake, therefore we have to cure the mistake by getting out, is to ignore the conditions on the ground that have evolved as a result of getting into the war in the first place.

Mr. Kagan makes the point that there is no middle way. We are trying to find a middle way in these Chambers. There are those who say the only way is to withdraw immediately, and there are others who say, no, the only way is to stay the course. That phrase has been hackneyed; it doesn't work anymore. So it is natural for many of us to say: Let's find some middle way. Let's stay in there somewhat, but let's eliminate a good portion of the American footprint in Iraq and see if that doesn't help us get out without absolute withdrawal.

Mr. Kagan makes the point that the conditions on the ground rule out such a middle way. I find his arguments persuasive, and I would like to share some of them with my colleagues today.

He looks not at the question of did Saddam Hussein have anything to do with 9/11, a question we hear debated a great deal. He says: Is al-Qaida engaged now in Iraq? The answer is overwhelmingly yes. Whether al-Qaida and Saddam Hussein had any ties prior to our invasion in Iraq is now irrelevant. Al-Qaida is in Iraq. Al-Qaida is a major player in Iraq.

There are those who say Iran is the major threat, and we should be looking at Iran. He points out that Iran is very much involved in Iraq at the present time. These are the conditions on the ground. We are not debating 9/11. We are not debating the U.N. resolutions. We are debating conditions on the ground that very much involve both al-Qaida and Iran. So those are the conditions to which we need to pay attention.

If I may quote from Mr. Kagan's report, he says:

> A precipitous American withdrawal from Iraq will likely be portrayed in the region as a defeat for the United States and as a victory for Iran. Arab states are already concerned about the growth in Iranian power and pretensions in the region, but few have the capability to do more than complain. The Saudis and the Gulf states are no match for Iran militarily and would almost certainly seek an accommodation with Tehran rather than allowing themselves to be drawn into a major confrontation.

That is a very interesting thing to contemplate as you look ahead—Iran expanding its power in the region, making some kind of accommodation with the Saudis and the other Gulf States in order to consolidate its power. Is that something America wants to look forward to?

He goes on:

> A possible side effect of the U.S. withdrawal is the establishment of Iranian hegemony in the Middle East. Tehran certainly seeks a predominant position in southern Iraq, including Baghdad, and it would be in a position to put great pressure on Saudi Arabia and the Gulf States in the absence of a large American presence in the region following a visible U.S. defeat. That pressure might include efforts to deny the U.S. the use of bases or to support Iranian initiatives in the region and in the nuclear realm. The perception of an American defeat at the hands of Iran is likely to fuel seismic shifts in the politics of the Middle East, none of them to our advantage.

We are having a great debate about what to do about Iran. We are showing great concern about the possibility of Iran getting a nuclear weapon. The new President of France, Mr. Sarkozy, has talked about the unacceptability of Iran having a nuclear weapon, even to the point of suggesting that military options should be on the table. Military options with respect to an Iranian nuclear weapon, if it comes to that, will undoubtedly involve more American troops and more American treasure than are currently at stake in Iraq.

In the conclusion section of Mr. Kagan's report, he says:

> It is simply not possible to design a militarily feasible plan to draw down U.S. forces dramatically and on a rapid timeline that still permits the accomplishment of America's vital interests in Iraq and the region. The CNAS report—

The report he discusses in the group that tries to find a middle way—

> has raised the extremely important question of devising a sound plan for transitioning to an advisory role, and this question deserves a great deal of careful study in the months ahead. But now is the time to start thinking about that transition, not to start implementing it prematurely.

Mr. President, I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. Kagan concludes:

> Any plan that requires a withdrawal based on a timeline, rather than conditions on the ground, is likely to lead to failure. The notion that imposing timelines would somehow force the Iraqi government to ''do the right thing'' and thereby resolve the problems in the country is always presented without any evidence. It is the logical argument without substantiation that appears to be contradicted by past precedent and by facts on the ground. It is a mirage that some people cling to as a way of convincing themselves and others that an action likely to lead to complete failure in Iraq will instead lead to at least partial success. As the president and Congress deliberate on the best way ahead for the United States and Iraq, therefore, the choices are quite stark. Either the United States can continue its efforts to establish security while improving the capabilities of the ISF or it can abandon those efforts, withdraw, and allow Iraq to sink into chaos where terrorists can flourish.

I urge all Members of the Senate to pay attention to the wisdom of Mr. Kagan's report.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wished to, first of all, echo the comments of my colleague from Utah. Fred Kagan is an expert, and what he had to say in that report and in his subsequent summaries of it is something all our colleagues should be familiar with because he makes the very clear point that, as this mission is working, right now is not the time to change the mission and go back to what it was prior to General Petraeus's arrival on the scene.

Yet we still have Members of this body and the other body trying to undercut the Petraeus plan in one way or another. The most recent effort to do this is one which is especially distressing. Let me give a little bit of background.

First, I wish to note that our Democratic colleagues have not taken very long to reestablish their reputation—well deserved—as the tax-and-spend party, as my colleague from Texas pointed out earlier. Now that the Democratic Party is in control of the Congress, the agenda is very clear. But yesterday, the chairman of the House Appropriations Committee went a step too far because he proposed a new tax on every American. This one, ostensibly, to fund the war.

Now, there are a lot of different excuses for raising taxes, as my colleague from Texas pointed out a while ago, but I don't think we need a new tax. If we did, our Democratic colleagues would not be proposing $23 billion in more spending than the President proposed in his budget. In other words, if a lack of revenue is the problem, then let us not keep spending more than has been proposed in the budget. The tax-and-spend priorities of the Democratic majority are very clear.

No, the real reason for Chairman OBEY's plan to raise more taxes is to

change our strategy in Iraq, and that is very clear from his own comments. Along with the tax he proposed, in fact, he announced he would not allow his committee to move forward with the bill the President has requested to fund the troops in Iraq.

This is not the Defense authorization or Defense appropriations bill, which funds the Pentagon and all the military activities over the course of next year. No, this is the money for the troops who are fighting right now in Iraq. As I said, the chairman made it very clear that was precisely what he intended. In fact, quoting from a Wall Street Journal article today, he said:

> Choosing not to move legislation is our strongest card at this point.

Well, this is not a card game, and you shouldn't be playing with the lives of our troops by cutting off their funding while they are out in the field. If you wish to make a policy point that we should change our strategy in Iraq, change our mission, there are ways to do it without cutting off the funds while the troops are out there trying to perform the mission we have sent them to perform.

I thought the comment of my colleague from New Mexico, Senator DOMENICI, as reported in the Washington Times in a story this morning, was charitable and interesting.

> Senator PETE V. DOMENICI, New Mexico Republican, said Mr. OBEY's threat to block war funds was pretty gutsy. But I don't see how it would work. In the end, you have to feed the soldiers.

That is the point. You can cut back Pentagon funding, you can try to pass resolutions that call for a change in strategy, but at the end of the day, you have to feed the soldiers. You can't refuse to send the money to Iraq while the troops are there or you are literally pulling out the rug from under the troops.

My colleague, Senator GRAHAM from South Carolina, put it this way:

> The plan to starve the troops of funds would be cheered by America's enemies. This would be a blessing to al-Qaida, which is getting its brains beat out in Iraq.

I remember when Bob Dole ran for the Presidency, and he was trying to make some pretty important points and people didn't appear to be listening to him. At one point, he said: Where is the outrage? And that is the question I ask here. Where is the outrage of pulling the rug out from under our troops while they are in theater trying to do what we have sent them there to do?

This is not just bad policy, it represents a failure to support the troops. Everybody around here says: Well, we all support the troops, we disagree with the policy of being in Iraq. Now we have come to the point where we are going to try to change that policy by not supporting the troops? I don't think this is good policy. I don't think it is fair to the troops whom we have sent into harm's way, and it is consistent, as I said before, with this whole tax-and-spend ideology.

Try to change policy by withdrawing support for the troops but raise taxes on the American taxpayer? It makes no sense at all, unless you put it in the context with where the Democratic leadership has been going now for some time with respect to the Iraq war. Let me go back a little and quote from an article yesterday in the Associated Press.

> Hoping the political landscape changes in coming months, Democratic leaders say they will renew their fight when Congress considers the money Bush wants in war funding.

Well, it didn't take long for that to come true. The Associated Press noted:

> The difficulty facing Democrats in the Iraq debate: They lack the votes to pass legislation ordering troops home and are divided on whether to cut money for combat.

I might say the Speaker of the House has already announced her opposition to this new tax plan. Democrats are indeed divided. But for those who are in authority to refuse to move the legislation forward, and who talk about it in terms of it is the best card I have to play, have the ability to stop the funding at the very time that the troops need the money in the field.

Progress in Iraq, obviously, has been widely reported. An editorial today in Investors Business Daily says:

> The new strategy being implemented by General Petraeus seems to have worked extraordinarily well. Al-Qaida has been backpedaling furiously.

So right at the time the strategy is working, we are going to pull the money out? It makes no sense.

The Washington Post reports today:

> The numbers of U.S. soldiers and Iraqi civilians reported killed across the country last month fell to their lowest levels in more than a year, a sharp decrease in violent deaths that American military officials attribute in part to the thousands of additional soldiers who have arrived here this year.

And the New York Times today notes:

> The number of violent civilian deaths in Iraq dropped precipitously in September compared with the previous month.

So at a time when the strategy of General Petraeus is working, our friends on the other side of the aisle are deciding to pull the funding so we can no longer continue the operation. That makes no sense at all. But it does fit in with this larger strategy, as I said, to find any way they can to change the course in the war.

Let me conclude with this point. It is now October 3, past the beginning of the fiscal year on October 1, and yet the Democratic majority has not passed one single appropriations bill to the President for his signature to fund the government next year. It appears to me there is a reason for this.

The Associated Press noted the following in an article on September 30:

> The most basic job of Congress is to pass the bills that pay the costs of running the government. After criticizing the Republicans for falling down on the job last year, Democrats are now the ones stumbling.

And Roll Call had an editorial 3 days before, and I quote from part of it:

> Senate Democrats complain that Republican obstructionism and President Bush's veto threats against nine House-passed bills caused this year's delay. But the arguments don't hold water.
>
> Instead, it appears likely that the Democrats' failure to pass these spending bills is part of the plan designed to create a giant Omnibus appropriations bill which will tie very directly into their tax-and-spend policies.

According to an editorial today in Congressional Quarterly:

> Democrats may be planning to use a widely supported veterans' bill as the vehicle for their additional spending. Frustrated veterans' groups are trying to pressure Congress to quickly pass a veterans' and military construction bill and not use it as a vehicle for an omnibus measure.

Now, this wouldn't be the first time this kind of game has been played, but especially if it is on the Veterans and Military Construction bill, or if it is the Defense authorization bill that was held up for so long, and now the measure to try to fund the troops in Iraq, there is a very disturbing pattern here. Playing games with money for veterans and the military in order to get more taxes and spending? That is wrong. It is wrong. The American people need to know that at the very time when General Petraeus's strategy is showing very positive results in Iraq, it is the Democratic plan, at least in the House of Representatives, to hold up that funding, not because there is a lack of money, not because we need a tax increase to fund it but in order to try to change the course of the President's strategy.

That is playing games with the money the troops need in the field. Again, as Senator DOMENICI said, it is a pretty gutsy move, but in the end, it would not work because you have to feed the soldiers.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. Nine minutes.

Mr. DURBIN. Nine minutes.

Mr. President, I yield whatever time the Senator from Massachusetts would like.

The PRESIDING OFFICER. The Senator from Massachusetts.

CHIP VETO

Mr. KENNEDY. Mr. President, a few minutes ago the President of the United States vetoed the children's health insurance legislation that has reflected the bipartisan support of the Members of the House of Representatives and the Senate and which has the support of children, families, and Americans all over.

How could the President of the United States possibly veto this legislation? How could the President be so misinformed about the needs of these children? I think this is probably the most inexplicable veto in the history of

the country. It is incomprehensible, it is intolerable, and it is unacceptable.

Democrats pleaded with Members of the Republican Party to give us their help and their support so we could pass this legislation. Now we have that opportunity. The ball is in our court. We can do something about it. This is a defining issue, not only about children but also about the values of this country. So I hope Democrats and Republicans alike will come together and say children ought to come first in the United States.

This is a value issue, it is a family issue, and it is something that demands action, and I hope we will override this veto.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There is 7½ minutes remaining.

Mr. DURBIN. Mr. President, I ask to be yielded 3 minutes and to give the remaining time to the Senator from Washington after I have completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it is a strange thing when the President of the United States uses his veto pen. He does it so rarely. He has only used it on two issues. Once, when we tried to change the policy on the war in Iraq and tried to bring our troops home in a responsible manner, the President vetoed it. The second was on stem cell research. When we tried to open up this opportunity for medical research to save lives and spare suffering for American families, the President vetoed it—not once but twice. Today, the President used his veto pen for the fourth time. Unlike other vetoes, there were no television cameras, no reporters, no announcements made. Quietly, in his office, the President signed the veto of the children's health insurance measure.

This children's health insurance measure is a program that has been in business for 10 years. It is a successful program, and it has strong bipartisan support in Congress. We started this program because 15 million kids in America did not have health insurance. They were not the poorest kids. The poorest kids have coverage under Medicaid. They were not the fortunate children, those who were lucky enough to have health insurance through their parents. They were the ones caught in the middle, the kids of working parents who make such a low wage and have so few benefits they cannot provide health insurance for their kids.

So when President Bush vetoed this bill, why did he veto it? In a short, one-sentence statement he said: It was a middle-class entitlement.

I would say to the President: Isn't it about time someone stood up for the middle class in this country? To argue that a couple making $60,000 a year, without health insurance where they go to work, can spend $800 or $900 a month on health insurance and not feel that pain in their budget tells me the President or his advisers are out of touch with America.

When I go home to Illinois, and our colleagues go home to their States, the first thing you hear about is health insurance. You know what it is—people say: We don't have it where we work, and we cannot afford to buy it. We have health insurance, but it doesn't cover enough. Those are the realities of family life in America, and the President's veto today tells me he is out of touch with the real issues challenging middle-class working families in America.

Fortunately, we have put together a bipartisan bill. With the leadership of Senator CHUCK GRASSLEY of Iowa and ORRIN HATCH of Utah on the Republican side, MAX BAUCUS on the Democrat side, and Senator KENNEDY of Massachusetts, we have a compromise bipartisan bill. It is paid for. It does not add to the deficit. A tobacco tax on cigarettes and other tobacco products will pay for health insurance, so we will move from 6.6 million kids covered to 10 million kids, over 5 years, moving toward the goal of all children in America having health insurance.

The President's veto today tells me he doesn't share our goal that every American, every family, should have health insurance that they can count on and afford. It tells me the President is not in touch with the real life of middle-class working families struggling to make ends meet, struggling to pay for college, struggling to make sure their kids have health insurance.

This is an opportunity for Congress to come together, the House and the Senate on a bipartisan basis, to say to the President: Pay close attention to America. America needs a helping hand, and working-class, middle-class families need an opportunity for health insurance that they can afford for their children.

I urge my colleagues on both sides, let's continue this effort on behalf of these families to provide affordable health insurance for kids across our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, how much time remains?

The PRESIDING OFFICER. There remains 3½ minutes.

Ms. CANTWELL. Mr. President, the President is turning a deaf ear to the crying needs of millions of American children by vetoing the Children's Health Insurance Program. The President claims this is an inefficient use of Federal dollars, but nothing could be further from the truth. When a family goes without health insurance, it means going without regular checkups, children missing more school than other children, and children waiting until the emergency room is the only answer.

It means we don't catch ailments like ear infections and cavities and diabetes and asthma. It means treatable conditions are more likely to spiral out of control. And it means American taxpayers are spending billions of dollars for uncompensated care instead of spending money up front to provide continuity of care.

It is not more efficient to veto this bill. With better coverage, we can treat things like fevers and injuries and infections before they turn into something far worse. We can catch chronic illnesses earlier and help children manage their conditions. We can save American taxpayers' dollars.

But the President is turning a deaf ear to over 3.8 million Americans who simply cannot afford health insurance. How could they? Mr. President, are your budget analysts just numb to the fact that Americans are seeing higher and higher costs of health insurance? Are you choosing to ignore the fact that health insurance premiums grew by 78 percent since 2001, while wages only grew 19 percent? Are you choosing to ignore that nearly half of the increase of uninsured children in America in the last several years occurred among those between 200 percent and 400 percent of the poverty line? That means more Americans are falling into the category of not being able to cover health insurance.

Are you ignoring the fact that record numbers of businesses are dropping health insurance for their employees? That means a family with $41,000 trying to find health insurance could end up having to pay 30 percent of their annual income. What American family can afford to pay 30 percent of their income to find health insurance? American families are being squeezed out of health insurance, and the President of the United States is turning a deaf ear to the crying health care needs of our children. All we are doing is paying the bill later.

The President should not be so heartless when it comes to the children of America. I know my colleagues are working shoulder to shoulder, Democrats and Republicans, trying to stop the President's veto. I hope my colleagues in the House of Representatives will have the courage to stand up to the President. But be assured that Republicans and Democrats in the Senate will continue this measure in whatever ways we can on behalf of America's children.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3222, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3222) making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Graham amendment No. 3117, to improve the security of United States borders.

Gregg amendment No. 3119 (to amendment No. 3117), to change the effective date.

Sanders amendment No. 3130, to increase, with an offset, the amount appropriated for Operation and Maintenance, Army National Guard, by $10,000,000.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that Senator ALLARD be recognized to call up his amendment and to speak briefly on it, and then to set aside that amendment, to consider the Graham amendment, debate that, and to have that disposed of by a vote.

Following that, an amendment by Senator FEINGOLD will be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3146

Mr. ALLARD. Mr. President, I call up amendment No. 3146 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. SALAZAR, proposes an amendment numbered 3146.

Mr. ALLARD. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available from Research, Development, Test, and Evaluation, Defense-Wide, up to $5,000,000 for the Missile Defense Space Experimentation Center)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE, up to $5,000,000 may be available for the Missile Defense Space Experimentation Center (MDSEC) (PE #0603895C).

Mr. ALLARD. Mr. President, my amendment designates $5 million, the amount requested by the Pentagon, for the Missile Defense Space Experimentation Center, a facility within the Missile Defense Integration Operations Center, on Schriever Air Force Base in Colorado Springs, CO.

This amendment is sponsored by myself and Senator SALAZAR. This concludes my comments to this particular point. I thank the chair and the ranking member for allowing me to make this amendment pending before the Senate.

Yesterday I explained in full the details of this amendment.

Mr. INOUYE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, what is the pending business?

The PRESIDING OFFICER. There will be 30 minutes equally divided with respect to the Graham amendment at this time.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I understand that we can now begin the 30 minutes of debate running up to the vote on the Graham-Kyl amendment?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3117

Mr. KYL. Let me start by offering a few comments about why this amendment is important. But, first, to put it into context, we have made a lot of progress. We have come a long way toward securing the border and stopping the problem of illegal entry into our country. But we have a long way to go.

This amendment is designed to continue the progress that we have been making with funding that is necessary for that. Just to put a little context here, for example, in 1994 we had 4,000 Border Patrol agents for the entire border. We now have over 15,000. But we still know there are way too many incursions into the United States and more Border Patrol will help to end that.

We gave the Department of Homeland Security an extra $1.2 billion to pay for those Border Patrol agents, as well as fencing and vehicle barriers, detention space, and the like.

Secretary Chertoff just visited my State of Arizona last week. And he reports in addition to the Border Patrol hiring that I mentioned and the addition of some detention space they are on track to complete 70 miles of fencing by the end of this year. With the additional money this amendment will provide for next year, they will be able to complete at least 371 miles of fencing along the entire Mexican border.

This is not just a fence. Some people say: Well, if you build a 10-foot-high fence, they will come in with an 11-foot ladder. That is a cute refrain, but the reality is, this fencing I have seen built down on the Barry Goldwater Gunnery Range just east of Yuma is double fencing. They have to have a very heavy pile driver to drive these steel beams into the ground and attach steel flanges to the side. You cannot get through there. Now lizards and critters can get through, so from an environmental standpoint, it is actually a good thing, but people cannot get through. And, importantly, that, combined with vehicle barriers, which are also large railroad tie-type structures put into the ground to prevent vehicles from coming across, is particularly important because it is the vehicles that bring the drugs. Of course, they can bring larger numbers of immigrants. But the reality is, where you have vehicles, most likely you have weapons and you have drugs. And, of course, where that is involved, you are putting in danger the lives of our Border Patrol and other Federal officers and making it more likely that the value of the contraband coming across is going to be significant, thus driving these smugglers into more desperate measures to protect it.

Violence across the entire southern border has increased significantly. With the double fencing, there is a road in between. And the point of fencing is to slow down those who might find a way to get over the fence. The reality is, with additional vehicles, with additional Border Patrol, and this kind of fencing, what you can create is a situation where, by the time someone may have gotten over the first fence, the sensors and the cameras will have alerted Border Patrol, and they are stationed at close enough intervals that on the road in between, Border Patrol can get to the site and pick up the illegal entrants. So that is why this kind of fencing is so important.

As I said, with the money that is provided in this amendment that is before us right now, we will be able to complete at least 370 miles of fencing along the southern border by the end of next year.

We need additional detention space. In Del Rio, TX, in Yuma, AZ, there are programs already that apprehend illegal immigrants. When they have been apprehended more than once, they are put into detention immediately. Now, about 85 percent of the illegal immigrants just want to come here to work. The other 15 percent are criminals, and some are very serious criminals. You need to detain them.

But it is also helpful to detain those who have come across repeatedly to find work. Why? They cannot afford 60 days in jail where they are not providing for their families. And it is a great incentive for them to decide not to cross the border anymore because if they are going to get put in jail, then they are not going to be able to provide the money to their families that they came across here in the first instance to provide.

So those programs have reduced the immigration in those areas dramatically. But we need more detention spaces for this particular kind of detention. Again, this $3 billion will help to provide that. It can help to provide more prosecutors and public defenders and judges because once you have detention, of course, you also may have criminal trials and you may need to have the entire chain of the criminal justice system funded.

In addition, this funding that we will be providing in this amendment will help to improve the verification system that employers are required to use, the so-called E-Verify system, to make sure it is operating accurately at full capacity.

This is particularly important in my State because, frustrated by the lack of action by the Federal Government to have a good system, our State passed a law that will provide serious sanctions on employers who hire illegal immigrants. But they have to rely on the Federal system to make that determination. It is not, right now, in the best of shape. It needs to be improved. The capacity is there, but the ability to determine valid identity is not. So money in this bill will help to get the Federal system into a position that States could rely on in order to enforce their own State laws against hiring illegal immigrants.

So there is much more that this $3 billion provides. But I wanted to thank my colleague, Senator GRAHAM, for his work in making sure, whether it is on the Department of Homeland Security bill or this bill, we make sure, one way or the other, that we will have the funding to continue to work to secure the border and to make sure that we can stop the illegal immigration into this country that has created so many problems for us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise in support of the Graham amendment. I am proud to be a cosponsor of the amendment. I want to echo what the distinguished Senator from Arizona just said about the border in his State.

I want to talk about the importance of this from two perspectives. One is the reality of what is now beginning to work along our border because of the construction of walls. In the Yuma sector, at San Luis in Arizona, where I went earlier this year, watching the construction of the wall and watching the change of practice that is now taking place, you know, people rise and fall to expectations. If there is no expectation of consequence, then people are going to come across the border easily. Quite frankly, in Yuma and San Luis that is exactly what was going on a year ago.

But the interventions by the Border Patrol since the wall, the construction of the fence that has taken place, have dropped dramatically. Those interventions mean there are less people coming across illegally and more of those people coming across legally.

The wall is a deterrent but, most importantly, it funnels those who do want to cross our border in a legal and manageable way. I always point out San Diego, CA as the perfect example. We have an example right now of a wall and access to the United States that works and has worked for decades. There is a 16-lane highway in San Diego that comes into the United States and goes out. Through that passage, people and commerce pass every day. There is a bridge above the passage on the American border, and there are agents in each row of the cars as they come through. There are detectors for radiation, for illegal drugs, there are dogs, and arrests are made every day. The reason those cars flow and the reason it is respected is because on both sides of San Diego, there are two parallel walls with cameras, border security agents, and the only way to come into the United States is the lawful way. So if you picture for a second the high-density population areas of the southwestern United States with borders with Mexico, such as Yuma and San Luis, you can have the same type of thing there that happens in San Diego—a free passage that is legal, defensible, safe, and secure. Border Patrol agents can actually concentrate on the area of passage rather than trying to be every place at once on a border that is wide open and has no deterrent.

We have serious problems in enforcement. Our States are reacting to problems of illegal immigration. Our businesses are reacting to the problems of illegal immigration. Yet we have given them no relief. We can't validate our documents for businesses that hire people or tell them whether they are legal. We are within 18 months of finally digitizing all vital records of all States which will give us a way to end Social Security fraud. But we need to step on the accelerator. We need to see to it that respect for the laws of the United States is replete. We need to see to it that we have done the things as the Federal Government to allow our State governments to function and manage this country and manage employment and manage our aliens who come here legally.

I commend Senator GRAHAM on his continuing hard work on the issue of border enforcement and enforcement of immigration laws. I urge each Member of the Senate to adopt the Graham amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank both of my colleagues for speaking on the amendment. Senator KYL knows as much about this issue as anyone I have ever met. Senator ISAKSON has made it a point to educate himself. He has been to the border several times and was instrumental in trying to find a comprehensive approach, which fell last time, to ensure that the border would be secure before anything else happened. We are building off his work, basically. The $3 billion we have available in this amendment is designated as an emergency, an oft-used term around here when it comes to spending money. But I can assure everyone that securing our border is a national emergency, because it is a national security problem not to be able to control who comes into your country. The $3 billion appropriations in this amendment will allow us to complete projects already designated and to build out border security in a way never known before.

I hope it is a confidence builder. The goal of the amendment is prove to the public that Congress is very serious about securing the border, and we are putting money on the table that has never been there before. We are sort of prepaying the cost of border security as a statement by the Congress to the American people that we are very serious about securing our border. This is one piece of the puzzle. Fencing is part of it, additional border security, Border Patrol agents, more bed space to keep people who have been caught coming across the border illegally. It will create a deterrent. It all works together. The verifying of employment, the magnet that draws people to our country is employment, jobs. We are trying to find a way to verify who is here legally so our employers will be able to tell, if someone is applying for a job, their legal status. Right now that is difficult to do. This $3 billion is an emergency appropriations, properly designated, that will fundamentally change border security for the better. It will put money on the table that is needed, help build a fence that is needed, hire more Border Patrol guards who are needed, create more bed spaces to house people who have broken the laws—all is needed as part of the puzzle. This by itself will not solve the immigration problem, but it is a start. For people who want border security first, this is a recognition that we have listened to you. We understand what you are saying. We are putting money aside to make sure we secure the border.

Mr. TESTER. Will the Senator from South Carolina yield for a question?

Mr. GRAHAM. I certainly will. I want to get to the point on both borders, but I will yield to my friend Senator TESTER.

Mr. TESTER. Could the Senator clarify how these dollars will be used? Can they be used on the northern border as far as personnel and technological equipment?

Mr. GRAHAM. I thank the Senator for his question. That is correct. They can be. It is our intent that the money in this amendment is not specifically for the southern border but should be used to improve staffing and technology deployment on the entire border, including the Canadian border. It can be used for those purposes. I know the Senator has been very insistent that these funds be allocated to all of our border security needs, including our northern border, and they will be. I appreciate his efforts to make that a reality.

Mr. TESTER. I thank the Senator.

I ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. In conclusion, this has drawn bipartisan support in the past, 89

to 1. I expect it will do the same now. There is a lot of division in the Nation over the war and many other issues, but we have come together along the lines that for America to be secure, we have to control who comes into our country. This amendment will provide funds that are missing today to allow us to secure both borders and deal with our employment problems. It is a good first step, but it is only a first step. I appreciate all my colleagues rallying around the idea.

One last comment to the chairman. I don't know if people have been watching a PBS show called ''The War.'' It is a documentary by Ken Burns. I have been riveted every night watching the story of World War II told through the eyes of those who lived it from four communities across the country—I believe Sacramento, CA, a small town in Minnesota, Mobile, AL, and Waterbury, CT. The documentary has been trying to explain to my generation and others what it was like to live and fight during World War II. One of the people showcased in that documentary was Senator INOUYE. I wanted to say for the record that I have never been more proud to call him my friend, and I would hope every American, particularly young Americans, will get a chance to see this documentary about World War II and what that generation went through to secure our freedom. There is much to be learned from his sacrifice. I end this debate about the challenges of my time, of our time regarding border security, to let America know that there was a time in the past where this country rallied together, pushed the ball up the hill, and secured victory against some very vicious enemies. I hope we can recapture that spirit. This amendment is offered in the spirit of trying to bring the country together to secure our Nation from a broken immigration system.

But to Senator INOUYE, he has my undying respect and gratitude for his service to our Nation. And for all those who fought in that war and served here at home and made the outcome possible, well done.

Mr. VOINOVICH. Mr. President, as a senior member of the Homeland Security and Governmental Affairs Committee, I rise today to speak in opposition to the Graham amendment to provide an additional $3 billion in emergency spending for the Department of Homeland Security.

I want to make clear that I agree with my colleagues that we must secure our borders and provide the resources to do it. Let me remind my colleagues that the Department's overall budget has grown more than 150 percent since its creation. Of that total, border security and immigration enforcement represents approximately one-third of the Department's annual spending.

In 2007, Congress provided $12.1 billion in funding for border security. For 2008, the President budget requested $13.5 billion for border security, a 12-percent increase over the amount appropriated for fiscal year 2007. The $13.5 billion that Secretary Chertoff requested from Congress was what he felt was needed to continue the Department's efforts to secure our borders. The Senate Homeland Security Appropriations Committee provided a total of $14.9 billion for border security in its mark of the fiscal year 2008 Homeland Security appropriations bill, a 23-percent increase over the amount appropriated for fiscal year 2007 and a 10-percent increase over the President's budget request for fiscal year 2008.

Earlier this year, the Senate voted in favor of a similar amendment to the fiscal year 2008 Homeland Security appropriations bill. The Senate provided a total of $17.9 billion in funding for border security and immigration enforcement, a 48-percent increase over the amount appropriated for fiscal year 2007. Because Congress failed to complete action on any of the appropriations bills, this funding remains in limbo.

The Federal Government continues to spend more than it brings in and this amendment continues that practice. If we decide we absolutely need to spend $3 billion on something—and I support adequately funding border security—then we need to either raise more revenue or cut other spending to pay for it.

Thus, I urge my colleagues to oppose the Graham amendment.

• Mr. MCCAIN. Mr. President, I am pleased to join Senator GRAHAM, along with Senators GREGG, MCCONNELL, VITTER, CORKER, KYL, DOMENICI, CHAMBLISS, CORNYN, SUNUNU, SPECTER, ISAKSON and TESTER, in sponsoring this important amendment. This amendment would set aside $3 billion in emergency funding to help better secure our nation's borders.

We are facing a crisis on our southern border. Every day, hundreds of people sneak across our borders, many through the State of Arizona. While the majority of these individuals are coming here to look for work, some of these illegal border crossers are criminals and people intending to do our Nation harm. The current situation is a national security crisis and we must take action to address it.

The amendment Senator GRAHAM has offered would designate $3 billion in emergency funding to establish operational control of our international land borders. These funds would be used to hire more full-time border patrol agents as well as install double layer permanent fencing and vehicle barriers. The amendment also calls for the instillation of unmanned aerial vehicles, ground-based sensors, and cameras. In order to deter further illegal immigration, the amendment directs funds to be used to continue the Department of Homeland Security's, DHS, efforts to end ''catch-and release'' programs. If an immigrant knows he will face mandatory incarceration if caught crossing the border, that immigrant may not choose to take that risk. Also, through this amendment, funds would be made available to reimburse state and localities for costs related to cooperative agreements they have entered into with DHS that allows them to assist in the efforts to identify and deport illegal immigrants. The funds made available by this amendment would provide on-the-ground, real time assets that will help DHS to secure our Nation's borders in a 21st century way.

The final piece of the Graham amendment would address the need to improve the employment eligibility verification system by directing $60 million to be set aside to enhance the ability of employers to verify employment eligibility. Without an effective, accurate, and accessible employment verification system undocumented immigrants will continue to be hired because they will never truly have to prove that they are legally allowed to work. We need to do away with the archaic paper-based system and utilize technology in a way that allows employers to instantaneously know if the person standing before them is who they say they are and whether or not that person can be hired legally. We must improve this system to help the government to prosecute unscrupulous employers and ensure that they are hiring and employing legal workers.

The measures outlined and funded in the Graham amendment are critical to our border security efforts and I urge my colleagues to support its adoption.•

I yield the floor.

The PRESIDING OFFICER. Time has expired.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I thank Mr. GRAHAM for his generous remarks.

In the spirit of expediting the process before us, I yield back the remainder of my time.

AMENDMENT NO. 3119, WITHDRAWN

The PRESIDING OFFICER. All time is yielded back.

Under the previous order, amendment No. 3119 is withdrawn.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I am extremely pleased the Senate is about to adopt Senator GRAHAM's border security amendment to this bill, and I am proud to be a cosponsor.

We got the message earlier this year: Americans want a strong and secure border. Now we will be sending them a $3 billion down payment on it.

The border is our first line of defense. The Graham amendment is intended to make sure we don't lose sight of that, and our adoption of it proves we haven't.

Thanks to this amendment, we'll soon have thousands more agents patrolling the border; Three hundred miles of vehicle barriers; and 105 ground-based radar cameras.

We will finish hundreds of miles of fencing we already promised to build, and we will have the funds to remove and detain potentially dangerous illegal immigrants for overstaying their visas and illegally reentering the country.

To Republicans, it is simple: There is no defense without a strong border first. I think most Americans agree.

I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to Graham amendment No. 3117.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 361 Leg.]

YEAS—95

Akaka	Corker	Klobuchar
Alexander	Cornyn	Kohl
Allard	Craig	Kyl
Barrasso	Crapo	Landrieu
Baucus	DeMint	Lautenberg
Bayh	Dodd	Leahy
Bennett	Dole	Levin
Biden	Domenici	Lieberman
Bingaman	Dorgan	Lincoln
Bond	Durbin	Lott
Boxer	Ensign	Lugar
Brown	Enzi	Martinez
Brownback	Feingold	McCaskill
Bunning	Feinstein	McConnell
Burr	Graham	Menendez
Byrd	Grassley	Mikulski
Cantwell	Gregg	Murkowski
Cardin	Hagel	Murray
Carper	Harkin	Nelson (FL)
Casey	Hatch	Nelson (NE)
Chambliss	Hutchison	Pryor
Clinton	Inhofe	Reed
Coburn	Inouye	Reid
Cochran	Isakson	Roberts
Coleman	Johnson	Rockefeller
Collins	Kennedy	Salazar
Conrad	Kerry	Sanders
Schumer	Stabenow	Vitter
Sessions	Stevens	Webb
Shelby	Sununu	Whitehouse
Smith	Tester	Wyden
Snowe	Thune	

NAYS—1

Voinovich

NOT VOTING—4

McCain	Specter
Obama	Warner

The amendment (No. 3117) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized to offer an amendment.

Mr. FEINGOLD. Mr. President, without objection, I yield briefly to the Senator from Delaware.

Mr. BIDEN. Mr. President, I say to the managers, I am going to ask to introduce an amendment. I am not going to ask for it to be considered now. I only want to lay it down.

I ask unanimous consent that the pending amendment be set aside to call up amendments Nos. 3167 and 3142 and ask for their immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, if I could say to the distinguished chairman of the Foreign Relations Committee, we are trying to work toward the end of this bill. I am wondering, do you want votes on these two amendments?

Mr. BIDEN. One I think will be worked out and the other one I wish to talk with the Chair about whether I would ask for a vote. I may ask for a vote.

Mr. REID. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, reserving the right to object, can we do it in the regular order?

Mr. BIDEN. My friend is accommodating my schedule. I am going to allow us to move on rather than come back after he speaks. That is all. It is an accommodation of my schedule; nothing beyond that.

Mr. STEVENS. The amendment will be pending, right?

Mr. BIDEN. I assume unanimous consent will be asked to move off that amendment and back on to the business of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I might ask what the Feingold amendment is and how long he expects to take, and whether he expects to vote on that amendment.

Mr. FEINGOLD. Mr. President, the amendment is very similar to the previous Feingold amendment relating to the Iraq war and using the power of the purse to terminate our involvement there. I believe there will be a unanimous consent request made to have an hour on each side for the debate.

Mr. BAUCUS. Mr. President, further reserving, I wonder—and this is a bit of an imposition—if I could ask unanimous consent to speak on the SCHIP override vote 5 minutes preceding the Senator offering his amendment.

Mr. FEINGOLD. Mr. President, I have no objection to deferring our consideration of the amendment so the Senator from Montana can speak for 5 minutes.

Mr. BAUCUS. I deeply appreciate it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. STEVENS. I did not hear the request.

The PRESIDING OFFICER. The Senator from Montana wishes 5 minutes to speak.

Mr. BAUCUS. Five minutes on the Children's Health Insurance Program override—5 minutes—and then go back to the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I thank my colleagues.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware is recognized.

AMENDMENTS NOS. 3167 AND 3142

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendments Nos. 3167 and 3142 and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 3167, for himself and Mr. NELSON of Florida, and an amendment numbered 3142.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3167

(Purpose: To make available from Research, Development, Test, and Evaluation, Defense-Wide, $4,000,000 for MARK V replacement research)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $4,000,000 may be available for Program Element 1160402BB for MARK V replacement research for the pursuit by the Special Operations Command of manufacturing research needed to develop all-composite hulls for ships larger than 100 feet.

AMENDMENT NO. 3142

(Purpose: To provide an additional $23,600,000,000 for Other Procurement, Army, for the procurement of Mine Resistant Ambush Protected vehicles and to designate the amount an emergency requirement)

At the end of title VIII, add the following:

SEC. 8107. The amount appropriated by title III under the heading ''OTHER PROCUREMENT, ARMY'' is hereby increased by

$23,600,000,000, with the amount of the increase to be available for the procurement of Mine Resistant Ambush Protected (MRAP) vehicles: *Provided*, That the amount of the increase is hereby designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mr. BIDEN. Mr. President, I ask unanimous consent to add Senators GRAHAM, CASEY, and SANDERS as cosponsors of amendment No. 3142.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I thank my colleagues for their courtesy.

Mr. President amendment No. 3142 is very simple. It provides the $23.6 billion in funding needed to replace every Army up-armored HMMWV in Iraq with a mine resistant ambush protected, or MRAP, vehicle.

It is exactly the same thing we did on the authorization bill that was passed Monday night.

Our commanders in the field tell us that MRAPs will reduce casualties by 67 to 80 percent.

The lead commander on the ground in Iraq, LTG Ray Odierno told us months ago that he wanted to replace each of the Army's approximately 18,000 up-armored HMMWVs in Iraq with an MRAP.

Instead of adjusting the requirement immediately, the Pentagon has taken its time to study this issue. They originally agreed that the Army should get 380 MRAPs. That was in December 2006.

Then, in March of this year, they agreed to 2,500.

In August, they added a few more and agreed to 2,726 for the Army.

This month, they have agreed that the general needs a little over half of what he asked for—10,000. Slowly they are getting there.

We have seen this movie before with the body armor and with the up-armored HMMWVs. Until Congress insisted that the better protection be fielded to all those in Iraq, it was not.

So, today, we are insisting that the Army get all of the 18,000 MRAPs the commanders in the field have asked for.

To be honest, I cannot understand why it is taking so long to agree to replace them all. It makes no sense. We know how effective these vehicles can be.

Just last week, General Pace, the former Chairman of the Joint Chiefs of Staff, told the Appropriations Committee that MRAPs have been tested at Aberdeen with 300 pounds of explosives below them and they survived.

Are we only supposed to care about the tactical advice of our commanders in the field when it is cheap?

I don't think that is what the American people or our military men and women expect from us.

I know some will say that it is not possible to build a total of 23,000 MRAPs in 12 to 15 months. Why not? Why not?

This is basically a modified truck. With real leadership and a national level commitment, America can certainly make this happen. I believe in the ''can-do'' spirit and deep patriotism of our businesses. MRAP manufacturers want to make the 23,000 vehicles needed to save the lives of our men and women on the front line.

But I also know that we have to do our part. In Congress, the best thing we can do to make sure it happens is to fully fund every vehicle needed upfront.

Contractors and subcontractors can only expand their capacity if we are clear on what we need and that we will fully fund it.

This amendment allows us to do that.

It also ensures that any delays in dealing with the overall wartime supplemental funding bill do not cause the production lines that are only now getting up to speed to shut down.

Once we provide the full funding, American businesses must step up and get it done and the Pentagon must manage the program aggressively and attentively and the President must make it clear that this is a national priority.

But we have no chance of making all of the needed vehicles, as quickly as possible, if we fund the program bit by bit, in fits and starts. We must do our part.

Once again, I ask my colleagues to weigh their options.

Do we do our best to save American lives, knowing that the only downside is the possible need to reprogram funding at the end of the year? Or do we care more about some unknown total wartime funding limit than those lives?

We have an obligation to provide the best possible protection to each and every military man and woman while they are in the line of fire. If these vehicles can reduce American casualties by two-thirds or more, how can we do anything else? I agree with the Commandant of the Marine Corps, GEN James Conway when he said, ''Anything less is immoral.''

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

BACK TO WORK FOR CHILDREN

Mr. BAUCUS. Mr. President, I thank all of my colleagues for their indulgence.

It was with sadness and frustration and even anger that I learned of the President's veto of the Children's Health Insurance Program. I am sad, because I am thinking first and foremost of the children without health coverage today. Those children could have had health coverage tomorrow had the President signed this bill. For now, thanks to his veto, these children will continue to go without doctors' visits. They will go without the medicines they need to stay healthy.

I have frustration, because we worked for months on a bipartisan Children's Health Insurance Program agreement in the Senate. The House wisely adopted it. It was passed by an overwhelming margin. It deserved better consideration by the President of the United States.

Instead, the carefully crafted compromise that we sent to the White House became the subject of a campaign of misinformation. That campaign was designed to obscure the true help for families contained in our bill, and that is frustrating.

There is anger as well, because that is what so many parents in my own State of Montana and all across this country are feeling, and are right to feel today. There is anger because working families are not getting what they deserve. The pain of not being able to provide reliable health care for a child has to be excruciating. The President has the power to end that pain for millions of parents today. Congress gave him the chance to help children get the health care they need, but the President said no.

It has to make hard-working parents angry. They have a right to be angry—for a minute—but then we have to get back to work for America's children.

The President has allowed politics to obscure the good that the Children's Health Insurance Program does for low-income, uninsured American children. And he has allowed ideology to obscure the good that this bill could do for millions more.

We must take a different path. We cannot allow anger to get in the way of the work that must be done. There is too much at stake for our children.

Regardless of the administration's objections, these are still the facts. Our Children's Health Insurance Program Reauthorization Act already does what the President has asked:

It focuses coverage on the lowest income children—the original mission of CHIP. More than 9 out of 10 kids served by CHIP are in families earning less than twice the poverty level; it keeps CHIP for children by curbing and even eliminating adult coverage; and it takes great pains to reach children who are without insurance—not those who already have coverage. Our bill gives States incentives to find the low-income kids already eligible for CHIP.

We worked hard to craft a responsible bill, because we know the good that CHIP has done; and we will not give up on enacting it into law, because we see how much more good CHIP can do.

After months of cooperation, Republicans and Democrats, the Senate and the House must work together again to override this ill-considered veto. A poll released just yesterday says that nearly out three out of four Americans support the approach in our bill.

How can the President turn a blind eye to those who need this bill the most? How can he deny them what they need more than anything: to be healthy? How can he look into a mother's eye and say that he supports CHIP, while at the same time his hand strikes it down?

CHIP is the right answer for thousands of children in Montana and millions across the country. They need health coverage and care today. So here in the Senate, we will do our part to override this veto. We are going to make the case to more colleagues who should support this bill. We're going to bring together those who value kids over politics. We will vote for America's children. We will seek to end the sadness, frustration, and anger that so many families must feel over this veto. We will tell them that the help and hope of the Children's Health Insurance Program is still possible for their own children.

Mr. President, we are not finished working for America's children.

Ms. STABENOW. Will the Senator yield for a question?

Mr. BAUCUS. Yes.

Ms. STABENOW. I rise with a brief question. I wish to say we would not be at this point, we would not have this bipartisan majority without the work of the Senator from Montana and Senators GRASSLEY, HATCH, and ROCKEFELLER. The chairman has been the person who reminds us every day that it is about the children.

Isn't it true that we do, in fact, believe we have wonderful bipartisan support, enough to override a Presidential veto here and in the House of Representatives?

Mr. BAUCUS. I say to my good friend from Michigan, it is strongly bipartisan. It was enacted first in 1997 as a bipartisan program. People love it, and it worked well. The legislation we passed in the Senate, and that which passed the House, is an extension to help a few more low-income uninsured kids. It is very important and very much bipartisan.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I ask unanimous consent that there be 120 minutes for debate with respect to the Feingold amendment, with the time equally divided and controlled between Senators FEINGOLD and INOUYE or their designees; that no amendment be in order to the amendment prior to the vote; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the amendment; that the amendment must receive 60 votes to be agreed to, and if the amendment doesn't achieve that threshold, then it be withdrawn; that if it receives that threshold, then it be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, what is the pending business?

The PRESIDING OFFICER. It is the Biden amendment No. 3142.

AMENDMENT NO. 3164

Mr. FEINGOLD. Mr. President, I ask unanimous consent to set aside that amendment and call up my amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. SANDERS, Mr. WYDEN, Mr. KERRY, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. HARKIN, Mr. SCHUMER, and Mr. DURBIN, proposes an amendment numbered 3164.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To safely redeploy United States troops from Iraq)

At the end of title VIII, add the following:

SEC. 8107. (a) USE OF FUNDS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to the obligation or expenditure of funds for the following, as authorized by law:

(1) To conduct operations against al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

Mr. FEINGOLD. Mr. President, I am offering this amendment with Majority Leader HARRY REID, and Senators LEAHY, DODD, KERRY, BOXER, WHITEHOUSE, KENNEDY, HARKIN, SANDERS, WYDEN, SCHUMER, and DURBIN. I appreciate the support of the Senate Democratic leadership and so many of my colleagues for this amendment.

The amendment we are offering is simple—it would require the President to safely redeploy U.S. troops from Iraq by June 30, 2008, with narrow exceptions. It is very similar to the amendment that we offered last month, so I won't take up too much time explaining what it does. I do, however, want to explain why the Senate should take up this issue again, so soon after we last considered it.

Some of my colleagues like to call Iraq ''the central front in the war on terror.'' But they don't spend as much time talking about the other areas where al-Qaida and its affiliates are operating, nor do they recognize that the administration's singular focus on Iraq is depriving those other areas of the attention and resources they need.

Take Afghanistan, for example, where an already weak government is grappling with a resurgence of the Taliban and rising instability. Reports indicate that there has been a 20 to 25 percent increase in Taliban attacks in recent months. Because this administration seems blind to the threats to our national security outside of Iraq, Afghanistan has been relegated to the back burner for far too long, at grave cost to our national security.

Last week, President Bush met with Afghan President Hamid Karzai in New York City, on the sidelines of the U.N. General Assembly opening session, but according to news reports he made no mention of the Taliban's resurgence. That's a pretty big omission. After all, it was the Taliban that supported bin Laden and provided him and his associates with sanctuary in the run up to 9/11, and shortly thereafter. President Bush was right to take us to war in Afghanistan. That was a war focused on those who attacked us on 9/11 and on the government that provided a safe haven to al-Qaida.

But with the 2003 invasion of Iraq we have been significantly distracted and the war in Afghanistan, once the main show, now has a supporting role, at best. As a result, al-Qaida has protected, rebuilt, and strengthened its safe haven in the Pakistan-Afghanistan border region. You only have to look at the front page of today's Washington Post—and see the headline ''Pakistan Losing Fight Against Taliban and Al-Qaeda''—to realize how dangerous this situation is to our national security.

We have taken our eye off the ball, Mr. President. The war in Iraq has shifted our focus and our resources. We are focused on al-Qaida in Iraq—an al Qaida affiliate that didn't exist before the war—rather than on al-Qaida's safe haven along the Afghanistan-Pakistan border.

In Afghanistan, the absence of adequate security and development has led to increased disillusionment with the national government, which has in turn resulted in increasing civilian support for the re-emerging Taliban. It goes without question that the vast majority of Afghans have no desire to return to the Taliban era, but the inability of President Karzai to extend control outside the capital has meant that much of the Afghan population suffers from pervasive fear and instability. We may see Afghanistan once again engulfed by chaos, lawlessness, and possibly extremism.

As long as Bin Laden and his reconstituted al-Qaida leadership remain at large, Afghanistan's future can not be separated from our own national security. But with our myopic focus on Iraq—and so many of our brave troops stuck in the middle of that misguided war—we have lost sight of our priorities. Mr. President, we are attempting to help stabilize and develop Afghanistan ''on the cheap,'' and that just isn't good enough.

Afghanistan is teetering on the edge. Pockets of insecurity across the nation are becoming strongholds for anti-government insurgents who are, in turn, exploiting the local population to support their anti-western agenda. This problem is compounded by the dearth of sufficient international ground troops, which has coincided with coalition forces using increased air attacks

against insurgents. Those attacks carry a greater risk of civilian casualties, undermining our support among the populace. Although the majority of attacks on civilians are perpetrated by the Taliban and other insurgent groups, the lack of ground troops is seriously undermining our efforts in Afghanistan.

We also face instability and insurgent attacks in Iraq, of course. But unlike in Iraq, where 165,000 U.S. troops are stuck in a civil war that requires a political solution, in Afghanistan we are fighting with far fewer troops to protect and advance the political progress of the Afghan people. Our troops accomplished their mission in Iraq when they took out Saddam Hussein—maintaining a massive troop presence in that country just fuels anti-Americanism and serves as a recruitment tool for terrorists. We have not accomplished our mission in Afghanistan—denying a safe haven to those who aided and abetted the 9/11 attacks.

Instead of seeing the big picture—instead of placing Iraq in the context of a comprehensive and global campaign against a ruthless enemy, al Qaida—this administration persists in the tragic mistake it made over 4 years ago when it took the country to war in Iraq. That war has led to the deaths of more than 3,700 Americans and perhaps as many as 1 million Iraqi civilians. It has deepened instability throughout the Middle East, and it has undermined the international support and cooperation we need to defeat al-Qaida.

Mr. President, the war in Iraq is not making us safer; it is making us more vulnerable. It is stretching our military to the breaking point and inflaming tensions and anti-American sentiment in an important and volatile part of the world. It is playing into the hands of our enemies, as even the State Department recognized when it said that the war in Iraq is ''used as a rallying cry for radicalization and extremist activity in neighboring countries.''

It would be easy to put all the blame on the administration, but Congress is complicit, too. With the Defense appropriations bill before us, we have another chance to end our complicity and reverse this President's intractable policy. Finally, we can listen to the American people, save American lives, and protect our Nation's security by redeploying our troops from Iraq.

I understand that some Members of Congress do not want to have this debate now, on this bill. They would rather keep the Defense Appropriations bill ''clean'' and postpone Iraq debates until we take up the supplemental. I respect their views, but I disagree. Like it or not, this is, in part, an Iraq bill. It isn't possible to completely separate war funding from regular DOD funding, Mr. President. In fact, this bill pays for a significant part of our operations in Iraq. It is therefore appropriate and responsible that we attach language bringing that war to a close.

That is why I am again offering an amendment with Majority Leader HARRY REID to effectively bring the war to an end. Our amendment is very similar to the amendment we introduced last month to the Defense authorization bill. It would require the President to safely redeploy U.S. troops from Iraq by June 30, 2008. At that point, with our troops safely out of Iraq, funding for the war would be ended, with narrow exceptions for troops to do the following: provide security for U.S. Government personnel and infrastructure; train the Iraqi Security Forces, ISF, and conduct operations against al-Qaida and affiliates.

In order to make clear that our legislation will protect the troops, we have specified that nothing in this amendment will prevent U.S. troops from receiving the training or equipment they need ''to ensure, maintain, or improve their safety and security.'' I hope we won't be hearing any more phony arguments about troops on the battlefield somehow not getting the supplies they need. It is false, phony, and it is a red herring and should not be used on the floor of the Senate.

Passing this amendment will not deny our troops a single bullet or meal.

It will simply result in their safe redeployment out of Iraq. When I chaired a Judiciary Committee hearing earlier this year on Congress's power of the purse, Walter Dellinger of Duke Law School testified about my proposal. This is what he said:

> There would not be one penny less for salary for the troops. There would not be one penny less for benefits of the troops. There would not be one penny less for weapons or ammunition. There would not be one penny less for supplies or support. Those troops would simply be redeployed to other areas where the Armed Forces are utilized.

The Feingold-Reid amendment is a safe and responsible use of Congress's power of the purse. It is the path we took in 1993 when, in the aftermath of the ''Black Hawk Down'' incident, the Senate overwhelmingly approved an amendment to the Defense appropriations bill that set a funding deadline for U.S. troop deployments in Somalia. Seventy-six Senators voted for that amendment, sponsored by the current senior Senator from West Virginia. And many of these Senators are still in this body, such as Senators COCHRAN, DOMENICI, HUTCHISON, LUGAR, MCCONNELL, SPECTER, STEVENS, and WARNER. They recognized that this was an entirely appropriate way to safely redeploy U.S. troops. With their support, the amendment was enacted, and the troops came home from Somalia before that deadline.

In order to avoid a rule XVI point of order, this amendment is slightly different than the version we offered last month. The new amendment only covers funds in the 2008 Defense appropriations bill, and it omits the first two sections of the old Feingold-Reid amendment which required the President to transition the mission and to begin redeployment within 90 days. In addition, the exceptions for operations against al-Qaida and for training the ISF are less detailed and restrictive than they were before. But the intent is the same. After consulting with the parliamentarians, we have made these changes to ensure we are not blocked from getting a vote. The heart of Feingold-Reid—the requirement that our troops be redeployed by June 30, 2008—remains.

Some of my colleagues will oppose this amendment. That is their right. But I hope they will not do so on the grounds that we should keep the Defense appropriations bill clean, or that a brief debate and vote on this amendment will somehow delay that bill. Passing a defense spending bill without even discussing the most important national defense and national security issue facing our country is simply irresponsible. As long as our troops are fighting and dying for a war that doesn't make sense, as long as the American people are calling out for an end to this tragedy, as long as the administration and its supporters press ahead with their misguided strategy, we have a responsibility to debate and vote on this issue again and again and again.

By enacting Feingold-Reid, we can refocus on our top national security priority—waging a global campaign against al-Qaida and its affiliates. We can refocus on developing a comprehensive strategy for dealing with deteriorating conditions in Afghanistan that link together the policies and programs needed to establish a viable state there, and we can focus on the other areas around the world, from North Africa to Southeast Asia, where al-Qaida and its affiliates are operating.

The war in Iraq is the wrong war. It is overstretching our military and undermining our national security. It is time for the war to end. I urge my colleagues to support the Feingold-Reid amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. MENENDEZ). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we turn again to the Feingold-Reid amendment. I have cosponsored this amendment in the past, and I am happy to do so again today. This amendment is another chance for us to show real leadership by forging a responsible and binding path out of the quagmire in which we find ourselves in Iraq.

In just a few short months, we will be starting the sixth year of this war. We just watched the series on television, the wonderful piece that Ken Burns produced of that war, a terrible, difficult war. It was long over by the time

we engaged in this war—a war that fought the world, the Far East, Europe, Africa, the South Pacific. And here we are soon to start the sixth year of this war, and we are in a war that has been fought in an area the size of the State of California.

This amendment puts before us a binding national policy, a strategy that Democrats and some courageous Republicans have advocated for months. I don't agree with my friend from Nebraska, CHUCK HAGEL, on a lot of issues, but I say that his leadership, leading Democrats, Republicans, and Independents, on this war issue is one of the most courageous political acts I have seen. I have told him so. I believe it. So there are Republicans who have joined in this effort, and I admire every one of them.

We are asking for a strategy that is the best path for the people of the United States and Iraq. It is a path. This legislation changes our fundamental mission away from policing a civil war, reduces our large combat footprint, and focuses on those missions which are in the national security interests of the United States.

It exercises congressional powers that we have within the Constitution—powers to limit funding after June 1 of next year well into the sixth year of the war—to counterterrorism, force protection, and targeted training of Iraqi forces.

This amendment recognizes we have strong interests in Iraq and the Middle East, but it does not permit the open-ended role of the United States in a civil war.

Nearly all experts agree that 6 years after our country was attacked on 9/11, the President's preoccupation with Iraq has not made America any more secure. Afghanistan is under attack. We need more forces there, not less. We cannot send them because we are bogged down in Iraq. The Taliban is attacking us with drug cultivation and trafficking at the highest level in years.

Pakistan's tribal border areas have become an increasingly alarming safe haven where bin Laden and a new generation of al-Qaida affiliated terrorists remain free to plot terrorist attacks.

As we all know, Iraq is mired, I repeat, in a civil war, an intractable civil war with no political reconciliation in sight. It is long past time for meaningless resolutions and minor policy tweaks. We need a major change of course in Iraq, one that responsibly brings our troops home, rebuilds the readiness of our military, and returns our focus on fighting a real war on terror against bin Laden and his al-Qaida network.

I urge my colleagues to support this responsible and long overdue legislation. I think Senator FEINGOLD and I are not aware of how votes have been taken on this issue in the past, but we want others to step forward and do what we believe is right. It is time to chart a course out of Iraq and return our forces to the real and growing threats we face throughout the world.

Yesterday, the House of Representatives passed the Tanner bill with overwhelming bipartisan support. This legislation would require the President to provide Congress with reports within 60 days of the administration's plans for drawing the war to a close.

Is this a step in the right direction? Some say so. We know the administration failed from the very beginning and repeatedly thereafter to adequately plan for the war in Iraq. We know the President took us to war without a plan for peace. Since then, his administration has resisted any attempts to examine his failures or to consider broad changes to his strategy in Iraq. The White House stubbornly refused to take on all the detailed planning that those changes would require. There is no sign that this shortsighted administering of the war will end.

If Congress does not act, the administration is bound to repeat the same mistakes—finishing the Iraq war as irresponsibly as it was started. The administration should begin planning for the end of the war and the redeployment of our troops, and Congress should expect this to be made available for oversight and examination.

Some of my colleagues would like to see the Senate take up the legislation that passed the House yesterday. It is within their rights. It is legislating on an appropriations bill, and in a conversation I had with one of my colleagues who indicated they might offer it, the two managers said they will raise a point of order.

I am not one for more reports. I think we need more than reports. But I admire those people who proffered this amendment that was adopted overwhelmingly in a bipartisan vote. I hope we can get those who believe the war has gone on too long, and we need a change, to support this amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I hope the Senate will complete action on this bill today. The Senators from Hawaii and Alaska have worked in a bipartisan manner to determine how to provide the resources necessary to sustain the operations of the Department of Defense while providing the capability to meet future threats. It is worth noting that this bill was reported by the Appropriations Committee by a unanimous vote. The bill does not attempt to force controversial policy changes that would trigger a veto by the President. The bill fully supports our military by providing increases in end strength for the Army and Marine Corps. It supports military health care reforms, and it provides needed funds to replace or repair and maintain aging and heavily used equipment.

Our military is providing trained and equipped forces to sustain multiple fronts on the global war on terrorism, while at the same time transitioning the force to meet future threats. Our military leaders need these resources in a timely manner if they are to succeed.

It is particularly critical that we complete action on the Defense appropriations bill as soon as possible to support our men and women in uniform and the civil servants who work with them. We need to complete action on this Defense appropriations bill so we can go to conference with the House and deliver a bill as soon as possible to the President.

While the continuing resolution we passed last week contains some bridge funding to support the troops through November 16, it is not adequate for the longer term.

The President submitted a fiscal year 2008 war supplemental request in February. Last week, in our Appropriations Committee hearing, Secretary of Defense Gates made clear the need for this additional funding. We should not delay action on providing supplemental funding until next year. It is simply unacceptable.

The fact is, we have tens of thousands of American men and women in Iraq, Afghanistan, and around the world performing the mission that our Government has assigned to them. The new fiscal year has already begun. We should not cause uncertainty or hardship for our Armed Forces or try to change American policy in Iraq by starving our troops of needed resources. Let's get on with it and provide our men and women in uniform the resources they need to perform that mission successfully.

Mr. President, I suggest the absence of a quorum. I withhold that request.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 40½ minutes remaining.

Mr. FEINGOLD. Mr. President, let me say quickly, before I turn to the Senator from Connecticut, how much I admire the Senator from Mississippi. We have worked closely. His response to our amendment is about the need to move on and pass the Defense appropriations bill. Obviously, this is not getting in the way of doing that. We immediately agreed to a 2-hour time agreement. This is perfectly reasonable in light of the fact that this is the biggest military situation we have had in decades in this country. So it seems like a very minor thing to spend 2 hours on this amendment. We have a time agreement, so in no way will this be preventing us from moving forward to passage of the Defense appropriations bill.

I now turn to my colleague and very strong supporter on these efforts, the Senator from Connecticut, and yield him 10 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank my friend and colleague from Wisconsin. I, once again, express my gratitude to

him for raising this issue, as he has on numerous occasions in the past. It is no surprise whatsoever that he would do so again on this very critical piece of legislation.

Let me say that my friend from Mississippi, for whom I have the highest regard and respect, has a job to do to get this bill out. We understand that as well. But I would underscore the points made by the Senator from Wisconsin. There is no other more important issue, I would posit, than the one which is the subject of this amendment: that is, the continued military involvement in Iraq and the important question of our increased safety and security, and the possibility of Iraq reaching some reconciliation with its political and religious leaders. Is there still a rationale for our continued presence there, as posited by those in favor of this policy?

I would argue that there is not. This subject matter is about as critical as it gets for this body to debate. In fact, one may make the case that debating two hours on an amendment such as this is hardly adequate time when you consider what is at stake, not just in terms of contemporary issues, but the long-term security interests of our country. Those interests are going to be affected and, I would argue, adversely affected by a policy that raises serious questions.

Last month, I came to the floor of this body to speak in favor of a similar amendment offered by the Senator of Wisconsin, along with Senator REID. It was, I am convinced, a sensible plan for ending our disastrous policy in Iraq. The reasons for doing so are so crystal clear to the public; they hardly need rehearsing here, but for the sake of those who may not have followed it, let me summarize those arguments briefly. I would ask my colleagues to forgive me for being redundant, but I find the following exchange that occurred just a few days ago so astounding and so telling of the folly of this conflict that it bears repeating.

It comes from two full days of testimony before Congress by General Petraeus. Let me say that I have tremendous admiration for General Petraeus. I don't know him personally, but I admire his service to our country. It has been a distinguished service. Others have had difficulty with it. I don't. He is not the architect of policy; as a senior military official, he is asked to execute policy. So if people are upset about policy, their opposition should be toward those who create the policy, not those we ask to carry it out.

There was an exchange between Senator WARNER of Virginia and General Petraeus before the Senate Armed Services Committee that I thought was incredible in its simplicity and directness, and I admire General Petraeus for his candor and honesty in answering the question Senator WARNER posed to him. It was maybe the most direct and serious question raised in all those hearings, and it goes to the heart of all this debate.

The question to the General from Senator WARNER was the following:

> Do you feel that the war in Iraq is making America safer?

A very simple question—not any more complicated than that. General Petraeus said:

> I believe that this is indeed the best course of action to achieve our objectives in Iraq.

Senator WARNER followed up with:

> Does it make America safer?

General Petraeus's answer was:

> I don't know, actually.

I don't know. I don't know, actually. To the families of the 3,808 men and women who have lost their lives, this is cold comfort indeed, that the commanding general has not even convinced himself that this war serves our security.

That is the fundamental issue, Mr. President. The basic question we must ask ourselves in matters such as these, first and foremost: Does this policy make us safer, more secure, less vulnerable, less isolated in the world? If you don't know the answer to that—and I suspect even the general may have some serious doubts about it or he wouldn't have been as candidly vague in his answer here—we must reexamine whether it is in our interest to pursue that policy. Frankly, I think there are overwhelming numbers of us here who have, at the very least, serious doubts about this tactic—and that is what it is; it is not a strategy but a tactic—to achieve our greater security and safety. If your answer to that question is no, as it is for me and I think for many others, the evidence is overwhelming here that we are turning Iraq into a Petri dish for jihadists and terrorists.

We have every other nation packing its bags and leaving. So this coalition of the willing is evaporating. Every other issue we are grappling with internationally is seen through the prism of Iraq. Whether it is Darfur, Latin America, Asia, or whatever else the issue is, it is all seen through that prism. So not only does it affect the outcome in Iraq, it is affecting every other consideration in which this Nation is involved. For anyone who believes we are safer, more secure, less vulnerable, less isolated as a result of pursuing this policy, I have serious reservations, as I believe General Petraeus did in his answer to our colleague. The consensus is strong and growing, I believe, that our current course has failed to make Iraq safe and make America safer—that it is, in fact, making this country less safe and so must change dramatically.

The Constitution does not give us the power to sit here and decide on a day-to-day, hourly basis how to manage the affairs of the Pentagon, and rightfully so. Five hundred and thirty-five Members of Congress with disparate political views cannot sit here and dictate on a day-to-day basis how this ought to be managed. We are given one power, one overwhelming power: the power of the purse. That is what makes this body unique. So I think that any other exhausting legislative language dictating how this conflict ought to be managed, with all due respect to its authors, is not well placed. We have one responsibility: to decide, yes or no, this is a matter which deserves the continued appropriation of America's money, its tax money, to finance it. That is the question. You either believe it is or it isn't.

So the amendment being offered by Senator FEINGOLD goes to the very heart of the power this body has when it comes to the matter of Iraq and whether we fund it. If you believe we should go forward, that we are safer, more secure, then you have an obligation to fund it. If you believe it is not doing that, then you have a commensurate obligation, and that is to say enough is enough and to stop. That is our judgment, our job, to make that decision. I am not suggesting that it is not a pleasant one.

General Petraeus can be relatively agnostic on the issue. He is a general; it is his job to be agnostic, except in the confines of private conversation. But we don't have that luxury to be agnostic on these questions. We were elected to do a job, to represent our constituencies and, in a broader sense, the people at large, and we have to decide whether the continued investment of their tax dollars is worthy of this cause. I don't believe it is.

I believe the time has come—and long ago—for us to come up with a different policy that would offer Iraq more hope and our own interests in the region a far greater prospect for stability, a policy that would reestablish our presence and our moral authority in the world when it comes to the myriad other issues we must grapple with as a people.

What more could possibly happen to quell the violence between and among Iraq's Sunnis and Shiites to end this civil war?

Conversely, how much more do we sacrifice in the absence of a reconciliation which has not happened?

We all know the honest answers to those questions. And knowing them, it seems evident the administration's last-ditch supporters here are selling us little more than a policy of blind faith. Do the President's supporters think this can go on forever, or are they simply planning for it to go on until the end of the President's term and then hand it off to someone else? Will they come to this floor and claim we are invulnerable?

If General Petraeus does not know, actually—his honest answer to Senator WARNER's question—whether this war is making us safer, let's ask another question: Is this war endangering our security?

So the choice we face—and I believe it is a choice—is a clear one. It doesn't make it a painless one. In fact, I haven't been part of a more painful debate in all my years in this body, considering the length it has gone on. But to govern is to make such choices,

even—especially—when they are painful. Our choice not between victory and defeat, which has never been the issue from the very outset, even though the strongest advocates of this policy have always argued that. The issue was never the victory or defeat of our military in Iraq. It was always to create the space and opportunity for reconciliation, a positive political conclusion in Iraq.

The choice is either trying to end Iraq's civil war through the use of military force, or demanding that Iraq's political leaders take responsibility through solving their civil conflict through the only means possible—through reconciliation and compromise.

Yet we are now going into nearly the fifth year, and even with the pleadings of an American President, the Vice President, senior military people, and Lord knows how many Members of Congress, of both political parties—even as recently as a few weeks ago—the political leadership of that country has not taken advantage. It has not found compromise.

If you argue that the surge has created space, it certainly hasn't created a reconciliation. It doesn't seem anyone is able to persuade the political leadership of that country to do what all of us understand they must do, and that is to decide whether they want to be a country and work with each other, despite their differences. No one yet has succeeded in that effort. And I don't believe it is likely to happen if we continue the policy we are following.

So I believe the American people are far ahead of us on this issue. They have made their choice. It now seems to be our job, our solemn responsibility, to turn those choices into facts.

This is precisely what the Feingold amendment does, by cutting off funds from all combat operations in Iraq after June 30 of next year, with four exceptions: counterterrorism operations, protecting government personnel and infrastructure, training the Iraqi security forces, and force protection.

If all of the reasons for supporting this amendment aren't compelling enough, I might add another as well. Almost 5 years into the occupation of Iraq, the administration continues to ask us to fund the war through supplemental funding bills. It is simply astonishing to me to think that President Bush, hasn't figured out by now what this war costs on a regular basis. He ought to fund it through the regular, long-standing budget process and not hide its true cost from the American people by continuing to ask for supplemental funding, sinking this Nation further and further into a several-trillion-dollar debt.

Mr. President, let's be under no illusions as to what all Defense authorization and appropriations bills are supporting. They are supporting the continuation of our troop presence in Iraq. We cannot artificially separate a Defense funding bill from an Iraq supplemental bill. This is an Iraq bill, have no doubts about it.

This legislation is what will make our continued military occupation of Iraq go forward for many months to come—and this amendment is our chance to stop it. I would argue it is probably the last one until maybe sometime next year, when another supplemental bill comes up, and then we will be talking about 2009 and beyond. So we are already committing ourselves into the next decade of this century.

Moments arrive, Mr. President, and this is such a moment. Moments come and then they pass, and speeches are given later about what we wished we had done, or what we wish we had known—statements that will have no value whatsoever. We tolerate a mistake once, not twice, when it comes to this policy. This is the moment, this is the hour, this is the 2 hours we have to debate: 120 minutes is what we get to debate a policy that is costing us billions of dollars and thousands of lives and disrupting, I believe, very profoundly and seriously, the leadership of our country in world affairs.

So I urge my colleagues in the remaining moments of this debate to give Senator FEINGOLD a chance here and that we support this particular effort. Let us rise to this opportunity while we have it. Let us ensure now, while we have the chance, that all of our combat troops are out of Iraq by next summer.

Our men and women in uniform have served there with bravery, devotion, sacrifice, and incredible distinction, but there is nothing they can do now to bring about the political reconciliation Iraq so desperately needs. The choice belongs to the people of Iraq and their political and religious leaders. And no further shedding of American blood can make that choice come faster or come out right. I urge my colleagues to support the Feingold amendment and bring an end to this disastrous engagement in a desperate land.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I wish to thank the Senator from Connecticut for his very strong voice in support of our amendment and in support of ending this mistaken war. I really do appreciate it, and I thank him for his help on this and hope for a strong showing on the floor of the Senate on this.

Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum and ask unanimous consent that the time during the quorum be equally charged on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak for up to 4 minutes, if I may, on the manager's time on the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I assume this will not come out of the time we have on this side.

The PRESIDING OFFICER. It is being counted on the Republican side.

Mr. ALEXANDER. That is correct. I thank the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, over the last several days, the Nation has watched Ken Burns' film on World War II. As I mentioned on the floor earlier, it is likely to take its place along with the series on ''Roots,'' along with Ken Burns' own film on the Civil War, along with Super Bowls, as a part of our collective memory.

I saw a preview of Mr. Burns' film about 2 months ago at the Library of Congress. My wife and I went there with some others. He showed it. We got a sense of how remarkable it was.

He said that it represented the time in our history when our country pulled together more than at any other time. Of course, all of us have seen how that ability to pull together, to be one as a Nation, prepared us for so many great accomplishments over the past half century—great universities, great military power, producing nearly a third of all the wealth in the world for 5 percent of the world's people.

It also produced an era that is instructive to us on how well we as a country do when we work together. I think it is fitting this bill is on the floor at the time Ken Burns' film is on television. It is fitting because this war has been one that has divided us. We have not been able to unite on it, although I strongly believe we should speak with a single voice on it, and have said so by sponsoring—along with Senator SALAZAR and 15 other Senators—legislation that would give us a chance to do that by implementing the recommendations of the Baker-Hamilton Iraq Study Group.

But I am not here today to argue the importance of what I believe the Baker-Hamilton recommendations offer us. I simply want to note it is appropriate that the pending bill is being managed by Senator INOUYE and Senator STEVENS. Senator INOUYE is pictured numerous times during his service with the 442nd Division, which fought bravely in Europe during World War II. His heroism in that war won him the Congressional Medal of Honor. He was a Japanese American. Japanese Americans were, as the film reminds us, quarantined, reviled, discriminated against, but there he was, risking his life and limb to win the Congressional Medal of Honor.

He was in the same hospital in Italy that our former Majority Leader Bob Dole was in. They were wounded about the same time, and they served here together in the Senate for many years.

Then, on the other side of the aisle, the bill manager on the Republican side, is Senator TED STEVENS of Alaska. He was also in that war. He flew the first plane to land in Beijing after World War II ended. Senator STEVENS was a member of the Flying Tigers, who are prominently mentioned in the film.

A group of us Senators were in China last year, in a delegation led by Senator INOUYE and Senator STEVENS. They were received with enormous respect because the Chinese remember Senator STEVENS' contribution to their country, and they know, of course, of Senator INOUYE's heroism and leadership.

I think it is appropriate, at a time when we are debating Defense appropriations, when we are considering the motto ''E Pluribus Unum,'' how we take this magnificent diversity in this country and make it one Nation, that we have the debate on this bill led on this floor by two men of that greatest generation, Senator INOUYE and Senator STEVENS. It is appropriate that they be managing this bill.

I thought it important for us to acknowledge that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that we go back to the quorum call and, when we do so, the time be evenly divided between the sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRODUCT SAFETY

Mr. BROWN. Mr. President, our Nation's haphazard trade policy has done plenty of damage to Ohio's economy, to our manufacturers, to our small businesses.

Recent news reports of tainted foods and toxic toys reveal another hazard of ill-conceived and unenforced trade rules. They subject American families, American children, to products that can harm them, that, in some cases, can actually kill them.

Ohio's Ashland University Chemistry Professor Jeff Weidenhamer recently tested 22 Halloween products for lead. Three products tested were found to contain high lead levels.

Acceptable levels of lead, according to the Consumer Product Safety Commission, are 600 parts per million. A Halloween Frankenstein cup, presumably a cup that ends up in a child's hand, contained 39,000—not 600—39,000 parts per million.

Both Professor Weidenhamer and I have sent letters to the CPSC demanding action. Exposure to lead can affect almost every organ in the body, especially the central nervous system. Lead is especially toxic to the brains of developing young children.

In the last century, we made gains in combating health and safety issues. Whether it was the FDA banning red dye No. 2 or chloroform in medicines or it was banning lead in paint, the Government created a structure, a safety net that makes it harder for unsafe products to reach consumers.

That safety net is unraveling before our eyes. The safety net secured to keep our families safe from lead is being systematically dismantled by our Nation's failed trade policies. Our trade rules encourage unsafe imports, our gap-ridden food and product inspection system lets those imports into the country, our lax requirements for importers let those products stay on the shelves, and our foot dragging on requiring country-of-origin labeling leaves consumers in the dark.

It is a lethal combination. From pet food to toothpaste, from auto tires to kids toys, the daily news highlights the consequences of lacksidasical import rules and ''less is less'' import oversight.

Countries such as China lack the basic protections we take for granted. Given the well-known dangers of lead, particularly for young children, we banned it from products such as gasoline and paint decades ago. With the total lack of protections in our trade policy, we are importing not just the goods from those countries, but we are importing the lax safety standards of those countries.

If we relax basic health and safety rules to accommodate Bush-style, NAFTA-modeled trade deals, then we should not be surprised to find lead paint in our toys and contaminants and toxins in our toothpaste and our dog food.

Due to trade agreements, there are now more than 230 countries and more than 200,000 foreign manufacturers exporting FDA-regulated goods into the United States, to our child's bedrooms and our kitchen tables.

Unfortunately, trade deals put limits on the safety standards we can require for imports and how much we can even inspect imports. Our trade policy should prevent these problems, not invite them.

Now the President wants new trade agreements with Peru, Panama, with Colombia, and South Korea, all based on the same failed trade model. FDA inspectors have rejected seafood imports from Peru and Panama, major seafood suppliers to the United States.

Yet the current trade agreements, as written, limit food safety standards and border inspections. Adding insult to injury, the agreements would force the United States to rely on foreign inspectors to ensure our safety. We have seen how well that worked with China.

More of the same in our trade policy will mean exactly that, more contaminated imports and more recalls. We need a new approach to trade policy and to import safety. We need to write trade laws that encourage quality imports not dangerous ones. We need to empower consumers with full information about the projects they are purchasing.

It is time for a new direction in our trade policy. It is time for a trade policy that ensures the safety of food on our kitchen tables and toys in our children's bedrooms. Everyone agrees on one thing: We want more trade, we want more trade with countries around the world. But first we must protect the safety of our children and the health of our families.

Mr. President, I ask unanimous consent the time remaining be equally charged.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield 5 minutes to our cosponsor on this issue, Senator DURBIN.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this amendment on this Defense appropriations bill goes to the most important single foreign policy issue facing America: If this is a bill about spending for the military, this may be the most important single amendment we could consider.

Senator FEINGOLD and Senator HARRY REID have brought this amendment to the floor. It has been discussed before. It is an amendment which goes to the very fundamental question: When will we start bringing American troops home from Iraq?

The President, of course, and his administration have been reluctant to even suggest that possibility will come. I think the President went so far as to say that of the 160,000 troops or more in Iraq, perhaps 5,000 or so will be home by Christmas.

At that rate, of course, this President will leave office with almost the same number as we have today, risking their

lives in the heat of combat in Iraq. Many of us remember the beginning of this war and how the American people were misled into this war. The American people were told that weapons of mass destruction threatened the United States, threatened our allies such as Israel, threatened the stability in the world.

We were given chapter and verse and detailed descriptions of biological weapons and chemical weapons and nuclear weapons. We were told Saddam Hussein had arsenals of these weapons. He had reached a point where he had so little credibility we would not even send in international observers, we knew it, they were there, and it was time to take him out.

Then obviously we were told about his reign as the leader in Iraq, nothing short of barbaric, gassing his own people, killing innocent people, ruling with an iron fist. All true. There was always the suspicion and the suggestion that somehow or another Saddam Hussein of Iraq had something to do with 9/11, that terrible tragedy we faced in the United States.

What happened? After the invasion, our great military, in a matter of weeks, took control of the country, searched it far and wide to find weapons of mass destruction and found nothing. To this day, the fifth year of this war, no evidence whatsoever of any of those weapons, one of the real main reasons we were told we had to go to war.

Saddam Hussein eventually was arrested, executed by his own people, still not a shred of evidence that he had anything to do with 9/11. The American people were misled into this war. There we sit as a Nation, not only with our reputation in the world at stake and on the line every single day, not only at the expense of allies who stood with us in fighting against the terrorism of 9/11, but more importantly, at the expense of 160,000 American lives of our men and women in uniform who are there at this very moment risking their lives for this President's failed foreign policy.

They are loyal and courageous people. I think we all understand the great debt we will always owe them and their families for what they have done. But what Senator FEINGOLD has said is it is time now for this Senate to stand up and say, unequivocally: These troops need to start coming home in a responsible way. Not all at once. That would be dangerous and foolhardy. Senator FEINGOLD does not suggest that.

What he suggests is that by June 30 of next year we will be in a position to redeploy our troops, keeping troops in the field in Iraq for specific reasons: to fight al-Qaida and other affiliated international terrorist organizations, provide security for Americans and our American Government, to provide training for Iraqi security forces, training equipment and other materials to the members of the U.S. Armed Forces—a much different mission. I will tell you, if you take an honest look at our military today, we have pushed these fine men and women and their families to the absolute limit. It is time for us to start bringing them home.

Three thousand eight hundred and five of our best and bravest have died; 30,000 seriously injured; 10,000 with amputations, traumatic brain injuries, and terribly burns. That will be a burden for a lifetime. That is the reality of this war. That is the reality of this amendment. This is not another idle debate, this debate goes to these men and women and their families and our Nation, a Nation misled into a war, a Nation which will spend three-quarters of a trillion dollars on this war, if the President has his way, a Nation which understands the invasion was brought about by misrepresentations, misrepresentation of reality on the ground.

We owe it to our soldiers, we owe it to our Nation, and we owe it to future generations to start bringing an end to this war. It is time once again for the Iraqis to accept the responsibility for their own future, to put together a government that can govern, a defense force that can defend, and a nation that wants to be a nation

If they cannot do that, we cannot send enough soldiers to make that happen. It has to be led by the Iraqi people, and they will never accept that responsibility as long as they can lean on the strength, the military strength of the United States.

I hope my colleagues, many of whom have dismissed this kind of amendment and said: We cannot get into this conversation until maybe next spring, we will reflect on the reality by next spring, hundreds more American soldiers will die by next spring, thousands of American soldiers will be seriously injured by next spring, billions of dollars will be spent on this war. It should be spent in America.

A strong America begins at home. This President, with his war budget, has taken away the vital services, education, health care for our children, medical research. Time and again, we find we cannot do the basics for America because this President is hellbent to stay in this war until January 20, 2009, when he walks out the door on his way back to Crawford, TX. That is unacceptable. I thank Senator FEINGOLD and Senator REID for giving us this choice today, a choice to change the course once and for all, to change the policy and move America in the right direction in Iraq.

Mr. KENNEDY. Mr. President, I am pleased to be a cosponsor of the Feingold-Reid amendment.

I strongly support our troops, but I strongly oppose the war.

Our military has served nobly in Iraq and done everything we have asked them to do. But they are now caught in a quagmire. They are policing a civil war and implementing a policy that is not worthy of their enormous sacrifice.

The best way to protect our troops and our national security is to put the Iraqis on notice that they need to take responsibility for their future, so that we can bring our troops back home to America.

As long as our military presence in Iraq is open-ended, Iraq's leaders are unlikely to make the essential compromises for a political solution.

The administration's misguided policy has put our troops in an untenable and unwinnable situation. They are being held hostage to Iraqi politics, in which sectarian leaders are unable or unwilling to make the difficult judgments needed to lift Iraq out of its downward spiral. We are spending hundreds of billions of dollars on a failed policy that is making America more vulnerable and is putting our troops at greater risk.

Our policy in Iraq continues to exact a devastating toll. Nearly 4,000 American troops have died, and 30,000 have been injured. The toll on Iraqis is immense. Tens of thousands of Iraqis have been killed or injured, and more than 4 million Iraqis have been forced to flee their homes. Nearly a half trillion dollars has been spent fighting this war.

Now the President wants to use the supplemental spending bill to pour hundreds of billions of dollars more into the black hole that our policy in Iraq has become. It is wrong for Congress to continue to write a blank check to the President for the war. It is obvious that President Bush intends to drag this process out month after month, year after year, so that he can hand his Iraqi policy off to the next President.

It is time to put the brakes on this madness. We have to change our policy now. Until we do, our troops will continue shedding their blood in the streets of Baghdad other parts of Iraq, and our national security will remain at risk.

This amendment makes the change we so urgently need. It sets a clear timeline for the safe and orderly withdrawal of our troops, and it requires most of them to come home in 9 months.

It is up to us to halt the open-ended commitment of our troops that President Bush has been making year after year. The Iraqis need to take responsibility for their own future, resolve their political differences, and enable our troops to come home. We need to tell the Iraqis now that we intend to leave and leave soon. Only by doing so, can we add the urgency that is so clearly necessary for them to end their differences.

We can't allow the President to drag this process out any longer. This war is his responsibility, and it is his responsibility to do all he can to end it. It is wrong for him to pass the buck to his successor, when he knows that thousands more of the courageous members of our Armed Forces will be wounded or die because of it and when every day this misguided war goes on, our service

men and women and their families continue to shoulder the burden and pay the price.

I urge my colleagues to support this amendment.

I yield the floor, and I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. How much time remains on each side?

The PRESIDING OFFICER. The Senator from Wisconsin has 6½ minutes; the Senator from Hawaii has 45 minutes.

Mr. FEINGOLD. I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, my colleague JOHN MCCAIN cannot be here today. He has a statement with respect to the Feingold amendment that I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. KYL. I join my colleague Senator MCCAIN in opposing the amendment and wish to read three paragraphs of his statement, and then the rest of it will be in the RECORD for all to see:

Mr. President, I oppose the amendment offered by my good friend, the Senator from Wisconsin.

The pending amendment would mandate a withdrawal of U.S. combat forces from Iraq and cut off funds for our troops after June 30, 2008. The one exception would be for a small force authorized only to carry out narrowly defined missions.

The Senate, once again, faces a simple choice: Do we build on the successes of our new strategy and give General Petraeus and the troops under his command the time and support needed to carry out their mission, or do we ignore the realities on the ground and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue?

That is the choice we must make, Mr. President, and though politics and popular opinion may be pushing us in one direction, we have a greater responsibility, the duty to make decisions with the security of this great and good nation foremost in our minds. We now have the benefit of the long anticipated testimony delivered by General Petraeus and Ambassador Crocker, testimony that reported unambiguously that the new strategy is succeeding in Iraq. Understanding what we now know—that our military is making progress on the ground, and that their commanders request from us the time and support necessary to succeed in Iraq—it is inconceivable that we in Congress would end this strategy just as it is beginning to show real results.

Those are the first three paragraphs of the statement from Senator MCCAIN. I join him in opposing the amendment and express his regret at not being able to be here for this debate.

EXHIBIT 1

AMENDMENT NO. 3164 TO THE DOD APPROPRIATIONS ACT FOR FY 2008: CUTOFF OF FUNDS FOR IRAQ

(Statement of Senator John McCain, October 3, 2007)

Mr. MCCAIN. Mr. President, I oppose the amendment offered by my good friend, the Senator from Wisconsin.

The pending amendment would mandate a withdrawal of U.S. combat forces from Iraq and cut off funds for our troops after June 30, 2008. The one exception would be for a small force authorized only to carry out narrowly defined missions.

The Senate, once again, faces a simple choice: Do we build on the successes of our new strategy and give General Petraeus and the troops under his command the time and support needed to carry out their mission, or do we ignore the realities on the ground and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue?

That is the choice we must make, Mr. President, and though politics and popular opinion may be pushing us in one direction, we have a greater responsibility, the duty to make decisions with the security of this great and good Nation foremost in our minds. We now have the benefit of the long anticipated testimony delivered by General Petraeus and Ambassador Crocker, testimony that reported unambiguously that the new strategy is succeeding in Iraq. Understanding what we now know—that our military is making progress on the ground, and that their commanders request from us the time and support necessary to succeed in Iraq—it is inconceivable that we in Congress would end this strategy just as it is beginning to show real results.

We see today that, after nearly 4 years of mismanaged war, the situation on the ground in Iraq is showing demonstrable signs of progress. The final reinforcements needed to implement General Petraeus' new counterinsurgency plan have been in place for over 3 months and our military, in cooperation with the Iraqi security forces, is making significant gains in a number of areas.

General Petraeus reported in detail on these gains during his testimony in both houses and in countless interviews. The number two U.S. commander in Iraq, LTG Ray Odierno, has said that the seven-and-a-half-month-old security operation has reduced violence in Baghdad by some 50 percent, that car bombs and suicide attacks in Baghdad have fallen to their lowest level in a year, and that civilian casualties have dropped from a high of 32 per day to 12 per day. His comments were echoed by LTG Abboud Qanbar, the Iraqi commander, who said that before the surge began, one third of Baghdad's 507 districts were under insurgent control. Today, he said, ''only five to six districts can be called hot areas.''

None of this is to argue that Baghdad or other regions have suddenly become safe, or that violence has come down to acceptable levels. As General Odierno pointed out, violence is still too high and there are many unsafe areas. Nevertheless, such positive developments illustrate General Petraeus' contention that American and Iraqi forces have achieved substantial progress under their new strategy.

The road in Iraq remains, as it always has been, long and hard. The Maliki government remains paralyzed and unwilling to function as it must, and other difficulties abound. No one can guarantee success or be certain about its prospects. We can be sure, however, that should the United States Congress succeed in terminating the strategy by legislating an abrupt withdrawal and a transition to a new, less effective and more dangerous course—should we do that, Mr. President, then we will fail for certain.

Let us make no mistake about the costs of such an American failure in Iraq. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back—in Iraq and elsewhere—in many more desperate fights to protect our security and at an even greater cost in American lives and treasure.

In his testimony before the Armed Services Committee in September, General Petraeus referred to an August Defense Intelligence Agency report that stated, '' * * * a rapid withdrawal would result in the further release of strong centrifugal forces in Iraq and produce a number of dangerous results, including a high risk of disintegration of the Iraqi Security Forces; a rapid deterioration of local security initiatives; al Qaeda-Iraq regaining lost ground and freedom of maneuver; a marked increase in violence and further ethnosectarian displacement and refugee flows; and exacerbation of already challenging regional dynamics, especially with respect to Iran.''

Those are the likely consequences of a precipitous withdrawal, and I hope that the supporters of such a move will tell us how they intend to address the chaos and catastrophe that would surely follow such a course of action. Should this amendment become law, and U.S. troops begin withdrawing, do they believe that Iraq will become more or less stable? That the Iraqi people become more or less safe? That genocide becomes a more remote possibility or ever likelier? That al Qaeda will find it easier to gather, plan, and carry out attacks from Iraqi soil, or that our withdrawal will somehow make this less likely?

No matter where my colleagues came down in 2003 about the centrality of Iraq to the war on terror, there can simply be no debate that our efforts in Iraq today are critical to the wider struggle against violent Islamic extremism. Last month, General Jim Jones testified before the Armed Services Committee and outlined what he believes to be the consequences of such a course: '' . . . a precipitous departure which results in a failed state in Iraq,'' he said, ''will have a significant boost in the numbers of extremists, jihadists . . . in the world, who will believe that they will have toppled the major power on Earth and that all else is possible. And I think it will not only make us less safe; it will make our friends and allies less safe. And the struggle will continue. It will simply be done in different and in other areas.''

Should we leave Iraq before there is a basic level of stability, we invite chaos, genocide, terrorist safehavens and regional war. We invite further Iranian influence at a time when Iranian operatives are already moving weapons, training fighters, providing resources, and helping plan operations to kill American soldiers and damage our efforts to bring stability to Iraq. If any of my colleagues remain unsure of Iran's intentions in the region, may I direct them to the recent remarks of

the Iranian president, who said: ''The political power of the occupiers is collapsing rapidly . . . Soon, we will see a huge power vacuum in the region. Of course, we are prepared to fill the gap.'' If our notions of national security have any meaning, they cannot include permitting the establishment of an Iranian dominated Middle East that is roiled by wider regional war and riddled with terrorist safehavens.

The supporters of this amendment respond that they do not by any means intend to cede the battlefield to al Qaeda; on the contrary, their legislation would allow U.S. forces, presumably holed up in forward operating bases, to carry out ''operations against al Qaeda and affiliated international terrorist organizations.'' But such a provision draws a false distinction between terrorism and sectarian violence. Let us think about the implications of ordering American soldiers to target ''terrorists,'' but not those who foment sectarian violence. Was the attack on the Golden Mosque in Samarra a terrorist operation or the expression of sectarian violence? When the Madhi Army attacks government police stations, are they acting as terrorists or as a militia? When AQI attacks a Shia village along the Diyala River, is that terrorism or sectarian violence? What about when an American soldier comes across some unknown assailant burying an lED in the road? Must he check for an al Qaeda identity card before responding?

The obvious answer is that such acts very often constitute terrorism in Iraq and sectarian violence in Iraq. The two are deeply intertwined. To try and make an artificial distinction between terrorism and sectarian violence is to fundamentally misunderstand al Qaeda's strategy—which is to incite sectarian violence. Our military commanders say that trying to artificially separate counterterrorism from counterinsurgency will not succeed, and that moving in with search and destroy missions to kill and capture terrorists, only to immediately cede the territory to the enemy, is the failed strategy of the past 4 years. We should not, and must not, return to such a disastrous course.

The strategy that General Petraeus has put into place—a traditional counterinsurgency strategy that emphasizes protecting the population, which gets our troops out of the bases and into the areas they are trying to protect, and which supplies sufficient force levels to carry out the mission—that strategy is the correct one. It has become clear by now that we cannot set a date for withdrawal without setting a date for surrender.

Mr. President, this fight is about Iraq but not about Iraq alone. It is greater than that and more important still, about whether America still has the political courage to fight for victory or whether we will settle for defeat, with all of the terrible things that accompany it. We cannot walk away gracefully from defeat in this war.

Consider just one final statement from the August National Intelligence Estimate. It reads:

''We assess that changing the mission of the Coalition forces from a primarily counterinsurgency and stabilization role to a primary combat support role for Iraqi forces and counterterrorist operations to prevent AQI from establishing a safehaven would erode any security gains achieved thus far.''

Should we pass this amendment, we would erode the security gains that our brave men and women have fought so hard to achieve and embark on the road of surrender. For the sake of American interests, our national values, the future of Iraq and the stability of the Middle East, we must not send our country down this disastrous course. All of us want our troops to come home, and to come home as soon as possible. But we should want our soldiers to return to us with honor, the honor of victory that is due all of those who have paid with the ultimate sacrifice. We have many responsibilities to the people who elected us, but one responsibility outweighs all the others, and that is to protect this great and good Nation from all enemies foreign and domestic. I urge my colleagues to vote no on the Feingold amendment.

Mr. KYL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I ask unanimous consent that the remaining time I have be reserved for further debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I would like 5 minutes, if that is possible, to speak against the Feingold-Reid amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRAHAM. To my dear friend from Wisconsin, RUSS FEINGOLD, I appreciate his passion. I know he is acting on his beliefs. We need more of that. I disagree with him fairly dramatically about the consequences of his proposal. As I understand it, it would stop funding in many areas of military operations that are ongoing in Iraq now and, by using funding, restrict the mission in a way that would be ill-advised for our own national security interests.

The biggest winner of a change in mission through restricted funding would be Iran. The Iranian regime is actively involved in trying to kill American servicemembers to drive us out. Their biggest fear in Iran is to have a functional democratic representative government in Iraq on their border that would create problems for the way they run their own country. They are not going to stand on the sideline and watch Iraq be transformed into a representative form of government without a fight. They have chosen to be involved in militia groups with the goal of killing Americans. The goal is to create casualties and break the will of the American people so we will leave Iraq.

In terms of al-Qaida, the biggest loser of the surge militarily has been al-Qaida. They have been diminished because of a new way of confronting this enemy where we get out behind the walls. We live with the Iraqi Army and police forces. We are taking the fight to al-Qaida, and we have been able to marginalize and diminish their presence.

This amendment would embolden an enemy that is literally on the mat. It would send the wrong message to Iran at a time when they need to hear something different than America is going to leave. They need to hear the message that America is going to stand behind the forces in Iraq to create a stable Iraq. The last thing this Congress should do is create a change in mission through funding that will undercut an operation that has produced results on the security front never known before.

Under the rules of engagement, how do you determine who al-Qaida is with any certainty over there?

So the idea of restricting the military mission against the advice of General Petraeus seems to me to be ill-advised. The Congress has a robust role in time of war. But at the end of the day, we have to make a decision: Whose advice are we going to follow in terms of military strategy: General Petraeus and his colleagues or are we going to try to rewrite the mission based on what we think is best on the ground militarily?

I think it would be a huge mistake for this Congress to adopt this amendment because it would be welcome news in Tehran. It would be seen by a very oppressive regime that, America is going to leave Iraq, and they would be the big beneficiary of what would be left behind, which would be a chaotic situation.

Does Iran want chaos in Iraq? To some extent. Does Iran want a representative government in Iraq? Absolutely not. They are going to do everything within their power to make sure that does not happen. It is in our national security interest to make sure it does.

Al-Qaida has been diminished greatly from the surge. If this amendment was adopted, it would be cheered on by al-Qaida operatives—we are back in the fight because we know when America is going to leave. We know when the mission is going to be changed.

So I would argue this amendment comes at the worst possible time for American national security interests, and it is ill-advised in concept and impossible to execute.

I urge a ''no'' vote.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from South Carolina for engaging in debate in the respectful and substantive way he has done so. We agree on many issues but not on this one.

Let me, in the very brief time I have, respond to a couple things he said. First, just an observation. He asked: How, under my amendment, are we going to determine who al-Qaida is in Iraq?

Well, I guess I ask the question: How are we doing it now? Presumably, we are identifying our enemy and attacking them. We are not just attacking them indiscriminately.

He said: How in the world are we going to determine who al-Qaida is? I certainly hope we have some kind of a way to do that now. I am very puzzled by that argument.

But the broader point of this issue is this: The heart of the argument of the Senator from South Carolina is that somehow having a timetable and withdrawing from this mistake in Iraq is going to help both al-Qaida and Iran. I would say it is just the opposite. The situation in Iraq is ideal for al-Qaida. It is sapping our military strength in Iraq and throughout the world at the same time that al-Qaida, according to our own public National Intelligence Estimate, is reinvigorating itself in Pakistan, in Afghanistan, and around the world. So it is just the opposite.

Continuing this involvement in Iraq that we have right now completely plays into the hands of those who attacked us on 9/11.

Now, the Senator from South Carolina poses the notion that somehow Iran would be pleased to see us leave Iraq. Well, I am sure that is true eventually. But at this point it is actually ideal for Iran. They are expanding their influence, and we are taking the hits. We are taking the hits in terms of casualties, we are taking the hits financially, and they do not have to go in and invade or try to control Iraq.

So actually it is the status quo that benefits Iran. It is perfect for them, and they are showing it every day. So it is just the opposite. Two of the most problematic enemies we have—Iran, in the form of a country that is very difficult for us, and al-Qaida, in terms of a terrorist organization—they benefit from our mistake of indefinitely continuing this involvement in Iraq. I believe that is the national security analysis that is most appropriate. That is why I offer this amendment in the spirit of national security, not simply in the spirit of trying to bring our troops out of Iraq.

Mr. President, I reserve the remainder of my time and ask unanimous consent, again, that my time be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise to voice my opposition to this measure, not because I do not agree with the goal sought by this Feingold amendment; I agree with it. However, it was the decision of the leadership of the committee that matters that can be appropriately debated in the Iraq supplemental appropriations bill should be debated there.

I believe if we open the door to the Feingold amendment, then I am in no position to suggest we oppose other appropriate measures for the supplemental. Therefore, reluctantly, but forcefully, I must say I hope my colleagues will support me in opposing this measure.

I thank you, sir.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I just want to say to the Senator from Hawaii, through the Chair, how much I respect him. I understand why he has to take this approach on this particular attempt to offer this amendment. The fact is, this great Senator, this war hero, has supported us on this amendment in other contexts. He is in agreement with us.

He has a responsibility on this bill that I respect. But what greater statement that we are on the right track in terms of wanting to have a reasonable withdrawal from Iraq than the fact that this great Senator has been supportive. So I thank him. Of course, I hope people will vote with me on this amendment, but I completely understand his reason for taking this approach on this particular bill.

I reserve the remainder of my time.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, what time do I have?

The ACTING PRESIDENT pro tempore. The Senator has 21½ minutes remaining.

Mr. INOUYE. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Wisconsin has 2½ minutes remaining.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, many of my colleagues have expressed serious concerns about the war in Iraq. I would say now is the time to put those concerns into action. We have the power and the responsibility to end a war that is hurting our troops, our fiscal situation, and our national security.

By voting for the Feingold-Reid amendment today, we can safely redeploy our troops from Iraq. I understand the bill's managers would rather not address Iraq on their bill. That is their decision. But I note this amendment has the strong support of the Democratic leadership. So I thank Senator REID for his support and leadership.

I urge my colleagues to support the Feingold-Reid amendment.

Mr. President, I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 3164 offered by the Senator from Wisconsin.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. OBAMA) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Virginia (Mr. WARNER).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 68, as follows:

[Rollcall Vote No. 362 Leg.]

YEAS—28

Akaka	Feingold	Murray
Biden	Feinstein	Reid
Boxer	Harkin	Rockefeller
Brown	Kennedy	Sanders
Byrd	Kerry	Schumer
Cantwell	Klobuchar	Stabenow
Cardin	Kohl	Whitehouse
Clinton	Lautenberg	Wyden
Dodd	Leahy	
Durbin	Menendez	

NAYS—68

Alexander	DeMint	Martinez
Allard	Dole	McCaskill
Barrasso	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (FL)
Bingaman	Graham	Nelson (NE)
Bond	Grassley	Pryor
Brownback	Gregg	Reed
Bunning	Hagel	Roberts
Burr	Hatch	Salazar
Carper	Hutchison	Sessions
Casey	Inhofe	Shelby
Chambliss	Inouye	Smith
Coburn	Isakson	Snowe
Cochran	Johnson	Stevens
Coleman	Kyl	Sununu
Collins	Landrieu	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Craig	Lott	Webb
Crapo	Lugar	

NOT VOTING—4

McCain	Specter
Obama	Warner

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 28, the nays are 68. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

Mr. INOUYE. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. CARPER. Mr. President, if there is no pending business before the Senate, I wish to be recognized to speak for a few minutes on the State Children's Health Insurance Program, which we call affectionately SCHIP. I was privileged to be chairman of the National Governors Association in the late nineties, when Governors and a lot of other folks negotiated with the Congress and the Clinton administration to create the State Children's Health

Insurance Program. I am pleased—as I know a lot of people are in this country—to see all of the good it has done.

We know that in America today we have roughly 45 million Americans who have no health care coverage. It is like a quilt that fits over a bed, if you will, and the quilt has different patches to it. One of the big patches on the quilt providing health care coverage to a lot of Americans is employer-provided coverage, another is Medicare, and then there is Medicaid for low-income folks. Another piece of the quilt would be the federally funded community health centers; and another piece might be veterans health care, or DOD health care. Altogether, they add up to provide enough to cover 85 percent of the American populace that needs health care coverage. For the folks who are not covered, a large part of the 15 percent who have no coverage is people who live with families where somebody works every day, every week. The problem for those families is they don't have employer-provided health care coverage or enough disposable income to pay their share of that employer-provided coverage, and they end up doing without.

Most of those people still get health care eventually. That health care coverage comes too frequently in an emergency room of a hospital in their community. When somebody gets sick enough, that is where they go to get care.

My colleague in the chair and I are both familiar with the tragedy this year where a young boy in Maryland, I think, had a problem with a tooth that abscessed, and he ended up going into the hospital through the emergency room and being hospitalized for an extended period of time. The cost of the health care he received was in the hundreds of thousands of dollars. The greater cost is that he died; he lost his life. Another tragedy was in the case of a young man who was eligible for SCHIP and his family didn't know it. It is almost like the old question: If a tree falls in the forest and there is nobody there to hear it, is there a noise? If you have a benefit such as SCHIP or Medicaid and a family doesn't know they are eligible, is there a benefit? I am tempted to say there probably is not.

A lot of people in this country who ought to be eligible for this program, who could be eligible for the program, would be if the President had not vetoed the legislation we passed. I listened to Senator GRASSLEY talk about the President's veto. I admire him a great deal and the way he stood up, stood tall on this issue, along with Senator BAUCUS and others, to craft the expansion of this program. That speaks volumes about Senator GRASSLEY and his care for young people.

Among the criticism we hear of this expansion of this program is that it is more of a government fix for our health care woes in America. The coverage that most kids have under the SCHIP program is not provided by the Government. They actually go to a private program and it is provided through any one of a variety of programs. We also hear that this is more Government spending. This is actually Government spending where we pay for it. We have an offset here, and not everybody likes it, but it is an increase in the tax on tobacco, cigarettes, where we raise enough money to offset the cost of this program over the next 5 years.

Here is a chart. For the Children's Health Insurance Program, the cost over the next 5 years is about $35 billion. We raise the money to pay for it, and we are required to under the rules, which is a good thing. Our pay-go procedures require that. We have to come up with an offset to pay for that so it is deficit neutral. So this $35 billion is paid for. It doesn't make the deficit bigger and it provides health care coverage for about 4 million more kids. They will have a chance to have a primary health care home. They will not have to look for health care coverage in an emergency room of a hospital. They will not end up spending days or weeks or longer in a hospital as an inpatient trying to get better from something that could have been caught early on by a primary care physician.

A good comparison here is the SCHIP program expansion is paid for—the $35 billion is fully paid for. There will be no increase in the deficit. Compare that to what the President is asking for an increase in spending with respect to the war in Iraq. The President is going to ask for additional money in the weeks ahead; he will ask us to appropriate $197 billion to pay for our involvement in Iraq and Afghanistan for roughly the next year. It is not paid for. It is not offset by cuts in spending someplace else. It is not offset by increases in revenue somewhere else. That will be $197 billion in extra debt.

Some people think we can run up these deficits and we will print the paper to pay for them. We don't. We borrow money from folks all over this country—from investors, and from investors all over the world.

Some of those investors crop up in unlikely places. Our debt now to China is in the hundreds of billions of dollars and growing. We owe a fair amount of money to folks in South Korea. A lot of debt is held by the Japanese. You kind of wonder sometimes when you consider our inability to push back hard on the Chinese for currency manipulation and other issues such as the quality of the products, their lack of respect for patent rights and intellectual property rights, it is hard for us to push back when these people are holding hundreds of billions of dollars of our paper, money we owe them, because they have helped to fund programs for which we have not had the moral courage or fiscal discipline to raise the money to pay for ourselves.

We have a choice. The President is faced with a choice. He is asked on the one hand to increase the debt by almost $200 billion to support the wars in Iraq and Afghanistan but not to pay for it, to basically put that burden on our kids and say, someday you will have the opportunity to pay this debt, and to compare that with the SCHIP program which is not cheap, but over the next 5 years, $35 billion, $7 billion a year to provide health care coverage for 4 million children who otherwise would not have it. But the difference is, it is paid for. We actually raise the money to pay for this program.

I said to a group of people yesterday, among the words that are most used around here, ''reform'' is one of them. We hear a lot about reform in almost everything about which we talk. Another thing we talk about around here is bipartisan—bipartisan this or bipartisan that. This is a place where sometimes bipartisan, a lot of times—the underlying appropriations bill on the floor today is actually a bipartisan bill, but we don't always see that.

SCHIP, the expansion of the Children's Health Insurance Program, is about as bipartisan an effort as we can mount around here, especially when the administration has been fighting us tooth and nail. Again, to our Republican colleagues who stood up and joined a number of our Democrats, including Senator BAUCUS, chairman of the Finance Committee, I say: Good for you. Not just good for you because it is an example, a tangible example of bipartisan cooperation, but good for you because you put the concerns of our children ahead of those other issues and you are willing to pay for something we want to have.

Mr. President, in Delaware, we believe that programs worth having, for Government to pay for them, whether it is transportation, education, health care, programs worth having we ought to pay for. If we are not willing to pay for them, we shouldn't have as much of them as we otherwise would have. We have taken this principle and embodied this proposal under SCHIP.

I am proud of the stand we have taken and the House has taken. I am very disappointed in the decision the President has reached.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, we have all seen recent news reports about security contractors in Iraq, specifically stories about Blackwater, a private company, which is under contract with the Department of Defense and the Department of State, perhaps other agencies, to provide security guards for American personnel and others who are in combat zones. There have been a lot of questions raised about questionable conduct and lack of oversight and a lot of questions about accountability. We need answers.

Last week, Secretary Gates of the Department of Defense, a man whom I respect, testified before the Appropriations Committee about the needs of the Department of Defense. I asked him a

series of basic questions about these security contractors: How many contractor personnel are on the ground? Who is there? How long have they been there? What oversight is in place? Who is in charge? I wanted to know who has oversight of these contractors and how the people are authorized to use deadly force, how they are held accountable for their actions. The Secretary's response was he didn't know.

The amendment I filed and hope to offer sets aside funding for the inspector general of the Department of Defense to find some answers. The amendment asks for a report that documents how much we are spending on private security contractors and how many people work for them.

The report also details the Department of Defense oversight role and the scope of authority of military commanders over private security contractors.

Finally, we need to know the basics. What laws govern the conduct of these contractors? What rules of engagement govern their activities? How is it possible we are in the fifth year of this war and still don't have these questions answered? Six years into the war in Afghanistan, and we still don't know for certain what the standards are.

The incident a few weeks ago in which Blackwater employees were involved in the deaths of eight Iraqi civilians raised a lot of questions. In response, let me recount what we have learned.

Since 2005, according to Government investigations, Blackwater has been involved in at least 195 ''escalation of force'' incidents; that is, situations in which Blackwater employees fired shots. That is an average of 1.4 shooting incidents per week.

In over 80 percent of these incidents since 2005, Blackwater's own reports document either casualties or property damage.

We have learned in one case the Iraqi casualty was shot in the head. In another, a Blackwater employee tried to cover up a shooting that killed an innocent bystander.

Perhaps the most disturbing incident that has come to light is the point-blank shooting of a security guard by a Blackwater employee in an off-duty confrontation. The Blackwater employee is reported to have been intoxicated and was fumbling with his weapon after the shooting.

Here is how the New York Times described the company's response:

> The acting ambassador at the United States Embassy in Baghdad suggested that Blackwater apologize for the shooting and pay the dead Iraqi man's family $250,000, lest the Iraqi government bar Blackwater from working there, the report said. Blackwater eventually paid the family $15,000, according to the report, after an embassy diplomatic security official complained that the ''crazy sums'' proposed by the ambassador could encourage Iraqis to try to ''get killed by our guys to financially guarantee their family's future.''

So who has oversight of these security contractors? Whom do they answer to in Iraq and Afghanistan? What is their relationship to the military?

The old Coalition Provisional Authority under Mr. Bremer, who received a Gold Medal from President Bush, exempted security contractors from Iraqi law, and whether they are liable under U.S. law is murky at best.

If Blackwater employees are accountable under U.S. law, why hasn't there been one investigation or prosecution? Not a single Blackwater employee has been prosecuted. In fact, in the case of the drunken employee who killed the bodyguard of the Vice President, he was quickly spirited out of the country, apparently with our Government's blessing, to protect him from the Iraqis.

Stories such as these do not make the United States look good in the eyes of the Iraqis, in the eyes of the world, and, frankly, in the eyes of most fair-minded American citizens. The number of shootings, the amount of Iraqis killed and wounded, the amount of property damage done—all of it suggests there needs to be a legitimate investigation.

I am not going to castigate every private security contractor in Iraq and Afghanistan. I have met some of them. Many of them are brave, dedicated, professional individuals who risk their lives to protect those whom they are charged to protect. Many are honest and dedicated. But the purpose of the amendment is to demand accountability. Private security contractors have to play by the rules—somebody's rules. If they don't, we as a government have to act.

These private security contractors are part of America's face in Iraq. This is a struggle to win the hearts and minds of those people and to create a peaceful society. Every time there is a reckless or illegitimate shooting of an Iraqi civilian, we take one step back from achieving that important goal.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

AMENDMENT NO. 3166

Mr. REID. Mr. President, I ask that the pending amendment be set aside so that I may offer an amendment on behalf of Senator BOXER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. REID], for Mrs. BOXER, proposes an amendment numbered 3166.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To make available from Operation and Maintenance, Defense-Wide, $5,000,000 for the program of the National Military Family Association known as Operation Purple)
>
> At the end of title VIII, add the following:
>
> SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $5,000,000 may be available to the National Military Family Association for purposes of the program of the Association known as ''Operation Purple''.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENTS NOS. 3144 AND 3145 EN BLOC

Mr. KYL. Mr. President, I ask unanimous consent to send two amendments to the desk and lay aside the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. The first amendment is No. 3144 and the second one is No. 3145.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. KYL] proposes amendments numbered 3144 and 3145 en bloc.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3144

> (Purpose: To make available from within amounts already appropriated in the Bill for Research, Development, Test, and Evaluation, Defense-Wide $10,000,000 for the Space Test Bed)
>
> At the end of title VIII, add the following:
>
> SEC. 8107. Of the amounts appropriated or other otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $10,000,000 may be available for Program Element 0603895C for the Space Test Bed.

AMENDMENT NO. 3145

> (Purpose: To make available from Procurement, Defense-Wide, $7,000,000 for the Insider Threat program)
>
> At the end of title VIII, add the following:
>
> SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading ''PROCUREMENT, DEFENSE-WIDE'', up to $7,000,000 may be available for DISA Information Systems Security for the Insider Threat program.

Mr. KYL. These will be pending separately, not together.

The ACTING PRESIDENT pro tempore. Without objection, they will be considered separately.

Mr. KYL. Mr. President, I will be happy to speak. I believe the Senator from Delaware was going to speak. If he wants to speak now, I will be happy to defer to him.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The Kyl amendment No. 3145.

Mr. BIDEN. May I make an inquiry to the Senator from Arizona, is his amendment going to require a vote?

Mr. KYL. Mr. President, I hope both of these amendments can be worked out, but we haven't been able to work the first one out yet. I will not take very long, but I understood the Senator from Delaware was here and prepared to talk about his amendment. I am happy to defer to him and discuss mine later.

Mr. BIDEN. I thank the Senator very much. I would like to take advantage of that offer. President Talabani is in the Foreign Relations Committee at the moment. It would accommodate nicely my schedule.

AMENDMENT NO. 3142

Mr. President, I ask unanimous consent that the Biden amendment on MRAPs be called back up. It was the pending business until it was laid aside.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendment will be set aside. The amendment now pending is the Biden amendment No. 3142.

The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I say to my good friends, Senator INOUYE and Senator STEVENS, there are no two more seasoned or devoted Senators to protecting the military and our fighting men and women. I know my amendment with regard to so-called MRAPs, mine-resistant vehicles, is an inconvenience, and I am not being facetious when I say that. I know that my friend—and I don't have a closer friend in the Senate than Senator INOUYE—supports the essence of what I am proposing, but there has been an attempt, understandably, to have all amendments that could be related in any way to Iraq placed on the supplemental. This amendment will be placed on the supplemental. But the truth is, we are not likely to get to the supplemental until January.

I know one of the Democratic leaders, Senator DURBIN, is in the Chamber. He may know better than I if that is accurate, but that is my understanding. In this place, you have to have, as they say, a horse to ride. You have to have a vehicle to be able to attach something important that you support so that it will get some consideration.

The amendment I am proposing today is one that calls for a significant increase in the production of mine-resistant vehicles. I know I sound like a broken record to many of my colleagues since I started raising it last spring. This amendment is very simple, and it is costly. It provides the $23.6 billion needed to replace every Army up-armored HMMWV vehicle in Iraq with a Mine Resistant Ambush Protected vehicle, so-called MRAPs.

It is exactly the same thing we did on the authorization bill that passed Monday night. Our commanders in the field told us as recently as 2 weeks ago—I met with some of those commanders, Marine commanders in Ramadi, and took a ride in a new mine-resistant vehicle. I also sat in an up-armored HMMWVs—so the Marines, from the two-star general to the sergeant who drove various vehicles, could make a point to me about how different they are.

They showed me a photograph of a roadside bomb having struck one of the new vehicles—that is a Cougar, which is one size of the up-armored mine-resistant vehicles and it showed where on, I believe, August 28, in that same city, a roadside bomb had exploded, 250 pounds of explosives. And it literally blew this vehicle, which is many times the weight of the largest SUV any American drives in this country—I don't know the exact weight, but it is close to 38,000 pounds fully loaded—it blew it so high up in the air that it literally brought down the telephone wires. The wheels got caught in the telephone wires. A standard telephone pole, I don't know, are they 20, 25 feet, maybe more, maybe less? It blew the vehicle so high into the air it literally brought down the telephone wires. And when it hit, the vehicle, probably in an area the circumference of this Chamber, the pieces were spread all around the landscape. The engine would have been over by the Republican cloakroom, the drivetrain would have been over by the exit door on the Democratic side back toward the marble room, the axle would be sitting up by the Democratic cloakroom, and right in the middle of the Senate floor would be the cabin of the vehicle.

There were seven soldiers in that vehicle. Had that been an up-armored HMMWV, everyone would be dead. Not one of those soldiers died. Not one. They suffered severe concussions, four of them, but that was the worst of their injuries. And one of those young sergeants, as the brass went through showing me this and I got into vehicles and we drove and so on and so forth—we are now inside Ramadi—as I am getting out and leaving, one of those young soldiers was exuberant. First, he saluted me and said: Sir, as Senator REED, a West Point graduate, is accustomed to having been done to him in the old days and even now—and then he became emotional in his thanks for that vehicle, thanking us for insisting on building them. It is truly a life-saving vehicle.

Now, our commanders in the field tell us these Mine Resistant Ambush Protective vehicles are going to reduce casualties by 67 to 80 percent. That is the range, 67 to 80 percent. Put it another way, had they been riding around in these vehicles since we knew they were needed, we would have over a thousand fewer dead and over 10,000 fewer seriously wounded, literally, because over 70 percent of all the deaths and casualties are caused by IEDs, or roadside bombs. When I found out about how good these vehicles are last year in Iraq and then again in testimony the beginning of this calendar year, and then when a whistleblower came to me telling me commanders in the field had asked for these in February of 2005, I was dumbfounded as to why we weren't building them. With the great help of everyone on this floor, I think the vote was 97 to 0, we accelerated production by adding $1.5 billion to last year's wartime funding bill.

The lead commander on the ground in Iraq is Lieutenant General Odierno, and he told us 6 months ago that he wanted to replace the Army's approximately 18,000 up-armored HMMWVs with these new Mine Resistant vehicles. Instead of adjusting the requirement immediately, the Pentagon has taken time to study the issue. They originally agreed the Army should get 380—380—of these vehicles. That was in December of 2006. Then, in March of this year, after the Commandant of the Marine Corps said it was his highest moral priority to get his folks in 3,700 of these vehicles, they agreed to increase the number to 2,500 for the Army. In August, they added a few more and agreed to 2,726 for the Army. This month, they agreed that the general needs a little over half of what he asked for—10,000 of these vehicles.

Slowly we are getting there. But we have seen this movie before, Mr. President, with the body armor, with the up-armored HMMWVs. Until the Congress insisted that the better protection be fielded for all of those troops in Iraq, it was not. The catalyst came from here. We insisted. Remember just several years ago how many kids we were sending into battle without the proper body armor and how many National Guard units we were sending over who were not adequately equipped and how initially the military was threatening to discipline young women and men who were taking sheets of metal to put on the vehicles they drove on convoys ferrying equipment from the gulf all the way up into Baghdad? They were putting these sheets of steel on the sides of their doors and the bottom. They were threatened with being disciplined.

We have very short memories here. Very short memories. But in the meantime, a lot of people die. Some would have died inevitably, but a lot—a lot—would not have. So today we are insisting the Army get all of the 18,000 MRAPs the commanders in the field have asked for.

Now, to be honest, I can't understand why it is taking so long to agree to replace all these vehicles. It makes no sense. We know how effective these vehicles are. We surely can't be making an economic argument. Surely there is no one here who is going to say we can't afford to protect these troops with the technology we know—we know—we know—will protect these troops. Surely no one is going to make that argument.

Last week, General Pace, the former Chairman of the Joint Chiefs of Staff, told the Appropriations Committee that MRAPs have been tested in Aberdeen with 300 pounds of explosives below them—300 pounds—and they survive. Are we only supposed to care about the tactical judgement of the commanders in the field when it is cheap? I don't think that is what the American people think we are doing for our military. Our military men and women have a right to expect a lot more from us.

I know some say it is not possible to build a total of 23,000 MRAPs in 12 to 15 months. Why not? Why not? Imagine President Roosevelt, in the middle of World War II—and this war has lasted longer than World War II—having said: You know, we need to get X number more fighter aircraft over in theater. We need to have more landing craft for D–Day. But you know what. The present system just won't be able to build them all. We just can't do it. Can you imagine that being said? Can you fathom that being said?

I don't get it. I don't get it. Are we saying that we cannot mobilize, through the President of the United States and the weight of the United States Congress, the construction of vehicles that we know will save lives; that we know will reduce critical injuries? You are as dead in Baghdad as you were on Normandy Beach. You are as dead in Baghdad as you were on Normandy Beach. And the pain of the family of that fallen angel is not one bit different than the heroism we celebrate today in the Ken Burns documentary series on the Greatest Generation from World War II. There is no difference. There is no distinction. The pain is as searing. So I ask you all a question: Can you imagine during that war the Congress and the President saying: I don't think we can get this done?

Mr. President, this is basically a modified truck. With real leadership and a national level commitment, America can certainly make this happen. I believe that the can-do spirit and deep patriotism of our business men and women is as profound as it was back in the year 1942 or 1945. MRAP manufacturers want to make the 23,000 vehicles needed to save the lives of our men and women on the frontline. But we have to do our part.

In Congress, the best thing we can do to make sure it happens is to fully fund every vehicle needed up front. Contractors and subcontractors can only expand their capacity if we are clear on what we need and what we are prepared to fund. This amendment allows us to do that. It also ensures that any delays in dealing with the overall wartime supplemental funding bill do not cause the production lines that are only now getting up to speed to shut down. Said another way, we are finally getting these production lines up and running. There are five companies, some relatively small, that, based on contracts, have gone out and hired 200, 500, 1,000 more people. They have expanded their facilities to build these vehicles alone. But they can only expand to the degree to which they know they have a contract.

We funded these MRAPs in the last supplemental and the Continuing Resolution to the point that we are not going to be able to build any more of them by the time March comes along if we do not have money in this bill. We are not going to be able to build any more. If we wait until the supplemental to let these contracts, we will have a hiatus of 2 to 4 to 6 months where they shut down these lines. These are not mom-and-pop operations, but they are also not General Motors, Chrysler, Ford, Toyota, or any other major automobile manufacturer. So this is about how many more months in delay getting these vehicles are we going to cause by not putting all of the funding in this appropriations bill. My amendment provides all of the funding needed. That is what my amendment will do.

It also ensures that any delays in dealing with the overall wartime supplemental funding bill will not cause production to shut down. Once we provide the full funding, American business must step up and get the job done, the Pentagon must manage the program aggressively and attentively, and the President is going to have to make it clear this is a national priority. But we have no chance of making all these needed vehicles as quickly as possible if we fund that program bit by bit, in fits and starts.

Once again, I ask my colleagues to weigh their options. Do we do our best to save American lives, knowing the only downside is the possible need to reprogram funding at the end of the year; or do we care more about the unknown total wartime funding limit than we care about these lives? I know every one of my colleagues would do anything in their power to increase the possibility that we reduce casualties. Well, here is the way to do it.

It seems to me that certain things are a matter of sacred honor and exceed anything having to do with budgets. We can argue the national interest is better protected and our physical security is better protected by building X, Y, or Z weapon system, and we can argue whether our failing to build it is going to affect the lives of the American people. That is a very fundamentally different issue than knowing you have something, that if you physically place an American soldier in that vehicle, you will increase by 60 to 80 percent the chance of that man or woman living, and yet not doing it. That is a different deal. This is not your ordinary appropriations program. It is a little bit like the ultimate body armor.

Would anybody here, if we knew that by spending X dollars more we could increase the life expectancy of every soldier by providing the right body armor in the theater, would we not do it, no matter what it cost? Well, this is a form of body armor, a form of body armor that we know, if it is possessed, is going to reduce the cause of over 70 percent of the casualties in theater. If these vehicles can reduce American casualties by two-thirds or more, I don't know how we can do anything else.

I agree with the Commandant of the Marine Corps, GEN James Conway, when he said: ''Anything less is immoral.'' Let me say it again: ''Anything less is immoral.''

So I urge my colleagues to support this amendment, and I ask for the yeas and nays on this vote when the appropriate time comes. I ask for them now, so that we know when the amendment is called up we get a vote.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be.

Mr. BIDEN. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUYE. Mr. President, there is no question that these vehicles, the MRAPs, save lives. The committee is well aware of that, and we concur with that. That is why, Mr. President, to date, Congress has provided nearly $11 billion for the rapid production and fielding of 8,000 MRAP vehicles.

As a result, there are now 435 MRAPs fielded in the theater, and by Memorial Day 2008 we will have fielded 8,000 MRAPs.

Believe me, we are doing everything possible to ensure the Department has sufficient funds to continue this production of MRAPs. On Monday, this week, in the short-term continuing resolution, we provided another additional $5.2 billion exclusively for MRAPs. Providing a specific appropriation in a continuing resolution is extremely unusual and demonstrates the commitment of the Congress, and in particular the Appropriations Committee, to ensure that all the funding that is necessary for MRAPs will be provided to the Department of Defense.

The vehicles manufactured with these funds will be produced in March and April of 2008 and fielded in the theater by Memorial Day 2008.

We are aware there is a remaining fiscal year 2008 requirement for $11.5 billion for MRAPs, even though the administration has not yet requested any funding. The additional $11.5 billion would fully fund the new increased program requirement of 15,274 vehicles, including 10,000 MRAPs for the Army.

The Department of Defense is seeking this $11.5 billion by November 15 in order to avoid a break in production. This is very important. We anticipate addressing this in the upcoming supplemental. But if it is not completed by November 15, it will be in the next continuing resolution.

The vehicles produced and procured with these funds would be produced by May through September 2008, approximately at a rate of 1,200 vehicles a month. This additional $11.5 billion for

MRAP fully funds the program requirement in fiscal year 2008 and saturates the industrial base through the end of 2008—September 2008. Any funding provided in addition to the requirement of $11.5 billion, would be for vehicles that would not be produced—and I repeat—would not be produced until fiscal year 2009, and many vehicles would not be fielded in the theater until that spring, summer, and fall of 2009.

I believe many of us believe our troop presence in Iraq will be significantly reduced by then.

Mr. BIDEN. Mr. President, will the Senator yield? I may be able to step away from this if—I think I heard my friend correctly. Did I hear him say that if in fact it is not clear that we are going to be able to prevent this gap in the shutdown of the line, that by November the Senator is saying the committee would have a continuing resolution that included the specific money?

Mr. INOUYE. That is $11.5 billion.

Mr. BIDEN. Then, if I understand this correctly, I think my friend and the Senator from Alaska are doing exactly what I asked for. My only worry is that, A, we make a commitment to the total of 23,000 in the supplemental, a commitment that would get us to 23,000; and, B, we do not have to wait until January. Because if that is the case, these small operations will have needed a 3- to 6-month lead time, once they get a contract, to keep the line going. But what I hear my friend saying is that we would, in November, if it didn't look like the supplemental was going to happen, we in November would fill that gap so there would not be a shutdown in these lines. Is that what my friend is saying?

Mr. INOUYE. I will give you my word, sir.

Mr. BIDEN. That is good enough for me. I am happy to withdraw the amendment. I have never known the Senator from Hawaii or the Senator from Alaska, when they gave their word, to do anything—do anything but that. The supplemental we are going to revisit in January, that has the additional money to get us to 23,000. What my friend is saying here is that $11.48 billion would be in any continuing resolution if we did not get to that?

Mr. INOUYE. That is $11.5 billion.

Mr. BIDEN. It is $11.5 billion.

AMENDMENT NO. 3142 WITHDRAWN

Mr. President, I would obviously prefer that it be put here. But I tell you, if there has ever been appropriate use of the expression someone's word is ''as good as gold,'' it is about my friend from Hawaii. I am happy to withdraw the amendment.

Mr. INOUYE. You are very kind, sir. Thank you very much.

The PRESIDING OFFICER (Mr. SANDERS). Is there objection?

Without objection, the amendment is withdrawn.

AMENDMENT NO. 3129

Mr. DURBIN. Mr. President, I have been notified by both sides that my Amendment No. 3129, the Troops to Nurse Teachers Program to enhance the nurse recruitment goals for the military and civilian side, has been accepted, and unless there is some objection, I ask this amendment now be called up and by voice vote accepted.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. STEVENS. Mr. President, reserving the right to object, I thought we were going to have a package of these amendments.

I will not object, but I do think it should have been in a package. I hope we get a package here so we do not do them one by one. I do not object.

The PRESIDING OFFICER. There is no objection. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Ms. MIKULSKI, proposes an amendment numbered 3129.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make available from Military Personnel $3,000,000 for a pilot program on troops to nurse teachers)

At the end of title VIII, add the following:

SEC. 8107. (a) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, ARMY.—Of the amount appropriated or otherwise made available by title I under the heading ''MILITARY PERSONNEL, ARMY'', up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

(b) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, NAVY.—Of the amount appropriated or otherwise made available by title I under the heading ''MILITARY PERSONNEL, NAVY'', up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

(c) AMOUNT FOR TROOPS TO NURSE TEACHERS PROGRAM FROM MILITARY PERSONNEL, AIR FORCE.—Of the amount appropriated or otherwise made available by title I under the heading ''MILITARY PERSONNEL, AIR FORCE'', up to $1,000,000 may be available for a pilot program on troops to nurse teachers.

Mr. DURBIN. Mr. President, we are engaged in one of the longest conflicts in American history, and the need for qualified nurses in military medical facilities is increasing.

Unfortunately, the military faces the same difficulty recruiting and retaining nurses that civilian medical facilities are facing.

Neither the Army nor the Air Force has met nurse recruitment goals since the 1990s. In 2004, the Navy Nurse Corps fell 32 percent below its recruitment target, while the Air Force missed its nurse recruitment target by 30 percent.

The Army, Navy and Air Force each have a 10 percent shortage of nurses, with shortages reaching nearly 40 percent in some critical specialties.

Civilian hospitals face similar challenges. According to the American College of Healthcare Executives, 72 percent of hospitals experienced a nursing shortage in 2004.

In 2000, the U.S. Department of Health and Human Service, HHS, found that this country was 110,000 nurses short of the number necessary to adequately provide quality health care for both the civilian and military sector. By 2005, the shortage had doubled to 219,000. By 2020, we will be more than 1 million nurses short of what we need for quality health care—a grave problem for military health care as well as the nation at large.

One of the major factors contributing to the nursing shortage is the shortage of teachers at schools of nursing. According to the American Association of Colleges of Nursing, last year nursing schools across the nation denied admission to over 40,000 qualified applicants primarily because there were not enough faculty members to teach the students. Just in Illinois, 2,000 qualified student applicants were turned away from schools of nursing because there were not enough teachers.

The American Association of Colleges of Nursing surveyed more than 400 schools of nursing last year.

Mr. President, 71 percent of the schools reported vacancies on their faculty. An additional 15 percent said they were fully staffed, but still needed more faculty to handle the number of students who want to be trained.

The military recruits nurses from the same source as doctors and hospitals: civilian nursing schools. Unless we address the lack of faculty, the shortage of nurses will only worsen.

My amendment to the Defense appropriations bill provides $3 million to begin a Troops to Nurse Teachers program that will help develop nurse faculty to address this national shortage.

My proposal is based on a successful Department of Defense program called ''Troops to Teachers,'' which helps address the shortages of math, science and special education teachers in high-poverty schools, and helps military personnel transition to second careers in teaching.

Today, Troops to Teachers is operating in 30 States and has supplied more than 8,000 new educators since the program's inception in 1995.

The Troops to Nurse Teachers Program seeks to address the nursing shortage in the different branches of the military while tapping into the existing knowledge and expertise of military nurses.

The goals of the Troops to Nurse Teachers program are twofold. First, the program will increase the number of nurse faculty members so nursing schools can expand enrollment and ease the ongoing shortage. both in the civilian and military sectors. Second, the Troops to Nurse Teachers program will help military personnel make successful transitions to second careers in teaching, similar to Troops to Teachers.

The program offers incentives to nurses transitioning from the military to become full-time nurse faculty members, while providing the military a new recruitment tool and advertising agent.

For service members who already hold a master's or Ph.D. in nursing or a related field, the military will provide career placement ass1stance, transitional stipends, and educational training from accredited schools of nursing to expedite their transition.

Officers who have been involved in nursing during their military service are eligible for scholarships to become nurse educators. In exchange, recipients of scholarships agree to teach at a school of nursing for 3 years.

Active military nurses can complete a 2-year tour of duty at a civilian using school to train the next generation of nurses. In exchange, the nurse officer can agree to serve longer in the military or the College of Nursing can offer scholarships to nursing students who commit to enlisting in the military.

Retired nurse officers can accept appointments as full-time faculty at accredited school of nursing, without giving up their full retired pay.

This amendment is supported by 20 nursing organizations, including: American Association of Colleges of Nursing, American Organization of Nurse Executives, American Nurses Association, National League for Nursing, American College of Nurse Practitioners, and the American Association of Nurse Anesthetists.

The Office of the Secretary of Defense, both Personnel and Recruitment and Health Affairs, support the program, as do the Nurse Corps of the Departments of the Army, Navy, and Air Force.

With the aging of the baby boom generation and the long-term needs of our growing number of wounded veterans, the military and civilian health care systems will need qualified nurses more than ever.

The Troops to Nurse Teacher program will help to alleviate the shortage of nurse faculty and ultimately help make more nurses available for both civilian and military medical facilities.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3129) was agreed to.

Mr. DURBIN. Mr. President, I thank the Senator from Alaska and Hawaii for their cooperation.

I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I talked with the managers. I ask unanimous consent to speak for 3 minutes as in morning business and then at the conclusion of my remarks that my colleague, Senator WHITEHOUSE, be recognized immediately after me so we can pay tribute to a State legislator and friend who passed away in Rhode Island.

Mr. STEVENS. Reserving the right to object, and I do not object, will the Senators tell us some timeframe?

Mr. REED. I anticipate it will not be more than 5 minutes for myself and Mr. WHITEHOUSE. That will be more than enough.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. REED and Mr. WHITEHOUSE are printed in today's RECORD under ''Morning Business.'')

Mr. WHITEHOUSE. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 3144

Mr. DORGAN. Mr. President, I take the floor to speak in opposition to an amendment that is now pending, amendment No. 3144, offered by my colleagues, Senator KYL, Senator SESSIONS, and Senator THUNE.

This amendment will add $10 million to be available for a program called the Space Test Bed. The space test bed is not a particularly great description of what it does, but that is the description of the program. I want to describe why I believe it would be a huge mistake for us to approve the amendment.

First, let me say it deals with missile defense. There is about $8½ billion in the bill, the underlying bill, for missile defense programs, $8½ billion.

We are, even now, buying and deploying national missile defense interceptors that have never been tested against realistic targets, such as targets with decoys and multiple warheads. We will, I think, continue to see, as we have seen before, dramatic cost overruns and test failures.

I recognize the newspaper today, the New York Times, I believe, has a story that says: Missile defense system is up and running.

That is because they apparently had a successful test last week. It hit a target. But it is not the kind of target that would be expected in a real missile attack, were we to have a missile attack. And despite the fact that we are rushing headlong to deploy this missile defense system to essentially create a catcher's mitt for intercontinental ballistic warheads, you find a catcher's mitt, except it is not as simple as a catcher's mitt. This is about hitting a bullet with a bullet.

Now, we have spent a massive amount of money on this, over $100 billion so far. Contrast that with the needs that go unmet here at home.

But to go to the amendment that has been offered, on the space test bed. It is a program to investigate the utility and the feasibility of space-based missile defense systems to complement the ground-based ballistic missile defense system.

In other words, the program would begin to weaponize space. The idea is you can destroy a missile from a system orbiting in space. This program is designed to develop a space-based kill vehicle and to develop command, control, and battle management, communications structures for space-based missile defense.

I am not talking about ground interceptors, I am talking about space-based missile defense, and about eventually launching a number of interceptors from space to test them against the ballistics missiles.

Let me describe what has happened to this proposal. Both the authorizing committee in the House and the Senate have rejected it. Neither Appropriations Committee has accepted this proposal to spend $10 million. In fact, both Appropriations Committees, as I understand it, have explicitly rejected spending this $10 million.

There is no authorization for this program. Does anybody here recall having a debate about an authorization to proceed with a space-based missile program? It has not been authorized.

The disappointing thing about this debate—and we have had this before in the Senate—is this: If you take a threat meter, and look at what are the greatest threats to our country—and, yes, there is such a thing as a threat meter. Our intelligence folks have it. They have it over in the Department of Defense. If you evaluate what are the greatest threats to our country—well, let's think of some threats. An intercontinental ballistic missile with a nuclear warhead. Is that a threat? Yes, sure could be. They exist. Russia has a lot, China has some, a few countries have them.

But we are told the most likely threat to this country comes from rogue nations and terrorist groups. Does anybody think they are going to launch an attack against this country with an intercontinental ballistic missile? Not likely at all.

Yes, the threat meter would show that the lowest possible threat to our country at this point is an intercontinental ballistic missile aimed at our country. A much greater threat than the threat of an intercontinental ballistic missile at 14,000 miles an hour aimed at an American city, a much greater potential threat that almost everyone will admit is a greater threat, is a ship pulling up to the dock of a major American port at 3 miles an hour—not 14,000 miles an hour, 3 miles an hour—with a container on it that might include a nuclear weapon or weapons of mass destruction sent here by a terrorist set to detonate in a major American city.

Contrast, if you will, what we spend to defend against that proposition, that much greater threat, as opposed to the billions and billions, well over $100 billion we have now spent for one of the least likely threats. I am not suggesting missile defense is irrelevant; it is not. We should work on missile defense. But once we put in place a star-spangled, gold-plated ballistic missile defense system, then we will understand that a much greater threat than a ballistic missile is going to be a cruise missile traveling low to the ground at a lower speed, and then we will decide: Well, I guess this catcher mitt we have developed for over $100 billion cannot defend against that, and yet that is a much greater likely threat to our country.

My only point is this: We are spending a lot of money on missile defense. It is money that well could be used in other areas to protect against much greater threats on the threat meter against this country. But as much as we are spending, it is not enough for some. My colleague comes to the floor and says: We need $10 million more, because we need to begin this process of weaponizing space, believing, apparently, that space belongs to us exclusively. It does not.

My hope would be that in a world in which we have thousands, yes, thousands of nuclear weapons—the best guess is perhaps 20,000, perhaps 30,000 theater and strategic nuclear weapons, the loss of one of which to a terror organization will be a catastrophe for the world. In a world in which we have thousands of these weapons, it seems to me that part of our responsibility as a country is to provide international leadership, moving to try to, No. 1, prevent the spread of nuclear weapons to others, and, No. 2, to reduce the number of nuclear weapons that exist in this world. Only then will we feel that perhaps at some point we will eliminate the capability of someone to detonate another nuclear weapon. You know it has been many decades since a nuclear weapon has been detonated against humans. We hope it never happens again. We used nuclear weapons in Japan. There were many casualties who were not soldiers. But, it ended the war. There was great debate about that. But we have, as a country, tried in every way possible to make sure that nuclear weapons have not been used again.

So rather than have an amendment saying, let's spend $10 million to see if we can ramp up some kind of a space-based test module so we can weaponize space, would it not be much nicer if we could actually bring to the floor of the Senate and debate once again the issue of this Senate ratifying the comprehensive test ban treaty. Do you realize that has never been ratified by this country? One of our leadership responsibilities, I think, ought to be to ratify that treaty. We tried some years ago. Guess what. It lost because of people who apparently did not think we have the responsibility to lead the world away from the use of nuclear weapons, away from the testing of nuclear weapons, to lead in a way that prevents others from achieving nuclear weapons, and to begin to reduce the number of nuclear weapons we have in this country.

This issue, this amendment, is not about all of that. It is about one additional piece of the nuclear weapon puzzle and the defense systems that some want to create.

All of us want defense against those kinds of things that would attack this country or do harm to this country, and that includes defenses against missiles. But, as I said, we have spent over $100 billion. We now have a system that, while we are told it has been deployed, has not ever been tested against a realistic threat. And it is a defense against the least likely threat against this country.

But to go one step further and decide that what we want to do is create a space test bed to eventually develop a space kill vehicle, and to about $300 million between now and 2013 on the program, makes no sense to me at all. It has not been authorized. It has been explicitly rejected by the Appropriations Committees for both the House and the Senate. In my judgment, it would be a giant step in the wrong direction, sending a signal to the world that this country is going to embark unilaterally on something that is, in my judgment, very dangerous to our efforts at nonproliferation and stopping the spread of nuclear weapons and finally beginning to end that arms race.

Those are the reasons I strongly oppose the amendment that has been filed, amendment No. 3144. I hope if there is, in fact, a vote on it, the Senate will express itself similarly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the Senator was correct in noting that this amendment was not authorized in the authorizing committees. Accordingly, it was not considered or debated in the Appropriations Committee. Unfortunately, we are not here to fully explain what it all entails. However, we have been advised that this proposal may be the first step toward a program that was rejected many years ago, the so-called Star Wars program of the late President Reagan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3144

Mr. KYL. Mr. President, I rise to speak on an amendment I offered a little bit earlier this afternoon, No. 3144. This amendment has been mischaracterized and, unfortunately, is obviously misunderstood. It happens to be in the missile defense part of the budget. I would be happy to have it included in a different part of the budget if it would make it clearer to people that it is not solely a missile defense program. In fact, in my view, the key value of a space-based test bed is not its ability to enhance missile defense but its unique ability to protect our satellites against a very significant threat posed to them at this time.

My colleague from North Dakota talked about a threatometer—hypothetical, perhaps, but a rational way to examine prioritization for defense spending. If there is a relatively low-level threat, we might want to set a lower priority in funding to protect against it than a threat that is of higher possibility. By the same token, if almost everything you do in military activity is dependent on one thing and that one thing is vulnerable, you obviously want to protect that one thing. That is the priority we are not attaching to the defense of our satellites in space, which are critical, vital, of immeasurable importance, not just to everything our military does but a great deal of our economic activity as well. It is the ability to defend our space assets from attacks either on the ground or in space that the space-based test bed is significantly designed to do research work on.

Let us understand, the space-based test bed is merely a research tool to understand concepts that are first developed terrestrially on the ground and, if proof of concept is suggested as potentially valuable, lift it into space to see whether it works there as well, to see whether maybe a defensive system can be devised to protect our satellites in space or to provide protection against intercontinental ballistic missile attack and, if so, to have a program developed and designed and then researched and ultimately perhaps produced and finally deployed, all of which is years down the road.

All we are talking about is a proof of concepts basic research program of only $10 million in cost. To have it zeroed out because of some belief that we don't need to spend any more on missile defense misses the point.

Let me go back to what I was talking about. I received a briefing 2 days ago, a highly classified briefing that, frankly, scares me to death. But there is enough we can talk about that is unclassified to make the point. As I said, almost everything we do in military fighting these days in one way or another depends upon our satellites. Our troops communicating with each other, the Air Force dropping a bomb on a precise location, doing intelligence surveillance, the GPS system which is installed in virtually everything we do now—all of these things are reliant on satellites. That is not to mention all the communications and financial transactions and all of the other things we depend upon every day, every communication device—almost every. I shouldn't say ''every,'' but most of the communications devices we have, whether they are used in the military or in our private lives, the means of sending signals to do things back and forth, the airplanes that fly through the sky—we could go on and on about our society's dependence today on communication from satellites. We have to protect those satellites.

There are a lot of ways of attacking them. They are all relatively cheap. It is called asymmetrical warfare because a country that may not be able to beat us on the battlefield with tanks and planes and submarines and so on knows all it has to do is literally pick up the sand and throw it in our eyes and then we can't fight, no matter how big and strong we are. That is what they do if they knock out our satellite system.

How do you do that? There are a lot of different ways. The Chinese recently demonstrated to us a brute force way. They simply sent a missile up and blew up a satellite. They did that to one of

their old weather satellites. It left a lot of debris in the sky. There are laser technologies to lase the satellite, which can be done from the ground but more effectively, if you can, from space because there you don't have the air disruptions to divert the laser beam. You have directed energy. You have radio kinds of jamming or electronic jamming. This can be done either from the Earth or in the sky or, frankly, from space. Doesn't it make sense for us to have the capability to stop the destruction of our satellite system on the first day of a war where we rely upon all of that to do what we need to do?

Let me take a hypothetical. I don't mean to disparage any particular nation by engaging in a little bit of hypothetical war-gaming here, but it has been no secret that the Chinese Government would like to see Taiwan reunited, in their view—in any event, brought within the Chinese Government sphere. Both the Chinese military and the American military, as well as the Japanese and Taiwanese and others, have developed weaponry that would be useful in any kind of conflict that might evolve in that situation. But it is very clear that the Chinese have thought about how to keep the United States out of such a war for at least 2 or 3 days, giving them the time they would need to actually take over Taiwan. How do you do that? Well, we won't discuss all the ways it could be done, but the Chinese have developed certain weapons that would be problematic for the United States to deal with, one of which is an ability to attack our electronics and our satellites. Right now, we have very little in the way of defense against that. What the space-based test bed concept would do is begin to give us an understanding of what might be possible for part of that defense.

That is not the end of it. We still would have to protect against something like a jammer from the Earth or perhaps a laser from the Earth. But to the extent that a missile launched from the Earth against one of our satellites would pose a threat, space-based test bed research might be able to find a way to stop that. To the extent that it is a Chinese satellite in space, for example, we might be able to find a way to stop it.

It seems to me to make no sense to say that on a threat which may not be the most likely threat in the case of everyday happening but which would be absolutely devastatingly destructive if it ever happened—and it is not hard to postulate a situation in which it could happen—to say we are not going to spend any money on defending our satellites makes no sense to me.

I have heard that one of the reasons some groups are opposed to this is their fear that somehow or other we are going to weaponize space. Let's deal with that right now. First, an intercontinental ballistic missile against the United States or against one of our satellites is a weapon in space. We are not weaponizing space if we try to defend against that. That is a ludicrous argument. We wait until somebody else fires an ICBM against us and then we decide we better defend against that, and if we can somehow get something up into the atmosphere, well, that is a weapon in space, but it is probably a pretty good idea to stop their weapon in space. If we send up an interceptor missile, that is a weapon in space.

Suppose the Chinese decide, instead of destroying one of their weather satellites, they are going to destroy some of our satellites that provide the means of communication and the means of directing weapons and the means of identifying the battlefield and of surveilling it, they are going to destroy some of our satellites by sending up a missile that has already destroyed one of theirs, so it is clearly capable of doing so. Let's say we have found that we can, by using this test bed, provide maneuverability of our satellite so it can move out of the way, or we have found that we can actually add to it a defensive kind of laser or a defensive kind of jamming device that prevents the Chinese missile from actually hitting or destroying the satellite. Why wouldn't we want to do that even if it has some kind of a little steel ball in it that—because of the vacuum in space, it doesn't take a lot of force to get something moving at a very high rate of speed. You could eject that steel ball and have it intercept a missile that is coming up toward the satellite in order to destroy the missile before it can destroy our satellite. What is wrong with thinking about solving the problem?

We are not talking about developing anything. We are not talking about deploying anything. In fact, before you even do more research in space, it would have to be confirmed in concept on the ground. Is there such a fear of defending ourselves that we don't even want to think about how to do it in a situation where it would be critical to an attack against us? I don't understand the argument against this.

Let me make a couple other points. The deputy commander of STRATCOM said in testimony before the House Armed Services Committee last year:

> Space capabilities have revolutionized the way we fight today.

He went on to describe a variety of ways in which this is true. I have talked about some of them. I have noted that in the civil sphere, satellites enable our ATMs, the financial markets, our truck fleet management. I just met with the CEO of the largest trucking company in the United States, Swift Trucking. He said they have GPS satellite on every one of their trucks. They can tell exactly where every one of their trucks is at any given time, and this enables them to manage their fuel mileage so they are environmentally good. They don't exceed the speed limit. They can get them to the destination by the shortest route. All of this is done by satellite, as are credit card validations. Our first responders rely significantly on this. The next generation of air traffic control, I mentioned before. I could go on and on.

The general's point is that it is not just in military activity but our civilian life as well. But he makes the point that with regard to the military, loss of our space capabilities would be devastating to our military.

I mentioned China, but countries such as Iran and Libya have also attacked satellites in recent years, as have other countries. I mentioned jamming, direct descent antisatellite weapons, directed energy, laser weapons—all of these have been proven, at least conceptually. Over 20 nations now have ballistic missiles, and under the right circumstances, these can destroy satellites. They can also come through the atmosphere carrying a weapon and blow it up over American soil or they can create an electromagnetic pulse explosion in the atmosphere which would also explode electronics. Since the year 2002, there have been an average of 90 foreign ballistic missile launches per year. Last year, there were 100. This is not a theoretical concept; this is a capability many countries have and have tested.

Obviously, if we are trying to defend against a ballistic missile threat, having some capability in space could be very helpful. We would have to have the debate about weaponizing space at a future time, if a proof of concept through the space-based test bed were ever developed. That is a fight we could have. I would be happy at that point to engage my colleague, who has talked a little bit about that political issue, but it is very premature to talk about that in the context of what we are trying to do here today.

I mentioned the Iranians. They have a Shahab-3 missile with a range of 1,300 kilometers and another one with a range of 1,900 kilometers. According to our intelligence community, they could have long-range capability in just a few more years. This could evolve into any of the kinds of threats I just mentioned a little bit ago.

So what this space bed does is explore the survivability, affordability, the deployability, and the operability of the different types of capabilities that could be based in space. As I said, it begins with the terrestrial proof-of-concept stage that would take several years to complete. It would be years before orbital testing would even be considered, and the Congress will have all of that time to debate whether we want to move forward with any of these things. But at least we would be doing so with knowledge, with facts, with data, and not merely speculation.

Some fear that in one way or another the program might morph into something we do not want it to morph into. We cannot engage in that informed debate today. What this program would do is enable us to engage in that informed debate.

After one more comment, I will ask unanimous consent to have a letter printed in the RECORD dated July 6 of this year by GEN Henry Obering that talks about the need for the space test bed and describes at least what its capabilities would be, at least in the context of missile defense.

The last thing I want to do is I want to go back to the Chinese because they are among the countries that have demonstrated the most interest in taking out our satellites.

A Chinese military analyst recently wrote that space is ''the U.S. Military's 'Soft Ribs', A Strategic Weakness'' and that ''for countries that can never win a war with the U.S. by using the method of tanks and planes, attacking the U.S. space system may be an irresistible and most tempting choice.''

We already cut significant parts of our space program. The space tracking and surveillance satellites were cut $55 million under the SASC bill and $59 million by the Armed Services Committee bill. There is a classified program that exists that was further cut, and the Defense Department's Space Radar Program was cut significantly. The defense committee cut $200 million from the TSAT Program, which is a communications satellite for military communications traffic.

But General Obering has said the space test bed ''is a proving ground for concepts and integrated technologies. . . . Exploration of alternative implementation architectures is a critical part of the Space Test Bed. . . . Ultimately, policymakers will decide to deploy or not. However, the policy debate would be greatly improved if informed by a quantitative understanding of the issues. The Space Test Bed will provide essential decision support.''

So that is why we should not zero out this program. A very modest $10 million investment could help us begin a process of deciding whether concepts are worth pursuing. Given the fact that our satellites are almost absolutely vulnerable to a variety of different kinds of attacks, I ask whether my colleagues are willing to vote against a mere $10 million to begin the basic research to see whether there are not some ways we might want to eventually pursue to protect those satellites.

I hope my colleagues will seriously consider this amendment.

Mr. President, I ask unanimous consent that the letter I referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE,
MISSILE DEFENSE AGENCY,
Washington, DC, July 6, 2007.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: Thank you for your June 28, 2007, letter requesting my thoughts on the decision by the Senate Armed Services Committee to zero out funding for the Space Test Bed. I appreciate the opportunity to respond to your concerns.

Space-based missile defenses—as one tier in an architecture of mutually reinforcing layers—could provide on-demand, near global access to ballistic missile threats, free from the obstacles of geography, strategic warning time, or the politics of international basing. Space-based defenses would apply early pressure on launches from land or sea, depriving adversaries of free rides into mid-course with increasingly advanced countermeasures.

The Space Test Bed is not an acquisition program for space-based missile defenses. It is a proving ground for concepts and integrated technologies that might someday enable a space-based layer in the BMDS should the data indicate feasibility (survivable, affordable, deployable, operable) and if future policy decisions permit. Exploration of alternative implementation architectures is a critical part of the Space Test Bed.

The Missile Defense Agency can determine technical and operational feasibility in the Space Test Bed. Ultimately, policymakers will decide to deploy or not. However, the policy debate would be greatly improved if informed by a quantitative understanding of the issues. The Space Test Bed will provide essential decision support.

Network Centric Operations, combined with in-hand lightweight Kill Vehicle components and high performance liquid propulsion, are at the heart of high speed, low mass, highly maneuverable access to targets in their boost and post boost phases of flight. This reference concept exploits an infrastructure of communications, sensors and fire control utilities that are already in place or under development to support global terrestrial engagement. Space Test Bed efforts will use this concept as the point of departure.

The centerpiece of the Space Test Bed is a terrestrial Proof of Concept phase. Proof of Concept does not validate a specific design, but is instead a functional proof of feasibility. In the Space Test Bed, critical operational and technical issues are resolved on the ground to the maximum extent possible. Orbital testing—conducted only after notification to Congress as required—would occur in the years beyond the terrestrial Proof of Concept to resolve the limited subset of space basing issues that would otherwise be irresolvable.

Fiscal Year 2008 Space Test Bed funding of $10 million is intended to identify alternative architectural options for a space-based missile defense layer and to set the stage for subsequent experimentation and demonstrations. Fiscal Year 2008 activities address the following questions:

What are the essential components and interfaces of a space-based missile defense layer and how does the space layer fit into the BMDS? What is the concept of operations and what are the detection-to-intercept functional timelines? What is the payoff to the BMDS of a global, on-demand, early intercept layer?

How much would a space-based missile defense layer cost, including lift, ground segment support, and period replenishment of the constellation?

How susceptible would a space layer be to countermeasures? In particular, can a space-based layer survive against a determined effort to suppress the defense, to include direct ascent or co-orbital ASATs and nuclear detonations in space?

What are the critical technical and operational issues that must be resolved by analysis, experimentation, demonstration, and fundamental engineering data collection in the Space Test Bed? Beyond Fiscal Year 2008, what activities would be most appropriate to the resolution of each issue? What components and subassemblies would have to be procured? What instrumentation would be required? What facilities and range support might be needed?

The Space Test Bed is designed to assess the feasibility of a space-based missile defense layer against the day when one might actually be needed. It is not a crash effort designed to produce answers by an arbitrary date and will be purposely designed to support the policy debate with real data and concrete assessments of capability.

Please contact Mr. Timothy Coy, Director for Legislative Affairs, if you have any additional questions.

Sincerely,

HENRY A. OBERING III,
Lieutenant General, USAF, Director.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I want to speak in favor of the Kyl amendment, but I do not want to step in front of the speaking order. I wonder what the speaking order might be?

The PRESIDING OFFICER. There is no order.

Mr. ALLARD. Mr. President, I think the Senator from North Dakota was here before me.

I ask the Senator, does he want to speak?

Mr. DORGAN. Mr. President, I did speak prior to Senator KYL. I would like to speak for about 5 minutes in response, but I will be happy to wait.

Mr. ALLARD. No. I say to the Senator, go ahead and speak. Then I will follow.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. SALAZAR. Mr. President, will my friend from North Dakota yield?

I am just trying to get some order here in terms of the sequencing. I understand the Senator from North Dakota wants to go for about 5 minutes. I was wondering how long my friend from Colorado might want to speak.

Mr. ALLARD. Mr. President, I request 10 minutes.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order be, then, that following Senator DORGAN and his comments and Senator ALLARD and his comments, Senator MENENDEZ be recognized to offer an amendment, and following that, I be allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. VITTER. Mr. President, reserving the right to object, I just ask if folks would be willing to amend that unanimous consent request slightly to allow me to offer an amendment following all of that and to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, first of all, I certainly respect the views of my colleague from Arizona. He and I have had these discussions before. I do not come to the floor suggesting there are not a wide range of threats against our country. I recognize there must be a general who would support this program. You show me any program in the

Pentagon, and I will show you four or five generals who are involved in it and whose careers are attached to it in many ways. It is why many programs continue long after they perhaps should.

But with respect to this issue of the use of space, my colleague, when he began his statement, said this: The space test bed program is not solely—''not solely''—for the purpose of developing a space-based kill vehicle for missile defense. I respect that. But most people understand this space-based test bed is, in the longer term, being developed for a space-based kill vehicle and for space-based missile defense.

Yes, it would have satellite capability and antisatellite capability, for that matter, which will cause some real consternation around the world, in my judgment. But I wonder what would happen if today on the floor of the Senate we were here and we read in the newspaper that the Chinese or the Russians—either—have just passed legislation embarking on a project to develop a space test bed which can be used for the purposes of ballistic missile defense or, perhaps, antisatellite operations? We would have people on the floor of the Senate having an apoplectic seizure: The Chinese or the Russians are trying to weaponize space. How dare they?

Yet we are being told we need to proceed with a program that is not authorized, a program that is not appropriated in either the House or the Senate, because it is just research. The problem is, I have seen this ''just research'' sort of thing go on with all of these programs and projects. We know where this ''just research'' is leading to. The ''just research'' is the desire of some to develop a space-based antimissile program. It is not enough to have a ground-based system; they want to put it in space.

I am just telling you this: Do you think the rest of the world is going to sit by and say: OK, that is all right. Just stick a test bed up there. Do a little research. Then put a kill vehicle up there. That will be all right. It won't bother us very much.

Look, we have thousands of nuclear weapons. We have nuclear delivery vehicles all around the world. I am, frankly, at this moment much less concerned about a delivery vehicle that is traveling 14,000 miles an hour than I am a rusty Yugo car sitting at a dock in New York City with a smuggled small-yield nuclear weapon from the Russian arsenal in it. That is what I am concerned about.

Look at the threat meter against this country—and, yes, there is really a threat meter. People have evaluated: What are the greatest threats and what are the lesser threats? Look at the threat meter and evaluate what the greatest threats are against this country. Those are the threats we are spending the least amount of money defending America against. Yet we spend over $100 billion for ground-based interceptors in the national missile defense program as it has morphed into other programs to protect against an intercontinental ballistic missile.

We are told the great threat against our country comes now from rogue nations and from terrorist organizations. Does anybody really think a rogue nation or a terrorist group is going to attack us with an ICBM? Isn't it more likely, isn't it increasingly likely the threat will come in other ways? And isn't it true we are responding to that with much less money? We are responding to the lesser threat with more money, the greatest threat with less money. I do not understand that.

My colleague indicated that laser technology, for example, is more effective against a satellite if it is space-based laser technology.

So we put up a test bed, do a little research, put some technology up there with laser capability, and so do the Chinese and so do the Russians. Now you have two other systems up there much more effectively able to knock down a satellite. Wouldn't it be much smarter for all three of us to decide we are not going to weaponize space, we are not going to take an arms race to space?

That is why I say we have responsibilities in the world as a leader, the preeminent nuclear power in the world. We have responsibilities to decide this has to be an international discussion. I believe our greatest responsibility right now as a country is to lead in the direction of deciding we are going to try to reduce the number of nuclear weapons, prevent other countries from getting nuclear weapons, and try to shut down this potential to move weapons into space. That ought to be our responsibility. That is what will make this a safer world.

So my hope is we will defeat this amendment. I think this is a program which has justifiably been ignored by the authorizing committees and the money for which has been deleted by the appropriations committees. I appreciate very much the work of the appropriations committees to delete the $10 million that has been requested for the space test bed. I think that is the right choice for our country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise in support of the amendment of my good friend from Arizona to restore funding to the Missile Defense Agency's space test bed program.

The committee currently provides no funding to the program in this bill. Cutting this program will eliminate the ability to identify alternative architectural options for the space-based missile defense layer that sets the stage for any and all subsequent experimentations and demonstrations.

I do not think this issue is as simple as my colleague from North Dakota mentioned. I think that no matter what we do, our adversaries will continue to try to figure out ways to disable our space capabilities. If we do not watch it, we are going to find ourselves on the short end. I do not think it speaks well for the future of this country.

Think of the assets we have in space. It is not all related to missile defense. Think of our telecommunications systems, our telephone systems. Think of our systems where we are doing mapping from out in space, for example. The fact is, this country is building more and more of its infrastructure on the concept of some sort of interaction with assets in space. We need to be prepared to defend those assets.

This is not something we can deal with at the last minute. We need to be thinking: Where are our vulnerabilities going to be 15, 20 years down the road? Because you just cannot click your fingers and decide you are going to have all the technology there and the assets you need. We need to prepare today to begin to think about our vulnerabilities and prepare for those potential risks we may be faced with in the future. I do not think we can ignore the fact that China set up a missile and destroyed a satellite in space. What do you think the message is there? That is happening no matter what we do. We have a lot of assets in space, some of it is defense related, some of it is not. But it is this test bed that will help us develop the technology that will allow us to protect those vital assets we have.

Essentially, by rejecting this amendment, we would be choosing to cut the legs out from underneath the program of missile defense and delaying the possibilities of reaching future missile defense superiority. But I think it is more than that. Cutting off funding to the space test bed now is the first step of a new direction for MDA that moves away from exploring the future interceptions in space.

Supporting Senator KYL's amendment to restore the program at $10 million is not an unending commitment to achieving a space-based missile defense system, but it allows a study of concepts and integrated technologies that will someday, perhaps, enable a greater space-based layer in the ballistic missile defense system. But it is more than just that; it is protecting our other space systems and continuing to refine and develop those capabilities. Without funding our space programs, I think we are limiting our future national security options and we are putting our assets in space at risk.

On a broader scale, I am concerned that the rejection of this amendment would serve as a precedent in future years to provide further cuts to missile defense programs. Obviously, we are no longer involved in the Cold War, which prompted the creation of our missile defense programs, but we now face new threats from enemies who are anxious for our demise.

As we all know, last July, I will reiterate, North Korea tested an intercontinental ballistic missile that they had hoped could reach the United States. Iran is also testing ICBMs and is projected to have the ability to reach continental Europe and potentially the United States by 2015. Certainly, I do not need to reiterate the comments Iran's President directed at our Nation and Israel.

The Space Test Bed is a study for technology that could protect us in the future, and a space-based system that protects our satellites and our space assets, and it enables us to have that protection. Cutting off funding for this study and ignoring this future threat is simply irresponsible, in my mind.

General Obering, regarding last week's missile test, asked the question:

> Does the system work? The answer is yes to that.

General Obering also said:

> Is it going to work against more complex threats in the future? We believe it will.

That is his opinion. I think we have more to be concerned about than just missile defense. Obviously, I am a strong proponent of that and everybody knows where I come from and how essential I think that is to protecting this country and assuring the security of this country in future years. But even more important, we have to be working on this technology to protect our other space assets that we have flying around up in the sky that are helping us with telecommunications, helping us with the GPS, which we have become more and more reliant on, and other infrastructure that we have been developing.

So I hope the rest of the Senators will join me in supporting the Kyl amendment. I don't think we can continue to ignore the threat to our assets in outer space, and that is why I rise to support the Kyl amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, after discussing this matter with the Senator from Arizona, I have had my staff do some research. The following may be of interest to the Senate: This bill has fully funded the President's budget request for space-based and space-surveilling satellite systems; for example, in the Air Force research and development alone, in excess of $585 million. We have funded above the President's request in the Air Force research and development; for example, $15 million for space situational awareness programs, $5 million for space control test capabilities, and $7 million for the RAIDRS program, a total of $27 million.

I cite this so we will not get the impression that we are not funding anything for space and satellite defense, et cetera.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3198

Mr. MENENDEZ. Madam President, I ask unanimous consent to call up amendment No. 3198.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from New Jersey [Mr. MENENDEZ], for himself and Mr. SALAZAR, proposes an amendment numbered 3198.

Mr. MENENDEZ. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3198

> (Purpose: To authorize the expenditure of funds appropriated under subsection (b) of the Border Security First Act of 2007 to address any border security issue, including security at the northern border)
>
> At the appropriate place, insert the following:
>
> SEC. ____. Notwithstanding any other provision of this Act, amounts appropriated under subsection (b) of the Border Security First Act of 2007 may be used to address northern border fencing as well, wherever the greatest security needs are.

Mr. MENENDEZ. Madam President, I offer this amendment with my colleague, Senator SALAZAR from Colorado, because we both feel passionately about the security of our country.

Earlier this afternoon the Senate voted on an amendment to provide funding to create greater security along the border between the United States and Mexico. I voted for that amendment because I recognize we certainly have to do more to protect our borders and, more importantly, because it had monies for employer verification efforts as well. At the same time, I recognize it is simply not enough. It was not enough because it made no mention—no mention—of our northern border or the significant security threat that it presents. That is why Senator SALAZAR and I are offering this amendment—to ensure that the northern border receives the same care and attention as does the southern border.

Last week, the Government Accountability Office released a report detailing the serious vulnerabilities of the northern border between Canada and the United States. Shortly thereafter, I came before this body to talk about those vulnerabilities, and I had hoped to raise awareness about this largely ignored problem. What I may not have accomplished last week I hope to accomplish today by offering this amendment.

With all due respect, I question this body's almost single-minded focus on the southern border. Personally, I am sick and tired of voting on amendment after amendment to build a fence between us and Mexico, amendment after amendment sending more Border Patrol agents to the south, amendment after amendment focusing on the gaps in our southern border, without—without—the same attention and the same concern directed toward our northern border.

Last week, the Government Accountability Office reported that given the current state of the northern border, almost anyone could enter our country undetected carrying radioactive material or any other illegal and dangerous substance. Almost anyone could bring chemical or biological weapons into our country across the northern border. That is simply unacceptable. But what is more unacceptable and what is more shocking to me is that this body continues to ignore these findings and instead focuses, as it did today, almost unilaterally on building a fence to separate us from our southern neighbors.

Now, what did the previous amendment have to say about the northern border with Canada? What did it have to say about the current gaps that could allow a terrorist to waltz right in and detonate chemical or biological weapons? Absolutely nothing. That is why we are here today. We are here today to make sure we take care of our northern border, and that we make it just as safe and as secure as our border to the south. We either protect the Nation as a whole or we have not protected the Nation at all.

The problems of the northern border, by the way, are not new. In fact, the 9/11 Commission noted that in 1999, there was one single agent on the northern border for every 13.25 miles. They compared this to the southern border which had one agent every quarter of a mile. So in one case, we have an agent for every 13.25 miles, and in the other case we have an agent for every quarter of a mile. Sadly, however, not much has improved since the 9/11 Commission pointed that out. In fact, currently only 965 agents out of a total of 13,488 agents are stationed in the north—only 7 percent. Such numbers are ludicrous when we consider that our northern border spans over 5,525 miles and is almost three times as large as the 1,993-mile southern border, 3 to 1 odds. That is exactly why the 9/11 Commission specifically recommended that the border between Canada and the United States be strengthened and that immigration controls be tightened.

Now, it doesn't take a rocket scientist to figure out that if you put 13,000, or a little less than 13,000, border agents in one part of the country and you put 965 in another part of the country, and I want to do damage to the country, where am I going to come through? Where I have to face almost 13,000 agents in a third of the space or where I have to face 965 agents in three times the space? Of course, those agents work on a rotational system, so it is not that they are all out there at the same time. So it is a third of those

people who are out there at any given time. It doesn't take a rocket scientist to figure how you do harm.

Even before the 9/11 Commission issued its report, the Office of the Inspector General found serious problems with the security of the northern border. In 2000, the Office of the Inspector General found that Border Patrol agents in northern border sectors experienced more—more—organized criminal activity than agents in the southwest—more organized criminal activity than agents in the southwest. It found that illegal activity in the north was facilitated by the open nature of the border, the unpatrolled waterways, and the vast stretches of wilderness with little enforcement present. It noted that a severe lack of resources prevented the Border Patrol from truly knowing even the extent of the problem.

Sound familiar? It should, because nothing has really changed. Last week, MSNBC had video clips of people crossing the northern border of Canada with bags in their hands, with impunity, totally unobstructed, unprotected.

Make no mistake about it. Northern border security is a serious problem. It has been a serious problem in the past, and it continues to be a serious problem. Just over the last several years, nearly 69,000 individuals have been apprehended crossing over the northern border. That doesn't include the thousands and thousands who cross without apprehension.

Let me remind my colleagues about the millennium bomber. In 1999, the millennium bomber, Ahmed Ressam, crossed the northern border with Canada intending to kill as many American citizens in cold blood as possible. While we eventually stopped Ahmed Ressam from carrying out his plans, we have not addressed the problem that allowed him to enter the United States in the first place.

We simply cannot afford to ignore the problem of our northern border. And we will not, if we pass our amendment; we will be able to address that serious concern. Our amendment ensures that the $3 billion appropriated under Senator GRAHAM's amendment is also available for use on the northern border, wherever the greatest security needs are.

So we urge our colleagues to support this amendment. Trying to secure our Nation by focusing on only one of two borders is a recipe for disaster. We either protect the entire country, or we end up protecting none of it. This amendment guarantees we protect the entire country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Madam President, I rise today to speak on behalf of amendment No. 3198 offered by my good friend and colleague, Senator MENENDEZ and myself. It is a very simple amendment that addresses one of the largest national security issues of our time. It is an amendment which in its simplicity says a lot, but it is, nonetheless, short. It says that amounts appropriated under this section of the bill, for the Border Security First Act of 2007, may be used to address northern border fencing as well, wherever the greatest security needs are.

Let me say that again. It says: May be used to address northern border fencing as well, wherever the greatest security needs are. It is a simple amendment and one which I hope colleagues on both sides of the aisle join in and support its inclusion in this Defense appropriations bill.

I want to step back just for one second and refresh our recollections on debates we have had on the issue of the overhaul of our immigration laws in our country. I think there was broad agreement that we needed to do three things in that particular overhaul. We needed, first of all, to secure the borders of America, to secure the borders of this country. Secondly, we needed to move forward and be serious about being a Nation of laws and making sure we were enforcing our laws in America, that we honor the rule of law in this country. Thirdly, we needed to deal with the realistic solution to the economic and moral issues which are a part of the issue of immigration which still so affects our country.

We were not able to get that done, so the reality of it is that today we have a system which is still in chaos, a system which is in disorder, and we continue to have our national security compromised. We have broken borders in this country which must be fixed. So the amendment offered earlier today, which I proudly supported, offered by my friend, Senator GRAHAM, was an important amendment because what it does is it invests in one of the issues that we need to address with respect to immigration, and that is border security.

It is border security. I supported that amendment in the same way we supported that concept as we moved forward in our debate over immigration reform. What is unfair, frankly, about what we are doing today is focusing only on one border—only on the southern border. There is a great disparity in terms of the kinds of resources we are putting into the protection of the southern border and almost nothing in the northern border. That disparity makes no sense whatsoever when one considers the challenge we face from a national security point of view.

When one considers the fact that the border between Canada and the United States is almost 12,000 miles long—11,986 miles—and there are only 972 Border Patrol agents, and when you consider that number in comparison to what we now have on the border with Mexico, where we have a 1,900-mile border, with almost 12,000 Border Patrol officers, and we have a border that is much longer in the North, for every Border Patrol officer we have in the North, we have 12 in the South to guard a much smaller border.

So the question for us has to be: Are we deploying our resources to where the greatest vulnerabilities are? The GAO, at the request of Senator GRASSLEY and Senator BAUCUS, reported to the Finance Committee in the last several weeks about the vulnerabilities they found on the northern border. They have found, through the investigators at the GAO, that there were people who could come across from Canada into the United States without ever being stopped, with radioactive materials being a part of what could be placed in those duffle bags the agents were carrying across the border. They were able to come across time and time again without anybody ever catching them.

One of the questions I asked the Border Patrol agent was: What is it that the Border Patrol office does in terms of using its resources? He said: We put them where the greatest vulnerabilities are. I would say when we look at the issue of national security, we ought to be putting the resources where the greatest vulnerabilities are. There are resources, yes, we ought to be putting on the southern border, and we have done that. But we cannot ignore the reality of the northern border—the reality that there are 12,000 miles, most of which is now unguarded, where people can come across the border into the United States with impunity and bring with them weapons that would do harm to Americans on American soil.

So this amendment goes a long way toward addressing that issue by saying that the money allocated here for border security should, in fact, be used where those greatest vulnerabilities are.

I will end by simply stating that even in the days after 9/11, when people were looking at the issue of terrorism in the United States, it was the Canadian intelligence service that made the finding that there were international terrorist organizations active in Canada; in making that finding, they were recognizing that one of the things they needed to do for national security was to be much more vigilant with respect to terrorism in Canada. We know that since that time, we have been infiltrated in this country by a terrorist who attempted to come across the border, Ahmed Rasam, an Algerian terrorist, who came into the United States, going into Washington, with approximately 100 pounds of explosives in his trunk. With 100 pounds of explosives in his trunk, he was headed to Los Angeles International Airport. That came from the northern border.

I urge my colleagues to support the Menendez amendment No. 3198 in the interest of making sure we are securing our borders and that we are moving forward with national security that makes sense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 3141

Mr. VITTER. Madam President, I call up amendment No. 3141.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for Mr. SESSIONS, for himself and Mr. NELSON of Florida, Mr. KYL, Mr. LIEBERMAN, Mr. VITTER, Mr. INHOFE, Mr. NELSON of Nebraska, Mr. PRYOR, and Mr. LAUTENBERG, proposes an amendment numbered 3141.

The amendment is as follows:

(Purpose: To enhance United States sea-based missile defense capabilities)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $75,000,000 may be available for Program Element 063892C for the Aegis Ballistic Missile Defense System, of which—

(1) $20,000,000 may be for an increase in the production rate of the SM–3 interceptor to four interceptors per month;

(2) $45,000,000 may be for long-lead production of an additional 15 SM–3 interceptors; and

(3) $10,000,000 may be for an acceleration in the development of the Aegis Ballistic Missile Defense Signal Processor and Open Architecture software for the Aegis Ballistic Missile Defense system.

Mr. VITTER. Madam President, I ask unanimous consent that Senators BAYH and LINCOLN be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, I present this amendment on behalf of Senator SESSIONS, the lead author, as well as many coauthors, including myself, from both sides of the aisle. Senator NELSON of Florida will speak, and Senator KYL, and Senators LIEBERMAN, INHOFE, PRYOR, LAUTENBERG, BAYH, and LINCOLN.

Clearly, this is a very bipartisan initiative and, I believe, a very important one. This amendment would make available an additional $75 million for the Aegis ballistic missile defense system. That is a very important sea-based component of what will hopefully be a multilayered approach to missile defense—to defend our country, as well as our interests and allies around the world.

That money would come from an existing larger pot of funds already in the legislation, already available, for missile defense more generally. Specifically, $20 million of that money could be used to increase the production rate of the SM–3 interceptor; $45 million could be used for long-lead production of an additional 15 SM–3 missiles; and $10 million can be used to accelerate the development of the Aegis BMD Signal Processor and Open Architecture software for the Aegis BMD system. They are all very important components to the overall Aegis system and moving forward with this sea-based component of our missile defense.

This amount that would be made available under the amendment is precisely tied to the amount and the activity authorized in our National Defense Authorization Act—the chairman's mark of that—which passed the Senate on Monday. Similar increases for this proven capability were also included in the House Defense authorization and appropriations bill—a clear indication that this is a broad, bipartisan priority, a very important priority in terms of our overall missile defense network.

The additional funding that could be made available by this amendment would increase the production rate of the SM–3 missile interceptor, which is carried aboard Aegis destroyers and cruisers. There are about two dozen of these missiles in the inventory today, and this number is expected to rise to 132 by the end of 2013, which is not nearly enough to keep pace with the threat. That threat is very real and it is growing. That has been identified and documented by our military leaders.

In fact, they said there is a need to nearly double the number of planned interceptors. To be sure, North Korea alone deploys 600 short-range ballistic missiles and 200 medium-range ballistic missiles that can reach U.S. forces in Japan, South Korea, Okinawa, and Guam. Similarly, Iran deploys scores of short- and medium-range ballistic missiles and, of course, both entities are developing longer range systems that could target Europe or even the United States.

I believe this is very important. We need a multilayered approach to missile defense. We need to accelerate the development of that, and this Aegis system, which is sea-based, is a very important part of that. It is important to do it; it is important to send the message loud and clear to our allies and enemies around the world that we are doing it.

In closing, I thank Senator SESSIONS for his leadership and also Senator NELSON of Florida, who will speak very soon, and all the other bipartisan cosponsors of this important amendment.

I ask unanimous consent, first—because he approached me first—for Senator KYL to have up to 5 minutes to respond to other debate on the Senate floor and then, immediately after that, Senator NELSON of Florida to speak for an appropriate time on this Sessions-Nelson amendment No. 3141.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

AMENDMENT NO. 3144

Mr. KYL. Madam President, I wish to respond to four quick points made in reference to my amendment, which is amendment No. 3144. First, the chairman of the committee, the Senator from Hawaii, said we have funded many space programs, and he mentioned the Space Tracking and Surveillance System and Space Situational Awareness Programs. That is true, except that they cut $55 million out of the STSS Program. The key point is that those are situational awareness and tracking programs, not defensive programs. There is zero in here for the defense space test research program. That is what I am talking about—not situational awareness and tracking but an actual Defense research program.

Secondly, the Senator from North Dakota first responded to my argument and the fact that I had quoted General Obering's support by saying he is not surprised that the Kyl amendment is supported by a general, that they usually are because their careers depend upon programs. Frankly, I am astounded by this ad hominem attack. Let's attack the substance of the program, not the general who supports it. We cannot trust our generals? Is that what is being said? We ask them to devise ways of protecting us from attack, and that is the thanks they get.

Let's turn to the substance of the argument. Two primary points were made by the Senator from North Dakota. First of all, because the space-based test bed program could evolve into a space-based missile defense, regardless of its other benefits for satellite protection, we should not fund the program. Well, my first reaction is, God forbid that we would develop a program to defend us from intercontinental ballistic missiles. We would not want to do that. Of course, the point is there are years of decisionmaking between the time that a space-based test bed program evolves into concepts and potential programs and the research evolves into specific proposals and the time that the Senate would ever vote on them.

Does the Senator have such a lack of confidence in his ability to stop such a horrible thing—space-based defenses—that he is not even willing to allow a program to be funded to develop conceptual programs to defend our satellites in space, which presumably we all favor?

Finally, the last argument was, well, the nations of the world would be better to get together and have an agreement not to develop weapons in space. There are two answers to that. First of all, what is a Chinese missile flying through space to hit a satellite called? That is what they did. As the Senator from Florida and I discussed the other day, that they left a lot of space debris is a problem in the wake of that attack. What is a missile flying through space to hit another country's satellite called? Is that a weapon in space? Are we so afraid of defending our satellite assets that we don't want to defend against a satellite killer missile from a country coming up from the ground into space that hits our satellite? Would we not want to defend it from space?

That is a ludicrous argument. I don't believe we are going to get the countries of the world together to join in a treaty to have them forget programs

that they have already been developing—the Chinese in this particular case—because they want to have an asymmetric way of destroying our satellites.

The bottom line is this: The United States better get serious about defending our eyes and ears in space and now the satellites that direct so much of our military activity. Other countries have the ability to turn off the light. They know where the switch is. In times of war, we cannot be blind and deaf and be denied our space assets. And yet virtually by turning off the switch, other countries have that capability. Isn't it about time we begin the first steps of developing a capability against that?

I note, by the way, that the $10 million program out of a budget for missile defense of over $8 billion is hardly enough to color general Obering's claims that this would be a good program for us to begin research on.

I hope my colleagues, when this amendment is voted on, will think about the future, will think about the fact that they have plenty of opportunities to stop a program should it ever evolve into a space-based missile defense program. If they want to stop that, stop that, but don't use that as an argument to stop research on a satellite protection program.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I wish to respond to the Senator from Arizona. Yes, the Chinese ASAT test is a threat and is particularly a threat because it could knock out our satellites, and it has left a lot of debris up there that can destroy everybody's satellites if there is a collision.

If I could get the attention of the Senator from Arizona, I say to him if what he wants to do is to protect our space assets, there are other parts of the defense budget to which it should be addressed instead of the national missile defense part of the budget. There is a part that is handled under the strategic command called space situational awareness that would be more appropriate to address the issue of protecting our space assets. Most of that is highly classified and cannot be discussed here.

By the Senator from Arizona wanting to put this amendment into the part about national missile defense, it takes us back to the old idea of star wars and the starting of weaponization of space.

I suggest to the Senator that we can work this out, but it is not going to be able to be done right here in a few minutes on the floor, given the classified nature of a number of these programs.

I urge the Senator, if his intention truly is the protection of space assets, for us to consider those other programs that are now in development and not to take his amendment to a vote, which this Senator would then have to oppose.

I yield to the Senator for his response and any questions without yielding the floor.

Mr. KYL. Madam President, I was going to suggest that, and I appreciate the Senator's comments. I am aware of the situational awareness programs. The point I was trying to make earlier in response to the distinguished chairman of the committee is this is not a situational awareness program. This is a program that could actually result in the development of defenses for our satellites, a lot of different potential concepts.

The concepts that would protect the satellites from space, of course, are different potentially from the concepts that would protect them from the ground.

I am happy to have a different line in the budget, if that is going to solve the problem. But what I don't want to do is to have the money allocated simply for tracking or surveillance or situational awareness as opposed to researching development of potential defenses.

I wonder if my colleague will respond.

Mr. NELSON of Florida. Madam President, by the Senator from Arizona wanting to put this as a part of a proposed space test bed, that is clearly understood, and that is why all four of the Armed Services and Appropriations Committee bills eliminated this $10 million for the proposed space test bed because that is the initial step toward deploying space-based interceptors for missile defense. So everybody understands what that means, the space test bed is intended to deploy weapons in space. If that is not the Senator's intention, then we ought to look to this space situational awareness which is the question of us protecting assets in space.

Mr. KYL. Madam President, if I may respond to the Senator, part of defending a satellite against an attack is being aware the attack is pending, is about to happen, or is happening. But if all you know is that I am being attacked and you are not capable of defending yourself, the knowledge you are being attacked is of little use. So this is not a matter of surveillance or situational awareness; it is a matter of developing defenses.

I guess I would put this question to my colleague: As an abstract principle, would my colleague favor or oppose the concept of a space-based defense of satellites of the United States that have military uses, in other words, a defense that would be perhaps based on the satellite itself to jam signals as some weapon homes in or that would create some kind of effective shield of electromagnetic pulse or other kind of electronic defense or even a kinetic kind of defense for the satellite if it is under attack, perhaps some kind of shielding against a laser attack? In other words, all different kinds of attacks that might come.

As a hypothetical matter, would my colleague not agree that it would be very useful and appropriate, even if those defensive capabilities are located in space, for us to be able to protect our satellites in that way or would my colleague consider those to be space-based weapons that are impermissible?

Mr. NELSON of Florida. Madam President, I want to be careful in what I say because under some highly classified programs, this Senator simply cannot discuss these matters. If the Senator wants to press his amendment to a vote, this Senator suggests he is not going to have the votes, and if what he is saying is he wants to protect space assets, there are programs that are being developed in this country to do exactly that. And that is all this Senator can say.

Mr. KYL. Madam President, let me say, first, I am aware of what is being done to protect our assets, and we don't, as has been said before on the floor of this Chamber, have defenses for our satellites in space today by an attack by another country. We have to work in this area. The space-based test bed is one of the places in which we could develop proof of concept that could be effective both for our satellites and, yes, also for an attack by a hostile missile because that is where this program started, it is in the missile defense budget. But that doesn't mean if I drop this amendment, for example, as the Senator is suggesting I do, that, therefore, we can forget about the need to protect our satellites because everything is taken care of. We have a need to develop concepts which include the ability to test, first, terrestrially and then in space, proof of concept that would provide for defenses, that would both protect satellites and protect against a hostile missile attack.

For the life of me, I don't see why my colleague can so confidently predict that my amendment will not have the votes to be adopted simply because on down the road many years from now it is theoretically possible that a concept would be developed to protect against a hostile missile attack with some kind of a space-based program.

Mr. NELSON of Florida. Madam President, I wish to say—and all I am allowed to say—and let me tell the Senator I don't think he has read into all of the programs—if he would so like to be, then he ought to pursue this discussion not in this open forum.

I will further say the proposed space test bed in a missile defense program is a missile defense program, not a space asset protection program that the Senator from Arizona is saying it is. Therein lies the difference.

If he is going to insist on pressing his question—somewhere out here we have to have some mutual trust and understanding. I cannot satisfy the Senator by virtue of me being limited in what I can tell him in this open session. So I will leave it up to the Senator as to whether he wants to press his amendment.

Madam President, I need to speak on the other amendment, on Senator VITTER's and my amendment.

I yield the floor for the purpose of the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, the debate suggests very strongly that there is much uncertainty in this amendment. Therefore, I move to table the amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3144 WITHDRAWN

Mr. STEVENS. Madam President, I ask unanimous consent that amendment No. 3144 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Mr. REID. Madam President, I appreciate that very much. As when I announced this bill, I indicated we had two of our most senior Members managing it, with great experience, and here is an indication of what I was talking about. This is a time when these two men understand this bill more than anyone else, because they have managed it for so many years. I appreciate their management on this, and we hope to be drawing this bill to a close.

VISIT TO THE SENATE BY MEMBERS OF THE EUROPEAN PARLIAMENT

Mr. REID. Madam President, one of the privileges I have as majority leader is the opportunity to welcome, on rare occasion, fellow legislators from various places. Today, we are fortunate to have legislators from the European Parliament who are here as part of a regular transatlantic legislative dialog. It is very important. This is a tradition that started in 1972 and has continued every year since.

The current delegation includes members of the Parliament from the newest European Union countries of Romania, Bulgaria, Estonia, as well as from the founding members of Italy, France, the Netherlands, and Germany. We are pleased as well to see colleagues from the United Kingdom, Ireland, Spain, the Czech Republic, Poland, Portugal, and Finland.

The European Parliament today has 727 members who sit in 9 different political groups, not by country, representing the entire political spectrum of Europe from left to right. They work in more than 20 languages, representing 450 million people who elect the Parliament in free and democratic elections every 5 years.

It wasn't very long ago that some of these nations represented by our colleagues here today broke free from totalitarian communism. Now they are participating in the European Union as full and equal members, enjoying the benefits of growing market economies and stable democratic governments under the rule of law.

Madam President, I ask unanimous consent to have printed in the RECORD the names of our colleagues from the European Parliament.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EUROPEAN PARLIAMENT

DELEGATION FOR RELATIONS WITH THE UNITED STATES

63rd EP/US Congress Interparliamentary Meeting, Transatlantic Legislators Dialogue

(3–8 October 2007, Washington, DC and Nevada)

Mr. Evans Jonathan, Chairman, PPE–DE, United Kingdom; Mr. Hamon Benoît, Vice-Chairman, PSE, France; Mr. Belder Bastiaan, IND/DEM, Netherlands; Mr. Burke Colm, PPE–DE, Irlande; Mr. Cercas Alejandro, PSE, Spain; Ms. Cretu Corina, PSE, Romania; Mr. Crowley Brian, UEN, Ireland; Ms. Descamps Marie-Hélène, PPE–DE, France; Mr. Duchon Petr, PPE–DE, Czech Republic; Mr. Fatuzzo Carlo, PPE–DE, Italy; Mr. Giertych Maciej Marian, NI, Poland; Ms. Gomes Ana Maria, PSE, Portugal; Ms. Iacob-Ridzi Monica Maria, PPE–DE, Romania; Ms. In't Veld Sophie, ALDE, Netherlands; Ms. Jäätteenmäki Anneli, ALDE, Finland; Mr. Kuhne Helmut, PSE, Germany; Ms. Mikko Marianne, PSE, Estonia; Mr. Millán Mon Francisco José, PPE–DE, Spain; Mr. Nicholson James, PPE–DE, United Kingdom; Ms. Quisthoudt-Rowohl Godelieve, PPE–DE, Germany; Mr. Skinner Peter, PSE, United Kingdom; Mr. Tatarella Salvatore, UEN, Italy; Ms. Zdravkova Dushana Panayotova, PPE–DE, Bulgaria.

Mr. REID. I would advise Senators that our colleagues from the European Parliament are available now to meet on the floor for the next few minutes. I welcome them.

I would announce also, every time I meet a foreign dignitary, I say to them—because they go to Dallas and New York, Chicago, and L.A—that they never go to Nevada. Well, tomorrow they are headed for Las Vegas.

RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:55 p.m., recessed until 5:04 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Nebraska).

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the new Chairman of the Joint Chiefs of Staff, Admiral Mike G. Mullen, has made a statement to our American soldiers, sailors, airmen, marines and their families. I was privileged to get a copy of this, and I think it is the type of letter every Member of the Senate should be allowed to read. So I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To America's Soldiers, Sailors, Airmen, Marines and your families, I am honored today to begin my term as Chairman of the Joint Chiefs of Staff. As I do, allow me to thank you for your service at this critical time in our Nation's history.

Whether you serve in Baghdad or Bagram, Kabul or Kuwait—whether you find yourself at sea in the Pacific, flying support missions over Europe, on the ground in Africa, or working every day at stateside bases—you are making a difference and so is every person in your family. Your service matters. And I do not take it for granted.

The world is a dangerous place. The hundreds of thousands of you who have deployed since September 11th—many of you more than once—already know that. You've stood up to those dangers. You have lost friends to them. You may even have lost some of yourself to them. The dangers of this new and uncertain era have hit you and the people you love squarely in the gut. I will not lose sight of that.

Nor should any of us lose sight of the need to continue serving. The enemies we face, from radical jihadists to regional powers with nuclear ambitions, directly and irrefutably threaten our vital national interests. They threaten our very way of life.

You stand between these dangers and the American people. You are the sentinels of freedom. You signed up, took an oath, made a promise to defend something larger than yourselves. And then you went out and did it. I am grateful and honored, to be able to serve alongside you.

The law says my main job is to advise the President, the Secretary of Defense and the National Security Council on issues of military readiness and capabilities. I will do that. But, I also see myself as your representative to those same leaders, an advocate for what matters to you and your families—your voice in the policies, programs, and processes that affect our National security. I will not forget the impact my decisions have on you.

I will remember that you, too, comprise a great generation of patriots, and that among you are combat veterans with battlefield experience that many at my level have never and will never endure. I will tap that experience. I want to make sure we learn from it.

I am not interested in planning to fight the last war, but neither am I interested in ignoring the valuable lessons we continue to learn from this one. It would be foolish to dismiss the knowledge you have gained. I will not do that.

I know the wars in Iraq and Afghanistan are taking a toll on you and your families. They are taking a toll on our equipment, our systems, and our ability to train as well. I worry, quite frankly, that they are taking a toll on our readiness for other threats in other places.

But that does not mean our struggles there are not important. They most certainly are important. They are vital.

To the degree the wars in Iraq and Afghanistan contribute to or detract from a stable,

secure Middle East, they bear a direct effect on the security of the United States. That is why my number one priority will be developing a comprehensive strategy to defend our National interests in the region.

Next on my list is resetting, reconstituting, and revitalizing our Armed Forces, especially the Army and Marine Corps. I believe our ground forces are the center of gravity for the all-volunteer force and that we need to make sure that force is correctly shaped and sized, trained, and equipped to defend the Nation.

Finally, I intend to properly balance global strategic risk. We must stay mindful of our many global security commitments and of the core warfighting capabilities, resources, and partnerships required to conduct operations across the full spectrum of peace and conflict. The demands of current operations, however great, should not dominate our training exercises, education curricula, and readiness programs.

The conflicts in Iraq and Afghanistan will one day end. We must be ready for who and what comes after.

There is much to do. The speed of war, the pace of change, is too great for any of us to manage it alone. I need your help, your ideas, and your input. Whenever I travel to the field and to the fleet, I expect you to tell me what's on your mind. Tell me what you think. I need your constant feedback. I can't succeed—we can't succeed—without it.

You made a promise to defend this country. Let me make one to you: I will listen to you. I will learn from you. And I will endeavor to lead always with your best interest at heart. The way I see it, that is my job now.

M. G. MULLEN,
Admiral, U.S. Navy.

AMENDMENT NO. 3141

The PRESIDING OFFICER. The senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to pick up on the earlier debate on the Sessions-Nelson amendment, No. 3141, that was offered by Senator VITTER, and just say I do not think this will be controversial because it is bringing the appropriations bill in conformance with exactly the provision that is in the Defense authorization bill on the Aegis BMD Program with an additional $75 million. This Aegis system has extraordinary effectiveness and promise, going after weapons, particularly in the boost phase. It is a sea-based system.

I want to explain what it does and why it is important.

In the Senate Armed Services Committee fiscal year 2008 Defense authorization bill that was recently adopted by the Senate, there is an authorization for an additional $75 million for the Aegis BMD program, in addition to authorizing the full budget request for the Aegis BMD program. That increased funding authorization came from our committee markup of the budget request, which was initiated in the subcommittee that handles missile defense.

I have the honor to serve as the chairman of the Armed Services Subcommittee on Strategic Forces, and I am pleased to have Senator SESSIONS as the ranking member of that subcommittee. For the Armed Services Committee markup of the Defense authorization bill, our Strategic Forces Subcommittee prepared a proposal for the portion of the defense budget within our jurisdiction, which includes ballistic missile defense.

The subcommittee proposal included an additional $75 million for the Aegis BMD program, which was allocated as follows: $20 million for an increase in the production rate of the interceptor missile for the Aegis BMD system, known as the Standard Missile–3, or SM–3); $45 million for long lead of an additional 15 SM–3 interceptors; and $10 million to accelerate development of computer software for the Aegis system.

This amendment mirrors exactly the additional funding authorized by the Armed Services Committee, and approved by the Senate this last Monday. It recognizes that the Aegis BMD system provides an important capability against the existing threats by short- and medium-range ballistic missiles to our forward deployed forces overseas. It also recognizes that the President's budget request did not provide enough funds for this capability. So we are proposing to add more funding to build additional near-term and effective capability against existing threats.

Last year, when Senator SESSIONS was the chairman of the Subcommittee on Strategic Forces, the subcommittee initiated legislation to make it U.S. policy that our priority in missile defense should be on effective near-term capabilities. That legislation was later enacted into law and is now our national policy. This amendment would take an important step to implement that policy.

The Aegis BMD system has had an impressive development and testing program, with a commendable track record of successful and operationally realistic testing. I would note that the Navy is a critical component of the success of this system, since it has operated the Aegis weapon system and its standard missile variants for many years on its ships. The Navy has ensured that this missile defense capability works well with its existing systems and procedures, as is necessary to ensure the system would work in real-world combat operations.

I would note that the Aegis BMD system is planned to improve its capability significantly over the coming years, especially with a larger and faster interceptor we are developing cooperatively with Japan. The improved version of the Aegis BMD system is expected to be able to defend against intermediate-range missiles and some long-range missiles, as well.

This amendment does what I believe the administration should have done. It would place greater emphasis and greater resources into an effective, near-term capability to defend our forward deployed forces, as well as our allies and friends overseas, against existing and near-term threats.

I urge support for this amendment.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

AMENDMENTS NOS. 3153, AS MODIFIED; 3162, 3152, 3127, 3155, AS MODIFIED; 3173, EN BLOC

Mr. INOUYE. I ask unanimous consent that the following list of amendments be adopted. It has been cleared by both sides: Senate amendment No. 3153, as modified, by Senators GREGG and SUNUNU, regarding the Advanced Decision Kill Weapon System; amendment No. 3162, for Senators LEVIN and STABENOW, regarding advanced automotive technology; amendment No. 3152, for Senators SMITH and HARKIN, regarding the Minuteman Digitalization Demonstration Program; amendment No. 3127, for Senator BROWN, regarding the high altitude airship; amendment No. 3155, as modified, for Senators DOMENICI and BINGAMAN, regarding mid-infrared advanced chemical lasers; amendment No. 3173, for Senators BINGAMAN and DOMENICI, regarding sunlight beam directors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were considered and agreed to, as follows:

AMENDMENT NO. 3153, AS MODIFIED

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $6,000,000 may be available for the continuation of the Advanced Precision Kill Weapons System by the Marine Corps.

AMENDMENT NO. 3162

(Purpose: To make available from Research, Development, Test, and Evaluation, Army, $6,000,000 for Advanced Automotive Technology)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $6,000,000 may be available for Advanced Automotive Technology (PE #0602610A).

AMENDMENT NO. 3152

(Purpose: To make available from Operation and Maintenance, Army National Guard, $2,000,000 for the Minuteman Digitization Demonstration Program)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $2,000,000 may be available for the Minuteman Digitization Demonstration Program.

AMENDMENT NO. 3127

(Purpose: To make available from Research, Development, Test, and Evaluation, Army, up to $1,000,000 for the High Altitude Airship Program)

At the end of title VIII, add following:

SEC. 8107. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,000,000 may be available for Army Missile Defense Systems Integration (PE #0603308A) for the High Altitude Airship Program.

AMENDMENT NO. 3155, AS MODIFIED

At the appropriate place, insert the following:

SEC. . Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $3,750,000 may be available for a Mid-Infrared Advanced Chemical Laser at the High Energy Laser Systems Test Facility.

AMENDMENT NO. 3173

(Purpose: To make available from Research Development Test and Evaluation, Army, $3,750,000 for a High Energy Laser Systems Test Facility Sea Light Beam Director)

At the appropriate place insert the following:

SEC. . Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,750,000 may be available for a Sea Light Beam Director at the High Energy Laser Systems Test Facility.

AMENDMENT NO. 3162

Mr. LEVIN. Mr. President, earlier this afternoon, the Senate unanimously adopted an amendment offered by myself and Senator STABENOW to increase the budget of the Army's National Automotive Center by $6 million.

The National Automotive Center, NAC, part of the U.S. Army Tank-Automotive Research, Development, and Engineering Center, works to support and leverage advancements by the automotive industry to improve military ground vehicles. The funds provided by our amendment will allow the NAC to help meet current and future automotive technology needs.

These funds will support the development of new technologies that are critical to the success of the Future Combat Systems program and will help our military to meet the fuel efficiency goals that have been set by the Department of Defense, while improving the safety of military ground vehicles.

I am pleased that the Senate adopted our amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3206

Mr. INOUYE. Mr. President, on behalf of the leadership of the Senate, Senators REID and MCCONNELL, I say to the desk the following amendment and ask for its immediate consideration and that it be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. REID and Mr. MCCONNELL, proposes an amendment numbered 3206.

The PRESIDING OFFICER. Without objection, the amendment is considered and agreed to.

The amendment is as follows:

(Purpose: To make technical corrections to Public Law 110–81)

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. Paragraph 1(b) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(3) It is not a gift for a commercial airline to allow a Member, officer, or employee to make multiple reservations on scheduled flights consistent with Senate travel regulations.''.

The amendment, (No. 3206) was agreed to.

AMENDMENTS NOS. 3204, 3116, 3182, 3135, AS MODIFIED; 3177, 3163, 3176, 3136, 3175, 3137 EN BLOC

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that managers' package No. 3 be considered and agreed to. It consists of the following: amendment No. 3204, for Senator SUNUNU, regarding harbor surveilling applications; amendment No. 3116, for Senator MCCASKILL, regarding a Web site link for the DOD Inspector General; amendment No. 3182, for Senator COLEMAN, regarding the Laser Perimeter Awareness System; amendment No. 3135, as modified, for Senator KENNEDY, regarding high temperature superconductor motors; amendment No. 3177, for Senator INHOFE, regarding Ground Warfare Acoustical Combat Systems; amendment No. 3163, for Senator HARKIN, regarding MSOGs for F–15 aircraft; amendment No. 3176, for Senators HUTCHISON and CORNYN, regarding the improvement of barriers at the border; amendment No. 3136, for Senator LANDRIEU, regarding the Cyberspace Innovation Center; amendment No. 3175, for Senator BENNETT, regarding Internet observer threat mitigation tools; amendment No. 3137, for Senators OBAMA, COBURN, and REID of Nevada, regarding the Federal tax liability certifications.

I ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to.

The amendments are as follows:

AMENDMENT NO. 3204

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, $1,000,000 for the development of Low-Cost, High Resolution, remote controlled Side Scan Sonar for USV and Harbor Surveillance Applications)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $1,000,000 may be available for the development of Low-Cost, High Resolution, remote controlled Side Scan Sonar for USV and Harbor Surveillance Applications.

AMENDMENT NO. 3116

(Purpose: To require the establishment on the Internet website of the Department of Defense of a link to the Office of Inspector General of the Department of Defense)

At the end of title VIII, add the following:

SEC. 8107. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish and maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense.

AMENDMENT NO. 3182

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, $5,000,000 for the Laser Perimeter Awareness System for integration into the Electronic Harbor Security System)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $5,000,000 may be available for the Laser Perimeter Awareness System for integration into the Electronic Harbor Security System.

AMENDMENT NO. 3135, AS MODIFIED

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', up to $5,000,000 may be made available for the High Temperature Superconductor AC Synchronous Propulsion Motor.

AMENDMENT NO. 3177

(Purpose: To make available from Research, Development, Test, and Evaluation, Navy, $1,200,000 for Ground Warfare Acoustical Combat System of netted sensors)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'' and available for Program Element #0603640M, up to $1,200,000 may be available for Ground Warfare Acoustical Combat System of netted sensors.

AMENDMENT NO. 3163

(Purpose: To make available from Aircraft Procurement, Air Force, $5,000,000 for the retrofit of upgraded Molecular Sieve Oxygen Generation Systems into F–15C/D fighter aircraft)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', up to $5,000,000 may be available for the integration, procurement, and retrofit of upgraded Molecular Sieve Oxygen Generation Systems (MSOGS) into F–15C/D fighter aircraft.

AMENDMENT NO. 3176

(Purpose: To provide local officials and the Secretary of Homeland Security greater involvement in decisions regarding the location of border fencing)

At the appropriate place, insert the following:

SEC. ____. IMPROVEMENT OF BARRIERS AT BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking ''Attorney General, in consultation with the Commissioner of Immigration and Naturalization,'' and inserting ''Secretary of Homeland Security''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''IN THE BORDER AREA'' and inserting ''ALONG THE BORDER'';

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(D) in paragraph (5), as redesignated, by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

AMENDMENT NO. 3136

(Purpose: to make available from Operation and Maintenance, Air Force, $4,000,000 for the 8th Air Force Cyberspace Innovation Center at Barksdale Air Force Base, Louisiana)

At the end of title VIII, add the following: SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', up to $4,000,000 may be available for the 8th Air Force Cyberspace Innovation Center for Cyber Combat Development at Barksdale Air Force Base, Louisiana.

AMENDMENT NO. 3175

(Purpose: To make available from Intelligence Community Management Account, $5,000,000 for Internet Observer and Inner View insider threat mitigation tools)

At the end of title VIII, add the following: SEC. 8107. Of the amount appropriated or otherwise made available by title VII under the heading ''INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT'', up to $5,000,000 may be available for the Office of Counter Intelligence of the National Geospatial-Intelligence Agency for Internet Observer and Inner View insider threat mitigation tools.

AMENDMENT NO. 3137

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee makes certain certifications regarding Federal tax liability)

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

Mr. INOUYE. What is the pending business, Mr. President?

The PRESIDING OFFICER. The amendment in question is the Vitter amendment.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I request the clerk make us a list of pending amendments, amendments that have been qualified as pending on this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3130, 3167, 3145, AND 3141

Mr. INOUYE. Mr. President, I am pleased to announce that the following amendments have been cleared by the leadership of both sides and we are ready to consider them en bloc: First, 3130, 3167, 3145, and 3141. I ask unanimous consent they be considered en bloc and passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3130, 3167, 3145, and 3141) were agreed to.

Mr. INOUYE. Mr. President, I move to reconsider.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3144

Mr. DORGAN. Mr. President, I have a couple of minutes of comment. I know Senator KYL withdrew his amendment. But I do want to have the RECORD corrected, because I was listening to part of the debate when I was back in my office. I think it is important to have an accurate RECORD.

My colleague from Arizona indicated that the space-based test bed program which I oppose is not a program that would primarily be a space-based missile defense program. He said it is about protecting satellites. That the space test bed is about protecting satellites. That is what my colleague was saying.

Let me read the unclassified portion of the Pentagon budget justification for the program.

The space test bed is being explored as a potential solution to enhance ballistic missile defense.

I guess you can come to the floor and say: Well, that is not what it is. But you probably would have to ask the Pentagon to cut out this page from its budget justification book.

I want the RECORD to reflect something that is half way accurate. All of us understand what that program was intended to be. This is what the Defense Department says it was intended to be. So when I come to the floor and talk about why this program ought not proceed, it is not authorized, it has not been funded in either the House or Senate appropriations bills and, besides, it is a program that will eventually weaponize space by putting ballistic missile defense interceptors in space, I have the facts on my side.

Then to have someone say: Well, that is not what it was. Gosh, you must not understand it, Mr. DORGAN. Well, I am sorry; I do understand it. So does the Pentagon. They say again:

The Space Test Bed is being explored as a potential solution to enhance ballistic missile defense capability in the future.

I went to a small school, but I can understand this. And I read fairly fast. There is not a lot of reading on this page. So I wanted the RECORD to reflect what is accurate about the issue of the space test bed.

I think this country has an enormous responsibility with the question of nuclear weapons, stopping the spread of nuclear weapons, attempting to find ways to reduce the number of nuclear weapons and delivery vehicles to protect this country in dozens of different ways against threats that exist against our country.

I think it would be a profound mistake for this Congress to decide, without authorization, with very little debate, to begin funding a program that eventually will provide weapons in space. We would be apoplectic if we believed a program existed or was begun today in the Duma or in China, because we would believe it would be a threatening approach for them to weaponize space. I think they would view the same with activities we would undertake.

My hope is we can work with others in the world with respect to nonproliferation and with respect to protecting all of us from those who would be aggressive in our future.

By the way, my colleague suggested, because I said you can almost always find a general to support a program at the Pentagon—that I denigrated generals. My point was not to denigrate generals. But every program that exists, and every idea, has sponsors and support. You show me a program, I will show you a number of people who are involved in that program, believe in that program, and want that program to move. It is the generals and colonels and captains and lieutenants, and that is the way the system works.

Now, I promised I was going to compliment the manager and the ranking member. I did it before, but let me do it again. This is a big piece of legislation, hard to put together, and not easy to manage. But they have been on the floor now for some while trying to move this legislation through. Much of it is very important for this country. I hope we can move to final passage in an expedited way.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3198

Mr. LEAHY. Mr. President, I call up amendment No. 3198.

The PRESIDING OFFICER. The amendment is pending.

Mr. LEAHY. I make a point of order that it is legislation on an appropriations bill.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mr. LEAHY. I thank the Chair.

While I have the floor, I understand my good friend, the Senator from New Jersey, is concerned. There appears not to be parity between the northern border and the southern border. I share his concern about some of the issues of racism that have been floated into the debate regarding our southern border. I think he would admit that there are differences between the northern border and the southern border. We are blessed to have friends on both our northern and southern borders. The failure of the administration to take a truly bipartisan approach to comprehensive immigration reform and the failure of this body to go forward and work its way all the way through to a final immigration bill reflects some of the problems we have.

The way to solve them is not to close the border to a historic neighbor on the longest unguarded frontier in the world, one of our largest trading partners. We already have policies of this administration that are about to cost us hundreds of billions of dollars in jobs in the United States, which do nothing to enhance our security, with the cockamamie idea from the State Department and the Department of Homeland Security requiring passports to cross between Canada and the United States. This will do very little to improve our security. Instead of working with Senators on both sides of the aisle to find a way where we could have safe, easy transfer between the two countries, keep commerce going, especially after this administration has so badly handled our economy that our dollar has slipped dramatically, the administration wants to hastily implement ill-conceived barriers to cross-border travel. We seem to want to poke our thumb in the eye of a good neighbor.

I do not fault the Senator from New Jersey for his amendment. I understand the reason he does it. As he can well understand, I disagree with the idea of a fence along the Canadian border, just as I voted against erecting a fence along the southern border last year. I wish we could show some sense in real immigration policy with our southern border. It is a fault in this country to pretend we don't have illegal immigrants looking for a better life and to think that we are going to solve the problem by denying them access to social programs, deny their children access to our schools, deny them access to assistance with food, deny them access to health care, and to threaten prosecution of our churches if they show their respect for the commandments and actually want to help the least among us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I appreciate the views of my distinguished colleague from Vermont. I particularly appreciate his support for comprehensive immigration reform for which he has been a champion. However, I must take the opportunity to note that the underlying amendment Senator SALAZAR and I were addressing, for which no point of order was raised against and which, in essence, was adopted by the Senate, goes to the very heart of this issue.

As a matter of fact, there was a colloquy between Senator TESTER and Senator GRAHAM that basically said to some degree that, in fact, the resources Senator GRAHAM had in his amendment, adopted by the Senate, could go to the northern border. What Senator SALAZAR and I want to make clear is that, in fact, either we protect all of the country or we protect none of it.

Mr. LEAHY. Will the Senator yield for a question?

Mr. MENENDEZ. I am happy to.

Mr. LEAHY. I want to make sure: The Senator would have been within his rights to have made a point of order against the Graham amendment had he wanted to; is that correct?

Mr. MENENDEZ. Unfortunately, I didn't have notice of it before it was called up for a vote; otherwise, I would have had the opportunity.

Mr. LEAHY. I had heard about an hour before the vote that we were having it.

Mr. MENENDEZ. I would note for the Senator, however, that his concern was in the underlying Graham amendment as well. So here we are, where we as a body consistently pursue one course of action on one part of the U.S. border, and on the other border we actually say it is quite different. The reality is, some of us on this issue believe there has to be some consistency because, if not, some of us believe either it is about securing the country or it is not. If it is about securing the country, you can't secure one border and say the other border is free for people to cross undetected, as has been well documented by the Government Accountability Office, by the 9/11 Commission, and by the fact that the millennium bomber came through, and a host of other things. Either we are going to have security, which means north and south, or we are not going to have security. If it is only about the southern border, then it is about a lot more than security. It is about who happens to be crossing we don't like. What is the color of their skin? What is their ethnicity? Why is that such a threat when the only real terrorist threat we have ever had came through the northern border?

This Senator, for one, intends to ensure moving forward that as we have other appropriations bills, I will make it my business to be on the Senate floor to raise points of order because either it is about securing all of the country or it is about securing none of it.

I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3146 WITHDRAWN

Mr. INOUYE. Mr. President, with the approval of Senator ALLARD, I ask unanimous consent that amendment No. 3146 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. STEVENS. That is the Allard amendment?

The PRESIDING OFFICER. The Allard amendment.

Mr. ALLARD. Mr. President: I want to speak at this point with Senators INOUYE and STEVENS on the amendment offered by Senator SALAZAR and myself designating $5 million—the amount requested by the Pentagon and previously approved by the House—for the Missile Defense Space Experimentation Center, a facility within the Missile

Defense Integration and Operations Center on Schriever Air Force Base in Colorado Springs, CO. May I ask, are the chairman and ranking member of the Defense Subcommittee aware of the potentially valuable work proposed for this center?

Mr. INOUYE. I am.

Mr. STEVENS. I am as well, and I note that this amendment was submitted yesterday—coincidentally on the day when it became obvious that our Nation's missile defense system is, according to today's New York Times, ''up and running.''

Mr. ALLARD. Exactly. We hear frequent mention on this floor about the other, non-Iraq dangers facing this country, and our national missile defense system is designed to deal with some of the most worrisome of those threats—an accidental or rogue nation launch of ballistic nuclear weapons against our country. I am sure the chairman and ranking member agree on the value of this system, and that a system as technologically complex as this one requires constant analysis, demonstration, and integration?

Mr. INOUYE. Certainly.

Mr. STEVENS. Yes.

Mr. ALLARD. I further, then, suggest that the Missile Defense Space Experimentation Center fulfills this role, and also supports advanced technology and algorithm development, and other mission areas such as space situation awareness, technical intelligence, and battle space characterization.

The MDSEC facility buildout began in fiscal year 2006 and continued through fiscal year 2007 under the STSS program. As the MDSEC supports multiple satellite operations and experiments, the fiscal year 2008 request of $5 million is contained within the MDA Space Program Element. The MDSEC provides the Missile Defense Agency a common support infrastructure and connectivity to the BMDS for the two satellites to be launched in 2008. It will also integrate space data in support of the missile defense mission such as ongoing experiments using Defense Support Program data for missile defense, planned experiments with data from MDA and other defense and national security systems. MDSEC further supports mission integration of space-based missile track—boost and midcourse phases—sensor and weapons cueing via C2BMC, features and discrimination, kill and impact point assessments into C2BMC, Aegis, terminal high altitude area defense—THAAD—global missile defense—GMD—and other non-MDA mission areas to include space situation awareness, technical intelligence, and battle space characterization.

I believe the mission and task for the MDSEC require our support and I urge the distinguished chairman and ranking member of this committee to give their full support to this program.

Mr. INOUYE. I pledge to my friend from Colorado that when we sit down to discuss this matter with the House I will continue to support the ballistic missile defense system. Let me assure you, as well, that we will carefully examine the merits of the programs at the MDSEC and the unique capabilities of the MDIOC when we have our conference negotiations with the House.

Mr. STEVENS. I concur.

Mr. ALLARD. I thank you both.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. INOUYE. Madam President, I yield to the Senator from Alaska.

Mr. STEVENS. Madam President, I call up Senate amendment No. 3166.

The PRESIDING OFFICER. The amendment is pending.

AMENDMENT NO. 3207 TO AMENDMENT NO. 3166

Mr. STEVENS. I send an amendment to the desk and ask for its consideration. It is an amendment to this amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 3207 to amendment No. 3166.

Mr. STEVENS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3207 TO AMENDMENT NO. 3166

On page 1 of Amendment 3166, after line 7 insert the following:

''Not later than 45 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on mechanisms for expanding public-private partnerships with military and family organizations for the purpose of increasing access to family support, in particular, for the minor dependent children of deployed servicemembers.

''Such report shall identify: the adjustment needs of minor children of deployed service personnel, including children who have experienced multiple deployments of one or more parents or guardians; alternative support and recreational activities which have been shown to be effective in improving coping skills in young children of deployed servicemembers; support networks beyond educational settings that have been effective in addressing the needs of children of deployed servicemembers, to include summer and after-school recreational, sports and cultural activities; programs which can be accessed without charge to military families; gaps in services for minor dependent children of deployed personnel, and; opportunities for expanding public and private partnerships in support of such programs.

''Prior to submission of the report required by this section, the Secretary shall consult with military family advocacy organizations, and include the comments of such organizations within the required report to congressional defense committees.

''Plan Required:

''Not later than 60 days after submission of the report required by this section. the Secretary shall submit a plan to the congressional defense committees to address the needs and gaps in services identified in the report. Such a plan shall also address the comments and recommendations of military family advocacy organizations. as required by this section.''

Mr. STEVENS. Madam President, I would say to the Senate that this is an addition to the Boxer amendment that does not affect the Boxer amendment per se.

I ask unanimous consent that the amendment to the amendment be agreed to.

Mr. INOUYE. I have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3207) was agreed to.

The amendment (No. 3166), as amended, was agreed to.

Mr. INOUYE. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INOUYE. Madam President, I ask unanimous consent to be listed as a cosponsor of the Boxer amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, to my knowledge, the Senator from Alabama is here now for his amendment. The Sessions amendment is the last amendment that I know of on this side. Does the Senator from Hawaii have additional amendments on his side?

Mr. INOUYE. No.

Mr. STEVENS. We would be prepared to enter into an agreement that there be no further amendments.

Mr. INOUYE. I ask unanimous consent that the Sessions amendment be the last one considered.

Ms. STABENOW. Madam President, I would ask for a moment before making that final decision to talk to the chairman about an amendment. It is the amendment you have in front of you, but I came down to speak to the chairman about that. So I wonder if we might take a moment to consider the Sessions amendment and allow me to have just a moment before that decision is made.

Mr. STEVENS. So we will proceed at this time with the Sessions amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3192

Mr. SESSIONS. Madam President, I call up amendment No. 3192.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 3192.

Mr. SESSIONS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3192

(Purpose: To fund Operation Jump Start, the deployment of National Guard personnel, to the southern border, through September 30, 2008)

On page 114, lines 6 and 7, strike ''$22,445,227,000: *Provided*,'' and insert ''$23,239,227,000: *Provided*, That not less than $794,000,000 of such amount shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further*,''.

Mr. SESSIONS. Madam President, I ask unanimous consent that Senators DOMENICI, DOLE, and ENSIGN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, it is unfortunate and sad, I think, that the Senate—and I would say the administration—has made a decision to prematurely draw down the National Guard presence at the southern border. That is an unwise event, and it signals uncertainty about our commitment to completing the lawful strategy we have for immigration at our border.

It is not impossible for us to create a lawful system of immigration, but we have to do some things. We have allowed unlawfulness to continue for an extraordinary amount of time, to the extent that it is going to take us some effort now to reestablish a rule of law. But the whole world will be better off and everyone who wants to come to our country will be better off if they know what the rules are, how to apply, and have an understanding that their competitors who would like to come here are not going to be allowed to come illegally and then be rewarded by amnesty while they wait in line to come lawfully.

So the amendment I have offered will fully fund Operation Jump Start at its original level—the 6,000 National Guard troops—through the end of fiscal year 2008. Currently, the Department of Defense has plans only to keep 3,000 at the border instead of the full 6,000 who were to be deployed through 2008. Furthermore, Operation Jump Start is actually now scheduled to end completely on July 1, 2008. So the increased funding provided for here—and I do believe it is an emergency and it is a legitimate emergency expenditure to create lawfulness at our border, which will protect the national security of the United States—this increased funding will be needed to do these things: keep Operation Jump Start at the deployment level that has been so successful and keep Operation Jump Start running until this time next year.

On May 15, 2006, President Bush announced Operation Jump Start, which was the employment of up to 6,000 National Guard members to the southern land border. According to Operation Jump Start Year 1 Review, its intent was to provide:

> An immediate means to enhance border enforcement operations while Border Patrol increased its own internal enforcement resources through hiring additional Border Patrol agents, mission support personnel, and procuring and applying new technology and infrastructure.

It goes on to say:

> OJS is providing interim support as Border Patrol recruits, hires, and trains 6,000 additional Border Patrol agents by the end of calendar year 2008—

End of calendar year 2008; that is December of 2008.

My amendment would simply carry the strength of the National Guard through September 30, 2008, the fiscal year. That is important because we are facing a rather substantial drawdown without this amendment.

So deployments began on June 15, 2006, to give us a bit of a background. By August 2006, an average of 5,677 National Guard personnel were deployed. By June 2007—that is June of this year—an average of 5,759 were deployed.

Since the beginning, on the border, the National Guard has supported the Department of Homeland Security by providing, among other things, the following skills: construction of tactical infrastructure; that is, fencing, roads, and lighting and those kinds of things that are really critical if we are serious about making sure people just don't walk across our border. You have to have those things. We made some progress in that regard, although, in truth, we should have made more. They are involved in fence repair, welding, and facility maintenance. Many of these are engineer Guard units with a lot of capabilities in this area. They provide vehicle and fleet maintenance. Many of these are transportation units that are skilled at fleet maintenance. Entry identification teams, surveillance and reconnaissance teams, law enforcement communication assistance, intelligence analysis—we have a lot of those capabilities in the National Guard.

So I would say they are not being utilized on a daily basis to patrol the border and make arrests. We decided that would not be what they are deployed for. But they are really providing a lot of capability that frees up a limited number of Border Patrol agents to be the front-line troops, to go out and make the arrests and do the day-to-day work that has to be done.

The success of the operation is undeniable. By early December of 2006, just 6 months after the deployment began, Robert Gilbert, the chief Border Patrol agent for the Border Patrol's El Paso sector, stated:

> Jointly, we are making a definite impact on the border. The professionalism and dedication and training the Guard units have brought to our mission and our fight, the way they have made it their mission and their fight, is more than we expected.

That same month, the Chief of the National Guard Bureau, LTG Steve Blum, stated:

> I was here 2½ months ago and things that I didn't think would be possible in a year have already been accomplished. Infrastructure is up, fencing is up, roads are built, lighting is up, and apprehensions are down.

Those aren't just words. The success of Operation Jump Start is tangible.

According to the Year 1 Review:

> Force multiplication has allowed more Border Patrol agents to remain in the enforcement mode, not the support mode. The additional manpower has allowed DHS to return 563 agents to frontline positions. The result is referred to as ''badges back to the border.''

The Guard presence has added 337 miles of expanded border surveillance capabilities along the southwest border. Guard personnel provide 6,500 hours of camera monitoring. Somebody has to monitor the cameras. There is no doubt that an electronic fence, as some have said, is not a worthless idea. You can use cameras and electronic technology to enhance our capabilities at the border, but in the high-traffic areas, it is not a question of seeing people, it is a question of how you can detain them if they are coming illegally. So I think we made progress there with the help of the National Guard.

Guard personnel have assisted in apprehending more than 10 percent of the aliens apprehended during the past year—a total of 84,878 apprehensions. Overall, apprehensions of illegal immigrants trying to cross the border are down by 25 percent. What most experts conclude that means is that an estimated 25 percent fewer illegal immigrants are attempting to cross. The Guard's presence is, in fact, having a deterrent effect.

With the help of the National Guard, marijuana seizures are up 22 percent. The Guard was responsible for seizing 201,000 pounds of marijuana at the border.

As a matter of fact, when we talk about security and the need to do something about openness and illegality at our border, we have to consider drugs to be a big part of that. Guard personnel have assisted in the seizure of 4,783 pounds of cocaine, 703 vehicles, and $60,000 in currency. So this is an important matter in the success we are having.

The Guard presence has produced sizable gains in critically needed tactical infrastructure along the border. They have already repaired 428 miles of roads. You have to have roads if you are going to be effective in maintaining a border. And 16 miles of all-weather roads have been repaired and maintained. They have installed 58 miles of vehicle barriers. At least it prohibits people from driving into our country loaded with drugs or illegal items.

They have constructed 18.2 miles of fencing, which is a disappointing number. After all that we funded in this Congress, which was 700 miles of fencing, we have only 18 miles completed.

We voted for it. We talked about it. We go back home and tell our constituents we have done it. The President says we are doing it. The Secretary of Homeland Security says we are doing it. We have not accomplished much, but the Guard has played a role by using their engineering capability. Frankly, if they had been focused more on actual barriers, they probably would have accomplished more.

The real reason is the way we planned this out has been very slow in development, in terms of building our fencing. In fact, we are informed that the fencing numbers are improving right now; that miles of fencing are appearing and coming much more rapidly on line than before. If you examine the situation closely, you will see there appears to be a move afoot to draw this out and end up with far less fencing than the Congress contemplated both with our authorization and appropriations bills.

The Department of Homeland Security indicates that the Guard's presence will have an even greater impact on tactical infrastructure over the next year:

> The deployments will be focused on providing a greater residual value by raising the percentage of troops that are working on tactical infrastructure projects. This infrastructure will greatly enhance the ability of the men and women of the border patrol to access the border and be more effective in the enforcement efforts for many years to come.

OK. What they are saying is they have projected in the coming months that the Guard is going to be even more effective because they will be providing a greater residual value by raising the percentage of troops working on infrastructure projects. Now, there are people who don't want infrastructure at the border, and they would like to bring the troops home, I suppose, before that happens. That would be a big mistake.

The National Guard is helping the border to save lives. In the last year, they have rescued 91 people—illegal aliens—in the area who were in desperate trouble for lack of water or being lost. They rescued them. Now, this is what has happened. Despite the proven success of the program, the operation is scheduled to stop by next July. Troops are already being reduced. By the end of July, troops were down to 4,500; that is July of 2007. By the end of August of this year, troops were down to 3,500. So it dropped even more. Today, only 3,000 personnel are on Operation Jump Start orders, and, of those, only 2,300 are actually at the border.

So already there has been a drawdown of more than half of the National Guard personnel, and not communicating that to the American people is leaving us in a difficult situation, I suggest. The National Guard was supposed to fill the gap until 6,000 new Border Patrol agents could be recruited, hired, trained, and stationed at the border. That goal has only been accomplished halfway. Only 3,000 new agents have joined the 1,000 who were on the border when President Bush announced Operation Jump Start. The National Guard is assisting in fence and other critical infrastructure construction.

The Secure Fence Act that we passed mandated that the Department of Homeland Security construct more than 700 miles of new fencing. The administration's goal apparently is not to do that. Apparently it is to just complete 300 miles by the end of the whole next year, 2008. So with 2 years of authorization and funding, they will have only completed less than half of the fencing. To date, only 70 new miles have been constructed, for a total of 145 miles of fencing on the border. That is not the kind of signal we need to be sending.

The reason that is important is because it has a psychological impact, as well as an actual apprehension impact. What about alien apprehensions? To date, alien apprehensions on the border are down 25 percent. While this is positive, because it indicates the attempts at crossings are likely down by 25 percent as well, the job is certainly not finished. The year before that, we arrested 1 million people at the border. Can you imagine that? One million people were arrested at the border. It is not an exaggeration to say that it is a wide-open, lawless area that needs attention from our Government. If we don't give it, we are breaking faith with the American people because we have said we are going to fix that, we are going to do something about it. We just haven't.

I have to tell you there are some people who really don't care about it. They talk about it, but they don't care. We have some progress; 25 percent is a lot. It is not insignificant. But if we really got that fencing up and built, if we kept the National Guard down at the border, if we broaden the Border Patrol and motivate them to be as effective as they possibly could be, I absolutely believe—absolutely believe—we can reach a tipping point where the whole world begins to say the border of the United States is no longer wide open; that you can get in trouble going across there. Most people are getting caught. It is an entirely different place, so maybe we better not try it this time. Maybe somebody suggested we can do that, but that is not a good idea. But for the last 20 years-plus, it has been a well-known fact worldwide that you can just walk across our border, if you have very much initiative, and be successful at it. If they catch you, nothing ever happens.

Now, I will conclude by noting that, according to the year review of Operation Jump Start:

> OJS is one of the many enforcement initiatives employed to expand enforcement capabilities to gain better operational control along the Southwest border. OJS, combined with other initiatives, such as Operation Streamline, Zero Tolerance, Arizona Border Control Initiative, and the Expedited Removal Program, has resulted in a cumulative, positive impact on current levels of border control.

Good news. A positive impact. What it should do is give us encouragement. If we will just follow through, expand what we are doing, adjust to the changing tactics of those who want to enter illegally, and do it with will and determination and a positive attitude, we can make a difference. We can end this open border, end the illegality that has made the immigration system a mockery of law and an embarrassment to our people.

Operation Jump Start is a proven success. It is a critical component of our strategy. Guardsmen are filling critical law enforcement roles. They are building fencing and infrastructure and interdicting narcotics and conducting surveillance and reconnaissance; and, by the way, a substantial majority of our cocaine and methamphetamines, for that matter, are coming into our country through Mexico. I talk to law enforcement officers in Alabama all the time. They say we used to get a lot out of Miami and south Florida. Now it is all coming across the Mexican border. So we have a law enforcement interest in this also.

There is no reason Operation Jump Start should end this June. At a minimum, it should be extended until all 6,000 Border Patrol agents are on duty. The way we have been going, we authorize it and say we are going to add 6,000 Border Patrol agents, and they don't get added, if you want to know the truth. We have seen that happen time and time again. They said we were going to continue this Operation Jump Start and the National Guard, but we have already reduced our Guard personnel by more than half. That adds credibility problems with the American people. No wonder they are suspicious about what we are doing here. This amendment will provide the needed funding to keep Operation Jump Start at its original capacity, 6,000 Guard personnel, instead of what they have planned now. It makes no sense to the American people to say we found something that is effective, that is beginning to work to reduce the illegality we are facing, but we are stopping the program before the job is done. The border is not yet secure. It is too early to end this program. We need to step it up, and I think we will be in a position to have greater progress than anyone can imagine.

Madam President, to sum up, the good news is we have made some progress, but we have not really begun to get to finishing up. If we get the fencing up and keep our Guard there full-time and get our new Border Patrol agents up and we move to ending the catch-and-release and adopt the Texas plan, where individuals are prosecuted for violating the laws by entering illegally—that has reduced border crossings in that area by 45 percent or more—and if we can do other things

like that, this will work and we can make good progress.

The problem is, I think some are not desirous of us being successful. Everything that tends to work seems to be delayed and slowed down and undermined. If we move forward, we can send a message to the world that our National Guard is there, our troops are there, the Border Patrol has been increased, we are building barriers, and you are not going to get in easily anymore, so you better wait in line and come here lawfully, and the whole country will be better off. This amendment will be a big part of doing that.

I yield the floor.

Mr. STEVENS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. What is the pending amendment?

The PRESIDING OFFICER. The Sessions amendment is the pending amendment.

Mr. SESSIONS. Madam President, I ask that amendment be accepted by voice vote.

Mr. STEVENS. We agree.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3192) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3131

Mr. INOUYE. Madam President, I send to the desk an amendment in behalf of Senator STABENOW and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Ms. STABENOW, proposes an amendment numbered 3131.

The amendment is as follows:

(Purpose: To make available from Research, Development, Test, and Evaluation, Army, $4,000,000 for the Virtual Systems Integrated Laboratory-Armored Vehicle Components and Systems Simulated In Cost-Effective Virtual Design and Test Environment)

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $4,000,000 may be available for the Virtual Systems Integrated Laboratory–Armored Vehicle Components and Systems Simulated In Cost-Effective Virtual Design and Test Environment.

Mr. INOUYE. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 3131) was agreed to.

Mr. INOUYE. Madam President, I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STRYKER BRIGADE COMBAT TEAMS

Mr. SMITH. Madam President, I rise to enter into a colloquy with my good friend, the Senior Senator from Hawaii, chairman of the Senate Defense Appropriations Subcommittee, Mr. INOUYE, ranking member of the Senate Defense Appropriations Subcommittee, Senator STEVENS, and my colleague from Oregon, Senator WYDEN, regarding the need for additional Stryker Brigade Combat Teams in our Army National Guard.

Mr. INOUYE. I would be happy to discuss this important issue with the Senators from Oregon.

Mr. SMITH. Sir, we have all watched with pride the bravery of our men and women in uniform as they defend freedom around the world. We are particularly proud of the members of the National Guard, who fight side-by-side with active duty forces. These guards men and women deserve the same protection and equipment as the active force with which they stand shoulder to shoulder. In combat operations, the Stryker vehicle has performed exceptionally and proven itself to be a superior fighting vehicle that protects the precious lives of our servicemembers. I would like to express my strong support for our guards men and women and ask that the Army ensure that funding for additional Stryker vehicles with the intent of forming a second Stryker Bridge Combat Team for the National Guard figures prominently in immediate planning.

Mr. WYDEN. I would like to join my colleague from Oregon in recognizing the Guard soldiers who leave their community to fight for their country. And I agree that they deserve the best equipment available, including the Stryker vehicles. I think it is also important to point out that in the hands of the Guard the Stryker vehicles would also be used during domestic disaster situations as well as combat overseas. Our citizen soldiers deserve the same equipment as the active duty Army, and I too hope that the Army will see the wisdom of establishing a Stryker Brigade Combat Team for the National Guard.

Mr. INOUYE. I thank the Senators from Oregon for unwavering support of our men and women in the Army National Guard. We all recognize and are deeply grateful for the service that the National Guard has provided in domestic disasters and international conflict. It is well-documented that the Stryker brigades have indeed performed exceptionally in Iraq. The House has added over $1 billion for Strykers. Your and your colleagues' views on Strykers for the Guard are noted and will be taken into consideration as we enter into conference.

Mr. STEVENS. I wish to echo my colleague's support for the men and women in the National Guard. I am extremely grateful for their service and dedication to our country. I reiterate my colleague's sentiment that we will take into consideration our colleague's views on a Stryker Brigade for the National Guard.

IMPROVED ENGINEERING DESIGN PROCESS

Ms. COLLINS. Madam President, I rise to express my support for a program sponsored by the U.S. Navy, which will significantly streamline the process for planning and executing repair and modernization of our submarine fleet at our naval shipyards. The Improved Engineering Design Process uses advanced 3–D digital scanning techniques to accurately capture the ''as is'' layout of specific ship spaces that will be impacted in the repair process. These digital 3–D images can then be easily shared to allow collaboration among our public shipyards to facilitate greater efficiency in planning and executing repairs and modernization. Because of the high operating tempo of our fleet, it is essential that we find ways to accomplish these repairs faster and return our submarines to operational readiness more quickly. I understand that implementation of this process in our public shipyards has the potential to produce annual savings of $30 million. I ask the distinguished ranking member of the Appropriations Committee if he would agree such a program should be further developed and implemented as quickly as possible?

Mr. STEVENS. The project described by the Senator from Maine appears to have great merit. Savings of this magnitude are especially important at a time when our resources are stretched very thinly.

Ms. COLLINS. The distinguished ranking member makes a very important point regarding the need for pursuing initiatives of this kind so that our scarce dollars can go further. I understand that the Navy believes strongly in the merits of this program and has considered this program for inclusion in future budget requests. I encourage the Navy to not only include it in its budget request, but to also identify existing funds that may be applied to keeping this program moving forward. In addition, I ask the committee ranking member to join me in encouraging the Navy to continue supporting this critical program and, if possible, to identify potential fiscal year 2008 funds that could be made available as we finalize those budget deliberations. I thank the Senator for his interest in and support for this important initiative.

Mr. STEVENS. I thank the Senator from Maine for bringing this important program to my attention.

HAWKLINK

Mr. CHAMBLISS. Madam President, along with my colleagues from Georgia, Senator ISAKSON, and Florida, Senator MARTINEZ, I rise to address the issue of funding for a key common data link system which will provide sensor connectivity for the Navy's MH–60R light airborne multipurpose, LAMPS, helicopters with ships in our Navy's carrier battle groups. I want to express my sincere appreciation to Chairman INOUYE for his willingness to consider our concerns regarding this vital program. The MH–60R LAMPS helicopter provides the fleet's primary capability to detect, identify, and destroy surface and subsurface threats to the carrier battle group. Essential air-to-ship sensor connectivity will be provided by CDL Hawklink, a high-speed, air-to-ship, common data link—CDL—compliant, digital data link that transmits tactical, video, radar, acoustic, IFF, and raw sensor data from MH–60R helicopters to host surface ships. CDL Hawklink will provide a significant improvement over current capabilities and will greatly improve fleet interoperable communications, dramatically enhance transmission of threat identification and targeting data for shipboard analysis, and replace current hardware facing critical obsolescence and parts non-availability.

The Navy requested $31.8 million for this shipboard equipment for fiscal year 2008. While the House bill would provide full funding, the Senate bill would cut $9.6 million from the request. I understand the committee cut the request due to excessive cost growth. While we agree that this is a reasonable basis for the committee to make such cuts, Senator ISAKSON, Senator MARTINEZ, and I have asked Chairman INOUYE to consider some of the reasons for the cost growth and the detrimental impact such a cut would have on this important program.

Mr. ISAKSON. I thank my colleagues, Senator CHAMBLISS and Senator MARTINEZ, for their work on this issue, as well as Chairman INOUYE for his consideration and willingness to work with us to restore full funding for this critical program. This is an important program for the Navy and the Department of Defense. The proposed reduction of $9.6 million equates to a 30-percent reduction to the Navy's request. A funding reduction of this magnitude will result in a quantity reduction of seven of the 10 data link units intended to be procured in fiscal year 2008. A quantity reduction of this magnitude will significantly increase the average unit cost for these units and drive up costs to the total program. The initial operational capability for the program would also be delayed for at least 1 year, negatively impacting the integration of the MH–60R helicopter with the Carrier Strike Group. I appreciate the committee's consideration, and I, along with my colleagues, appreciate very much the chairman's willingness to work with us to restore funding for this essential program in conference.

Mr. MARTINEZ. I wish to join my friends and colleagues from Georgia in supporting funding for the LAMPS MK III procurement line at the full authorized level of $31.8 million. This vital program, which the Senate Armed Services Committee on which Senator CHAMBLISS and I serve, fully authorized the President's request, brings needed capability to the pilots and crews of the MH–60 aircraft and the carrier battle groups with which they work. Mr. Chairman, I thank you and your committee for your hard work on this crucial spending bill and ask that as you go to conference with the House you consider our support and the support of the Navy and administration for this important program.

Again, I thank my colleagues from Georgia as well as Chairman INOUYE and Senator STEVENS for their time and hard work.

Mr. INOUYE. I appreciate very much the diligent work of these three Senators in researching this important issue regarding the critical air-to-ship sensor connectivity within our Navy's carrier battle groups and bringing it to my attention. I appreciate that they understand the rationale for the reduction in funding we have proposed for this program, and I have listened carefully to their description of the impacts that such a reduction might cause in the program. I assure my friends, Senator CHAMBLISS, Senator ISAKSON, and Senator MARTINEZ, that I will continue to examine this program carefully as we proceed to conference.

Mr. CHAMBLISS. I thank the chairman for his generous consideration of our concerns, and I also thank my colleagues for their hard work on this issue. Senator INOUYE is one of the great heroes of our country and continues to earn our highest respect and admiration every day here in the Senate. It is a privilege and an honor to work with him on these important issues.

Mr. ISAKSON. I join my colleagues in expressing our sincere appreciation to Chairman INOUYE for his willingness to address our concerns. We all appreciate his great service to our Nation—as a courageous soldier and a great Senator as well.

Mr. MARTINEZ. I thank my colleagues for their work on this issue and Chairman INOUYE for listening to our concerns. We all appreciate his commitment to our Nation.

BATTLEFIELD SURVEILLANCE AND MANAGEMENT RADAR SYSTEM

Mr. DODD. Madam President, I rise today to discuss the need to continue development of a vital next-generation battlefield surveillance and management radar system. Battlefield surveillance and management is more important than ever for the safety and effectiveness of our military, engaged in a variety of combat operations. With the advent of increasingly difficult-to-track targets, new technology is critically important to keep pace with expanding threats to our men and women in uniform. Indeed, U.S. technology should be honed to detect threats such as cruise missiles, rockets, as well as slow moving land based targets common on the battlefield in counterterrorism operations.

Mr. INOUYE. I thank the Senator from Connecticut for raising this important issue and for his recent letter informing me of the criticality of this program.

Mr. DODD. As the distinguished chairman of the Defense Appropriations Subcommittee knows, production of the Joint Surveillance and Target Attack Radar aircraft, or JSTARS—our Nation's principal platform for performing these vital missions—was canceled in 2003, with its last delivery occurring in 2005. The E–10 multisensor command and control aircraft was intended to replace this platform, but that too was canceled last year. Fortunately, after constructive discussions with the Department of Defense, the Pentagon agreed to continue developing the high-tech sensor and radar technologies that were being designed to outfit the E–10, the multiplatform radar technology insertion program, or MP–RTIP. Unfortunately, the Department of Defense would only commit to developing the system via supplemental appropriations instead of the standard Defense budgeting process. I remain concerned that such an uncertain funding strategy could jeopardize our Nation's ability to develop the critical tools our military needs to maintain modern intelligence, surveillance, and reconnaissance capabilities.

Mr. LIEBERMAN. I thank my colleagues for bringing up this critical matter. The threats that our troops face on the battlefield continue to grow. We, and they, are fortunate that they have JSTARS and its radar to give them a critical edge. JSTARS has proven its value on the battlefield many times, beginning with Desert Storm when it was rushed to the field to give our commanders an unprecedented view of the battlefield. Since then, every warfighting commander that has testified before us has said that JSTARS is absolutely essential to success. Indeed, as the senior Senator from Connecticut has pointed out, the cancellation of the E–10 means that JSTARS will remain essential for years to come. But the radar on JSTARS is aging at the same time that the battlefield is getting more complex and threats harder to detect. Fortunately, MP–RTIP can be available to put on JSTARS. I believe we must move quickly to develop a version of MP–RTIP and install it on our JSTARS aircraft to give our commanders and soldiers the absolute best capability that we can. In fact, the Pentagon acknowledged in its most recent Quadrennial Defense Review the critical importance of the United States improving its ability to detect incoming cruise missiles and slow-moving ground

vehicles. Current technologies such as JSTARS are simply inadequate to track small airborne targets that may easily be used to attack our forces with little warning and with horrible effect.

Mr. DODD. I would like to add to my distinguished colleague from Connecticut's remarks. While our troops deserve nothing less than the best equipment, it is also essential that we maintain the ability to domestically produce this type of advanced technology. I am convinced that failure to support MP–RTIPs continued advancement would result in a devastating loss to our domestic industrial base, essential for producing this type of crucial radar technology. Additionally, it would seem as though we had wasted the $1 billion already invested in this vital program. Now is not the time to forgo dominance in the realm of battlefield surveillance and management—and that is precisely what would happen if we ended domestic production of this vital system.

Mr. INOUYE. I thank the Senators from Connecticut for bringing this issue before us today. I assure you that I will examine this program carefully as the committee reviews the supplemental appropriations bill.

Mr. DODD. I thank the chairman for his leadership on this important issue.

PATRIOT MISSILES

Mr. KENNEDY. Mr. President, I would like to engage in a brief colloquy with my good friend from Hawaii, Senator INOUYE, on Patriot missiles. It is my understanding that the Patriot missile is the Army's only fielded air and missile defense capability. With only 13 total deployable battalions in the force, the Army operational and personnel capacity to respond to the needs of the combatant commanders is severely stressed.

Mr. INOUYE. I thank the Senator for raising this very important issue. As the Senator knows, I am a strong supporter of the Patriot.

Mr. KENNEDY. Your support is well known and very much appreciated. This year is a very active year for Patriot—the Patriot pure fleet effort will upgrade three tactical battalions from the PAC–2 to the PAC–3 configuration and the Patriot ''Grow the Army'' effort to upgrade two nontactical battalions of Patriot equipment from the PAC–2 to the PAC–3 configuration, and purchase the remaining new equipment for stand-up of these battalions.

It is my understanding that the funding for this effort is a little complicated. The Army requested $208 for the Patriot pure fleet effort and $294 million in the amended fiscal year 2008 President's budget request to fund the activation and equipping of the first additional battalion fiscal year 2008 with the second in fiscal year 2010. This fiscal year 2008 funding is critical to this schedule to procure long lead materials to prevent slip into fiscal year 2012 and beyond. I understand that providing these funds in fiscal year 2008 avoids almost $100 million in costs. And if that funding is provided, the plan for Patriot pure fleet and the ''Grow the Army'' initiative is executable and not ahead of the need to establish the two additional battalions. I believe that fully funding the Army's amended request in fiscal year 2008 is in the best interests of the taxpayer and will avoid almost $100 million in costs if the Army can award all this work under one contract.

I strongly support conforming the Senate bill to the House mark, which included the $294 million for the ''Grow the Army'' effort.

Mr. INOUYE. I thank the Senator. As the Senator surely knows, we fully funded the Patriot pure fleet effort, one of the Army's top priorities in the past 2 years. We will certainly consider the additional information provided as we conference the bill.

UNMANNED AERIAL VEHICLE

Mr. BAYH. Madam. President, I wish to engage in a colloquy with the esteemed Senator from Hawaii in order to speak about the important role medium to high altitude unmanned aerial vehicles, UAVs, play in operations across the world today. We are concerned that the DOD is simply not fielding enough of these systems. Despite constant increases in procurement and assurance from the Department that they are working to address this requirement, medium to high altitude UAVs remain a low density high demand asset.

Mr. INOUYE. I thank the Senator from Indiana for raising this important issue and agree with my good friend that improving our intelligence, surveillance, and reconnaissance capabilities is a critical issue for our military today.

Mr. BAYH. As my chairman is already fully aware, today's counterinsurgency and counterterror operations remain intelligence driven. The ultimate success of so many of our military's missions depends on the effectiveness of our intelligence capabilities. Truly, each and every single operation has an intelligence component.

I do not believe that these assets can ever replace people or the human intelligence they produce, but they remain highly valuable given their limited footprint and ability to collect data across multiple spectrums. Simply put, they are force multipliers. Systems like the Predator, Reaper, and Sky Warrior have long loiter times and an ability to strike immediately. Further, they do not have to wait on the arrival of other manned assets before engaging a target, which is something that we cannot currently duplicate.

I have visited Iraq and Afghanistan, where I was told over and again the importance of these ISR assets. Further, during a recent Armed Services hearing, I was able to question our new Special Operations Commander, Admiral Olson, about medium to high altitude UAV requirements. He told the committee that there is currently a 30 UAV orbit requirement in CENTCOM. However, we only have 12 orbits available today. I find this unacceptable.

In both major theaters of operation, we have been told how difficult it can be to have constant surveillance of suspected enemy hideouts. Given that insurgents are nearly always local, these hideouts and safe havens can often be in the midst of innocent bystanders and be difficult to observe covertly. Having eyes on a site to provide the target discrimination our commanders need is invaluable.

No matter how long American forces remain in either theater, I strongly believe that some of the last assets to leave will be ISR collection in nature. Medium to high altitude UAVs do just that, and I ask that my colleague from Hawaii look to address this significant shortfall in the upcoming fiscal year 2008 supplemental appropriations bill.

Mr. INOUYE. I can assure the junior Member from Indiana that my committee will examine this program carefully and give this request all due consideration as the committee reviews the supplemental appropriations bill. I thank my colleague for his concern and leadership on this important issue.

Mr. BAYH. And I thank my colleague from Hawaii for his continued dedication to the men and women who serve in our Armed Forces.

ARMY R & D—FED

Mr. LEVIN. I would like to enter into a colloquy with my friend from Hawaii, the Chairman of the Defense Appropriations Subcommittee, Senator INOUYE.

The bill before us includes two significant cuts to the President's budget request in the area of Army research and development on combat vehicle and automotive technology. The House-passed version of this bill and both the House and Senate-passed versions of the National Defense Authorization Act do not include these cuts.

The first cut of $10 million eliminated funding for a fuel efficiency ground vehicle demonstrator, FED. This program is scheduled to be a 3-year effort by the ground vehicle experts at the U.S. Army Tank-Automotive Research, Development, and Engineering Center to develop a tactical ground vehicle that is significantly lighter and more fuel efficient than current high mobility multipurpose wheeled vehicles, HMMWVs. Specifically, this program will focus on the overall design of the vehicle as well as components including hybrid electric propulsion systems, fuel cells, advanced batteries, and new armor solutions.

This project is key to advancing technologies that will allow the Department of Defense to meet the fuel efficiency goals it has established. Additionally, this project is complementary to the development of the new joint light tactical vehicle and will provide an opportunity to demonstrate a number of new technologies, including on-board power solutions, that can

be spun into the vehicle as its development moves forward. Lastly, this project provides the opportunity to test technologies that will give our military new capabilities, including silent overwatch and mobile power sources on the battlefield.

The second cut of $14.215 million eliminated funding for future combat systems, FCS, science and technology activities in the area of robotics. FCS is the Army's only major transformation project, and we must remain committed to this program. These funds would be used to support the development of electronics and control systems for unmanned ground vehicles that will eventually be integrated into the FCS network. Without these funds, the Army will not have the ability to build a large scale unmanned ground vehicle demonstrator to test new robotics technologies.

These funds are critical to advancing and testing new robotics technologies so they can be rapidly deployed to our warfighters around the world. Cutting these funds will reduce the Army's ability to develop and test robotics technologies needed by our troops and increase the risk that they will not be available for rapid transition into the hands of warfighters.

I am sure my colleague would agree that we should do more, not less, to achieve increased fuel efficiency in our military ground vehicles and more rapidly mature the capabilities of unmanned ground vehicle technologies.

Mr. INOUYE. My colleague from Michigan raises some important points. Reducing fuel consumption in the field is an urgent need of our military. It will not only reduce costs but also reduce the risk to our troops because fewer fuel deliveries will need to be made to dangerous areas.

I also agree that future combat systems, and especially the new robotics technologies it will bring, are critically important to our troops. These technologies will continue to play an important role in the transition of our military to a more mobile, lethal, and effective force.

I commit to my colleague from Michigan that the committee will reevaluate the cuts he has highlighted when the bill goes to conference with the House.

Mr. CONRAD. Madam President, I rise to offer for the RECORD, the Budget Committee's official scoring of H.R. 3222, the Department of Defense Appropriations Act for fiscal year 2008.

The bill, as reported by the Senate Committee on Appropriations, provides $459.3 billion in discretionary budget authority for fiscal year 2008, which will result in new outlays of $312.2 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total $476 billion.

The Senate-reported bill is at its section 302(b) allocation for budget authority and $3 million below its allocation for outlays. No points of order lie against the committee-reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 3222, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008

[Spending comparisons—Senate Reported Bill (in millions of dollars)]

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget Authority	459,332	0	459,332
Outlays	475,977	0	475,977
Senate 302(b) allocation:			
Budget Authority	.....	.....	459,332
Outlays	.....	.....	475,980
House-passed bill:			
Budget Authority	459,319	13	459,332
Outlays	473,026	53	473,079
President's Request:			
Budget Authority	462,879	0	462,879
Outlays	477,836	8	477,844
Senate-Reported Bill Compared To:			
Senate 302(b) allocation:			
Budget Authority	.....	.....	0
Outlays	.....	.....	−3
House-passed bill:			
Budget Authority	13	−13	0
Outlays	2,951	−53	2,898
President's Request:			
Budget Authority	−3,547	0	−3,547
Outlays	−1,859	−8	−1,867

• Mr. MCCAIN. Madam President, the Defense Appropriations Act for Fiscal Year 2008 is one of the most important of the appropriations measures that we will consider this year. This legislation will provide critical funding for the men and women in our Armed Forces who, at this very moment, are in harm's way. Because we must continue to support them, I support the passage of this bill, but I have serious concerns over the earmarks contained in the committee report accompanying this bill.

The bill reported out of committee appropriates over $448 billion. This is more than $3.5 billion below the President's request and, notably, does not include any additional funds for ongoing operations in Iraq and Afghanistan. As is the case with so many of the appropriations bills that come to the floor, the report accompanying it contains numerous earmarks that were neither requested nor authorized, to the tune of over $5 billion. During a time of war, we should be making every effort to support the President's budget request instead of slashing it and then adding earmarks for favored projects.

Every day, we ask the brave men and women who fight for freedom on behalf of our great Nation, and their families, to make sacrifices. They sacrifice in Iraq, Afghanistan, and elsewhere throughout the globe. We in the Congress should exercise some degree of self-restraint and sacrifice, as well.

Let me mention a few of the add-ons that were included in the bill's accompanying report: $2 million for a project involving brown tree snakes; a total of $3 million for an electronic futures trading program; $2 million for research on high-pressure microwave processing for meals-ready-to-eat; $2 million for the Marines to buy boot socks cushioned with merino wool; $2 million to buy extended cold-weather gloves for the Army; $2 million for research on a technology that extracts pure water from the air; $2 million for research on a multispectral fingerprint device; $4 million to study the Northern Lights; $6.5 million for small instrument development for Magdalena Ridge Observatory; and $10 million for Eielson Utilidors.

Once again, there are also many earmarks that may be for worthy causes, but there is no compelling national defense reason for these items to be funded through this legislation. These earmarks include $150 million for a peer-reviewed breast cancer research program; $80 million for a similar prostate cancer research program; $10 million for ovarian cancer research; $27.5 million for the Hawaii Federal Health Care Network; $10 million to a program called Ceros, for river and oceanic research; $6.1 million for research on a new engine called homopolar hybrid drive; $2 million for research into putting humans into a state similar to hibernation so they can be kept alive long enough for doctors to administer treatments; and $3 million for research for a 2D–3D face-recognition system.

As we are engaged fully in the global war on terror, it is imperative that we get the most out of each and every defense dollar. The money that is being diverted to projects like the ones I have mentioned could instead be used for body armor or other critical needs to protect our troops and help win the war on terror. The earmarks I have mentioned are just a small sampling of the many unrequested earmarks that fill the accompanying report. These earmarks are draining our precious resources and are not vital to our long-term national security. I strongly encourage the Federal agencies affected to use their judgement to ensure they are not allocating resources to projects that are not legislatively mandated or authorized but rather, are merely the wish lists of the committee.

In the report accompanying the bill, there are several authorizing provisions, which by their nature have no place in an appropriations vehicle, including language directing the Air Force to provide funding to continue the operation of the 36th Rescue Flight assigned to Fairchild AFB in Washington State and a provision requiring funding for Naval archeology programs in the Lake Champlain Basin.

Similarly, in the bill, a provision directs the Air Force to complete upgrades and additions to Alaskan range infrastructure and training areas, as well as at Hickman AFB in Hawaii. A similar provision calls for $3 million to be spent on upgrades and maintenance at the Pacific Missile Range Facility. Another provision prohibits the disestablishment of the 53rd Weather Reconnaissance Squadron in Mississippi.

Some of these authorizing provisions are outside of the scope of defense policy, including language providing for the Navy to transfer up to $20 million

to the Interior Department for any expenses associated with the construction of the USS Arizona Memorial Museum and Visitors Center.

I would also like to discuss the ''Buy America'' restrictions that cost the Department of Defense and the American taxpayers. Like in previous appropriations bills, this year's bill imposes a number of ''Buy America'' restrictions. For example, the bill would prevent the Defense Department's purchase of particular welded shipboard anchor and mooring chain; carbon alloy or armor steel plate; ball and roller bearings, unless they are manufactured in the United States. It would put similar restrictions on the Department's buying public vessels, food, certain textile materials, particular Navy supply ships, as well as its purchase of coal as a fuel source for certain military installations in Germany. Another ''Buy America'' provision prohibits the Department's buying any supercomputer that is not manufactured in the United States.

I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. From a philosophical point of view, I oppose these types of policies as protectionist. I believe free trade is an important element in improving relations among all nations and essential to economic growth. From a practical standpoint, ''Buy America'' restrictions, such as those contained in this bill, could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners.

I have no doubt that some of these provisions may be important while others are questionable at best. What is important is that we follow the authorization process and restrain ourselves from using appropriations bills to authorize projects on this bill that have not been requested by the Department of Defense, nor approved by the authorizing committee.

Mr. President, there can be no doubt that this legislation is very important to the ultimate success of our ongoing war on terror. Yet I believe it is important to point out to the American taxpayer where some of their money is going and some of it is not going to projects that have anything to do with our defense.●

Mr. CARDIN. Madam. President, I rise today to express my support for H.R. 3222, the fiscal year 2008 Department of Defense Appropriations bill. We have no greater obligation as elected officials, than to take care of our troops and their families who have sacrificed on our behalf. I am proud to support my colleagues on the Appropriations Committee who have crafted a bill that sets the right priorities for our military and our country by providing critical equipment and training, strengthening military health care for our troops and their families, and giving our military families the pay raise they deserve.

The legislation before us today provides over $1 billion more for National Guard equipment than the administration requested. This funding is critical, not only to support National Guard troops who are fighting for our country overseas but to the Guard's ability to protect us here at home. National Guard units across the country have been giving up the great majority of their equipment to units headed to Iraq and Afghanistan. The resulting shortages were felt just recently in Greenburg, KS, when that town was flattened by a tornado. Kansas Governor Kathleen Sebelius said the State's response was hampered because much of the equipment usually positioned around the State to respond to emergencies was in Iraq.

While Maryland does not face the same threat of tornadoes, my home State, like every State, has its own unique challenges. Maryland must be prepared to respond not only to hurricanes and severe snow storms but to attacks against Federal assets in the national capital region. After the mobilization of several Maryland Guard units to Iraq, the Guard has said it is without the necessary equipment to provide the robust response that Marylanders and the rest of our Nation expect. H.R. 3222 takes action to address this critical shortfall in my State and every State.

This important bill provides military personnel 3.5 percent pay raise, half a percent more than the administration requested. President Bush has threatened to veto this bill over the 0.5 percent additional increase stating that the ''[t]roops don't need bigger pay raises.'' Well, I disagree.

The 3 percent raise would be enough to keep pace with the average increase in private sector wages last year. The 3.5 percent raise is enough to not just match the private sector but to slightly close the estimated 4 percent gap that remains between average military and private sector raises. This gap hurts recruiting and retention for our All-Volunteer Force and is not a handicap our military should shoulder when the war effort has forced the military to increase its overall size at the same time it has depressed recruiting efforts.

H.R. 3222 makes care for our mentally and physically wounded military men and women a priority. The legislation adds $948.9 million above the President's request for military health care, totaling $23.5 billion. Of the $23.5 billion, $486 million was added to reverse planned cuts to military hospitals.

In addition, H.R. 3222 provides significant funds to develop treatments for the signature injuries of the wars in Iraq and Afghanistan including brain injury and loss of limbs. Uncontrolled internal or external hemorrhage is the foremost preventable cause of death in the prehospital period for military combat trauma. Some 50 percent of the deaths our troops have suffered in Iraq and Afghanistan could have been prevented if better products were available to control bleeding.

The measure provides $73 million to fund programs authorized in the Senate-passed Dignified Treatment of Wounded Warrior Act. The Wounded Warriors bill addresses the urgent medical needs of wounded servicemembers, especially those suffering from post-traumatic stress disorder and traumatic brain injuries.

I am particularly proud that H.R. 3222 funds promising techniques being pioneered in Maryland to develop bandages that are capable of stopping severe bleeding in the field and limb and tissue transplants that are viable over the many years we hope our young wounded warriors will live after returning home from war.

H.R. 3222 places a premium not only on providing our troops the equipment they need to avoid injury in the first place but to develop better technology going forward. The legislation provides $75.4 billion, $268.9 million above the administration's request for research, development, test, and evaluation of new technologies. Some money will go to folks in Maryland developing methods of detecting explosives at a greater distance as well as hybrid and alternative fuel source engines. These engines not only reduce our dependence on oil and decrease emissions; they reduce the need to ship fuel along supply routes in Iraq and Afghanistan that have been a point of vulnerability for our forces.

Today, I am proud to be part of a body that is meeting its obligations to our troops, their families, and our military as an institution. I applaud Senators BYRD, COCHRAN, INOUYE, and STEVENS and my other colleagues on the Appropriations Committee for their excellent work and look forward to quick passage of this critical legislation.

Mr. INOUYE. Madam President, I ask unanimous consent that no further amendments be in order and that the bill be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendments and third reading of the bill

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I wish to take a moment to say that my wife and I watched closely Ken Burns' production of ''The War'' or, as Katharine Phillips Singer from Mobile,

called it, ''The Wah.'' Some of the people we know there have enjoyed and been so impressed with the remarks of Senator INOUYE as he was interviewed about his experiences during World War II. His heroism and commitment to America was demonstrated in so many different ways in that program. He spoke so eloquently and so insightfully about the nature of war, the difficulty and brutality of war. I think not only did he affirm the courageousness of our soldiers, but he gives us cause to look for ways to avoid such events in the future. It is worth noting.

Hopefully, that whole production will be seen around the country and more people will get a better picture of the enormity, the breadth, the commitment our Nation gave during that decisive period in our history.

Senator STEVENS also, of course, was a person who served courageously in that conflict. It is an honor for me today to be with these two fine patriots as we apparently move to final passage of this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I thank the Senator from Alabama for his generous remarks. I thank him very much.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, there will be no more rollcall votes tonight. We received permission from both sides to voice vote the matter that is now before the Senate.

Mr. STEVENS. Madam President, I ask unanimous consent that Senator KYL be added as cosponsor to amendment No. 3192.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President, I ask unanimous consent that the Senate proceed to vote on passage of the bill, that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with the subcommittee appointed as conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is on the passage of the bill, as amended.

The bill (H.R. 3222), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. INOUYE. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. CASEY). Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair appoints Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, and Mrs. HUTCHISON as conferees on the part of the Senate.

Mr. AKAKA. Mr. President, today, I was pleased to support the fiscal year 2008 Defense Appropriations Act. I would like to thank the Chairman of the Defense Appropriations Subcommittee, my good friend and colleague from Hawaii, Senator INOUYE and Ranking Member STEVENS for their leadership in managing this bill with such impartiality and expediency. Not only does this bill fully support the facility, training and equipment requirements of our men and women in uniform, but it also provides a much needed increase in funds for military health over the President's budget request to ensure that members of our Armed Forces receive the care that they deserve. As chairman of the Veteran's Affairs Committee, I strongly supported the additional inclusion of $73 million to fund the programs authorized in the Dignified Treatment of Wounded Warrior Act which addresses shortfalls in the care provided to our injured or ill soldiers.

I also applaud the inclusion in this bill of a provision which recognizes the dedication and sacrifices made by both the members of our Armed Forces and their civilian counterparts by providing a 3.5 percent increase in basic pay for all servicemembers and civilian personnel, a 0.5 percent increase above the President's request. I was also pleased to support the addition of $1 billion to properly equip the National Guard and Reserve forces who risk their lives to defend our nation.

As this bill moves toward conference I will continue to work with my colleagues in both the Senate and the House to ensure that our military members and their families have the resources they need and the support they have earned.

TRIBUTE TO PAUL CROWLEY

Mr. REED. Mr. President, I rise today, joined by my friend, Senator WHITEHOUSE, to recognize the life of Paul Crowley, a Rhode Island State Representative who distinguished himself with an extraordinary career as a business leader and particularly as a civic leader in the State of Rhode Island.

Paul passed away on September 24, 2007, after serving nearly 27 years as a member of the Rhode Island General Assembly. Indeed, I had the privilege and pleasure of serving with Paul years ago. He was a friend to me. He was a source of wise counsel, and he was someone who was universally admired for his commitment, particularly his commitment to children.

Paul's passion was to try to reform the educational system of Rhode Island. He brought that passion with him every day to the State House in Providence. He was someone who was unafraid of taking on anybody when it came to helping children perform better in school. It was not confrontation for the sake of confrontation; it was constructive, robust debate—always with the focus on improving the opportunities for children to learn in our State so they can take those skills and build strong families, a strong community, and a great nation.

Paul is a contemporary. He was born, as I was, in 1949. He graduated from the University of Rhode Island in 1973 and was first elected as a Democrat from Newport in 1981. In the intervening years he has, more than any one person in Rhode Island, profoundly shaped education policy for our State. As I said, he took it upon himself with a passion, with a commitment, with a sense that this country is all about opportunity, and the greatest engine of opportunity for Americans is a good public education.

He was an unstinting advocate. He was someone who understood the nature of the educational process. He worked ceaselessly, tirelessly, and he bore the frustrations of public service with a sense of purpose. At the end of his career, he could look back at profound changes for the better in the educational system of Rhode Island.

He was way ahead of his time in terms of emphasizing school accountability, standards-based reform, and measuring student progress. Years before these ideas were embraced and supported at the Federal level, Paul was talking about them at the State level and led a State-wide reform effort. He was committed to making sure education was available for all our citizens, regardless of race, background, or income; that they would have access to a high-quality public education as a foundation to higher education.

He was also an advocate for career and technical education, understanding that one size does not fit all; that the essence of education is finding the talent in that child and giving that child the opportunity to use that talent. For many, it is career and technical education.

He understood that in this new global economy, Americans could not stand pat when it came to education. They

had to be better than they were before, better than the rest of the world. He fought for that vigorously and tirelessly.

He was someone who understood it very well and every day gave his all so every child in our State would have a better chance to make the progress that is the essence of this country and seize all its opportunities.

Paul's greatest passion was for his family, Diana, and their three children, Meredith, Matthew, and Edward. In his family, he has a reflection of all the values he stood for, honesty, decency, integrity, effort, success and community spirit—reaching out to help others. All of these good people do it every day. They are inspired and sustained by his example.

Also high among his cherished ideals was his Irish heritage. Paul looked like a map of Ireland, with a shock of white hair and his ruddy complexion and his great Irish tenor voice. He would sing Irish ballads with his musical group, and he would remind us all of the great poets of Ireland and the great dreamers of Ireland. But similar to many of them, he transformed the songs, the poems, and the dreams into real action.

Today we come to this floor to praise him, to thank him, to let his family know what they already know. He has won the esteem and the love of his neighbors in Rhode Island, richly deserved for a life well spent serving others.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am pleased to rise today to join my distinguished senior Senator JACK REED in remembering a great Rhode Islander, Representative Paul Crowley, of Newport. With his passing early last week, the ''Ocean State'' lost not only a champion for our children and powerful advocate for Newport, the city he loved, but a friend and mentor for many of us who served and worked with him. In a place such as Rhode Island, a loss like that of Paul touches us personally as well as politically.

So together with Senator REED, I wish to share briefly with the Senate the Paul Crowley I know.

Paul was a Newporter heart and soul, a lifelong resident of the fifth ward and a warm and generous host at Laforge Casino Restaurant, long owned by his family. He loved his old city and worked tirelessly to strengthen its economy and bring new vitality to its proud history.

Paul's role in founding the Newport County Convention and Visitors Bureau helped make Newport a world-class destination, and he led efforts to build a sister city relationship that endures today, between Newport and Kinsale, Ireland.

A loyal member of the Ancient Order of Hibernians and former Grand Marshal of the Newport St. Patrick's Day Parade, Paul treasured his Irish heritage. He loved his family, his native city, and his ancestral Ireland, I think in that order.

Paul was a deeply respected leader. In 27 consecutive years of service in our General Assembly, his work as deputy chair of the Rhode Island House Finance Committee, among many other posts, cemented Paul's reputation as a hard worker, an honest broker, and a skilled negotiator.

Paul relentlessly dedicated those skills to improving education in Rhode Island. He believed Rhode Island children deserved the best education and he never compromised that commitment. He pushed schools and teachers to take responsibility for their students' successes and failures, and he pushed the State to ensure that schools improved, from accountability measures to State aid for poorer districts. Paul was particularly focused on middle schools, a concern he and I shared.

His legislative deeds are the shoulders on which education reform in Rhode Island will stand for a generation. Paul was a friend especially to Senator REED's colleague and mine in our delegation, PATRICK KENNEDY. Paul befriended PATRICK when they both served together in the General Assembly. I know Paul watched with great pride as PATRICK rose first in the Rhode Island House of Representatives, and later in Congress, where he has earned the great honor and responsibility now of serving on the House Appropriations Committee.

Paul will be so deeply missed. Hearts all over Rhode Island go out to Paul's family—his wife Diana, his daughter Meredith, his sons Matthew and Edward, and his entire family.

I join Senator REED in offering my condolences, on behalf also of Sandra, my wife, who worked with Paul in the legislature and who was so fond of him.

Newport, the city Paul loved, and the Ocean State, whose people he served unselfishly and with great integrity, are lessened today because he is no longer with us.

Paul, may the road rise up to meet you, and the wind be always at your back. May the sun shine warm upon your face; may the rain fall soft upon your fields. And until we meet again, may the Lord hold you in the palm of His hand.

MATTHEW SHEPARD ACT

Mr. KENNEDY. Mr. President, hate crimes violate everything our country stands for. They send a loud and clear message to some of our fellow citizens that they are not welcome in our society. The Matthew Shepard Hate Crimes Act, passed last week by the Senate as an amendment to the Defense authorization bill, makes clear that we will not stand by and allow our fellow citizens to be brutalized.

Enactment of such legislation is vitally important to the Arab-American community, that has suffered a surge in hate crimes against them in recent years because of 9/11. After the terrorist attacks that day, the FBI documented a ninefold increase in hate crimes against persons believed to be Arab or Muslim and a 130-percent increase in incidents directed on individuals because of their ethnic background or national origin. When the terrorists attacked our Nation, they also delivered a second attack against Americans who shared their ethnic background and religion but not their hate or violence.

In their recent publication, ''Report on Hate Crimes & Discrimination Against Arab Americans: The Post-September 11 Backlash (2003),'' the American-Arab Anti-Discrimination Committee identified a number of confirmed and suspected hate crime murders of Arab Americans and those perceived to be Arab or Muslim. In Mesa, AZ, Balbir Singh Sodhi, an Indian Sikh, was shot while he was planting flowers outside his Chevron station. His murderer, Frank Roque, had spent the day drinking and raving about how he wanted to kill the ''rag heads'' responsible for the terrorist attacks four days earlier. After being kicked out of a bar, Roque went on a shooting rampage. He first shot and killed Sodhi, and afterwards fired on the home of an Afghan family. He then fired several times at a Lebanese-American clerk, who, fortunately, escaped injury. During his arrest he yelled, ''I am a patriot!'' and ''I stand for America all the way!''

In Dallas, Waqar Hasan, a Pakistani Muslim, was shot in the face while cooking hamburgers in his grocery store. Mark Anthony Stroman confessed on a Dallas radio program to the murder, saying he killed Hasan and another man and shot a third person in revenge for the terrorist attacks. During an interview, Stroman confessed that he wanted to ''retaliate on local Arab Americans or whatever you want to call them.'' He also added that he ''did what every American wanted to do but didn't. They didn't have the nerve.'' Stroman was convicted and sentenced to death. In Lincoln Park, MI, Ali Almansoop, a U.S. citizen originally from Yemen, was shot to death while fleeing his attacker. The victim was asleep with his girlfriend when her ex-boyfriend broke into her apartment and dragged him out of bed. According to his own police confession and the woman's statements, he threatened, ''I'm going to kill you for what happened in NY and DC.'' The victim fled outside and was shot in the back trying to escape.

Several other incidents have also occurred that are suspected to be hate crime killings, including the murder of an Egyptian-American grocery store owner, who was killed at work. He was confronted by two men who shot him and rode off in a Honda driven by a third man, leaving the money in the cash register intact.

In Reedley, CA, Abdo Ali Ahmed, a 50-year-old Arab-American store employee, was shot several times and

killed at work late one afternoon. Witnesses told detectives that they saw four males leave the site in a white four-door sedan. No money or merchandise was stolen. The employee had received threats since mid-September.

In Minneapolis, a Somali man waiting at a bus stop was beaten unconscious and later died in the hospital. His son believes the assault was the result of an article in the Minneapolis Star Tribune, which reported that local Somalis might have inadvertently donated to an organization now linked to Osama bin Laden. In Los Angeles, Syrian-born liquor storeowner, Ramez Younan, was shot to death behind his cash register. Police said they had no suspects and no clear motive for the shooting and no money was stolen from the store. The Los Angeles Police Department found Younan's body but no witnesses.

These examples emphasize the need for effective legislation and the importance of providing adequate resources to state and local law enforcement to investigate and prosecute hate crimes. Violent hate crimes can't be tolerated. We can reverse the tide of hatred and bigotry, by sending a loud, clear message that hate crimes will be punished to the full extent of the law, and will not be tolerated against any member of society.

The Matthew Shepard Act is supported by a broad coalition of 210 law enforcement, civic, disability, religious and civil rights groups, including the International Association of Chiefs of Police, the Anti-Defamation League, the Interfaith Alliance, the National Sheriff's Association, the Human Rights Campaign, the National District Attorneys Association and the Leadership Conference on Civil Rights. All of these diverse groups have come together to say now is the time for us to take action to protect our fellow citizens from the brutality of hate-motivated violence. The Senate did just that last week, and we must do all we can to see that this urgently needed federal legislation is enacted into law as soon as possible.

Mr. President, I commend the American-Arab Anti-Discrimination Committee for calling the Nation's attention to this serious problem, and I ask unanimous consent that an excerpt from their recent report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE

Passing legislation to prevent hate crimes is also vitally important to the Arab American community. Arab Americans have experienced a surge in hate crimes directed against them over the past several years. Following the September 11 terrorist attacks on our nation, the FBI documented a 1,600 percent increase in hate crimes against those perceived to be Arab or Muslim and a 130 percent increase in incidents directed at individuals on the basis of ethnicity or national origin. When terrorists attacked our nation, they served a second blow against Americans who shared their ethnicity and religion but not their hate and violence.

Taken from the landmark report, Report on Hate Crimes & Discrimination Against Arab-Americans: The Post-September 11 Backlash (2003:69–70) produced by the American-Arab Anti-Discrimination Committee Research Institute, the following are examples of confirmed hate crime murders and those suspected to be hate crime murders against Arab Americans and those perceived to be Arab or Muslim. As hate crimes continue against the community, ADCRI will issue their next report on hate crimes in late fall 2007.

CONFIRMED HATE CRIME MURDERS

September 15—Mesa, AZ: 49-year-old Indian Sikh, Balbir Singh Sodhi, was shot while planting flowers outside his Chevron station. His murderer, 42-year-old Frank Roque, had spent the day drinking and raving about how he wanted to kill the ''rag heads'' responsible for the terrorist attacks four days earlier. After being kicked out of a bar, Roque went on a shooting rampage. He first shot and killed Sodhi, and afterwards fired on the home of an Afghan family. He then shot several times at a Lebanese-American clerk who escaped injury. During his arrest he yelled, ''I am a patriot!'' and ''I stand for America all the way!'' The U.S. Department of Justice investigated the slaying as a hate crime murder.

September 15—Dallas, TX: 46-year-old Pakistani Muslim Waqar Hasan was shot in the face while cooking hamburgers in his grocery store. 32-year-old Mark Anthony Stroman, confessed on a Dallas radio program to having committed the murder, saying that he had killed Hasan and another man (see below) and shot a third out of revenge for the terrorist attacks (see also below) battery, September 21—Dallas, TX. During the interview, Stroman confessed that he wanted to ''retaliate on local Arab Americans or whatever you want to call them.'' He also added that he ''did what every American wanted to do but didn't. They didn't have the nerve.'' (AP, 2/16/02) The U.S. Department of Justice investigated the slaying as a hate crime murder. Stroman was convicted and sentenced to death.

September 19—Lincoln Park, MI: A 45-year-old U.S. citizen, Mr. Ali Almansoop, originally from Yemen, was shot to death while fleeing his attacker. The victim was asleep with his girlfriend when her ex-boyfriend, Brent Seever, 38, broke into her apartment, dragged him out of bed and, according to his own police confession and the girlfriend's statements, threatened, ''I'm going to kill you for what happened in NY and DC.'' The victim fled outside and, as he was running, he was shot in the back. The U.S. Department of Justice investigated the slaying as a hate crime murder.

October 4—Mesquite, TX: Vasudev Patel, a 49-year-old Indian gas station owner, was shot to death during an armed robbery. His killer, Mark Anthony Stroman (see above), initially explained that the killing resulted from the robbery, but later gave a conflicting explanation, telling police that he was motivated by vengeance for the terrorist attacks. Stroman alleged that he had lost a relative in the World Trade Center. A security camera recorded the armed man walking into the station, ordering the owner to give him all of the money before shooting him. Stroman then attempted to open the cash register and failed. He then fled without taking any of the money. (The Dallas Morning News, 11/3/01) On April 4, 2002, Mark Anthony Stroman was sentenced to death for this slaying. (Also see above, September 15—Dallas, TX, and Attempted Murder, September 21—Dallas, TX) (Reuters, 4/4/02)

SUSPECTED HATE CRIME MURDERS

September 15—San Gabriel, CA: An Egyptian-American grocery store owner Adel Karas, 48, was shot to death while at work. After a confrontation between the owner and two customers, the two men shot him and sped off in a Honda driven by a third man, leaving the money in the cash register intact. (AP, 10/10/01) The U.S. Department of Justice investigated the slaying as a hate crime murder.

September 17—Haines City, FL: 45-year-old Indian American businessman Jayantilal Patel was found gagged, bound and beaten at the motel he owned and operated. A month later, police arrested Patel's murderers Sean Russell, 23 and Kimberly Williams, 20. The pair confessed to killing Patel, stealing his money and fleeing in his car. (The Washington Post, 1/30/02) The U.S. Department of Justice investigated the slaying as a hate crime murder.

September 18—Ceres, CA: The body of Surjit Singh Samra, a 69-year-old Sikh, was discovered two days after he had left his home for an evening walk. His body was found beneath about five feet of water in a nearby irrigation canal. Samra still was clothed, but his turban and glasses were missing. His wallet was in his pocket, money still intact. An autopsy determined the man had drowned and there was no significant trauma that suggested foul play. However, Samra's family suspects he was the victim of a hate crime and pushed into the water. (Modesto Bee, 10/18/01)

September 29—Reedley, CA: A 50-year-old Arab-American store employee, Abdo Ali Ahmed, was shot several times and killed while at work in the late afternoon. Witnesses told detectives that they saw four males speed from the store in a white four-door sedan. No money or merchandise was stolen. The employee had received threats since mid-September. (The Fresno Bee, 10/2/01) The U.S. Department of Justice investigated the slaying as a hate crime murder.

October 3—Los Angeles, CA: A 53-year-old Palestinian-born clothing salesman, Abdullah Mohammed Nimer, was killed in Los Angeles while making his door-to-door rounds. There are no known witnesses but Mr. Nimer's family is convinced that the killing was a hate crime. Neither money nor goods were stolen. (AP, 10/9/01) The U.S. Department of Justice investigated the slaying as a hate crime murder.

October 14—Minneapolis, MN: A 65-year-old Somali man, Ali Warsame Ali, was beaten unconscious while waiting at a bus stop. He later died in the hospital. His son believes the assault was the result of a recent article in the Minneapolis's Star Tribune, which reported that local Somalis might have inadvertently donated to an organization now linked to Osama bin Laden. (Pioneer Press) The U.S. Department of Justice investigated the slaying as a hate crime murder.

October 17—Los Angeles, CA: A Syrian-born liquor storeowner, Ramez Younan, was shot to death behind his cash register. Police said they had no suspects and no clear motive for the shooting. No money was stolen from the cash register. Alerted by an anonymous 911 call about * * *

NURSING HOMES

Mr. GRASSLEY. Mr. President, for 10 years, I have advocated for stronger measures to ensure that America's nursing home residents receive the quality of care they deserve. Currently, over 1.7 million Americans live in nursing homes. This number will grow by leaps and bounds as the baby boomer

generation ages. Therefore, there has never been a more critical time to make sure that the Federal Government does all it can to protect the most vulnerable among us from substandard care.

In late September, an article on the front page of the New York Times underscored this issue and brought to light some troubling data. The article, entitled ''At Many Homes, More Profit and Less Nursing,'' studied the quality of care at investor-owned nursing homes. The findings were alarming, to say the least.

Using numbers from the Centers for Medicare and Medicaid Services, the article compared several investor-owned nursing home chains to industry-wide averages for several indicators. Here is what was found. The investor-owned homes, on average, had fewer clinical registered nurses per resident and higher numbers of serious health deficiencies. The article also reported that, in some cases, long-stay residents in these investor-owned homes suffered from higher rates of deterioration in their condition.

I would like to highlight one case in particular. Following its purchase by a large investment firm, one nursing home cut its number of clinical registered nurses in half. Budgets for nursing supplies, resident activities, and other services were also cut. Investor profits soared and resident care plummeted. Indeed, visits by regulators found fire exits that didn't work, dirty kitchens, and other health and safety violations. Fifteen residents died in 3 years due to negligent care, according to their families.

Our elderly and disabled nursing home residents our own grandparents, mothers, fathers, and other loved ones deserve better.

Is this a case of profits before care? Well, I am not sure. But I certainly intend to look into it. I intend to investigate allegations that some large investment firms are buying up nursing homes across the country and are hurting quality of care. And as a result, achieving, as the New York Times said, ''More profit and less nursing.''

And let's not forget that the Centers for Medicare and Medicaid Services shoulder some responsibility for these problems too CMS needs to do a better job of protecting seniors in our Nation's nursing homes and I am going follow up with them to see what they have to say.

So I say to my fellow Senators, we must do what is necessary to protect America's nursing home residents. We need to closely examine this matter. I plan to take a very active role in looking at this issue and will be speaking with nursing homes, equity firms, and to CMS. We owe it to America's nursing home residents and we owe it to their families.

Mr. President, I ask unanimous consent to have printed in the RECORD the article to which I referrd earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 23, 2007]

AT MANY HOMES, MORE PROFIT AND LESS NURSING

(By Charles Duhigg)

Habana Health Care Center, a 150-bed nursing home in Tampa, Fla., was struggling when a group of large private investment firms purchased it and 48 other nursing homes in 2002.

The facility's managers quickly cut costs. Within months, the number of clinical registered nurses at the home was half what it had been a year earlier, records collected by the Centers for Medicare and Medicaid Services indicate. Budgets for nursing supplies, resident activities and other services also fell, according to Florida's Agency for Health Care Administration.

The investors and operators were soon earning millions of dollars a year from their 49 homes.

Residents fared less well. Over three years, 15 at Habana died from what their families contend was negligent care in lawsuits filed in state court. Regulators repeatedly warned the home that staff levels were below mandatory minimums. When regulators visited, they found malfunctioning fire doors, unhygienic kitchens and a resident using a leg brace that was broken.

''They've created a hellhole,'' said Vivian Hewitt, who sued Habana in 2004 when her mother died after a large bedsore became infected by feces.

Habana is one of thousands of nursing homes across the nation that large Wall Street investment companies have bought or agreed to acquire in recent years.

Those investors include prominent private equity firms like Warburg Pincus and the Carlyle Group, better known for buying companies like Dunkin' Donuts.

As such investors have acquired nursing homes, they have often reduced costs, increased profits and quickly resold facilities for significant gains.

But by many regulatory benchmarks, residents at those nursing homes are worse off, on average, than they were under previous owners, according to an analysis by The New York Times of data collected by government agencies from 2000 to 2006.

The Times analysis shows that, as at Habana, managers at many other nursing homes acquired by large private investors have cut expenses and staff, sometimes below minimum legal requirements.

Regulators say residents at these homes have suffered. At facilities owned by private investment firms, residents on average have fared more poorly than occupants of other homes in common problems like depression, loss of mobility and loss of ability to dress and bathe themselves, according to data collected by the Centers for Medicare and Medicaid Services.

The typical nursing home acquired by a large investment company before 2006 scored worse than national rates in 12 of 14 indicators that regulators use to track ailments of long-term residents. Those ailments include bedsores and easily preventable infections, as well as the need to be restrained. Before they were acquired by private investors, many of those homes scored at or above national averages in similar measurements.

In the past, residents' families often responded to such declines in care by suing, and regulators levied heavy fines against nursing home chains where understaffing led to lapses in care.

But private investment companies have made it very difficult for plaintiffs to succeed in court and for regulators to levy chainwide fines by creating complex corporate structures that obscure who controls their nursing homes.

By contrast, publicly owned nursing home chains are essentially required to disclose who controls their facilities in securities filings and other regulatory documents.

The Byzantine structures established at homes owned by private investment firms also make it harder for regulators to know if one company is responsible for multiple centers. And the structures help managers bypass rules that require them to report when they, in effect, pay themselves from programs like Medicare and Medicaid.

Investors in these homes say such structures are common in other businesses and have helped them revive an industry that was on the brink of widespread bankruptcy.

''Lawyers were convincing nursing home residents to sue over almost anything,'' said Arnold M. Whitman, a principal with the fund that bought Habana in 2002, Formation Properties I.

Homes were closing because of ballooning litigation costs, he said. So investors like Mr. Whitman created corporate structures that insulated them from costly lawsuits, according to his company.

''We should be recognized for supporting this industry when almost everyone else was running away,'' Mr. Whitman said in an interview.

Some families of residents say those structures unjustly protect investors who profit while care declines.

When Mrs. Hewitt sued Habana over her mother's death, for example, she found that its owners and managers had spread control of Habana among 15 companies and five layers of firms.

As a result, Mrs. Hewitt's lawyer, like many others confronting privately owned homes, has been unable to establish definitively who was responsible for her mother's care.

Current staff members at Habana declined to comment. Formation Properties I said it owned only Habana's real estate and leased it to an independent company, and thus bore no responsibility for resident care.

That independent company—Florida Health Care Properties, which eventually became Epsilon Health Care Properties and subleased the home's operation to Tampa Health Care Associates—is affiliated with Warburg Pincus, one of the world's largest private equity firms. Warburg Pincus, Florida Health Care, Epsilon and Tampa Health Care all declined to comment.

DEMAND FOR NURSING HOMES

The graying of America has presented financial opportunities for all kinds of businesses. Nursing homes, which received more than $75 billion last year from taxpayer programs like Medicare and Medicaid, offer some of the biggest rewards.

''There's essentially unlimited consumer demand as the baby boomers age,'' said Ronald E. Silva, president and chief executive of Fillmore Capital Partners, which paid $1.8 billion last year to buy one of the nation's largest nursing home chains. ''I've never seen a surer bet.''

For years, investors shunned nursing home companies as the industry was battered by bankruptcies, expensive lawsuits and regulatory investigations.

But in recent years, large private investment groups have agreed to buy 6 of the nation's 10 largest nursing home chains, containing over 141,000 beds, or 9 percent of the nation's total. Private investment groups own at least another 60,000 beds at smaller chains and are expected to acquire many more companies as firms come under shareholder pressure to sell.

The typical large chain owned by an investment company in 2005 earned $1,700 a resident, according to reports filed by the facilities. Those homes, on average, were 41 percent more profitable than the average facility.

But, as in the case of Habana, cutting costs has become an issue at homes owned by large investment groups.

''The first thing owners do is lay off nurses and other staff that are essential to keeping patients safe,'' said Charlene Harrington, a professor at the University of California in San Francisco who studies nursing homes. In her opinion, she added, ''chains have made a lot of money by cutting nurses, but it's at the cost of human lives.''

The Times's analysis of records collected by the Centers for Medicare and Medicaid Services reveals that at 60 percent of homes bought by large private equity groups from 2000 to 2006, managers have cut the number of clinical registered nurses, sometimes far below levels required by law. (At 19 percent of those homes, staffing has remained relatively constant, though often below national averages. At 21 percent, staffing rose significantly, though even those homes were typically below national averages.) During that period, staffing at many of the nation's other homes has fallen much less or grown.

Nurses are often residents' primary medical providers. In 2002, the Department of Health and Human Services said most nursing home residents needed at least 1.3 hours of care a day from a registered or licensed practical nurse. The average home was close to meeting that standard last year, according to data.

But homes owned by large investment companies typically provided only one hour of care a day, according to The Times's analysis of records collected by the Centers for Medicare and Medicaid Services.

For the most highly trained nurses, staffing was particularly low: Homes owned by large private investment firms provided one clinical registered nurse for every 20 residents, 35 percent below the national average, the analysis showed.

Regulators with state and federal health care agencies have cited those staffing deficiencies alongside some cases where residents died from accidental suffocation, injuries or other medical emergencies.

Federal and state regulators also said in interviews that such cuts help explain why serious quality-of-care deficiencies—like moldy food and the restraining of residents for long periods or the administration of wrong medications—rose at every large nursing home chain after it was acquired by a private investment group from 2000 to 2006, even as citations declined at many other homes and chains.

The typical number of serious health deficiencies cited by regulators last year was almost 19 percent higher at homes owned by large investment companies than the national average, according to analysis of Centers for Medicare and Medicaid Services records.

(The Times's analysis of trends did not include Genesis HealthCare, which was acquired earlier this year, or HCR Manor Care, which the Carlyle Group is buying, because sufficient data were not available.)

Representatives of all the investment groups that bought nursing home chains since 2000—Warburg Pincus, Formation, National Senior Care, Fillmore Capital Partners and the Carlyle Group—were offered the data and findings from the Times analysis. All but one declined to comment.

An executive with a company owned by Fillmore Capital, which acquired 342 homes last year, said that because some data regarding the company were missing or collected before its acquisition, The Times's analysis was not a complete portrayal of current conditions. That executive, Jack MacDonald, also said that it was too early to evaluate the new management, that the staff numbers at homes over all was rising and that quality had improved by some measures.

''We are focused on becoming a better organization today than we were 18 months ago,'' he said. ''We are confident that we will be an even better organization in the future.''

A WEB OF RESPONSIBILITY

Vivian Hewitt's mother, Alice Garcia, was 81 and suffering from Alzheimer's disease when, in late 2002, she moved into Habana.

''I couldn't take care of her properly anymore, and Habana seemed like a really nice place,'' Mrs. Hewitt said.

Earlier that year, Formation bought Habana, 48 other nursing homes and four assisted living centers from Beverly Enterprises, one of the nation's largest chains, for $165 million.

Formation immediately leased many of the homes, including Habana, to an affiliate of Warburg Pincus. That firm spread management of the homes among dozens of other corporations, according to documents filed with Florida agencies and depositions from lawsuits.

Each home was operated by a separate company. Other companies helped choose staff, keep the books and negotiate for equipment and supplies. Some companies had no employees or offices, which let executives file regulatory documents without revealing their other corporate affiliations.

Habana's managers increased occupancy, and cut expenses by laying off about 10 of 30 clinical administrators and nurses, Medicare filings reveal. (After regulators complained, some positions were refilled and other spending increased.) Soon, Medicare regulators cited Habana for malfunctioning fire doors and moldy air vents.

Throughout that period, Formation and the Warburg Pincus affiliate received rent and fees that were directly tied to Habana's revenues, interviews and regulatory filings show. As the home's fiscal health improved, those payments grew. In total, they exceeded $3.5 million by last year. The companies also profited from the other 48 homes.

Though spending cuts improved the home's bottom line, they raised concerns among regulators and staff.

''Those owners wouldn't let us hire people,'' said Annie Thornton, who became interim director of nursing around the time Habana was acquired, and who left about a year later. ''We told the higher-ups we needed more staffing, but they said we should make do.''

Regulators typically visit nursing homes about once a year. But in the 12 months after Formation's acquisition of Habana, they visited an average of once a month, often in response to residents' complaints. The home was cited for failing to follow doctors' orders, cutting staff below legal minimums, blocking emergency exits, storing food in unhygienic areas and other health violations.

Soon after, nursing home inspectors wrote in Centers for Medicare and Medicaid Services documents that Habana was at fault when a resident suffocated because his tracheotomy tube became clogged. Although he had complained of shortness of breath, there were no records showing that staff had checked on him for almost two days.

Those citations never mentioned Formation, Warburg Pincus or its affiliates. Warburg Pincus and its affiliates declined to discuss the citations. Formation said it was merely a landlord.

''Formation Properties owns real estate and leases it to an unaffiliated third party that obtains a license to operate it as a health care facility,'' Formation said. ''No citation would mention Formation Properties since it has no involvement or control over the operations at the facility or any entity that is involved in such operations.''

For Mrs. Hewitt's mother, problems began within months of moving in as she suffered repeated falls.

''I would call and call and call them to come to her room to change her diaper or help me move her, but they would never come,'' Mrs. Hewitt recalled.

Five months later, Mrs. Hewitt discovered that her mother had a large bedsore on her back that was oozing pus. Mrs. Garcia was rushed to the hospital. A physician later said the wound should have been detected much earlier, according to medical records submitted as part of a lawsuit Mrs. Hewitt filed in a Florida Circuit Court.

Three weeks later, Mrs. Garcia died.

''I feel so guilty,'' Mrs. Hewitt said. ''But there was no way for me to find out how bad that place really was.''

DEATH AND A LAWSUIT

Within a few months, Mrs. Hewitt decided to sue the nursing home.

''The only way I can send a message is to hit them in their pocketbook, to make it too expensive to let people like my mother suffer,'' she said.

But when Mrs. Hewitt's lawyer, Sumeet Kaul, began investigating Habana's corporate structure, he discovered that its complexity meant that even if she prevailed in court, the investors' wallets would likely be out of reach.

Others had tried and failed. In response to dozens of lawsuits, Formation and affiliates of Warburg Pincus had successfully argued in court that they were not nursing home operators, and thus not liable for deficiencies in care.

Formation said in a statement that it was not reasonable to hold the company responsible for residents, ''any more, say, than it would be reasonable for a landlord who owns a building, one of whose tenants is Starbucks, to be held liable if a Starbucks customer is scalded by a cup of hot coffee.''

Formation, Warburg Pincus and its affiliates all declined to answer questions regarding Mrs. Hewitt's lawsuit.

Advocates for nursing home reforms say anyone who profits from a facility should be held accountable for its care.

''Private equity is buying up this industry and then hiding the assets,'' said Toby S. Edelman, a nursing home expert with the Center for Medicare Advocacy, a nonprofit group that counsels people on Medicare. ''And now residents are dying, and there is little the courts or regulators can do.''

Mrs. Hewitt's lawyer has spent three years and $30,000 trying to prove that an affiliate of Warburg Pincus might be responsible for Mrs. Garcia's care. He has not named Formation or Warburg Pincus as defendants. A judge is expected to rule on some of his arguments this year.

Complex corporate structures have dissuaded scores of other lawyers from suing nursing homes.

About 70 percent of lawyers who once sued homes have stopped because the cases became too expensive or difficult, estimates Nathan P. Carter, a plaintiffs' lawyer in Florida.

''In one case, I had to sue 22 different companies,'' he said. ''In another, I got a $400,000 verdict and ended up collecting only $25,000.''

Regulators have also been stymied.

For instance, Florida's Agency for Health Care Administration has named Habana and

34 other homes owned by Formation and operated by affiliates of Warburg Pincus as among the state's worst in categories like ''nutrition and hydration,'' ''restraints and abuse'' and ''quality of care.'' Those homes have been individually cited for violations of safety codes, but there have been no chainwide investigations or fines, because regulators were unaware that all the facilities were owned and operated by a common group, said Molly McKinstry, bureau chief for long-term-care services at Florida's Agency for Health Care Administration.

And even when regulators do issue fines to investor-owned homes, they have found penalties difficult to collect.

''These companies leave the nursing home licensee with no assets, and so there is nothing to take,'' said Scott Johnson, special assistant attorney general of Mississippi.

Government authorities are also frequently unaware when nursing homes pay large fees to affiliates.

For example, Habana, operated by a Warburg Pincus affiliate, paid other Warburg Pincus affiliates an estimated $558,000 for management advice and other services last year, according to reports the home filed.

Government programs require nursing homes to reveal when they pay affiliates so that such disbursements can be scrutinized to make sure they are not artificially inflated.

However, complex corporate structures make such scrutiny difficult. Regulators did not know that so many of Habana's payments went to companies affiliated with Warburg Pincus.

''The government tries to make sure homes are paying a fair market value for things like rent and consulting and supplies,'' said John Villegas-Grubbs, a Medicaid expert who has developed payment systems for several states. ''But when home owners pay themselves without revealing it, they can pad their bills. It's not feasible to expect regulators to catch that unless they have transparency on ownership structures.''

Formation and Warburg Pincus both declined to discuss disclosure issues.

Groups lobbying to increase transparency at nursing homes say complicated corporate structures should be outlawed. One idea popular among organizations like the National Citizens' Coalition for Nursing Home Reform is requiring the company that owns a home's most valuable assets, its land and building, to manage it. That would put owners at risk if care declines.

But owners say that tying a home's property to its operation would make it impossible to operate in leased facilities, and exacerbate a growing nationwide nursing home shortage.

Moreover, investors say, they deserve credit for rebuilding an industry on the edge of widespread insolvency.

''Legal and regulatory costs were killing this industry,'' said Mr. Whitman, the Formation executive.

For instance, Beverly Enterprises, which also had a history of regulatory problems, sold Habana and the rest of its Florida centers to Formation because, it said at the time, of rising litigation costs. AON Risk Consultants, a research company, says the average cost of nursing home litigation in Florida during that period had increased 270 percent in five years.

''Lawyers were suing nursing homes because they knew the companies were worth billions of dollars, so we made the companies smaller and poorer, and the lawsuits have diminished,'' Mr. Whitman said. This year, another fund affiliated with Mr. Whitman and other investors acquired the nation's third-largest nursing home chain, Genesis HealthCare, for $1.5 billion.

If investors are barred from setting up complex structures, ''this industry makes no economic sense,'' Mr. Whitman said. ''If nursing home owners are forced to operate at a loss, the entire industry will disappear.''

However, advocates for nursing home reforms say investors exaggerate the industry's precariousness. Last year, Formation sold Habana and 185 other facilities to General Electric for $1.4 billion. A prominent nursing home industry analyst, Steve Monroe, estimates that Formation's and its co-investors' gains from that sale were more than $500 million in just four years. Formation declined to comment on that figure.

ANALYZING THE DATA

For this article, The New York Times analyzed trends at nursing homes purchased by private investment groups by examining data available from the Centers for Medicare and Medicaid Services, a division of the Department of Health and Human Services.

The Times examined more than 1,200 nursing homes purchased by large private investment groups since 2000, and more than 14,000 other homes. The analysis compared investor-owned homes against national averages in multiple categories, including complaints received by regulators, health and safety violations cited by regulators, fines levied by state and federal authorities, the performance of homes as reported in a national database known as the Minimum Data Set Repository and the performance of homes as reported in the Online Survey, Certification and Reporting database.

CUBA

Mr. COLEMAN. Mr. President, I would like to take the opportunity to submit for the RECORD an article published today in the Miami Herald regarding the situation in Cuba. The article captures the situation imposed on the Cuban people by the authoritarian rule of the Castro brothers, as well as challenges the international community to stand firm in its commitment to true democratic change in Cuba. For decades Fidel Castro, and now his brother Raúl, have deprived the Cuban people of freedom and the hope of a better future. It is clear that Cuba finds itself in a time of transition, yet surely the Castro brothers will do everything in their power to ensure that the system of repression that they have built up for the past half century will remain in place whenever Fidel Castro passes away. For this reason, it is incumbent on all of us who aspire for a free and democratic Cuba to ensure that this moment of opportunity for democratic change on the island is not lost.

I ask unanimous consent to have the following article printed in the RECORD.

There being no objcection, the material was ordered to be printed in the RECORD, as follows:

APPEASING THE CASTROS WILL BACKFIRE

(By Frank Calzon)

The ''Stockholm syndrome'' describes the phenomenon of hostages who identify, cooperate with and, finally, defend their kidnappers. The longer they are held, the more victims are likely to be affected by the syndrome, because they are totally dependent on their abusers. The control over every aspect of life convinces the victim that he or she is alone, there will be no help from others; resistance is useless and only makes things worse.

That's the kind of control Fidel Castro, and now his brother Raúl, exercise in Cuba.

There, everything comes from Castro and his government. The regime wants the Cuban people to believe they have no other friends. And, alas, even foreign diplomats and their dependents stationed in Havana begin after time to feel this intimidating dependency and to become reluctant to protest outrages directed at them because ''it only results in more abuse.''

Castro's abuse—his ability to order windows smashed or call out street demonstrations—becomes ''revenge'' for inviting unapproved Cuban guests to the embassy, for reaching out to engage ordinary Cubans in ways not preapproved by Castro's government.

Foreign observers in Cuba seem to have great difficulty imagining what the regime will do next. One reason why is that they keep looking for logical reasons to explain the regime's actions. Yet the reality is that much of what has happened in Cuba over the last 50 years cannot be explained, except as the whim of a man whose only goal is to be in control of everything Cuban. Castro has a lot in common with Stalin.

The Castro regime simply deems any independent action—however small—to be a challenge to its totalitarian control. Thus, inviting Cuba's political dissidents to an embassy event is ''a hostile act.'' To give a shortwave radio to a Cuban national is, curiously enough, ''a violation of human rights.'' Any Cuban daring to voice support for change in Cuba is ''a paid agent'' of the United States.

What to do in a situation such as this? The principle that should guide foreign governments is that they should show Cubans that they have friends on the outside.

Foreign governments can start by, at the very least, always insisting on reciprocity in the freedom allowed Castro's diplomats and embassies to operate in their capitals. This is not what happened. Foreign missions—America's among them—accede to Castro's restrictions on how their diplomats and embassies function in Cuba.

Cuba's diplomats take full advantage of their freedoms in the U.S. capital. They attend congressional hearings, have access to the American media, develop relationships with businessmen and ''progressive'' activists, host student groups, speak at universities and enjoy tax-exempt status. Yet U.S. diplomats in Cuba have no similar privileges in Havana. They are subject to petty harassments. The Cuban government goes so far as to detain shipping containers of supplies sent to the U.S. Interests Section in Cuba and has broken into the U.S. diplomatic pouch.

Attempting to appease Cuba's kidnappers will backfire, as it always has. It is instructive that the refugee crises in 1980 and 1994, which involved 125,000 and 30,000 Cubans respectively, and the 1996 murder of Brothers to the Rescue crews over the Florida Straits occurred at times when Washington actually was trying to improve relations.

Eventually, Cuba's long nightmare will end. If governments around the world would also shake free of ''the Havana Syndrome,'' they might hasten Cuba's democratic awakening.

Fidel and Raúl Castro will attempt to turn their day of reckoning into a negotiation with Washington—a negotiation excluding dissidents and exiles. Yet it is Cubans who must decide the fate of Cuba. All evidence indicates that President Bush will remain firm. If the Department of State does not flinch, Cuba's interim president and new leaders will have to talk with and listen to their political opponents. That is what democracy means and that is what the world community should boldly support today.

RETIREMENT OF GEN PETER PACE

Mr. KYL. Mr. President, on Monday, GEN Peter Pace completed his term as Chairman of the Joint Chiefs of Staff. A highly decorated officer, GEN Peter Pace was the first Marine officer to serve as Chairman of the Joint Chiefs of Staff in our Nation's history.

General Pace graduated the U.S. Naval Academy in 1967. After completing the Basic School in 1968, he deployed to Vietnam as a marine rifle platoon commander. After Vietnam, General Pace served overseas in Thailand, South Korea, Japan, and Somalia.

His style as a humble commander, selflessly dedicated to his obligations, brought accolades from both superior officers and enlisted soldiers. General Pace has held command at nearly every level, and excelled in all respects in the uniformed service of his country.

As Chairman of the Joint Chiefs of Staff, General Pace served as an adviser to the President a role he conducted with unquestionable professionalism. As a confidential advisor and military man, General Pace did his utmost to steer clear of the public disputes and political battles that so often afflict Washington decision-making.

General Pace's professional conduct, through a period of time marked by new and uniquely difficult tribulations, is a model for those to come. A strong voice for providing security to Iraq's population and holding areas cleared of terrorists, General Pace's counsel has played a role in building consensus for the military strategy that is producing successes on the ground in Iraq. It should be noted that General Pace assumed his duties in the face of a rising insurgency in Iraq. He leaves office with a successful strategy in place, an improving situation in Iraq, and troop draw downs taking place due to progress on the ground. In short, he has left his office in better condition than it was when he entered it. For his exemplary service he has earned the gratitude of a safer, more secure Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO ROY SCUDERI

• Mr. BARRASSO. Mr. President, today I bring to the attention of this body and the Nation the remarkable service of Roy Scuderi. For over 18 years, Roy has served A Presidential Classroom for Young Americans with diligence, dedication and commitment. Roy has helped make Presidential Classroom the premiere civic education program for high school students in America.

On October 5, 2007, Roy Scuderi will retire from his position as chief financial officer and vice president of this national nonprofit organization. In his role, Roy has established financial projections, overseen investments, negotiated contracts, and facilitated the annual audits—all of this done with professionalism and integrity.

Roy Scuderi's commitment to Presidential Classroom's success and performance has inspired the well-deserved trust and affection of the board members and his colleagues. His judgment has improved every aspect of Presidential Classroom. Roy's daily efforts to ensure the program's quality and viability have sustained a record of unmatched dedication and achievement over the course of the organization's nearly 40-year history.

I have had the personal honor and privilege as a board member, chairman of the board, and now as honorary board member of Presidential Classroom to work closely with Roy Scuderi throughout his entire career with Presidential Classroom.

Presidential Classroom is stronger as a result of Roy's dedication and commitment to the classroom. Throughout his 18 years, the staff and board members of Presidential Classroom have relied on Roy Scuderi for his outstanding leadership and service.

Today, we salute Roy Scuderi for the central role that he has played in helping Presidential Classroom fulfill its mission of inspiring and challenging the leaders of tomorrow to devote their talents and energies in the service of our constitutional government on behalf of a better nation and a better world.•

TRIBUTE TO MARTHA ANNE DOW

• Mr. SMITH. Mr. President, famed educator Henry Adams once said, ''a teacher affects eternity. They never know where their influence will stop.'' I wish to pay tribute to Dr. Martha Anne Dow, who passed away on September 29 after a courageous battle with breast cancer. Martha Anne had served for the past 9 years as president of the Oregon Institute of Technology in Klamath Falls, OR. In that position—and throughout her career—she had a positive impact on countless lives. Her influence will truly continue for generations and generations to come.

Martha Anne came to the Oregon Institute of Technology after teaching for more than a quarter century in the fields of biology, microbiology, environmental science, and water quality. She served for 6 years as provost and vice president for Academic Affairs at OIT and moved into the president's office in May of 1998.

I had the privilege of meeting President Dow on several occasions and was always impressed with her intelligence, enthusiasm, and vision for OIT. Her leadership transformed the institute, expanding the engineering, computer science, and renewable energy programs.

President Dow's greatest passion was, perhaps, for the health care field. She realized the shortage of health care professionals in Oregon and across our country, and she believed that OIT could help.

Through her leadership, OIT expanded their health care training programs with the goal of doubling the number of students in training for health care professions. Included in this expansion was the construction of a new center showcasing the most modern, technologically advanced equipment available. The first wing of the new facility opened on September 12 in Klamath Falls. In her honor, the building was officially named the ''Martha Anne Dow Oregon Center for Health Professions.''

As she battled breast cancer, President Dow would often ask medical technicians providing her treatment where they had received their training. She was very proud to hear that many had been trained at OIT, in the very programs she helped to expand.

Those professionals, and countless more to follow, are Martha Anne Dow's legacy. And I am proud to say her legacy will truly affect eternity.•

MESSAGES FROM THE HOUSE

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2003. An act to encourage and facilitate the consolidation of peace and security, respect for human rights, democracy, and economic freedom in Ethiopia.

H.R. 2828. An act to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

H.R. 3068. An act to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

H.R. 3087. An act to require the Secretary of Defense to submit to Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq and to require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and appropriate senior officials of the Department of Defense to meet with Congress to brief Congress on the matters contained in the reports.

H.R. 3432. An act to establish the Commission on the Abolition of the Transatlantic Slave Trade.

H.R. 3571. An act to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve an additional term.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 200. Concurrent resolution condemning the violent suppression of Buddhist monks and other peaceful demonstrators in Burma and calling for the immediate and unconditional release of Daw Aung San Suu Kyi.

H. Con. 203. Concurrent resolution condemning the persecution of labor rights advocates in Iran.

At 2:57 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3382. An act to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the ''Philip A. Baddour, Sr. Post Office.''

ENROLLED BILLS SIGNED

At 6:07 p.m. a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks] announced that the Speaker has signed the following enrolled bills:

S. 474. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2003. An act to encourage and facilitate the consolidation of peace and security, respect for human rights, democracy, and economic freedom in Ethiopia; to the Committee on Foreign Relations.

H.R. 3068. An act to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3087. An act to require the Secretary of Defense to submit to Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq and to require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and appropriate senior officials of the Department of Defense to meet with Congress to brief Congress on the matters contained in the reports; to the Committee on Armed Services.

H.R. 3382. An act to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the ''Philip A. Baddour, Sr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3571. An act to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 200. Concurrent resolution condemning the violent suppression of Buddhist monks and other peaceful demonstrators in Burma and calling for the immediate and unconditional release of Daw Aung San Suu Kyi; to the Committee on Foreign Relations.

H. Con. Res. 203. Concurrent resolution condemning the persecution of labor rights advocates in Iran; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2128. A bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2828. An act to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3498. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to a breach of the Average Procurement Unit Cost in the C–5 Reliability Enhancement and Re-engining Program; to the Committee on Armed Services.

EC–3499. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Authorization Validated End-User: Addition of India as an Eligible Destination'' (RIN0694–AE13) received on September 28, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3500. A communication from the Acting Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Crash Test Laboratory Requirements for FHWA Roadside Safety Hardware Acceptance'' (RIN2125–AF21) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3501. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Implement Certain Provisions of SAFETEA–U'' (RIN2126–AA96) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3502. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Buy America Requirements and Waiver Procedures'' (RIN2132–AA90) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3503. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Transportation of Oxygen Cylinders and Oxygen Generators Aboard Aircraft'' (RIN2137–AD33) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3504. A communication from the Senior Counsel for Dispute Resolution, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Time Zone Boundary in Southwest, Indiana'' (RIN2105–AD71) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3505. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 767–200 and -300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2005–NM–071)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3506. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 and ERJ 190 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–135)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3507. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Phillipsburg, KS'' ((RIN2120–AA64)(Docket No. 06–ACE–13)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Hayward, WI'' ((RIN2120–AA66)(Docket No. 06–AGL–5)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Red Dog, AK'' ((RIN2120–AA66)(Docket No. 06–AAL–40)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Thedford, NE'' ((RIN2120–AA66)(Docket No. 06–ACE–12)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3511. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E5 Airspace; Potosi, MO'' ((RIN2120–AA66)(Docket No. 06–ACE–14)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3512. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Peru, IL'' ((RIN2120–AA66)(Docket No. 07–AGL–1)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3513. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Creson, IA'' ((RIN2120–AA66)(Docket No. 06–ACE–11)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3514. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Airworthiness Directives; Turbomeca Artouste III B and III B1 Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2006–NE–34)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3515. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sicma Aero Seat, Passenger Seat Assemblies'' ((RIN2120–AA64)(Docket No. 2006–NE–04)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3516. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ–170–100 LR, –100 STD, –100 SE, –100 SU, –200 LR, –200 STD, and –200 SU Airplanes and Model ERJ 190 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–221)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3517. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pacific Aerospace Corporation Ltd. Model 750XL Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–69)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3518. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes'' ((RIN2120–AA64)(Docket No. 2006–CE–63)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3519. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CT7–5, –7, and –9 Series Turboprop Engines'' ((RIN2120–AA64)(Docket No. 2003–NE–64–AD)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3520. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–601, A300 B4–603, A300 B4–605R, A300 C4–605R Variant F, A310–204, and A310–304 Airplanes Equipped with General Electric CF6–80C2 Engines'' ((RIN2120–AA64)(Docket No. 2006–NM–188)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3521. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McCauley Propeller Systems Models 3A32C406/82NDB–X and D3A32C409/82NDB–X Propellers'' ((RIN2120–AA64)(Docket No. 2005–NE–10)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3522. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; LATINOAMERICANA DE AVIACION S.A. Models PA–25, PA–25–235, and PA–25–260 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–005)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3523. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Regional Aircraft Models HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–003)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3524. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–200, A330–300, A340–200, and A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. 2006–NM–236)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3525. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. 2003–NE–12)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3526. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Turbomeca S.A. Arriel 2B Turboshaft Engines'' ((RIN2120–AA64)(Docket No. 2005–NE–17)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3527. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce plc RB211 Series Turbofan Engines; Correction'' ((RIN2120–AA64)(Docket No. 2000–NE–62)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3528. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Model 45 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–066)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3529. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Short Brothers Model SD3–60 SHERPA, SD3–SHERPA, SD3–30, and SD3–60 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–055)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3530. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company Models 182H, 182J, 182K, 182L, 182M, 182N, 182P, 182Q, and 182R Airplanes'' ((RIN2120–AA64)(Docket No. 2007–CE–031)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3531. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters Inc. Model MD600N Helicopters'' ((RIN2120–AA64)(Docket No. 2007–SW–05)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3532. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777 Airplanes'' ((RIN2120–AA64)(Docket No. 2007–NM–078)) received on October 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3533. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the federal assistance provided to the Atlantic States Marine Fisheries Commission and the states during fiscal year 2005 and 2006; to the Committee on Commerce, Science , and Transportation.

EC–3534. A communication from the Deputy Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Review of the Emergency Alert System'' (FCC 07–109) received on September 28, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3535. A communication from the President and Chief Executive Officer, Tennessee Valley Authority, transmitting, pursuant to law, the organization's Strategic Plan for fiscal years 2007–2012; to the Committee on Environment and Public Works.

EC–3536. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tier I Issue—Section 965 Foreign Earnings Repatriation Directive No. 1'' (LMSB–04–0907–063) received on October 2, 2007; to the Committee on Finance.

EC–3537. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Coordinated Issue: Section 482 CSA Buy-in Adjustments'' (LMSB–04–0907–062) received on October 1, 2007; to the Committee on Finance.

EC–3538. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties'' (Notice 2007–80) received on October 1, 2007; to the Committee on Finance.

EC–3539. A communication from the Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the United States—Peru Trade Promotion Agreement; to the Committee on Finance.

EC–3540. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Quick Disability Determination Process'' (RIN0960–AG47) received on September 28, 2007; to the Committee on Finance.

EC–3541. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Transportation Fringes'' (Notice 2007–76) received on October 1, 2007; to the Committee on Finance.

EC–3542. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled ''Update to Rev. Proc. 2006–45'' (Rev. Proc. 2007–64) received on October 1, 2007; to the Committee on Finance.

EC–3543. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to efforts made by the United Nations to employ an adequate number of Americans during 2006; to the Committee on Foreign Relations.

EC–3544. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to the status of machine-readable passport programs in countries participating in the Visa Waiver Program; to the Committee on the Judiciary.

EC–3545. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled, ''Fiscal Year 2006 Accounting of Drug Control Funds''; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1446. A bill to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes (Rept. No. 110–188).

By Mrs. BOXER, from the Committee on Environment and Public Works:

Report to accompany S. 742, A bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes (Rept. No. 110–189).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself and Mr. GRAHAM):

S. 2129. A bill to amend the Internal Revenue Code of 1986 to establish the infrastructure foundation for the hydrogen economy, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself, Ms. MURKOWSKI, Mr. DURBIN, Ms. COLLINS, and Mr. KERRY):

S. 2130. A bill to express the sense of the Senate on the need for a comprehensive diplomatic offensive to help broker national reconciliation efforts in Iraq and lay the foundation for the eventual redeployment of United States combat forces; to the Committee on Foreign Relations.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 2131. A bill to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the ''Lawrence C. and Grace M. Jones Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REID (for Mr. OBAMA (for himself, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. KERRY, Mrs. CLINTON, and Mr. DURBIN)):

S. 2132. A bill to prohibit the introduction or delivery for introduction into interstate commerce of children's products that contain lead, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. 2133. A bill to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. SALAZAR (for himself, Mr. ALEXANDER, and Mr. PRYOR):

S. 2134. A bill to require the Secretary of Defense to submit to Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq and to require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and appropriate senior officials of the Department of Defense to meet with Congress to brief Congress on matters contained in the reports; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. COBURN, Mr. FEINGOLD, and Mr. BROWNBACK):

S. 2135. A bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 2136. A bill to address the treatment of primary mortgages in bankruptcy, and for other purposes; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. ENZI, Mr. JOHNSON, Mr. CONRAD, Mr. THUNE, Mr. BARRASSO, Mr. BROWN, and Mr. TESTER):

S.J. Res. 20. A joint resolution to disapprove a final rule of the Secretary of Agriculture relating to the importation of cattle and beef; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 156

At the request of Mr. WYDEN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 156, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 727

At the request of Mr. COCHRAN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 771

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 814

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 814, a bill to amend the Internal Revenue Code of 1986 to allow the deduction of attorney-advanced expenses and court costs in contingency fee cases.

S. 958

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 988

At the request of Ms. MIKULSKI, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1145

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1145, a bill to amend title 35, United States Code, to provide for patent reform.

S. 1150

At the request of Mr. HATCH, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1150, a bill to enhance the State inspection of meat and poultry in the United States, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend

the new markets tax credit through 2013, and for other purposes.

S. 1259

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1382

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1406

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1514

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1514, a bill to revise and extend provisions under the Garrett Lee Smith Memorial Act.

S. 1809

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1809, a bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, a section 403(b) contract, or a section 457 plan shall not be includible in gross income to the extent used to pay long-term care insurance premiums.

S. 1840

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1840, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S. 1895

At the request of Mr. REED, the names of the Senator from New York (Mr. SCHUMER), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1954

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2051

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2051, a bill to amend the small rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 2063

At the request of Mr. GREGG, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2088

At the request of Mr. FEINGOLD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2088, a bill to place reasonable limitations on the use of National Security Letters, and for other purposes.

S. 2096

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2096, a bill to amend the Do-Not-Call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal ''do-not-call'' registry.

S. 2106

At the request of Mr. BIDEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2106, a bill to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

AMENDMENT NO. 3117

At the request of Mr. GRAHAM, the names of the Senator from North Carolina (Mr. BURR), the Senator from Arkansas (Mr. PRYOR) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 3117 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Mr. TESTER, his name was added as a cosponsor of amendment No. 3117 proposed to H.R. 3222, supra.

AMENDMENT NO. 3130

At the request of Mr. SANDERS, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Ohio (Mr. BROWN), the Senator from Vermont (Mr. LEAHY), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3130 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3136

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 3136 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3137

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3137 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3140

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3140 intended to be proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3141

At the request of Mr. VITTER, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 3141 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3142

At the request of Mr. BIDEN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. CASEY), the Senator from Vermont (Mr. SANDERS), the Senator from Florida (Mr. NELSON) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 3142 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3146

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 3146 proposed to H.R. 3222, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2133. A bill to authorize bankruptcy courts to take certain actions with respect to mortgage loans in bankruptcy, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce the Homeowners' Mortgage and Equity Savings Act of 2007. In recent years, low interest rates and easily available credit have significantly increased home ownership in this country. The U.S. home ownership rate increased from 64 percent in 1994 to over 69 percent in 2004. The increase has been particularly dramatic among minority groups. During that same period, the home ownership rate among Hispanics and Latinos rose by around 20 percent, to nearly 50 percent. For African Americans, the rate rose by 14 percent, also nearing 50 percent.

However, with interest rates at all-time lows, lenders increasingly offered mortgages to those who previously either would not have qualified for a mortgage or could not have afforded the payments on a mortgage. To do this, lenders offered new types of mortgages designed to keep monthly payments low, at least in the short term. In particular, lenders issued large numbers of adjustable rate mortgages, ''ARMS'', loans that often feature low introductory interest rates that later adjust to significantly higher rates. Lenders also issued no-down-payment or interest-only mortgages, which also often featured low introductory interest rates that later increase significantly.

With the era of easy money and low interest rates over, a crisis looms. Many borrowers with adjustable rate, interest-only or no-down-payment mortgages have been unable to keep up with their monthly mortgage payments that have reset to higher rates. In many cases, resetting interest rates means monthly payments increase by $250 to $300 on a typical $1,200 monthly mortgage. Moreover, many ARMS featured early repayment penalties, making it difficult for homeowners to fix the situation by refinancing and obtaining less risky mortgages.

As a result of resetting interest rates, delinquencies and foreclosures involving ARMs have risen dramatically. Delinquencies and foreclosures have been particularly high among borrowers with weak credit who were issued loans at subprime rates. According to the Mortgage Bankers Association, between the second quarter of 2006 and the second quarter of this year, the percentage of homeowners with subprime ARMs who are seriously delinquent, those who are either more than 90 days past due or in foreclosure, has nearly doubled, from 6.52 to 12.40 percent. The number rose by over 20 percent during the second quarter of this year alone. The Center for Responsible Lending projects that 2.2 million Americans with subprime loans originated between 1998 and 2006 have lost or will lose their home to foreclosure.

While the situation has been most severe for homeowners with subprime loans, the problem now is spreading to those with prime rate loans. In the past year, the percentage of homeowners with prime rate ARMs that were seriously delinquent on their mortgage payments more than doubled from 0.92 to 2.02 percent. According to the Mortgage Bankers Association, in the second quarter of this year, the number of homeowners who got foreclosure notices reached an all time high of 0.65 percent, largely because of increases among homeowners with ARMs, delinquencies and foreclosures for fixed rates mortgages have increased only moderately. The situation will only get worse in coming months as an estimated 2 million homeowners with adjustable rate mortgages see their interest rates reset to much higher rates. According to some sources, a quarter of those homeowners face losing their homes.

In my home State of Pennsylvania, the number of homeowners with subprime ARMs who are seriously delinquent has risen to 13.82 percent, an increase of over 40 percent since this time last year. Among homeowners who qualified for prime rate ARMs, the number who are seriously delinquent has increased to 2.43 percent, an increase of over 50 percent since last year. Especially hard hit is the Allentown-Bethlehem-Easton area, where the foreclosure rate for subprime loans originated in 2006 is 20 percent.

In some cases, borrowers made bad decisions by ignoring the risk and taking on mortgages they knew someday they might not be able to afford. In other cases, it appears that borrowers were steered to riskier mortgages when they qualified for safer options. There is also evidence that lenders failed to fully disclose the risks involved with certain mortgages and instead emphasized low monthly payments. The push to issue subprime and adjustable rate mortgages was aggravated by Wall Street investors chasing high rates of return on the secondary market.

Many homeowners facing foreclosure will seek relief in bankruptcy. Bankruptcy has traditionally provided a second chance for borrowers by giving them relief from their creditors. Chapter 13 in particular has enabled homeowners facing foreclosure to keep their homes. Chapter 13 gives debtors breathing space by imposing a stay on collection of debts, including mortgages, which prevents lenders from foreclosing for a period of time. During that time, debtors are given an opportunity to get caught up on their mortgage payments. Finally, Chapter 13 makes it more likely that debtors will be able to make their mortgage payments over the long term by giving them a discharge from many of their other debts.

However, the drafters of the bankruptcy code never anticipated the current crisis where so many face possible bankruptcy, not because of consumer debts, but because of their mortgages. When the current bankruptcy code was drafted in the late 1970s, most homeowners had traditional 30-year fixed rate mortgages with substantial down payments. As a result, few homeowners faced bankruptcy because of their mortgage. As such, the drafters did not see a need for bankruptcy judges to have the power to alter the terms of mortgages on primary residences.

Given the fact that so many homeowners now face foreclosure and possible bankruptcy because of their mortgages, I believe Congress should take action. I am therefore introducing a targeted bill which will allow bankruptcy courts to provide relief to homeowners caught up in the current crisis. The bill will provide relief for low-income homeowners who, because of changed circumstances, can no longer afford their mortgages. Easily available credit made homeownership a reality for many lower income Americans. It is these same homeowners who are the ones now caught up in the credit crunch and facing the loss of their homes.

The bill will allow bankruptcy judges to provide relief by restructuring the mortgage terms that have created the biggest problems for homeowners. Most importantly, the bill will allow bankruptcy judges to prevent or delay interest rate increases as well as to roll back interest rates that have already reset. This will make it possible for many more debtors to hold onto their homes in the long run.

The bill also will allow bankruptcy judges to waive early repayment or prepayment penalties. Many lenders impose large penalties on homeowners that repay their mortgages early, penalties that prevent many homeowners from refinancing and switching to a sounder mortgage. These penalties are particularly egregious since they don't reflect any increased risk taken on by the lender. They are merely intended to discourage borrowers from making a better choice for themselves by switching to another loan.

This bill is not a bailout and it is not aimed at those who knew the risk and proceeded anyway. When housing prices were rising, speculators bid up the prices of homes hoping to quickly sell them for an easy profit. With prices falling, many of those speculators find themselves with properties worth less than what they paid. These speculators took the risk that housing prices would fall and now must live with the downside of that risk.

The bill will allow judges to write down the principal value of the loan, but only if both the debtor and creditor agree. Giving judges discretion to write down the principal value of loans could provide a significant windfall to those who gambled that housing prices would never fall, including speculators. That is a gamble lenders and future homeowners should not be forced to finance.

Taking too broad an approach to this problem will only hurt future borrowers. Allowing bankruptcy judges free rein to rewrite mortgage loans will only increase the risk that lenders take on when they issue mortgages. Investors respond to increased risk by insisting on higher rates of return and

mortgage lenders must respond in kind by raising their rates. That will only make it more difficult for those Americans who wish to become homeowners in the future.

In the longer run, the market will correct some of what has gone wrong. The number of risky loans being issued has already declined dramatically, in large part because investors are refusing to provide the liquidity necessary to issue such loans. In addition, as predatory or fraudulent practices come to light, the Congress, and in particular the Banking Committee, should take action to prevent such practices from occurring in the future.

I urge my colleagues to join me in offering relief for those who are caught up in the current crisis and face losing their homes.

BY Mr. DURBIN (for himself, Mr. COBURN, Mr. FEINGOLD, and Mr. BROWNBACK):

S. 2135. A bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to introduce the Child Soldiers Accountability Act of 2007. This narrowly-tailored bipartisan legislation would make it a crime and a violation of immigration law to recruit or use child soldiers. Congress must ensure that perpetrators who commit this war crime will not find safe haven in our country.

I would like to thank the other original cosponsors of the Child Soldiers Accountability Act, Senator TOM COBURN of Oklahoma, Senator RUSSELL FEINGOLD of Wisconsin, and Senator SAM BROWNBACK of Kansas. This bill is a product of the Judiciary Committee's new Subcommittee on Human Rights and the Law, which is the first ever congressional committee dealing specifically with human rights. I am the Chairman of this Subcommittee and Senator COBURN is its ranking member.

Up to 250,000 children currently serve as combatants, porters, human mine detectors and sex slaves in state-run armies, paramilitaries and guerilla groups around the world. These child soldiers are denied the childhood that our children and grandchildren have and to which every child has an inalienable right. Moreover, their health and lives are endangered.

Children are recruited and used in combat situations because their emotional and physical immaturity makes it easy to mold them into obedient combatants who will witness and partake in horrific violence, often without comprehending their actions. Child soldiers are frequently recruited in areas of long-standing conflict where there are no longer eligible adults for recruitment. In many cases, they are provided with drugs and alcohol to numb them to the atrocities they are required to commit, as well as to increase their dependency upon the armed group.

Children are more likely to be killed, injured or become ill in combat situations than adults. In combat, child soldiers have been forced to the front lines, sent into minefields ahead of older troops or even used for suicide missions.

The devastating effects of war and abuse on the physical, emotional and social development of children are long lasting. Former child soldiers require extensive care and support from family and others in order to be rehabilitated and reintegrated into society. In the absence of such support, former child soldiers may comprise a generation of adults who will perpetuate conflict and undermine security, creating unforeseen challenges that our children will have to address.

There is a clear legal prohibition on recruiting and using child soldiers. Under customary international law, recruitment or use of child soldiers under the age of 15 is a war crime. Over 110 countries, including the United States, have ratified the Optional Protocol to the Convention on the Rights of the Child, which prohibits the recruitment and use of child soldiers under 18.

While there have been positive developments internationally in the prosecution of child soldier recruitment and use, especially by the Special Court for Sierra Leone, the ability of international tribunals or hybrid courts to try these cases is limited. The average perpetrator still runs very little risk of being prosecuted. National courts can and should play a greater role in prosecuting perpetrators.

Unfortunately, recruiting and using child soldiers does not violate U.S. criminal or immigration law. As a result, the U.S. government is unable to punish individuals found in our country who have recruited or used child soldiers. In contrast, other grave human rights violations, including genocide and torture, are punishable under U.S. criminal and immigration law.

This loophole in the law was identified during a hearing entitled ''Casualties of War: Child Soldiers and the Law,'' held by the Senate Subcommittee on Human Rights and the Law. Ismael Beah, a former child soldier and author of the bestselling book A Long Way Gone: Memoirs of a Boy Soldier, testified at this hearing. Mr. Beah said this gap in the law ''saddens me tremendously'' and that closing this loophole ''would set a clear example that there is no safe haven anywhere for those who recruit and use children in war.'' Mr. Beah also posed a moral challenge to all of us:

When you go home tonight to your children, your cousins, and your grandchildren and watch them carrying out their various childhood activities, I want you to remember that at that same moment, there are countless children elsewhere who are being killed; injured; exposed to extreme violence; and forced to serve in armed groups, including girls who are raped (leading some to have babies of commanders); all of them between the ages of 8 and 17. As you watch your loved ones, those children you adore most, ask yourselves whether you would want these kinds of suffering for them. If you don't, then you must stop this from happening to other children around the world whose lives and humanity are as important and of the same value as all children everywhere.

The Child Soldiers Accountability Act will help to ensure that the war criminals who recruit or use children as soldiers will not find safe haven in our country and allow the U.S. government to hold these individuals accountable for their actions.

First, this bill will make it a crime to recruit or use persons under the age of 15 as soldiers. Second, it will enable the government to deport or deny admission to an individual who recruited or used child soldiers under the age of 15.

This legislation will send a clear message to those who recruit or use child soldiers that there are real consequences to their actions. By holding such individuals criminally responsible, our country will help to deter the recruitment and use of child soldiers.

I urge my colleagues to ask themselves the question Ishmael Beah posed: Would we want our children or grandchildren to endure the pain and suffering that Mr. Beah and other child soldiers face? As Mr. Beah reminded us, the lives of child soldiers are just as important as those of our children and grandchildren. We have a moral obligation to take action to help these young people and to stop the abhorrent practice of recruiting and using child soldiers.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Soldiers Accountability Act of 2007''.

SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS.

(a) CRIME FOR RECRUITING OR USING CHILD SOLDIERS.—

(1) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

''§ 2442. Recruitment or use of child soldiers

''(a) OFFENSE.—Any person who knowingly recruits, enlists, or conscripts a person under 15 years of age into an armed force or group or knowingly uses a person under 15 years of age to participate actively in hostilities—

''(1) shall be fined under this title, imprisoned not more than 20 years, or both; and

''(2) if the death of any person results, shall be fined under this title and imprisoned for any term of years or for life.

''(b) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an

offense under this section shall be punished in the same manner as a person who completes the offense.

''(c) JURISDICTION.—There is jurisdiction over an offense described in subsection (a), and any attempt or conspiracy to commit such offense, if—

''(1) the alleged offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20));

''(2) the alleged offender is a stateless person whose habitual residence is in the United States;

''(3) the alleged offender is present in the United States, irrespective of the nationality of the alleged offender; or

''(4) the offense occurs in whole or in part within the United States.

''(d) DEFINITIONS.—In this section:

''(1) PARTICIPATE ACTIVELY IN HOSTILITIES.—The term 'participate actively in hostilities' means taking part in—

''(A) combat or military activities related to combat, including scouting, spying, sabotage, and serving as a decoy, a courier, or at a military checkpoint; or

''(B) direct support functions related to combat, including taking supplies to the front line and other services at the front line.

''(2) ARMED FORCE OR GROUP.—The term 'armed force or group' means any army, militia, or other military organization, whether or not it is state-sponsored.''.

(2) STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code is amended by adding at the end the following:

''§ 3300. Recruitment or use of child soldiers

''No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.''.

(3) CLERICAL AMENDMENT.—Title 18, United States Code, is amended—

(A) in the table of sections for chapter 118, by adding at the end the following:

''2442. Recruitment or use of child soldiers.''; and

(B) in the table of sections for chapter 213, by adding at the end the following:

''3300. Recruitment or use of child soldiers.''.

(b) GROUND OF INADMISSIBILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

''(G) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has committed, ordered, incited, assisted, or otherwise participated in the commission of the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.''.

(c) GROUND OF REMOVABILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

''(F) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien described in section 212(a)(3)(G) is deportable.''.

By Mr. DURBIN (for himself and Mr. SCHUMER):

S. 2136. A bill to address the treatment of primary mortgages in bankruptcy, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, over 2 million families are going to lose their homes in the next few years. Mr. President, 28,000 of those families are in Illinois.

Why?

Because they are stuck in bad mortgages.

Homeowners across America don't need to hear from me to know that the housing boom has busted. From Wall Street to Main Street, we see the spillover effects on the economy.

I am pleased that in Congress we are now talking about how to tighten lending regulations so we don't repeat this type of market meltdown—and there is certainly more work to be done on that—but in the meantime, millions of families are stuck in the current mess. They need our help.

It is true that some families knowingly stretched a bit to buy more house than they should have. But many families were sold mortgages they couldn't afford by unscrupulous brokers. Some families were given faulty appraisals, only to find later that their homes weren't worth as much as they thought. Still other families have been hit with a mountain of excessive fees that have pushed them over the edge.

Regardless of the reason, a family pushed into foreclosure is a disaster for the homeowner and the surrounding community, and it is a bad deal for the banks as well.

That is why I am introducing the Helping Families Save Their Homes Act, which will help around 600,000 families who have nowhere else to turn to save their homes.

I support the constructive efforts of all of my Democratic colleagues in both the Senate and the House to deal with this crisis, and with this bill I add one more targeted solution to that list.

Bankruptcy should be the last resort, to be sure, but this change in how family homes are treated in bankruptcy will help hundreds of thousands of families who would otherwise be out on the street.

Today, a bankruptcy judge in Chapter 13 can change the structure of any secured debt, except for a mortgage on a principal residence. When this exception was added to the law in 1978, mortgages were largely 30-year fixed rate loans that required 20 percent down and were originated by a local banker who personally knew the homeowner. In 1978, it was rare for the mortgage to be the source of financial difficulty that sent a family into bankruptcy.

The mortgage market has changed since then, to put it mildly. Now, unregulated out-of-town mortgage brokers can sell exotic ''no-doc,'' ''interest-only,'' ''2-28,'' or other mortgages to families, with few questions asked. The mortgages are then securitized by big banks and sold into the secondary market to investors who have no knowledge of the homeowner's financial situation. Risk is dispersed, but so is responsibility.

In 1978, when a family realized it might begin having trouble making the house payments, it could go down to the local bank and work out a new plan to keep up. Today, families struggle to even get a straight answer on the phone.

As the New York Times documented on Sunday, one homeowner made around 670 phone calls to her loan servicer over a 3-month period in an attempt to work out a modified mortgage that she could pay and that would still be profitable to the bank. She spoke to 14 different people and received nine different answers on how she should proceed. Community activists confirm that this type of struggle is not unusual. For millions of families who are nearing foreclosure, this just isn't good enough.

We need another solution for families that aren't being helped by their bank.

If mortgages on vacation homes and family farms can be modified in bankruptcy, why can't mortgages on primary homes?

My bill would allow bankruptcy judges to work out payment plans with homeowners and banks and would also protect families from excessive fees.

The bill would help families who are at risk of losing their homes. But it also protects property values for every other family on that block. In fact, this change in the way mortgages are handled in bankruptcy would save an estimated $72.5 billion in existing property values for the neighborhood, since each foreclosure on a neighborhood block reduces the property value for every other family on that block.

As for the banks? Foreclosures cost banks around $50,000 to process, so every home saved from foreclosure represents a good deal for them too. My bill would allow judges to modify mortgages only in ways that would still be profitable for the banks and their investors.

Everybody wins, right? Well, the banks are still opposing this bill, so I would like to take a moment to directly address some of the primary complaints that I have heard. There are too many families in need—and this bill makes too much sense—for the bill to be shot down.

While everyone seems to agree on the problem—millions of families are going to lose their homes when the variable rate loans that were originated in 2005 and beyond begin to reset, and fall—some argue that we shouldn't do anything to help these families keep their homes in bankruptcy. I have heard three main complaints, none of which stand up to scrutiny.

The first complaint is that banks are already helping homeowners with their mortgage problems, and so this change is unnecessary.

In fact, the banks aren't doing nearly enough. A recent study by Moody's Investors Service Inc. found that the 16 largest subprime servicers, which manage a combined $950 billion of loans, modified just 1 percent of the loans that were made in 2005 and that reset in January, April, and July. Shouldn't we try to help some of the other 99 percent of homeowners who are at risk of

foreclosure but who could make payments on a different mortgage that is still profitable for the banks?

The second argument is that Congress shouldn't modify the bankruptcy code again so soon after the 2005 amendments were implemented.

However, the changes made to the bankruptcy code in 2005 had nothing to do with mortgages on primary residences. My bill would change elements of the code that date from 1978.

Would the banks argue that the tax code shouldn't be changed in 2007 because a completely unrelated area of the tax code was modified in 2005? Not if they don't want to get laughed out of the Finance Committee room, they wouldn't.

Finally, I have heard that allowing mortgages on principal residences to be modified in bankruptcy would introduce ''uncertainty'' in the market and would cause the market for loans for low-income families to dry up.

But mortgage lending is a hypercompetitive market. There is no evidence to suggest that a full-scale exodus will occur because of a change to the bankruptcy law. Banks are still willing to lend for vacation homes and family farms and those mortgages can be modified in bankruptcy, so this argument has no basis in fact.

As a spokesman from JP Morgan Chase said in the American Banker: ''It is always in the best interest of the servicer, the borrower, and the investors if we can modify a loan, because foreclosure means there's no chance the investor is going to recoup their money.'' It should make no difference if a modification is agreed to outside of the context of bankruptcy or within it, if the modification itself is identical.

I would like to conclude by noting that only families that desperately need this help will file for bankruptcy, and only reasonable mortgages will result. My bill has been carefully constructed to avoid unintended consequences in several ways:

First, families that are helped by these changes to the law have to live within the strict IRS spending guidelines for Chapter 13 filers. Families that don't desperately need the help will be very unlikely to try to take advantage of this provision.

Second, every mortgage restructured by a bankruptcy judge will be a better deal for the banks and investors than foreclosure. The minimum value of the mortgage in a restructured deal would be the fair market value of the home, which is the same price the bank would earn if it sold the house after a foreclosure. Plus, the banks will avoid the average of $50,000 in foreclosure fees.

Finally, giving bankruptcy judges the flexibility to restructure mortgages should provide an incentive for banks and investors to do more to restructure mortgages outside of bankruptcy, which is in everyone's best interest.

I repeat that quote from a major bank: ''It is always in the best interest of the servicer, the borrower, and the investors if we can modify a loan, because foreclosure means there's no chance the investor is going to recoup their money.''

I agree. It shouldn't be so hard for customers to modify their loans outside of bankruptcy since it's in everyone's best interest to do so. But allowing families to modify loans within bankruptcy as a last resort so they can keep their homes is the right thing to do.

This bill is supported by the AARP, ACORN, AFL–CIO and SEIU, the Center for Responsible Lending, the Consumer Federation of America, NAACP and La Raza, the National Association of Consumer Bankruptcy Attorneys, the National Community Reinvestment Coalition, and many others.

I urge my colleagues to support this bill, and I look forward to helping families save their homes. Over the next few years, hundreds of thousands of families will desperately need it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Helping Families Save Their Homes in Bankruptcy Act of 2007''.

TITLE I—MINIMIZING FORECLOSURES

SEC. 101. SPECIAL RULES FOR MODIFICATION OF LOANS SECURED BY RESIDENCES.

(a) IN GENERAL.—Section 1322(b) of title 11, United States Code, is amended—

(1) in paragraph (10), by striking ''and'' at the end;

(2) by redesignating paragraph (11) as paragraph (12); and

(3) by inserting after paragraph (10) the following:

''(11) notwithstanding paragraph (2) and otherwise applicable nonbankruptcy law—

''(A) modify an allowed secured claim secured by the debtor's principal residence, as described in subparagraph (B), if, after deduction from the debtor's current monthly income of the expenses permitted for debtors described in section 1325(b)(3) of this title (other than amounts contractually due to creditors holding such allowed secured claims and additional payments necessary to maintain possession of that residence), the debtor has insufficient remaining income to retain possession of the residence by curing a default and maintaining payments while the case is pending, as provided under paragraph (5); and

''(B) provide for payment of such claim—

''(i) for a period not to exceed 30 years (reduced by the period for which the loan has been outstanding) from the date of the order for relief under this chapter; and

''(ii) at a rate of interest accruing after such date calculated at a fixed annual percentage rate, in an amount equal to the most recently published annual yield on conventional mortgages published by the Board of Governors of the Federal Reserve System, as of the applicable time set forth in the rules of the Board, plus a reasonable premium for risk; and''.

(b) CONFORMING AMENDMENT.—Section 1325(a)(5) of title 11, United States Code, is amended by inserting before ''with respect'' the following: ''except as otherwise provided in section 1322(b)(11) of this title,''.

SEC. 102. WAIVER OF COUNSELING REQUIREMENT WHEN HOMES ARE IN FORECLOSURE.

Section 109(h) of title 11, United States Code, is amended by adding at the end the following:

''(5) Paragraph (1) shall not apply with respect to a debtor who files with the court a certification that a foreclosure sale of the debtor's principal residence has been scheduled.''.

TITLE II—PROVIDING OTHER DEBTOR PROTECTIONS

SEC. 201. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, the United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) to the extent that an allowed secured claim is secured by the debtor's principal residence, the value of which is greater than the amount of such claim, fees, costs, or charges arising during the pendency of the case may be added to secured debt provided for by the plan only if—

''(A) notice of such fees, costs or charges is filed with the court before the expiration of the earlier of —

''(i) 1 year after the time at which they are incurred; or

''(ii) 60 days before the conclusion of the case; and

''(B) such fees, costs, or charges are lawful, reasonable, and provided for in the underlying contract;

''(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for fees, costs, or charges described in paragraph (3) for all purposes, and any attempt to collect such fees, costs, or charges shall constitute a violation of section 524(a)(2) of this title or, if the violation occurs before the date of discharge, of section 362(a) of this title; and

''(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the principal residence of the debtor.''.

SEC. 202. MAINTAINING DEBTORS' LEGAL CLAIMS.

Section 554(e) of title 11, United States Code, is amended by adding at the end the following:

''(e) In any action in State or Federal court with respect to a claim or defense asserted by an individual debtor in such action that was not scheduled under section 521(a)(1) of this title, the trustee shall be allowed a reasonable time to request joinder or substitution as the real party in interest. If the trustee does not request joinder or substitution in such action, the debtor may proceed as the real party in interest, and no such action shall be dismissed on the ground that it is not prosecuted in the name of the real party in interest or on the ground that the debtor's claims were not properly scheduled in a case under this title.''.

SEC. 203. RESOLVING DISPUTES.

Section 1334 of title 28, United States Code, is amended by adding at the end the following: ''Notwithstanding any agreement for arbitration that is subject to chapter 1 of title 9, in any core proceeding under section 157(b) of this title involving an individual debtor whose debts are primarily consumer debts, the court may hear and determine the proceeding, and enter appropriate orders and judgments, in lieu of referral to arbitration.''.

SEC. 204. ENACTING A HOMESTEAD FLOOR FOR DEBTORS OVER 55 YEARS OF AGE.

(a) IN GENERAL.—Section 522(b)(3) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking ''and'' at the end; and

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end and inserting the following:

''(D) if the debtor, as of the date of the filing of the petition, is 55 years old or older, the debtor's aggregate interest, not to exceed $75,000 in value, in real property or personal property that the debtor or a dependent of the debtor uses as a principal residence, or in a cooperative that owns property that the debtor or a dependent of the debtor uses as a principal residence.''.

(b) EXEMPTION AUTHORITY.—Section 522(d)(1) of title 11, United States Code, is amended by inserting ''or, if the debtor is 55 years of age or older, $75,000 in value,'' before ''in real property''.

SEC. 205. DISALLOWING CLAIMS FROM VIOLATIONS OF CONSUMER PROTECTION LAWS.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) the claim is subject to any remedy for damages or rescission due to failure to comply with any applicable requirement under the Truth in Lending Act (15 U.S.C. 1601 et seq.), or any other provision of applicable State or Federal consumer protection law that was in force when the noncompliance took place, notwithstanding the prior entry of a foreclosure judgment.''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3147. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3148. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3149. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3150. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3151. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3152. Mr. SMITH (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3153. Mr. GREGG (for himself, Ms. MIKULSKI, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3154. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3155. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3156. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3157. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3158. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3159. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3160. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to the bill S. 1538, to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 3161. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3162. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3163. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3164. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. SANDERS, Mr. WYDEN, Mr. KERRY, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. HARKIN, Mr. SCHUMER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3165. Mr. SESSIONS (for himself, Mr. KYL, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3166. Mrs. BOXER (for herself, Mr. INOUYE, Mrs. HUTCHISON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra.

SA 3167. Mr. BIDEN (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3168. Mrs. CLINTON (for herself, Mr. KERRY, Mrs. BOXER, Mr. BROWN, Mr. WEBB, Mr. WHITEHOUSE, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3169. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3170. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3171. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3172. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3173. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3174. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3175. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3176. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mrs. BOXER, Mr. BINGAMAN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 3222, supra.

SA 3177. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3178. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3179. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3180. Mr. SMITH (for himself, Mr. WYDEN, Mr. BROWN, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3181. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3182. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3183. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3184. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3185. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3186. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3187. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3188. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3189. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3190. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3191. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3192. Mr. SESSIONS (for himself, Mr. DOMENICI, Mrs. DOLE, Mr. ENSIGN, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3193. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3194. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3195. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3196. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3197. Mrs. CLINTON (for herself, Mr. KERRY, and Mr. BROWN) submitted an amendment intended to be proposed by her to the

bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3198. Mr. MENENDEZ (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3199. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3200. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3201. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3202. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3203. Mr. BAUCUS (for himself, Mr. DOMENICI, Ms. CANTWELL, Ms. KLOBUCHAR, Ms. MIKULSKI, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra; which was ordered to lie on the table.

SA 3204. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3222, supra.

SA 3205. Mr. CARDIN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1446, to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; which was ordered to lie on the table.

SA 3206. Mr. INOUYE (for Mr. REID (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

SA 3207. Mr. STEVENS proposed an amendment to amendment SA 3166 submitted by Mrs. BOXER (for herself, Mr. INOUYE, Mrs. HUTCHISON, and Mr. LIEBERMAN) to the bill H.R. 3222, supra.

TEXT OF AMENDMENTS

SA 3147. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', up to $42,000,000 may be available for the procurement of MQ–9 Reaper unmanned aerial vehicles.

SA 3148. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', up to $31,000,000 may be available for the procurement of MQ–1 Predator unmanned aerial vehicles.

SA 3149. Mr. BAYH (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $3,000,000 may be available for the Emerging Critical Interconnection Technology (E/CIT) Program at Crane Naval Surface Warfare Center, Indiana.

SA 3150. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, NAVY'', up to $3,000,000 may be available for the procurement of the Man Overboard Identification (MOBI) system.

SA 3151. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $31,000,000 may be available for the procurement of MQ–1C Sky Warrior unmanned aerial vehicles.

SA 3152. Mr. SMITH (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $2,000,000 may be available for the Minuteman Digitization Demonstration Program.

SA 3153. Mr. GREGG (for himself, Ms. MIKULSKI, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $10,000,000 may be available for the continuation of the Advanced Precision Kill Weapons System by the Marine Corps.

SA 3154. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $5,000,000 may be available for the Non-Nuclear Earth Penetrator.

SA 3155. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $10,300,000 may be available for a High Energy Laser Systems Test facility.

SA 3156. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, ARMY'', up to $5,000,000 may be available for Communication Shelter Transportation with Up-Armored High Mobility Multipurpose Wheeled Vehicles (HMMWVs).

SA 3157. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $4,000,000 may be available for the Electromagnetic Gradiometer.

SA 3158. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,500,000 may be available for Radar Tag Emitters.

SA 3159. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $5,000,000 may be available for Multi-Junction Solar Cell Improvements.

SA 3160. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to the bill S. 1538, to authorize appropriations for fiscal year 2008 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel level adjustments.
Sec. 104. Intelligence Community Management Account.
Sec. 105. Incorporation of reporting requirements.
Sec. 106. Development and acquisition program.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.
Sec. 202. Technical modification to mandatory retirement provision of Central Intelligence Agency Retirement Act.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Clarification of definition of intelligence community under the National Security Act of 1947.
Sec. 304. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 305. Modification of availability of funds for different intelligence activities.
Sec. 306. Increase in penalties for disclosure of undercover intelligence officers and agents.
Sec. 307. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 308. Enhanced flexibility in non-reimbursable details to elements of the intelligence community.
Sec. 309. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.
Sec. 310. Vulnerability assessments of major systems.
Sec. 311. Annual personnel level assessments for the intelligence community.
Sec. 312. Business enterprise architecture and business system modernization for the intelligence community.
Sec. 313. Reports on the acquisition of major systems.
Sec. 314. Excessive cost growth of major systems.
Sec. 315. Submittal to Congress of certain court orders under the Foreign Intelligence Surveillance Act of 1978.
Sec. 316. Repeal of certain reporting requirements.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Requirements for accountability reviews by the Director of National Intelligence.
Sec. 402. Additional authorities of the Director of National Intelligence on intelligence information sharing.
Sec. 403. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
Sec. 404. Additional administrative authority of the Director of National Intelligence.
Sec. 405. Enhancement of authority of the Director of National Intelligence for flexible personnel management among the elements of the intelligence community.
Sec. 406. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 407. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 408. Title of Chief Information Officer of the Intelligence Community.
Sec. 409. Reserve for Contingencies of the Office of the Director of National Intelligence.
Sec. 410. Inspector General of the Intelligence Community.
Sec. 411. Leadership and location of certain offices and officials.
Sec. 412. National Space Intelligence Office.
Sec. 413. Operational files in the Office of the Director of National Intelligence.
Sec. 414. Repeal of certain authorities relating to the Office of the National Counter-intelligence Executive.
Sec. 415. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
Sec. 416. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 417. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 421. Director and Deputy Director of the Central Intelligence Agency.
Sec. 422. Inapplicability to Director of the Central Intelligence Agency of requirement for annual report on progress in auditable financial statements.
Sec. 423. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
Sec. 424. Technical amendments relating to titles of certain Central Intelligence Agency positions.
Sec. 425. Director of National Intelligence report on retirement benefits for former employees of Air America.

Subtitle C—Defense Intelligence Components

Sec. 431. Enhancements of National Security Agency training program.
Sec. 432. Codification of authorities of National Security Agency protective personnel.
Sec. 433. Inspector general matters.
Sec. 434. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 435. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
Sec. 436. Security clearances in the National Geospatial-Intelligence Agency.

Subtitle D—Other Elements

Sec. 441. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.
Sec. 442. Clarifying amendments relating to Section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

TITLE V—OTHER MATTERS

Sec. 501. Technical amendments to the National Security Act of 1947.
Sec. 502. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
Sec. 503. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 504. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 505. Technical amendment to the Central Intelligence Agency Act of 1949.
Sec. 506. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 507. Technical amendments to the Executive Schedule.
Sec. 508. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.
Sec. 509. Other technical amendments relating to responsibility of the Director of National Intelligence as head of the intelligence community.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the conduct of

the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101, and the authorized personnel levels (expressed as full-time equivalent positions) as of September 30, 2008, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill _____ of the One Hundred Tenth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL LEVEL ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number of authorized full-time equivalent positions for fiscal year 2008 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 5 percent of the number of civilian personnel authorized under such section for such element.

(b) AUTHORITY FOR CONVERSION OF ACTIVITIES PERFORMED BY CONTRACTORS.—In addition to the authority in subsection (a), upon a determination by the head of an element in the intelligence community that activities currently being performed by contractor employees should be performed by government employees, the concurrence of the Director of National Intelligence in such determination, and the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of additional full-time equivalent personnel in such element of the intelligence community equal to the number of full-time equivalent contractor employees performing such activities.

(c) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives in writing at least 15 days before each exercise of the authority in subsection (a) or (b).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2008 the sum of $715,076,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2009.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1768 full-time equivalent personnel as of September 30, 2008. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CONSTRUCTION OF AUTHORITIES.—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels in elements within the Intelligence Community Management Account.

(d) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2008 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2009.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2008, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

SEC. 105. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 106. DEVELOPMENT AND ACQUISITION PROGRAM.

(a) TRANSFER OF FUNDS.—Of the funds appropriated for the National Intelligence Program for fiscal year 2008, and of funds currently available for obligation for any prior fiscal year, the Director of National Intelligence shall transfer not less than the amount specified in the classified annex to the Office of the Director of National Intelligence to fund the development and acquisition of the program specified in the classified annex.

(b) AVAILABILITY OF FUNDS.—The funds transferred under subsection (a) shall be available as follows:

(1) In the case of funds appropriated prior to the date of the enactment of this section, for the time of availability as originally appropriated.

(2) In the case of funds appropriated on or after the date of the enactment of this section, without fiscal year limitation.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2008 the sum of $262,500,000.

SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Section 235(b)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)(A)) is amended by striking ''receiving compensation under the Senior Intelligence Service pay schedule at the rate'' and inserting ''who is at the Senior Intelligence Service rank''.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking ''other'' the second place it appears.

SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) DELEGATION OF AUTHORITY.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting ''(1)'' before ''The Director'';

(2) in paragraph (1), by striking ''may only delegate'' and all that follows and inserting ''may delegate the authority in subsection (a) to the head of any other element of the intelligence community.''; and

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

''(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.''.

(b) SUBMITTAL OF GUIDELINES TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term

''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 305. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

''(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and''.

SEC. 306. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking ''ten years'' and inserting ''15 years''.

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking ''five years'' and inserting ''ten years''.

SEC. 307. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

''(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

''(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

''(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 308. ENHANCED FLEXIBILITY IN NON-REIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c(g)(2)) and notwithstanding any other provision of law, in any fiscal year after fiscal year 2007 an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or non-reimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element (or the designees of such officials), for a period not to exceed three years.

(b) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''element of the intelligence community'' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 309. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005 AND RELATED PROVISIONS OF THE MILITARY COMMISSIONS ACT OF 2006.

(a) REPORT REQUIRED.—Not later than December 1, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148) and related provisions of the Military Commissions Act of 2006 (Public Law 109–366).

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

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and section 6 of the Military Commissions Act of 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (including the amendments made by such section 6), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005 or the Military Commission Act of 2006, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal justifications of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 or related provisions of the Military Commissions Act of 2006 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, that portion of the report, and any associated material that is necessary to make that portion understandable, shall also be submitted by the Director of National Intelligence to the congressional armed services committees.

(e) DEFINITIONS.—In this section:

(1) The term ''congressional armed services committees'' means—

(A) the Committee on Armed Services of the Senate; and

(B) the Committee on Armed Services of the House of Representatives.

(2) The term ''congressional intelligence committees'' means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(3) The term ''element of the intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 310. VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

''VULNERABILITY ASSESSMENTS OF MAJOR SYSTEMS

''SEC. 506B. (a) INITIAL VULNERABILITY ASSESSMENTS.—The Director of National Intelligence shall conduct an initial vulnerability assessment for any major system and its items of supply, that is proposed for inclusion in the National Intelligence Program. The initial vulnerability assessment of a major system and its items of supply shall, at a minimum, use an analysis-based approach to—

''(1) identify applicable vulnerabilities;

''(2) define exploitation potential;

''(3) examine the system's potential effectiveness;

''(4) determine overall vulnerability; and

''(5) make recommendations for risk reduction.

''(b) SUBSEQUENT VULNERABILITY ASSESSMENTS.—(1) The Director of National Intelligence shall conduct subsequent vulnerability assessments of each major system and its items of supply within the National Intelligence Program—

''(A) periodically throughout the life-span of the major system;

''(B) whenever the Director determines that a change in circumstances warrants the issuance of a subsequent vulnerability assessment; or

''(C) upon the request of a congressional intelligence committee.

''(2) Any subsequent vulnerability assessment of a major system and its items of supply shall, at a minimum, use an analysis-based approach and, if applicable, a testing-based approach, to monitor the exploitation potential of such system and reexamine the factors described in paragraphs (1) through (5) of subsection (a).

''(c) MAJOR SYSTEM MANAGEMENT.—The Director of National Intelligence shall give due consideration to the vulnerability assessments prepared for a given major system when developing and determining the annual consolidated National Intelligence Program budget.

''(d) CONGRESSIONAL OVERSIGHT.—(1) The Director of National Intelligence shall provide to the congressional intelligence committees a copy of each vulnerability assessment conducted under subsection (a) or (b) not later than 10 days after the date of the completion of such assessment.

''(2) The Director of National Intelligence shall provide the congressional intelligence committees with a proposed schedule for subsequent vulnerability assessments of a major system under subsection (b) when providing such committees with the initial vulnerability assessment under subsection (a) of such system as required by subsection (d).

''(e) DEFINITIONS.—In this section:

''(1) The term 'items of supply'—

''(A) means any individual part, component, subassembly, assembly, or subsystem integral to a major system, and other property which may be replaced during the service life of the major system, including spare parts and replenishment parts; and

''(B) does not include packaging or labeling associated with shipment or identification of items.

''(2) The term 'major system' has the meaning given that term in section 506A(e).

''(3) The term 'vulnerability assessment' means the process of identifying and quantifying vulnerabilities in a major system and its items of supply.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 506A the following:

''Sec. 506B. Vulnerability assessments of major systems.''.

SEC. 311. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 310, is further amended by inserting after section 506B, as added by section 310(a), the following new section:

''ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY

''SEC. 506C. (a) REQUIREMENT TO PROVIDE.—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

''(b) SCHEDULE.—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees not later than January 31, of each year.

''(c) CONTENTS.—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

''(1) The budget submission for personnel costs for the upcoming fiscal year.

''(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

''(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

''(4) The number of personnel positions requested for the upcoming fiscal year.

''(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

''(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

''(7) The best estimate of the number and costs of contractors to be funded by the element for the upcoming fiscal year.

''(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors of the current fiscal year.

''(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, during the prior 5 fiscal years.

''(10) A written justification for the requested personnel and contractor levels.

''(11) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

''(A) internal infrastructure to support the requested personnel and contractor levels;

''(B) training resources to support the requested personnel levels; and

''(C) funding to support the administrative and operational activities of the requested personnel levels.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by section 310(b), is further amended by inserting after the item relating to section 506B, as added by section 310(b), the following new item:

''Sec. 506C. Annual personnel levels assessment for the intelligence community.''.

SEC. 312. BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION FOR THE INTELLIGENCE COMMUNITY.

(a) BUSINESS ENTERPRISE ARCHITECTURE AND BUSINESS SYSTEM MODERNIZATION.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 310 and 311, is further amended by inserting after section 506C, as added by section 311(a), the following new section:

''INTELLIGENCE COMMUNITY BUSINESS SYSTEMS, ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION

''SEC. 506D. (a) LIMITATION ON OBLIGATION OF FUNDS FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM MODERNIZATION.—(1) After April 1, 2008, no funds appropriated to any element of the intelligence community may be obligated for an intelligence community business system modernization described in paragraph (2) unless—

''(A) the approval authority designated by the Director of National Intelligence under subsection (c)(2) makes the certification described in paragraph (3) with respect to the intelligence community business system modernization; and

''(B) the certification is approved by the Intelligence Community Business Systems Management Committee established under subsection (f).

''(2) An intelligence community business system modernization described in this paragraph is an intelligence community business system modernization that—

''(A) will have a total cost in excess of $1,000,000; and

''(B) will receive more than 50 percent of the funds for such cost from amounts appropriated for the National Intelligence Program.

''(3) The certification described in this paragraph for an intelligence community business system modernization is a certification, made by the approval authority designated by the Director under subsection (c)(2) to the Intelligence Community Business Systems Management Committee, that the intelligence community business system modernization—

''(A) complies with the enterprise architecture under subsection (b); or

''(B) is necessary—

''(i) to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

''(ii) to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect.

''(4) The obligation of funds for an intelligence community business system modernization that does not comply with the requirements of this subsection shall be treated as a violation of section 1341(a)(1)(A) of title 31, United States Code.

''(b) ENTERPRISE ARCHITECTURE FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEMS.—(1) The Director of National Intelligence shall, acting through the Intelligence Community Business Systems Management Committee established under subsection (f), develop and implement an enterprise architecture to cover all intelligence community business systems, and the functions and activities supported by such business systems. The enterprise architecture shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable intelligence community business system solutions, consistent with applicable policies and procedures established by the Director of the Office of Management and Budget.

''(2) The enterprise architecture under paragraph (1) shall include the following:

''(A) An information infrastructure that, at a minimum, will enable the intelligence community to—

''(i) comply with all Federal accounting, financial management, and reporting requirements;

''(ii) routinely produce timely, accurate, and reliable financial information for management purposes;

''(iii) integrate budget, accounting, and program information and systems; and

''(iv) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

''(B) Policies, procedures, data standards, and system interface requirements that apply uniformly throughout the intelligence community.

''(c) RESPONSIBILITIES FOR INTELLIGENCE COMMUNITY BUSINESS SYSTEM MODERNIZATION.—(1) The Director of National Intelligence shall be responsible for review, approval, and oversight of the planning, design, acquisition, deployment, operation, and maintenance of an intelligence community business system modernization if more than 50 percent of the cost of the intelligence community business system modernization is funded by amounts appropriated for the National Intelligence Program.

''(2) The Director shall designate one or more appropriate officials of the intelligence community to be responsible for making certifications with respect to intelligence community business system modernizations under subsection (a)(3).

''(d) INTELLIGENCE COMMUNITY BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The approval authority designated under subsection (c)(2) shall establish and implement, not later than March 31, 2008, an investment review process for the review of the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost, benefits, and risks of the intelligence community business systems for which the approval authority is responsible.

''(2) The investment review process under paragraph (1) shall—

''(A) meet the requirements of section 11312 of title 40, United States Code; and

''(B) specifically set forth the responsibilities of the approval authority under such review process.

''(3) The investment review process under paragraph (1) shall include the following elements:

''(A) Review and approval by an investment review board (consisting of appropriate representatives of the intelligence community) of each intelligence community business system as an investment before the obligation of funds for such system.

''(B) Periodic review, but not less often than annually, of every intelligence community business system investment.

''(C) Thresholds for levels of review to ensure appropriate review of intelligence community business system investments depending on the scope, complexity, and cost of the system involved.

''(D) Procedures for making certifications in accordance with the requirements of subsection (a)(3).

''(E) Mechanisms to ensure the consistency of the investment review process with applicable guidance issued by the Director of National Intelligence and the Intelligence Community Business Systems Management Committee established under subsection (f).

''(F) Common decision criteria, including standards, requirements, and priorities, for purposes of ensuring the integration of intelligence community business systems.

''(e) BUDGET INFORMATION.—For each fiscal year after fiscal year 2009, the Director of National Intelligence shall include in the materials the Director submits to Congress in support of the budget for such fiscal year that is submitted to Congress under section 1105 of title 31, United States Code, the following information:

''(1) An identification of each intelligence community business system for which funding is proposed in such budget.

''(2) An identification of all funds, by appropriation, proposed in such budget for each such system, including—

''(A) funds for current services to operate and maintain such system; and

''(B) funds for business systems modernization identified for each specific appropriation.

''(3) For each such system, identification of approval authority designated for such system under subsection (c)(2).

''(4) The certification, if any, made under subsection (a)(3) with respect to each such system.

''(f) INTELLIGENCE COMMUNITY BUSINESS SYSTEMS MANAGEMENT COMMITTEE.—(1) The Director of National Intelligence shall establish an Intelligence Community Business Systems Management Committee (in this subsection referred to as the 'Committee').

''(2) The Committee shall—

''(A) recommend to the Director policies and procedures necessary to effectively integrate all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the intelligence community;

''(B) review and approve any major update of—

''(i) the enterprise architecture developed under subsection (b); and

''(ii) any plans for an intelligence community business systems modernization;

''(C) manage cross-domain integration consistent with such enterprise architecture;

''(D) be responsible for coordinating initiatives for intelligence community business system modernization to maximize benefits and minimize costs for the intelligence community, and periodically report to the Director on the status of efforts to carry out an intelligence community business system modernization;

''(E) ensure that funds are obligated for intelligence community business system modernization in a manner consistent with subsection (a); and

''(F) carry out such other duties as the Director shall specify.

''(g) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in this section shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

''(h) RELATION TO DEFENSE BUSINESS SYSTEMS ARCHITECTURE, ACCOUNTABILITY, AND MODERNIZATION REQUIREMENTS.—An intelligence community business system that receives more than 50 percent of its funds from amounts available for the National Intelligence Program shall be exempt from the requirements of section 2222 of title 10, United States Code.

''(i) RELATION TO CLINGER-COHEN ACT.—(1) The Director of National Intelligence and the Chief Information Officer of the Intelligence Community shall fulfill the executive agency responsibilities in chapter 113 of title 40, United States Code, for any intelligence community business system that receives more than 50 percent of its funding from amounts appropriated for National Intelligence Program.

''(2) Any intelligence community business system covered by paragraph (1) shall be exempt from the requirements of such chapter 113 that would otherwise apply to the executive agency that contains the element of the intelligence community involved.

''(j) REPORTS.—Not later than March 15 of each of 2009 through 2014, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the compliance of the intelligence community with the requirements of this section. Each such report shall—

''(1) describe actions taken and proposed for meeting the requirements of subsection (a), including—

''(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

''(B) specific actions on the intelligence community business system modernizations submitted for certification under such subsection;

''(2) identify the number of intelligence community business system modernizations that received a certification described in subsection (a)(3)(B); and

''(3) describe specific improvements in business operations and cost savings resulting from successful intelligence community business systems modernization efforts.

''(k) DEFINITIONS.—In this section:

''(1) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44, United States Code.

''(2) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40, United States Code.

''(3) The term 'intelligence community business system' means an information system, other than a national security system, that is operated by, for, or on behalf of the intelligence community, including financial systems, mixed systems, financial data feeder systems, the business infrastructure capabilities shared by the systems of the business enterprise architecture that build upon the core infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management

''(4) The term 'intelligence community business system modernization' means—

''(A) the acquisition or development of a new intelligence community business system; or

''(B) any significant modification or enhancement of an existing intelligence community business system (other than necessary to maintain current services).

''(5) The term 'national security system' has the meaning given that term in section 3542 of title 44, United States Code.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by section 310 and 311, is further amended by inserting after the item relating to section 506C, as added by section 312(b) the following new item:

''Sec. 506D. Intelligence community business systems, architecture, accountability, and modernization.''.

(b) IMPLEMENTATION.—

(1) CERTAIN DUTIES.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(A) complete the delegation of responsibility for the review, approval, and oversight of the planning, design, acquisition, deployment, operation, maintenance, and modernization of intelligence community business systems required by subsection (c) of section 506D of the National Security Act of 1947 (as added by subsection (a)); and

(B) designate a vice chairman and personnel to serve on the Intelligence Community Business System Management Committee established under subsection (f) of such section 506D (as so added).

(2) ENTERPRISE ARCHITECTURE.—The Director shall develop the enterprise architecture required by subsection (b) of such section 506D (as so added) by not later than March 1, 2008. In so developing the enterprise architecture, the Director shall develop an implementation plan for the architecture, including the following:

(A) The acquisition strategy for new systems that are expected to be needed to complete the enterprise architecture, including specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

(B) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will not be a part of the enterprise architecture, together with the schedule for the phased termination of the utilization of any such systems.

(C) An identification of the intelligence community business systems in operation or planned as of December 31, 2006, that will be a part of the enterprise architecture, together with a strategy for modifying such systems to ensure that such systems comply with such enterprise architecture.

SEC. 313. REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by sections 310, 311, and 312, is further amended by inserting after section 506D, as added by section 312(a)(1), the following new section:

''REPORTS ON THE ACQUISITION OF MAJOR SYSTEMS

''SEC. 506E. (a) ANNUAL REPORTS REQUIRED.—(1) The Director of National Intelligence shall submit to the congressional intelligence committees each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105 of title 31, United States Code, a separate report on each acquisition of a major system by an element of the intelligence community.

''(2) Each report under this section shall be known as a 'Report on the Acquisition of Major Systems'.

''(b) ELEMENTS.—Each report under this section shall include, for the acquisition of a major system, information on the following:

''(1) The current total anticipated acquisition cost for such system, and the history of such cost from the date the system was first included in a report under this section to the end of the calendar quarter immediately proceeding the submittal of the report under this section.

''(2) The current anticipated development schedule for the system, including an estimate of annual development costs until development is completed.

''(3) The current anticipated procurement schedule for the system, including the best estimate of the Director of National Intelligence of the annual costs and units to be procured until procurement is completed.

''(4) A full life-cycle cost analysis for such system.

''(5) The result of any significant test and evaluation of such major system as of the date of the submittal of such report, or, if a significant test and evaluation has not been conducted, a statement of the reasons therefor and the results of any other test and evaluation that has been conducted of such system.

''(6) The reasons for any change in acquisition cost, or schedule, for such system from the previous report under this section (if applicable).

''(7) The significant contracts or subcontracts related to the major system.

''(8) If there is any cost or schedule variance under a contract referred to in paragraph (7) since the previous report under this section, the reasons for such cost or schedule variance.

''(c) DETERMINATION OF INCREASE IN COSTS.—Any determination of a percentage increase in the acquisition costs of a major system for which a report is filed under this section shall be stated in terms of constant dollars from the first fiscal year in which funds are appropriated for such contract.

''(d) DEFINITIONS.—In this section:

''(1) The term 'acquisition cost', with respect to a major system, means the amount equal to the total cost for development and procurement of, and system-specific construction for, such system.

''(2) The term 'full life-cycle cost', with respect to the acquisition of a major system, means all costs of development, procurement, construction, deployment, and operation and support for such program, without regard to funding source or management control, including costs of development and procurement required to support or utilize such system.

''(3) The term 'major system', has the meaning given that term in section 506A(e).''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 310, 311, and 312, is further amended by inserting after the item relating to section 506D, as added by section 312(a)(2), the following new item:

''Sec. 506E. Reports on the acquisition of major systems.''.

SEC. 314. EXCESSIVE COST GROWTH OF MAJOR SYSTEMS.

(a) NOTIFICATION.—Title V of the National Security Act of 1947, as amended by sections 310 through 313, is further amended by inserting after section 506E, as added by section 313(a), the following new section:

''EXCESSIVE COST GROWTH OF MAJOR SYSTEMS

''SEC. 506F. (a) COST INCREASES OF AT LEAST 20 PERCENT.—(1) On a continuing basis, and separate from the submission of any report on a major system required by section 506E of this Act, the Director of National Intelligence shall determine if the acquisition cost of such major system has increased by at least 20 percent as compared to the baseline cost of such major system.

''(2)(A) If the Director determines under paragraph (1) that the acquisition cost of a major system has increased by at least 20 percent, the Director shall submit to the congressional intelligence committees a written notification of such determination as described in subparagraph (B), a description of the amount of the increase in the acquisition cost of such major system, and a certification as described in subparagraph (C).

''(B) The notification required by subparagraph (A) shall include—

''(i) an independent cost estimate;

''(ii) the date on which the determination covered by such notification was made;

''(iii) contract performance assessment information with respect to each significant contract or sub-contract related to such major system, including the name of the contractor, the phase of the contract at the time of the report, the percentage of work under the contract that has been completed, any change in contract cost, the percentage by which the contract is currently ahead or behind schedule, and a summary explanation of significant occurrences, such as cost and schedule variances, and the effect of such occurrences on future costs and schedules;

''(iv) the prior estimate of the full life-cycle cost for such major system, expressed in constant dollars and in current year dollars;

''(v) the current estimated full life-cycle cost of such major system, expressed in constant dollars and current year dollars;

''(vi) a statement of the reasons for any increases in the full life-cycle cost of such major system;

''(vii) the current change and the total change, in dollars and expressed as a percentage, in the full life-cycle cost applicable to such major system, stated both in constant dollars and current year dollars;

''(viii) the completion status of such major system expressed as the percentage—

''(I) of the total number of years for which funds have been appropriated for such major system compared to the number of years for which it is planned that such funds will be appropriated; and

''(II) of the amount of funds that have been appropriated for such major system compared to the total amount of such funds which it is planned will be appropriated;

''(ix) the action taken and proposed to be taken to control future cost growth of such major system; and

''(x) any changes made in the performance or schedule of such major system and the extent to which such changes have contributed to the increase in full life-cycle costs of such major system.

''(C) The certification described in this subparagraph is a written certification made by the Director and submitted to the congressional intelligence committees that—

''(i) the acquisition of such major system is essential to the national security;

''(ii) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(iii) the new estimates of the full life-cycle cost for such major system are reasonable; and

''(iv) the management structure for the acquisition of such major system is adequate to manage and control full life-cycle cost of such major system.

''(b) COST INCREASES OF AT LEAST 40 PERCENT.—(1) If the Director of National Intelligence determines that the acquisition cost of a major system has increased by at least 40 percent as compared to the baseline cost of such major system, the President shall submit to the congressional intelligence committees a written certification stating that—

''(A) the acquisition of such major system is essential to the national security;

''(B) there are no alternatives to such major system that will provide equal or greater intelligence capability at equal or lesser cost to completion;

''(C) the new estimates of the full life-cycle cost for such major system are reasonable; and

''(D) the management structure for the acquisition of such major system is adequate to manage and control the full life-cycle cost of such major system.

''(2) In addition to the certification required by paragraph (1), the Director of National Intelligence shall submit to the congressional intelligence committees an updated notification, with current accompanying information, as required by subsection (a)(2).

''(c) PROHIBITION ON OBLIGATION OF FUNDS.—(1) If a written certification required under subsection (a)(2)(A) is not submitted to the congressional intelligence committees within 30 days of the determination made under subsection (a)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (a)(2)(A).

''(2) If a written certification required under subsection (b)(1) is not submitted to the congressional intelligence committees within 30 days of the determination made under subsection (b)(1), funds appropriated for the acquisition of a major system may not be obligated for a major contract under the program. Such prohibition on the obligation of funds for the acquisition of a major system shall cease to apply at the end of the 30-day period of a continuous session of Congress that begins on the date on which Congress receives the notification required under subsection (b)(2).

''(d) DEFINITIONS.—In this section:

''(1) The term 'acquisition cost' has the meaning given that term in section 506E(d).

''(2) The term 'baseline cost', with respect to a major system, means the projected acquisition cost of such system on the date the contract for the development, procurement, and construction of the system is awarded.

''(3) The term 'full life-cycle cost' has the meaning given that term in section 506E(d).

''(4) The term 'independent cost estimate' has the meaning given that term in section 506A(e).

''(5) The term 'major system' has the meaning given that term in section 506A(e).''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act, as amended by sections 310 through 313 of this Act, is further amended by inserting after the items relating to section 506E, as added by section 313(b), the following new item:

''Sec. 506F. Excessive cost growth of major systems.''.

SEC. 315. SUBMITTAL TO CONGRESS OF CERTAIN COURT ORDERS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) INCLUSION OF CERTAIN ORDERS IN SEMI-ANNUAL REPORTS OF ATTORNEY GENERAL.—Subsection (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended by striking ''(not including orders)'' and inserting '', orders,''.

(b) REPORTS BY ATTORNEY GENERAL ON CERTAIN OTHER ORDERS.—That section is further amended by adding at the end the following new subsection:

''(c) The Attorney General shall submit to the committees of Congress referred to in subsection (a) a copy of any decision, order, or opinion issued by the court established under section 103(a) or the court of review established under section 103(b) that includes significant construction or interpretation of any provision of this Act not later than 45 days after such decision, order, or opinion is issued.''.

SEC. 316. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL REPORT ON INTELLIGENCE.—

(1) REPEAL.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 109.

(b) ANNUAL AND SPECIAL REPORTS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.—Section 112 of the National Security Act of 1947 (50 U.S.C. 404g) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(c) ANNUAL REPORT ON SAFETY AND SECURITY OF RUSSIAN NUCLEAR FACILITIES AND FORCES.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(d) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking ''(1)''; and

(2) by striking paragraph (2).

(e) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(f) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

(g) SEMIANNUAL REPORT ON CONTRIBUTIONS TO PROLIFERATION EFFORTS OF COUNTRIES OF PROLIFERATION CONCERN.—Section 722 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

(h) CONFORMING AMENDMENTS.—Section 507(a) of the National Security Act of 1947 (50 U.S.C. 415b(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (A) and (B); and

(B) by redesignating subparagraphs (C) through (N) as subparagraphs (A) through (L), respectively; and

(2) in paragraph (2)—

(A) by striking subparagraphs (A) and (D);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as redesignated by subparagraph (B) of this paragraph, by striking ''114(c)'' and inserting ''114(b)''.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. REQUIREMENTS FOR ACCOUNTABILITY REVIEWS BY THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Subsection (b) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking ''2004,'' and inserting ''2004 (50 U.S.C. 403 note),''; and

(B) by striking the period at the end and inserting a semicolon and ''and''; and

(3) by inserting after paragraph (3), the following new paragraph:

''(4) conduct accountability reviews of elements of the intelligence community and the personnel of such elements, if appropriate.''.

(b) TASKING AND OTHER AUTHORITIES.—Subsection (f) of section 102A of such Act (50 U.S.C. 403-1) is amended—

(1) by redesignating paragraphs (7) and (8), as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6), the following new paragraph:

''(7)(A) The Director of National Intelligence shall, if the Director determines it is necessary, or may, if requested by a congressional intelligence committee, conduct accountability reviews of elements of the intelligence community or the personnel of such elements in relation to significant failures or deficiencies within the intelligence community.

''(B) The Director of National Intelligence, in consultation with the Attorney General, shall establish guidelines and procedures for conducting accountability reviews under subparagraph (A).

''(C) The requirements of this paragraph shall not limit any authority of the Director of National Intelligence under subsection (m) or with respect to supervision of the Central Intelligence Agency.''.

SEC. 402. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

(a) AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE.—Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

(1) in subparagraph (E), by striking ''and'' at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

''(G) in carrying out this subsection, without regard to any other provision of law (other than this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458)), expend funds and make funds available to other department or agencies of the United States for, and direct the development and fielding of, systems of common concern related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

''(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).''.

(b) AUTHORITIES OF HEADS OF OTHER DEPARTMENTS AND AGENCIES.—Notwithstanding any other provision of law, the head of any department or agency of the United States is authorized to receive and utilize funds made available to the department or agency by the Director of National Intelligence pursuant to section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)), as amended by subsection (a), and receive and utilize any system referred to in such section that is made available to the department or agency.

SEC. 403. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: '', any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community''.

SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

''(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1346 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in subparagraph (A) or (B), upon the request of the Director of National Intelligence, any element of the intelligence community may use appropriated funds to support or participate in the interagency activities of the following:

''(A) National intelligence centers established by the Director under section 119B.

''(B) Boards, commissions, councils, committees, and similar groups that are established—

''(i) for a term of not more than two years; and

''(ii) by the Director.

''(2) No provision of law enacted after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 shall be construed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.''.

SEC. 405. ENHANCEMENT OF AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE FOR FLEXIBLE PERSONNEL MANAGEMENT AMONG THE ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1), as amended by section 404 of this Act, is further amended by adding at the end the following new subsections:

''(t) AUTHORITY TO ESTABLISH POSITIONS IN EXCEPTED SERVICE.—(1) The Director of National Intelligence may, with the concurrence of the head of the department or agency concerned and in coordination with the Director of the Office of Personnel Management—

''(A) convert such competitive service positions, and their incumbents, within an element of the intelligence community to excepted service positions as the Director of National Intelligence determines necessary to carry out the intelligence functions of such element; and

''(B) establish the classification and ranges of rates of basic pay for positions so converted, notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions.

''(2)(A) At the request of the Director of National Intelligence, the head of a department or agency may establish new positions in the excepted service within an element of such department or agency that is part of the intelligence community if the Director determines that such positions are necessary to carry out the intelligence functions of such element.

''(B) The Director of National Intelligence may establish the classification and ranges of rates of basic pay for any position established under subparagraph (A), notwithstanding otherwise applicable laws governing the classification and rates of basic pay for such positions

''(3) The head of the department or agency concerned is authorized to appoint individuals for service in positions converted under paragraph (1) or established under paragraph (2) without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, and to fix the compensation of such individuals within the applicable ranges of rates of basic pay established by the Director of National Intelligence.

''(4) The maximum rate of basic pay established under this subsection is the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(u) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) Notwithstanding any pay limitation established under any other provision of law applicable to employees in elements of the intelligence community, the Director of National Intelligence may, in consultation with the Director of the Office of Personnel Management and the Director of the Office of Management and Budget, grant authority to fix the rate of basic pay for one or more positions within the intelligence community at a rate in excess of any applicable limitation, subject to the provisions of this subsection. The exercise of authority so granted is at the discretion of the head of the department or agency employing the individual in a position covered by such authority, subject to the provisions of this subsection and any conditions established by the Director of National Intelligence when granting such authority.

''(2) Authority under this subsection may be granted or exercised—

''(A) only with respect to a position which requires an extremely high level of expertise and is critical to successful accomplishment of an important mission; and

''(B) only to the extent necessary to recruit or retain an individual exceptionally well qualified for the position.

''(3) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level II of the Executive Schedule under section 5312 of title 5, United States Code, except upon written approval of the Director of National Intelligence or as otherwise authorized by law.

''(4) A rate of basic pay may not be fixed under this subsection at a rate greater than the rate payable for level I of the Executive Schedule under section 5311 of title 5, United States Code, except upon written approval of the President in response to a request by the Director of National Intelligence or as otherwise authorized by law.

''(5) Any grant of authority under this subsection for a position shall terminate at the discretion of the Director of National Intelligence.

''(v) EXTENSION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES.—(1) Notwithstanding any other provision of law, in order to ensure the equitable treatment of employees across the intelligence community, the Director of National Intelligence may, with the concurrence of the head of the department or agency concerned, or for those matters that fall under the responsibilities of the Office of Personnel Management under statute or Executive Order, in coordination with the Director of the Office of Personnel Management, authorize one or more elements of the intelligence community to adopt compensation authority, performance management authority, and scholarship authority that have been authorized for another element of the intelligence community if the Director of National Intelligence—

''(A) determines that the adoption of such authority would improve the management and performance of the intelligence community, and

''(B) submits to the congressional intelligence committees, not later than 60 days before such authority is to take effect, notice of the adoption of such authority by such element or elements, including the authority to be so adopted, and an estimate of the costs associated with the adoption of such authority.

''(2) To the extent that an existing compensation authority within the intelligence community is limited to a particular category of employees or a particular situation, the authority may be adopted in another element of the intelligence community under this subsection only for employees in an equivalent category or in an equivalent situation.

''(3) In this subsection, the term 'compensation authority' means authority involving basic pay (including position classification), premium pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, and special payments, but does not include authorities as follows:

''(A) Authorities related to benefits such as leave, severance pay, retirement, and insurance.

''(B) Authority to grant Presidential Rank Awards under sections 4507 and 4507a of title 5, United States Code, section 3151(c) of title 31, United States Code, and any other provision of law.

''(C) Compensation authorities and performance management authorities provided under provisions of law relating to the Senior Executive Service.''.

SEC. 406. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking ''WITH'' and inserting ''OF HEADQUARTERS WITH HEADQUARTERS OF'';

(2) by inserting ''the headquarters of'' before ''the Office''; and

(3) by striking ''any other element'' and inserting ''the headquarters of any other element''.

SEC. 407. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting ''and prioritize'' after ''coordinate''; and

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

''(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.''.

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''and'' at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following new paragraphs:

''(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

''(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

''(7) develop 15-year projections and assessments of the needs of the intelligence community to ensure a robust Federal scientific and engineering workforce and the means to recruit such a workforce through integrated scholarships across the intelligence community, including research grants and cooperative work-study programs;

''(8) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and''; and

(2) by adding at the end the following new subsection:

''(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

''(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

''(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

''(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

''(A) are consistent with current or future national intelligence requirements;

''(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

''(C) take into account funding constraints in program development and acquisition; and

''(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').''.

(c) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2008, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) FORM.—The report under paragraph (1) may be submitted in classified form.

SEC. 408. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(2) in subsection (b), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'';

(3) in subsection (c), by inserting ''of the Intelligence Community'' after ''Chief Information Officer''; and

(4) in subsection (d), by inserting ''of the Intelligence Community'' after ''Chief Information Officer'' the first place it appears.

SEC. 409. RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) ESTABLISHMENT.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

''RESERVE FOR CONTINGENCIES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 103H. (a) IN GENERAL.—There is established a fund to be known as the 'Reserve for Contingencies of the Office of the Director of National Intelligence' (in this section referred to as the 'Reserve').

''(b) ELEMENTS.—(1) The Reserve shall consist of the following elements:

''(A) Amounts authorized to be appropriated to the Reserve.

''(B) Amounts authorized to be transferred to or deposited in the Reserve by law.

''(2) No amount may be transferred to the Reserve under subparagraph (B) of paragraph (1) during a fiscal year after the date on which a total of $50,000,000 has been transferred to or deposited in the Reserve under subparagraph (A) or (B) of such paragraph.

''(c) AMOUNTS AVAILABLE FOR DEPOSIT.—Amounts deposited into the Reserve shall be amounts appropriated to the National Intelligence Program.

''(d) AVAILABILITY OF FUNDS.—(1) Amounts in the Reserve shall be available for such purposes as are provided by law for the Office of the Director of National Intelligence or the separate elements of the intelligence community for support of emerging needs, improvements to program effectiveness, or increased efficiency.

''(2)(A) Subject to subparagraph (B), amounts in the Reserve may be available for a program or activity if—

''(i) the Director of National Intelligence, consistent with the provisions of sections 502 and 503, notifies the congressional intelligence committees of the intention to utilize such amounts for such program or activity; and

''(ii) 15 calendar days elapses after the date of such notification.

''(B) In addition to the requirements in subparagraph (A), amounts in the Reserve may be available for a program or activity not previously authorized by Congress only with the approval of the Director the Office of Management and Budget.

''(3) Use of any amounts in the Reserve shall be subject to the direction and approval of the Director of National Intelligence, or the designee of the Director, and shall be subject to such procedures as the Director may prescribe.

''(4) Amounts transferred to or deposited in the Reserve in a fiscal year under subsection (b) shall be available under this subsection in such fiscal year and the fiscal year following such fiscal year.''.

(b) APPLICABILITY.—No funds appropriated prior to the date of the enactment of this Act may be transferred to or deposited in the Reserve for Contingencies of the Office of the Director of National Intelligence established in section 103H of the National Security Act of 1947, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

''Sec. 103H. Reserve for Contingencies of the Office of the Director of National Intelligence.''.

SEC. 410. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 409 of this Act, is further amended by inserting after section 103H the following new section:

''INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

''SEC. 103I. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

''(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

''(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

''(2) recommend policies designed—

''(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

''(B) to prevent and detect fraud and abuse in such matters;

''(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

''(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions; and

''(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

''(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

''(B) the necessity for, and the progress of, corrective actions.

''(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The nomination of an individual for appointment as Inspector General shall be made—

''(A) without regard to political affiliation;

''(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

''(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

''(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

''(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

''(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

''(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

''(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and to report the progress made in implementing corrective action;

''(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

''(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

''(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

''(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

''(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

''(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

''(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

''(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

''(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

''(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

''(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

''(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

''(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an

official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

''(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

''(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

''(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

''(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

''(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

''(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

''(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1)(A) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve the question of which Inspector General shall conduct such investigation, inspection, or audit.

''(B) In attempting to resolve a question under subparagraph (A), the Inspectors General concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). In the event of a dispute between an Inspector General within a department of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of the Forum, the Inspectors General shall submit the question to the Director of National Intelligence and the head of the department for resolution.

''(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative Inspectors General with oversight responsibility for an element or elements of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any Inspector General, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than one of its members.

''(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

''(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

''(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

''(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

''(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

''(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

''(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

''(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

''(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

''(B) Each report under this paragraph shall include, at a minimum, the following:

''(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

''(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

''(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

''(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

''(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

''(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

''(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

''(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such department simultaneously with submission of the report to the congressional intelligence committees.

''(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

''(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a

problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

''(3) In the event that—

''(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

''(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

''(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

''(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

''(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

''(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

''(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

''(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

''(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

''(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

''(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

''(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

''(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

''(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

''(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

''(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

''(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

''(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

''(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

''(G) In this paragraph, the term 'urgent concern' means any of the following:

''(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

''(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

''(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

''(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

''(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

''(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

''(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947, as amended by section 409 of this Act, is further amended by inserting after the item relating to section 103H the following new item:

''Sec. 103I. Inspector General of the Intelligence Community.''.

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Inspector General of the Intelligence Community.''.

SEC. 411. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking ''(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the'' and inserting the following:

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The''; and

(2) by adding at the end the following new paragraphs:

''(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

''(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.''.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

''(9) The Chief Information Officer of the Intelligence Community.

''(10) The Inspector General of the Intelligence Community.

''(11) The Director of the National Counterterrorism Center.

''(12) The Director of the National Counter Proliferation Center.''.

SEC. 412. NATIONAL SPACE INTELLIGENCE OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

''NATIONAL SPACE INTELLIGENCE OFFICE

''SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

''(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

''(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

''(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

''(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

''(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

''(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

''(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office under subsection (c).

''(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 119B the following new item:

''Sec. 119C. National Space Intelligence Office.''.

(b) REPORT ON ORGANIZATION OF OFFICE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Office shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Office established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Office.

(B) An identification of key participants in the Office.

(C) A strategic plan for the Office during the five-year period beginning on the date of the report.

SEC. 413. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

''PROTECTION OF CERTAIN FILES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

''SEC. 706. (a) RECORDS FROM EXEMPTED OPERATIONAL FILES.—(1) Any record disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the exempted operational files of elements of the intelligence community designated in accordance with this title, and any operational files created by the Office of the Director of National Intelligence that incorporate such record in accordance with subparagraph (A)(ii), shall be exempted from the provisions of section 552 of title 5, United States Code that require search, review, publication or disclosure in connection therewith, in any instance in which—

''(A)(i) such record is shared within the Office of the Director of National Intelligence and not disseminated by that Office beyond that Office; or

''(ii) such record is incorporated into new records created by personnel of the Office of the Director of National Intelligence and maintained in operational files of the Office of the Director of National Intelligence and such record is not disseminated by that Office beyond that Office; and

''(B) the operational files from which such record has been obtained continue to remain designated as operational files exempted from section 552 of title 5, United States Code.

''(2) The operational files of the Office of the Director of National Intelligence referred to in paragraph (1)(A)(ii) shall be similar in nature to the originating operational files from which the record was disseminated or provided, as such files are defined in this title.

''(3) Records disseminated or otherwise provided to the Office of the Director of National Intelligence from other elements of the intelligence community that are not protected by paragraph (1), and that are authorized to be disseminated beyond the Office of the Director of National Intelligence, shall remain subject to search and review under section 552 of title 5, United States Code, but may continue to be exempted from the publication and disclosure provisions of that section by the originating agency to the extent that such section permits.

''(4) Notwithstanding any other provision of this title, records in the exempted operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency shall not be subject to the search and review provisions of section 552 of title 5, United States Code, solely because they have been disseminated to an element or elements of the Office of the Director of National Intelligence, or referenced in operational files of the Office of the Director of National Intelligence and that are not disseminated beyond the Office of the Director of National Intelligence.

''(5) Notwithstanding any other provision of this title, the incorporation of records from the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency, or the Defense Intelligence Agency, into operational files of the Office of the Director of National Intelligence shall not subject that record or the operational files of the Central Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, the National Security Agency or the Defense Intelligence Agency to the search and review provisions of section 552 of title 5, United States Code.

''(b) OTHER RECORDS.—(1) Files in the Office of the Director of National Intelligence that are not exempted under subsection (a) of this section which contain information derived or disseminated from exempted operational files shall be subject to search and review under section 552 of title 5, United States Code.

''(2) The inclusion of information from exempted operational files in files of the Office of the Director of National Intelligence that are not exempted under subsection (a) shall not affect the exemption of the originating operational files from search, review, publication, or disclosure.

''(3) Records from exempted operational files of the Office of the Director of National Intelligence which have been disseminated to and referenced in files that are not exempted under subsection (a), and which have been returned to exempted operational files of the Office of the Director of National Intelligence for sole retention, shall be subject to search and review.

''(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

''(A) The Select Committee on Intelligence of the Senate.

''(B) The Permanent Select Committee on Intelligence of the House of Representatives.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of the Inspector General of the Intelligence Community.

''(d) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of National Intelligence shall review the operational files exempted under subsection (a) to determine whether such files, or any portion of such files, may be removed from the category of exempted files.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that Director of National Intelligence has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether the Director has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2008 or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether the Director of National Intelligence, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

''(e) SUPERSEDURE OF OTHER LAWS.—The provisions of this section may not be superseded except by a provision of law that is enacted after the date of the enactment of this section and that specifically cites and repeals or modifies such provisions.

''(f) APPLICABILITY.—The Director of National Intelligence will publish a regulation listing the specific elements within the Office of the Director of National Intelligence whose records can be exempted from search and review under this section.

''(g) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the Office of the Director of National Intelligence has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(2) Judicial review shall not be available in the manner provided for under paragraph (1) as follows:

''(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by the Office of the Director of National Intelligence, such information shall be examined ex parte, in camera by the court.

''(B) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions of the parties.

''(C) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

''(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Office of the Director of National Intelligence shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsive records currently meet the criteria set forth in subsection.

''(ii) The court may not order the Office of the Director of National Intelligence to review the content of any exempted operational file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Office's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(E) In proceedings under subparagraphs (C) and (D), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

''(F) If the court finds under this subsection that the Office of the Director of National Intelligence has improperly withheld requested records because of failure to comply with any provision of this section, the court shall order the Office to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section.

''(G) If at any time following the filing of a complaint pursuant to this paragraph the Office of the Director of National Intelligence agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 705 the following new item:

''Sec. 706. Operational files in the Office of the Director of National Intelligence.''.

SEC. 414. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTER-INTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking ''subsection (f)'' each place it appears in paragraphs (1) and (2) and inserting ''subsection (e)''; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking ''subsection (e)(1)'' and inserting ''subsection (d)(1)''; and

(B) in paragraph (2), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''.

SEC. 415. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking ''or'';

(2) in paragraph (2), by striking the period and inserting ''; or''; and

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

''(3) the Office of the Director of National Intelligence.''.

SEC. 416. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

''(F) The Director of National Intelligence, or the Director's designee.''.

SEC. 417. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Subsection (j) of section 552a of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) maintained by the Office of the Director of National Intelligence; or''.

Subtitle B—Central Intelligence Agency

SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), (h), and (i) respectively; and

(2) by inserting after subsection (a) the following new subsections (b) and (c):

''(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

''(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

''(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.

''(c) MILITARY STATUS OF DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) Not more than one of the individuals serving in the positions specified in subsection (a) and (b) may be a commissioned officer of the Armed Forces in active status.

''(2) A commissioned officer of the Armed Forces who is serving as the Director or Deputy Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Director or Deputy Director of the Central Intelligence Agency shall not, while continuing in such service, or in the administrative performance of such duties—

''(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

''(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

''(3) Except as provided in subparagraph (A) or (B) of paragraph (2), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

''(4) A commissioned officer described in paragraph (2), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (e) of such section, as redesignated by subsection (a)(1) of this section, is further amended by striking ''subsection (d)'' and inserting ''subsection (f)''.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

''Deputy Director of the Central Intelligence Agency.''.

(d) ROLE OF DNI IN APPOINTMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended by adding at the end the following new subparagraph:

''(J) The Deputy Director of the Central Intelligence Agency.''.

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 422. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY OF REQUIREMENT FOR ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404i–1) is amended by striking ''the Director of the Central Intelligence Agency,''.

SEC. 423. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in subparagraph (A), as so designated—

(A) by striking ''and the protection'' and inserting ''the protection''; and

(B) by striking the semicolon and inserting '', and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and''; and

(3) by adding at the end the following new subparagraph:

''(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;''.

SEC. 424. TECHNICAL AMENDMENTS RELATING TO TITLES OF CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS.

Section 17(d)(3)(B)(ii) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amended—

(1) in subclause (I), by striking ''Executive Director'' and inserting ''Associate Deputy Director'';

(2) in subclause (II), by striking ''Deputy Director for Operations'' and inserting ''Director of the National Clandestine Service''; and

(3) in subclause (IV), by striking ''Deputy Director for Administration'' and inserting ''Director for Support''.

SEC. 425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) Any recommendations regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''Air America'' means Air America, Incorporated.

(2) The term ''associated company'' means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking ''terminated either by'' and all that follows and inserting ''terminated—

''(i) by the Agency due to misconduct by the employee;

''(ii) by the employee voluntarily; or

''(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and''.

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking ''(1) When an employee'' and all that follows through ''(2) Agency efforts'' and inserting ''Agency efforts''.

SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

''SEC. 21. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

''(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

''(A) any offense against the United States committed in the presence of such personnel; or

''(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

''(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

''(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

''(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.''.

SEC. 433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting ''the Defense Intelligence Agency,'' after ''the Corporation for Public Broadcasting,'';

(2) by inserting ''the National Geospatial-Intelligence Agency,'' after ''the National Endowment for the Arts,''; and

(3) by inserting ''the National Reconnaissance Office, the National Security Agency,'' after ''the National Labor Relations Board,''.

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

''(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.''.

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting ''(1)'' after ''(d)'';

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking ''The head'' and inserting ''Except as provided in paragraph (2), the head''; and

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

''(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if

the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

''(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

''(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

''(D) The elements of the intelligence community specified in this subparagraph are as follows:

''(i) The Defense Intelligence Agency.

''(ii) The National Geospatial-Intelligence Agency.

''(iii) The National Reconnaissance Office.

''(iv) The National Security Agency.

''(E) The committees of Congress specified in this subparagraph are—

''(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

''(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.''.

SEC. 434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

''SEC. 2. (a) There is a Director of the National Security Agency.

''(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.''.

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.''.

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, and presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information, into the National System for Geospatial Intelligence.

''(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.''; and

(3) in paragraph (3), as so redesignated, by striking ''paragraph (1)'' and inserting ''paragraphs (1) and (2)''.

SEC. 436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting ''the Coast Guard,'' after ''the Marine Corps,''; and

(B) by inserting ''the Drug Enforcement Administration,'' after ''the Federal Bureau of Investigation,''; and

(2) in subparagraph (K), by striking '', including the Office of Intelligence of the Coast Guard''.

SEC. 442. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) by inserting ''or in section 313 of such title,'' after ''subsection (a)),''.

TITLE V—OTHER MATTERS

SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking ''section'' and inserting ''subsection'';

(B) in subsection (d)—

(i) in paragraph (3), by striking ''subparagraph (A)'' in the matter preceding subparagraph (A) and inserting ''paragraph (1)(A)'';

(ii) in paragraph (5)(A), by striking ''or personnel'' in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking ''or agency involved'' in the second sentence and inserting ''involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)'';

(C) in subsection (l)(2)(B), by striking ''section'' and inserting ''paragraph''; and

(D) in subsection (n), by inserting ''AND OTHER'' after ''ACQUISITION''.

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking ''subsection (h)'' and inserting ''subsection (i)''.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking ''responsible'' and inserting ''responsive''.

SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking ''annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities'' and inserting ''annual budget for the Military Intelligence Program or any successor program or programs''; and

(2) in subsection (d)(1)(B), by striking ''Joint Military Intelligence Program'' and inserting ''Military Intelligence Program or any successor program or programs''.

SEC. 503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking ''Attorney General'' the second place it appears and inserting ''Department of Justice''.

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''; and

(B) in subsection (h), by striking ''National Intelligence Director'' and inserting ''Director of National Intelligence''.

(3) In section 1071(e), by striking ''(1)''.

(4) In section 1072(b), by inserting ''AGENCY'' after ''INTELLIGENCE''.

(b) OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting ''of'' before ''an institutional culture'';

(B) in subsection (e)(2), by striking ''the National Intelligence Director in a manner consistent with section 112(e)'' and inserting ''the Director of National Intelligence in a manner consistent with applicable law''; and

(C) in subsection (f), by striking ''shall,'' in the matter preceding paragraph (1) and inserting ''shall''.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking ''the Federal'' and inserting ''Federal''; and

(B) in paragraph (3), by striking ''the specific'' and inserting ''specific''.

SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears in a provision as follows and inserting ''Director of National Intelligence'':

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears in a provision as follows and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'':

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of the Central Intelligence Agency''.

SEC. 505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking ''authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)'' and inserting ''authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).''.

SEC. 506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking ''FOREIGN''; and

(2) by striking ''foreign'' each place it appears.

(b) RESPONSIBILITY OF DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking ''Director of Central Intelligence'' and inserting ''Director of National Intelligence''; and

(2) in subsection (b), by inserting ''of National Intelligence'' after ''Director''.

(c) CONFORMING AMENDMENT.—The heading of that section is amended to read as follows:

''SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.''.

SEC. 507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

''Director of the Central Intelligence Agency.''.

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

''General Counsel of the Office of the Director of National Intelligence.''.

SEC. 508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking ''National Imagery and Mapping Agency'' each place it appears in a provision as follows and inserting ''National Geospatial-Intelligence Agency'':

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency''.

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking ''National Imagery and Mapping Agency'' both places it appears and inserting ''National Geospatial-Intelligence Agency''.

(B) The heading of such section is amended to read as follows:

''§ 1336. National Geospatial-Intelligence Agency: special publications''.

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

''1336. National Geospatial-Intelligence Agency: special publications.''.

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' each place it appears and inserting ''National Geospatial-Intelligence Agency''.

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(f) OTHER ACTS.—

(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking ''National Imagery and Mapping Agency'' and inserting ''National Geospatial-Intelligence Agency''.

SEC. 509. OTHER TECHNICAL AMENDMENTS RELATING TO RESPONSIBILITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE AS HEAD OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—

(1) The Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) is amended by striking ''Director of Central Intelligence'' each place it appears in a provision as follows and inserting ''Director of National Intelligence'':

(A) Section 704(c)(2)(B).
(B) Section 706(b)(2).
(C) Section 706(e)(2)(B).

(2) Section 705(c) of such Act is amended by striking ''the Director of Central Intelligence, as head of the intelligence community,'' and inserting ''the Director of National Intelligence''.

(b) CONFORMING AMENDMENT.—The heading of section 705(c) of such Act is amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE''.

SA 3161. Mr. LEAHY (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. The amount appropriated by title III under the heading ''NATIONAL GUARD AND RESERVE EQUIPMENT'' is hereby increased by $1,000,000,000, with the amount of the increase to be available for the Army National Guard for equipment: *Provided*, That the amount of the increase is hereby designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 3162. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT,

TEST, AND EVALUATION, ARMY'', up to $6,000,000 may be available for Advanced Automotive Technology (PE #0602610A).

SA 3163. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', up to $5,000,000 may be available for the integration, procurement, and retrofit of upgraded Molecular Sieve Oxygen Generation Systems (MSOGS) into F–15C/D fighter aircraft.

SA 3164. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. SANDERS, Mr. WYDEN, Mr. KERRY, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. HARKIN, Mr. SCHUMER, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) USE OF FUNDS.—No funds appropriated or otherwise made available by this Act may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after June 30, 2008.

(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to the obligation or expenditure of funds for the following, as authorized by law:

(1) To conduct operations against al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3165. Mr. SESSIONS (for himself, Mr. KYL, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT UNDER RDTE, DEFENSE-WIDE, FOR STUDIES FOR DEVELOPMENT ON CONVENTIONAL PROMPT GLOBAL STRIKE CAPABILITY.—Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $50,000,000 may be available for Technical Studies, Support, and Analysis for engineering and development studies for the development of a conventional prompt global strike capability.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the global strike capability referred to in that subsection is in addition to any other amounts available in this Act for that purpose.

SA 3166. Mrs. BOXER (for herself, Mr. INOUYE, Mrs. HUTCHISON, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $5,000,000 may be available to the National Military Family Association for purposes of the program of the Association known as ''Operation Purple''.

SA 3167. Mr. BIDEN (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $4,000,000 may be available for Program Element 1160402BB for MARK V replacement research for the pursuit by the Special Operations Command of manufacturing research needed to develop all-composite hulls for ships larger than 100 feet.

SA 3168. Mrs. CLINTON (for herself, Mr. KERRY, Mrs. BOXER, Mr. BROWN, Mr. WEBB, Mr. WHITEHOUSE, and Mr. BAYH) submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) FINDINGS.—Congress makes the following findings:

(1) The United States Government should be well prepared for the eventual redeployment of United States forces from Iraq.

(2) The redeployment of United States forces from Iraq will take careful planning in order to ensure the safety and security of members of the Armed Forces.

(3) The United States Government should take into account various contingencies that might impact the redeployment of United States forces from Iraq.

(4) Congressional oversight plays a valuable role in ensuring the national security of the United States and the safety and security of the men and women of the Armed Forces.

(b) REPORT REQUIRED ON CONTINGENCY PLANNING FOR THE REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State and the Joint Chiefs of Staff, submit to Congress a report on contingency planning for the redeployment of United States forces from Iraq.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A detailed description of the process by which contingency planning by the United States Government for the redeployment of United States forces from Iraq is occurring.

(2) A detailed description and assessment of the various contingencies for the redeployment of United States forces from Iraq that are being considered for planning purposes.

(3) A detailed description and assessment of the possible impact of each contingency described in paragraph (2) on United States forces in Iraq.

(4) A detailed description of the resources and capabilities required to redeploy United States forces from Iraq under each of the contingencies described in paragraph (2).

(5) A detailed description of the diplomatic efforts that will be required in support of each contingency described in paragraph (2).

(6) A detailed description of the information operations and public affairs efforts that will be required in support of each contingency described in paragraph (2).

(7) A detailed description of the evolving mission profile of United States forces under each contingency described in paragraph (2).

(8) A cost estimate for each contingency described in paragraph (2), including a cost estimate for the replacement of United States military equipment left in Iraq after redeployment.

(9) A detailed description of the results of any modeling and simulation efforts by the departments and agencies of the United States Government on each contingency described in paragraph (2).

(d) FORM.—The report required by subsection (b) shall be submitted in classified form, but shall include an unclassified summary.

SA 3169. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'' and available for Program Element 0604261N, up to $4,000,000 may be available for Sustainably Energized Adaptive Littoral Ocean Grid (SEALOG).

SA 3170. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' and available for Program Element #0603002A, up to $5,000,000 may be available for Biodefense Vaccine Development and Engineering.

SA 3171. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $1,700,000 may be available for Automatic Scheduling Tool

(AST) for the Joint Operations Support Airlift Center (JOSAC).

SA 3172. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT FOR RDTE, AIR FORCE, FOR AUTOMATIC SCHEDULING TOOL.—The amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', is hereby increased by $1,700,000, with the amount of the increase to be available for Automatic Scheduling Tool (AST) for the Joint Operations Support Airlift Center (JOSAC).

(b) OFFSET.—The amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'' is hereby reduced by $1,700,000, with the amount of the reduction to be allocated to amounts under that heading that are available for Defense Integrated Military Human Resource System (DIMHRS).

SA 3173. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. . Of the amount appropriated or otherwise made available by Title IV under the Head ''Research, Development, Test, and Evaluation, Army'', up to $3,750,000 may be available for a sea light Beam Director at the High Energy Laser Systems Test Facility.

SA 3174. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title VII under the heading ''INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT'', up to $1,000,000 may be available for the National Security Agency for Advanced Information Discovery and Analysis Capability.

SA 3175. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title VII under the heading ''INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT'', up to $5,000,000 may be available for the Office of Counter Intelligence of the National Geospatial-Intelligence Agency for Internet Observer and Inner View insider threat mitigation tools.

SA 3176. Mrs. HUTCHISON (for herself, Mr. CORNYN, Mrs. BOXER, Mr. BINGAMAN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENT OF BARRIERS AT BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking ''Attorney General, in consultation with the Commissioner of Immigration and Naturalization,'' and inserting ''Secretary of Homeland Security''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''IN THE BORDER AREA'' and inserting ''ALONG THE BORDER'';

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(D) in paragraph (5), as redesignated, by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

SA 3177. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'' and available for Program Element #0603640M, up to $1,200,000 may be available for Ground Warfare Acoustical Combat System of netted sensors.

SA 3178. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'' and available for Program Element #0603175C, up to $1,000,000 may be available for Directly Printed Electronic Components.

SA 3179. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. (a) The amount appropriated or otherwise made available by title VI under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE'' is hereby increased by $282,480,000.

(b) Of the amount appropriated or otherwise made available by title VI under the heading ''DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE'', as increased by subsection (a), $282,480,000 may be available to combat the growth of poppies in Afghanistan and Central Asia and eliminate the production and trade of opium and heroin in Afghanistan and Central Asia.

(c) The amount provided pursuant to subsection (a) is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 3180. Mr. SMITH (for himself, Mr. WYDEN, Mr. BROWN, Ms. STABENOW, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) ADDITIONAL AMOUNT FOR NATIONAL GUARD AND RESERVE EQUIPMENT.—The amount appropriated by title III under the heading ''NATIONAL GUARD AND RESERVE EQUIPMENT'' is hereby increased by up to $317,000,000, with the amount of increase

available for the procurement of Stryker Combat Vehicles to begin the transformation of Combat Brigade Infantry Teams in the Army National Guard in the State of California, the State of Nevada, and the State of Oregon into at least one additional Stryker Brigade Combat Team by 2010.

(b) OFFSET.—The aggregate amount appropriated or otherwise made available by this Act, other than under the heading referred to in subsection (a), is hereby reduced by $317,000,000.

SA 3181. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,200,000 may be made available for a Topical Hemostat Effectiveness Study.

SA 3182. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $5,000,000 may be available for the Laser Perimeter Awareness System for integration into the Electronic Harbor Security System.

SA 3183. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike ''$22,445,227,000: *Provided,*'' and insert ''$22,903,227,000: *Provided,* That not less than $458,000,000 of such amount shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further,*''.

SA 3184. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line 14, insert '': *Provided further,* That not less than $458,000,000 shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose'' before the period at the end.

SA 3185. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike ''$22,445,227,000: *Provided,*'' and insert ''$22,903,227,000: *Provided,* That not less than $458,000,000 of such amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further,*''.

SA 3186. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike ''$22,445,227,000: *Provided,*'' and insert ''$22,873,227,000: *Provided,* That not less than $428,000,000 of such amount shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further,*''.

SA 3187. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line 14, insert '': *Provided further,* That not less than $428,000,000 shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose'' before the period at the end.

SA 3188. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike ''$22,445,227,000: *Provided,*'' and insert ''$22,873,227,000: *Provided,* That not less than $428,000,000 of such amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further,*''.

SA 3189. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike ''$22,445,227,000: *Provided,*'' and insert ''$22,903,227,000: *Provided,* That not less than $458,000,000 of such amount shall be made available (in addition to the $336,000,000 already made available under this Act for Operation Jump Start) to continue Operation Jump Start through September 30, 2008, with 6,000 National Guard personnel deployed on Operation Jump Start orders to ensure that a significant durational force of the National Guard is present on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border: *Provided further,*''.

SA 3190. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line 14, insert '': *Provided further,* That not less than $458,000,000 shall be made available (in addition to the $336,000,000 already made available under this Act for Operation Jump Start) to continue Operation Jump Start through September 30, 2008, with 6,000 National Guard personnel deployed on Operation Jump Start orders to ensure that a significant durational force of the National Guard is present on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border'' before the period at the end.

SA 3191. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike ''$22,445,227,000: *Provided,*'' and insert ''$22,903,227,000: *Provided,* That not less than $458,000,000 of such amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be made available (in addition to the $336,000,000 already made available under this Act for Operation Jump Start) to continue Operation Jump Start through September 30, 2008, with 6,000 National Guard personnel deployed on Operation Jump Start orders to ensure that a significant durational force of the National Guard is present on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border: *Provided further,*''.

SA 3192. Mr. SESSIONS (for himself, Mr. DOMENICI, Mrs. DOLE, Mr. ENSIGN,

and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 114, lines 6 and 7, strike ''$22,445,227,000: *Provided,*'' and insert ''$23,239,227,000: *Provided,* That not less than $794,000,000 of such amount shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further,*''.

SA 3193. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line 14, insert '': *Provided further,* That not less than $794,000,000 shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose'' before the period at the end.

SA 3194. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike ''$22,445,227,000: *Provided,*'' and insert ''$23,239,227,000: *Provided,* That not less than $794,000,000 of such amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further,*''.

SA 3195. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, lines 6 and 7, strike ''$22,445,227,000: *Provided,*'' and insert ''$22,537,227,000: *Provided,* That not less than $92,000,000 of such amount is designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress) and shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose: *Provided further,*''.

SA 3196. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line 14, insert '': *Provided further,* That not less than $92,000,000 shall be made available for Operation Jump Start in order to maintain a significant durational force of the National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border, in addition to any other amounts made available under this Act for such purpose'' before the period at the end.

SA 3197. Mrs. CLINTON (for herself, Mr. KERRY, and Mr. BROWN) submitted an amendment intended to be proposed by her to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 207, between lines 8 and 9, insert the following:

TITLE IX—REPORTS ON STATUS OF PLANNING FOR REDEPLOYMENT OF THE ARMED FORCES FROM IRAQ

SEC. 9001. FINDINGS.

Congress findings the following:

(1) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243), enacted into law on October 16, 2002, authorized the President to use the Armed Forces as the President determined necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by the Government of Iraq at that time.

(2) The Government of Iraq which was in power at the time the Authorization for Use of Military Force Against Iraq Resolution of 2002 was enacted into law has been removed from power and its leader indicted, tried, convicted, and executed by the new freely-elected democratic Government of Iraq.

(3) The current Government of Iraq does not pose a threat to the United States or its interests.

(4) After more than four years of valiant efforts by members of the Armed Forces and United States civilians, the Government of Iraq must now be responsible for Iraq's future course.

SEC. 9002. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) nothing in this title shall be construed as a recommendation by Congress that any particular contingency plan be exercised;

(2) it is necessary and prudent for the Department of Defense to undertake robust and comprehensive contingency planning;

(3) contingency planning for a redeployment of the Armed Forces from Iraq should address—

(A) ensuring appropriate protection for the Armed Forces in Iraq;

(B) providing appropriate protection in Iraq for United States civilians, contractors, third party nationals, and Iraqi nationals who have assisted the United States mission in Iraq;

(C) maintaining and enhancing the ability of the United States Government to eliminate and disrupt Al Qaeda and affiliated terrorist organizations; and

(D) preserving military equipment necessary to defend the national security interests of the United States; and

(4) contingency planning for a redeployment of the Armed Forces from Iraq should—

(A) describe a range of possible scenarios for such redeployment;

(B) outline multiple possible timetables for such redeployment; and

(C) describe the possible missions, and the associated projected number of members, of the Armed Forces which would remain in Iraq, including to—

(i) conduct United States military operations to protect vital United States national security interests;

(ii) conduct counterterrorism operations against Al Qaeda in Iraq and affiliated terrorist organizations;

(iii) protect the Armed Forces, United States diplomatic and military facilities, and United States civilians; and

(iv) support and equip Iraqi forces to take full responsibility for their own security.

SEC. 9003. REPORTS AND CONGRESSIONAL BRIEFINGS ON THE STATUS OF PLANNING FOR THE REDEPLOYMENT OF THE ARMED FORCES FROM IRAQ.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the status of planning for the redeployment of the Armed Forces from Iraq. The initial report and each subsequent report required by this subsection shall be submitted in unclassified form, to the maximum extent possible, but may contain a classified annex, if necessary.

(b) CONGRESSIONAL BRIEFINGS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the status of planning for the redeployment of the Armed Forces from Iraq. The initial report and each subsequent report required by this subsection shall be submitted in unclassified form, to the maximum extent possible, but may contain a classified annex, if necessary.

(c) TERMINATION OF REPORTING AND BRIEFING REQUIREMENTS.—The requirement to submit reports under subsection (a) and the requirement to provide congressional briefings under subsection (b) shall terminate on the date on which the Secretary of Defense submits to the congressional defense committees a certification in writing that the Armed Forces are no longer primarily engaged in a combat mission in Iraq.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term ''congressional defense committees'' has the meaning given the term in section 101 of title 10, United States Code.

SEC. 9004. ARMED FORCES DEFINED.

In this title, the term ''Armed Forces'' has the meaning given the term in section 101 of title 10, United States Code.

SA 3198. Mr. MENENDEZ (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts appropriated under subsection (b) of the Border Security

First Act of 2007 may be used to address northern border fencing as well, wherever the greatest security needs are.

SA 3199. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. The Secretary of Defense shall, utilizing amounts appropriated or otherwise made available by title I under the heading ''MILITARY PERSONNEL, AIR FORCE'' and by title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', make available sufficient funds to operate and maintain during fiscal year 2008 a force of B–52 bomber aircraft consisting of not less than 76 B–52 bomber aircraft, including a primary aircraft inventory of not less than 63 aircraft and a backup aircraft inventory of not less than 11 aircraft.

SA 3200. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. (a) INSPECTOR GENERAL INVESTIGATION OF COMPANIES PROVIDING SECURITY UNDER CONTRACT WITH DOD IN IRAQ AND AFGHANISTAN.—The Inspector General of the Department of Defense shall, utilizing amounts appropriated or otherwise made available by title VI under the heading ''OFFICE OF INSPECTOR GENERAL'', conduct a comprehensive review and investigation of companies contracted to provide security for the Department of Defense in Iraq and Afghanistan.

(b) ELEMENTS.—The matters addressed by the review and investigation required by subsection (a) shall include, at a minimum, the following:

(1) The value of all contracts to provide security in Iraq and Afghanistan, and the number of employees of each company under such a contract in each country.

(2) The scope and extent of responsibility within the Department of Defense for oversight of private security contractors, their employees, and their operations in Iraq and Afghanistan.

(3) The nature, scope, and adequacy of the procedures followed by private security contractor employees and Department personnel when a private security contractor employee fires a weapon during an operation in Iraq or Afghanistan and when a private security contractor employee shoots another person in Iraq or Afghanistan.

(4) The extent of liability of private security contractors and private security contractor employees in Iraq under United States law, including under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(5) The nature, scope, and adequacy of the procedures followed by private security contractor employees and Department personnel if a private security contractor employee is suspected of having committed an unjustified or criminal shooting in Iraq or Afghanistan, and a description of any past or current investigations and prosecutions, or lack thereof, of private security contractor employees so suspected of committing such an offense.

(6) The nature, scope, and adequacy of the Rules of Engagement for private security contractor employees in Iraq and Afghanistan.

(7) The nature, scope, and adequacy of the authority, if any, of military commanders in Iraq and Afghanistan over private security contractor employees.

SA 3201. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC.____. SENSE OF SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Actions by the City of San Francisco to recently deny the United States Marine Corps a permit to film a recruiting commercial promoting the USMC Silent Drill team, on the anniversary of September 11, citing traffic as a concern, are counterproductive to our military recruiting efforts, yet New York City had no such concerns when it allowed the USMC Silent Drill Team to perform in Times Square.

(2) Our Armed Forces have been defending the honor and freedoms that America cherishes and deserves our complete and full support when they are promoting such ideals in their efforts to increase military recruitment and public awareness.

(3) Our U.S. Armed Forces in their efforts to promote the honor and values we hold dear deserve the opportunity to promote such values and principles throughout our country without interference from local and State governments that may harbor resentment towards our Armed Forces.

(4) Local and State governments should encourage, promote and help facilitate our Armed Forces in their ability to promote military recruitment videos, commercials, radio, and television advertisements in order to assist the Department of Defense in their recruiting efforts and public awareness campaigns.

(5) Our military has a tremendous responsibility defending freedom at home and abroad and we reaffirm our complete support for their efforts in preserving and protecting our freedoms.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including the U.S. Marine Silent Drill Platoon;

(2) to strongly condemn any actions that dishonor the integrity of members of the U.S. Armed Forces and repudiate any State or local government action that dishonors the integrity of members of the U.S. Armed Forces who have served and continue to serve in defense of our freedoms.

SA 3202. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $10,000,000 may be available for the Radiation Hardened Microelectronics (HX5000) program.

SA 3203. Mr. BAUCUS (for himself, Mr. DOMENICI, Ms. CANTWELL, Ms. KLOBUCHAR, Ms. MIKULSKI, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' and available for family advocacy programs, up to $5,000,000 may be available for the T.H.A.N.K.S. USA scholarship program.

SA 3204. Mr. SUNUNU submitted an amendment intended to be proposed by him to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of title VIII, add the following:

SEC. 8107. Of the amount appropriated or otherwise made available by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $1,000,000 may be available for the development of Low-Cost, High Resolution, remote controlled Side Scan Sonar for USV and Harbor Surveillance Applications.

SA 3205. Mr. CARDIN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1446, to amend the National Capital Transportation Act of 1969 to authorize additional Federal contributions for maintaining and improving the transit system of the Washington Metropolitan Area Transit Authority, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1031. VOTING BY DEPARTMENT OF DEFENSE PERSONNEL.

(a) RESPONSIBILITY FOR OVERSIGHT OF VOTING WITHIN DOD.—The Secretary of Defense shall designate a single member of the Armed Forces to undertake responsibility for matters relating to voting by Department of Defense personnel. The member so designated shall report directly to the Secretary in the discharge of that responsibility.

(b) RESPONSIBILITY FOR OVERSIGHT OF VOTING WITHIN MILITARY DEPARTMENTS.—The Secretary of each military department shall designate a single member of the Armed Forces under the jurisdiction of such Secretary to undertake responsibility for matters relating to voting by personnel of such military department. The member so designated shall report directly to such Secretary in the discharge of that responsibility.

(c) MANAGEMENT OF MILITARY VOTING OPERATIONS.—The Business Transformation Agency shall oversee the management of business systems and procedures of the Department of Defense with respect to military and overseas voting, including applicable communications with States and other non-

Department entities regarding voting by Department of Defense personnel. In carrying out that responsibility, the Business Transformation Agency shall be responsible for the implementation of any pilot programs and other programs carried out for purposes of voting by Department of Defense personnel.

(d) IMPROVEMENT OF BALLOT DISTRIBUTION.—The Secretary of Defense shall undertake appropriate actions to streamline the distribution of ballots to Department of Defense personnel using electronic and Internet-based technology. In carrying out such actions, the Secretary shall seek to engage stakeholders in voting by Department of Defense personnel at all levels to ensure maximum participation in such actions by State and local election officials, other appropriate State officials, and members of the Armed Forces.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of efforts to implement the requirements of this section.

(2) REPORT ON PLAN OF ACTION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report setting forth a comprehensive plan of action to ensure that members of the Armed Forces have the full opportunity to exercise their right to vote.

SA 3206. Mr. INOUYE (for Mr. REID (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 207, between lines 8 and 9, insert the following:

SEC. 8107. Paragraph 1(b) of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

''(3) It is not a gift for a commercial airline to allow a Member, officer, or employee to make multiple reservations on scheduled flights consistent with Senate travel regulations.''.

SA 3207. Mr. STEVENS proposed an amendment to amendment SA 3166 submitted by Mrs. BOXER (for herself, Mr. INOUYE, Mrs. HUTCHISON, and Mr. LIEBERMAN) to the bill H.R. 3222, making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 1 of amendment 3166, after line 7, insert the following:

''Not later than 45 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on mechanisms for expanding public-private partnerships with military and family organizations for the purpose of increasing access to family support, in particular, for the minor dependent children of deployed service members.

''Such report shall identify: the adjustment needs of minor children of deployed service personnel, including children who have experienced multiple deployments of one or more parents or guardians; alternative support and recreational activities which have been shown to be effective in improving coping skills in young children of deployed service members; support networks beyond educational settings that have been effective in addressing the needs of children of deployed service members, to include summer and after-school recreational, sports and cultural activities; programs which can be accessed without charge to military families; gaps in services for minor dependent children of deployed personnel, and; opportunities for expanding public and private partnerships in support of such programs.

''Prior to submission of the report required by this section, the Secretary shall consult with military family advocacy organizations, and include the comments of such organizations within the required report to congressional defense committees.

''Plan Required:

''Not later than 60 days after submission of the report required by this section. the Secretary shall submit a plan to the congressional defense committees to address the needs and gaps in services identified in the report. Such a plan shall also address the comments and recommendations of military family advocacy organizations. as required by this section.''

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND PRIVATE SECTOR PREPAREDNESS AND INTEGRATION

Mr. INOUYE. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, October 3, 2007, at 2 p.m. in order to conduct a hearing entitled ''Pandemic Influenza: State and Local Efforts to Prepare.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet

during the session of the Senate on October 3, 2007, at 9:30 a.m., in order to conduct a hearing entitled ''Combating Genocide in Darfur: the Role of Divestment and Other Policy Tools.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 3, 2007, at 9:30 a.m. in order to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 3, 2007, at 2:30 p.m. in order to hold a hearing on Burma.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorize to meet during the session of the Senate in order to conduct a hearing entitled ''An Examination of S. 772, the Railroad Antitrust Enforcement Act'' on Wednesday, October 3, 2007 at 10:30 a.m. in the Dirksen Senate Office Building room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. INOUYE. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Clean Air and Nuclear Safety, be authorized to meet during the session of the Senate on Wednesday, October 3, 2007, at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''The Nuclear Regulatory Commission's Reactor Oversight Process.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. INOUYE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, Wednesday, October 3, 2007, from 10 a.m. to 12 p.m. in Russell 325 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

On Monday, October 1, 2007, the Senate passed H.R. 1585, as amended, as follows:

H.R. 1585

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

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2008''.

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

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

(4) Division D—Veteran Small Businesses.

(5) Division E—Maritime Administration.

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

Sec. 1. Short title.
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. Rapid Acquisition Fund.

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. Stryker Mobile Gun System.
Sec. 114. Consolidation of Joint Network Node program and Warfighter Information Network–Tactical program into single Army tactical network program.
Sec. 115. General Fund Enterprise Business System.

Subtitle C—Navy Programs

Sec. 131. Multiyear procurement authority for Virginia class submarine program.
Sec. 132. Littoral Combat Ship (LCS) program.
Sec. 133. Advanced procurement for Virginia class submarine program.

Subtitle D—Air Force Programs

Sec. 141. Limitation on retirement of C–130E/H tactical airlift aircraft.
Sec. 142. Limitation on retirement of KC–135E aerial refueling aircraft.
Sec. 143. Sense of Congress on the procurement program for the KC–X tanker aircraft.
Sec. 144. Transfer to Government of Iraq of three C–130E tactical airlift aircraft.
Sec. 145. Modification of limitations on retirement of B–52 bomber aircraft.
Sec. 146. Sense of Congress on the Air Force strategy for the replacement of the aerial refueling tanker aircraft fleet.
Sec. 147. Sense of Congress on rapid fielding of Associate Intermodal Platform system and other innovative logistics systems.

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. Advanced Sensor Applications Program.
Sec. 212. Active protection systems.
Sec. 213. Obligation and expenditure of funds for competitive procurement of propulsion system for the Joint Strike Fighter.
Sec. 214. Gulf War illnesses research.

Subtitle C—Missile Defense Programs

Sec. 231. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
Sec. 232. Limitation on availability of funds for deployment of missile defense interceptors in Alaska.
Sec. 233. Budget and acquisition requirements for Missile Defense Agency activities.
Sec. 234. Participation of Director, Operational Test and Evaluation, in missile defense test and evaluation activities.
Sec. 235. Extension of Comptroller General assessments of ballistic missile defense programs.

Subtitle D—Other Matters

Sec. 251. Modification of notice and wait requirement for obligation of funds for foreign comparative test program.
Sec. 252. Modification of cost sharing requirement for Technology Transition Initiative.
Sec. 253. Strategic plan for the Manufacturing Technology Program.
Sec. 254. Modification of authorities on coordination of Defense Experimental Program to Stimulate Competitive Research with similar Federal programs.
Sec. 255. Enhancement of defense nanotechnology research and development program.
Sec. 256. Comptroller General assessment of the Defense Experimental Program to Stimulate Competitive Research.
Sec. 257. Study and report on standard soldier patient tracking system.
Sec. 258. Cost-benefit analysis of proposed funding reduction for High Energy Laser Systems Test Facility.

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.

Subtitle C—Program Requirements, Restrictions, and Limitations

Sec. 321. Availability of funds in Defense Information Systems Agency Working Capital Fund for technology upgrades to Defense Information Systems Network.

Sec. 322. Extension of temporary authority for contract performance of security guard functions.
Sec. 323. Report on incremental cost of early 2007 enhanced deployment.
Sec. 324. Individual body armor.

Subtitle D—Workplace and Depot Issues

Sec. 341. Extension of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 342. Two-year extension of Arsenal Support Demonstration Program.
Sec. 343. Reports on National Guard readiness for domestic emergencies.
Sec. 344. Sense of Senate on the Air Force Logistics Centers.

Subtitle E—Other Matters

Sec. 351. Enhancement of corrosion control and prevention functions within Department of Defense.
Sec. 352. Reimbursement for National Guard support provided to Federal agencies.
Sec. 353. Reauthorization of Aviation Insurance Program.
Sec. 354. Property accountability and disposition of unlawfully obtained property of the Armed Forces.
Sec. 355. Authority to impose reasonable conditions on the payment of full replacement value for claims related to personal property transported at Government expense.
Sec. 356. Authority for individuals to retain combat uniforms issued in connection with contingency operations.
Sec. 357. Modification of requirements on Comptroller General report on the readiness of Army and Marine Corps ground forces.
Sec. 358. Authority for Department of Defense to provide support for certain sporting events.
Sec. 359. Department of Defense Inspector General report on physical security of Department of Defense installations.
Sec. 360. Continuity of depot operations to reset combat equipment and vehicles in support of wars in Iraq and Afghanistan.
Sec. 361. Report on search and rescue capabilities of Air Force in northwestern United States.
Sec. 362. Report on High-Altitude Aviation Training Site, Colorado.
Sec. 363. Sense of Congress on future use of synthetic fuels in military systems.
Sec. 364. Reports on safety measures and encroachment issues at Warren Grove Gunnery Range, New Jersey.
Sec. 365. Modification to public-private competition requirements before conversion to contractor performance.
Sec. 366. Bid Protests by Federal Employees in actions under Office of Management Budget Circular A–76.
Sec. 367. Public-private competition required before conversion to contractor performance.
Sec. 368. Performance of certain work by Federal Government employees.
Sec. 369. Restriction on Office of Management and Budget influence over Department of Defense public-private competitions.
Sec. 370. Public-private competition at end of period specified in performance agreement not required.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

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. Revision of authorized variances in end strengths for Selected Reserve personnel.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Increase in authorized strengths for Army officers on active duty in the grade of major to meet force structure requirements.
Sec. 502. Increase in authorized strengths for Navy officers on active duty in grades of lieutenant commander, commander, and captain to meet force structure requirements.
Sec. 503. Expansion of exclusion of military permanent professors from strength limitations for officers below general and flag grades.
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. Increase in authorized number of permanent professors at the United States Military Academy.
Sec. 507. Expansion of authority for reenlistment of officers in their former enlisted grade.
Sec. 508. Enhanced authority for reserve general and flag officers to serve on active duty.
Sec. 509. Promotion of career military professors of the Navy.

Subtitle B—Enlisted Personnel Policy

Sec. 521. Increase in authorized daily average of number of members in pay grade E–9.

Subtitle C—Reserve Component Management

Sec. 531. Revised designation, structure, and functions of the Reserve Forces Policy Board.
Sec. 532. Charter for the National Guard Bureau.
Sec. 533. Appointment, grade, duties, and retirement of the Chief of the National Guard Bureau.
Sec. 534. Mandatory separation for years of service of Reserve officers in the grade of lieutenant general or vice admiral.
Sec. 535. Increase in period of temporary Federal recognition as officers of the National Guard from six to twelve months.
Sec. 536. Satisfaction of professional licensure and certification requirements by members of the National Guard and Reserve on active duty.

Subtitle D—Education and Training

Sec. 551. Grade and service credit of commissioned officers in uniformed medical accession programs.
Sec. 552. Expansion of number of academies supportable in any State under STARBASE program.
Sec. 553. Repeal of post-2007–2008 academic year prohibition on phased increase in cadet strength limit at the United States Military Academy.
Sec. 554. Treatment of Southold, Mattituck, and Greenport High Schools, Southold, New York, as single institution for purposes of maintaining a Junior Reserve Officers' Training Corps unit.
Sec. 555. Authority of the Air University to confer additional academic degrees.
Sec. 556. Nurse matters.
Sec. 557. Repeal of annual limit on number of ROTC scholarships under Army Reserve and Army National Guard financial assistance program.

Subtitle E—Defense Dependents' Education Matters

Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 562. Impact aid for children with severe disabilities.
Sec. 563. 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. 564. Authority for payment of private boarding school tuition for military dependents in overseas areas not served by Department of Defense dependents' schools.
Sec. 565. Heavily impacted local educational agencies.
Sec. 566. Emergency assistance for local educational agencies enrolling military dependent children.

Subtitle F—Military Justice and Legal Assistance Matters

Sec. 571. Authority of judges of the United States Court of Appeals for the Armed Forces to administer oaths.
Sec. 572. Military legal assistance for Department of Defense civilian employees in areas without access to non-military legal assistance.
Sec. 573. Modification of authorities on senior members of the Judge Advocate Generals' corps.

Subtitle G—Military Family Readiness

Sec. 581. Department of Defense Military Family Readiness Council.
Sec. 582. Department of Defense policy and plans for military family readiness.
Sec. 583. Family support for families of members of the Armed Forces undergoing deployment, including National Guard and Reserve personnel.
Sec. 584. Support services for children, infants, and toddlers of members of the Armed Forces undergoing deployment, including National Guard and Reserve personnel.
Sec. 585. Study on improving support services for children, infants, and toddlers of members of the Active and Reserve Components undergoing deployment.
Sec. 586. Study on establishment of pilot program on family-to-family support for families of deployed members of the Active and Reserve Components.
Sec. 587. Pilot program on military family readiness and servicemember reintegration.

Subtitle H—Other Matters

Sec. 591. Enhancement of carryover of accumulated leave for members of the Armed Forces.
Sec. 592. Uniform policy on performances by military bands.

Sec. 593. Waiver of time limitations on award of Medals of Honor to certain members of the Army.
Sec. 594. Enhancement of rest and recuperation leave.
Sec. 595. Demonstration projects on the provision of services to military dependent children with autism.
Sec. 596. Enhancement of Certificate of Release or Discharge from Active Duty.
Sec. 597. Administrative separations of members of the Armed Forces for personality disorder.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2008 increase in military basic pay.
Sec. 602. Allowance for participation of Reserves in electronic screening.
Sec. 603. Midmonth payment of basic pay for contributions of members participating in Thrift Savings Plan.
Sec. 604. Payment of inactive duty training travel costs for certain Selected Reserve members.
Sec. 605. 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.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 615. Increase in incentive special pay and multiyear retention bonus for medical officers of the Armed Forces.
Sec. 616. Increase in dental officer additional special pay.
Sec. 617. Enhancement of hardship duty pay.
Sec. 618. Inclusion of service as off-cycle crewmember of multi-crewed ship in sea duty for career sea pay.
Sec. 619. Modification of reenlistment bonus for members of the Selected Reserve.
Sec. 620. Increase in years of commissioned service covered by agreements for nuclear-qualified officers extending periods of active duty.
Sec. 621. Authority to waive 25-year active duty limit for retention bonus for critical military skills with respect to certain members.
Sec. 622. Codification and improvement of authority to pay bonus to encourage members of the Army to refer other persons for enlistment in the Army.
Sec. 623. Authority to pay bonus to encourage Department of Defense personnel to refer other persons for appointment as officers to serve in health professions.
Sec. 624. Accession bonus for participants in Armed Forces Health Professions Scholarship and Financial Assistance program.

Subtitle C—Travel and Transportation Allowances

Sec. 641. Payment of expenses of travel to the United States for obstetrical purposes of dependents located in very remote locations outside the United States.
Sec. 642. Payment of moving expenses for Junior Reserve Officers' Training Corps instructors in hard-to-fill positions.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 651. Modification of scheme for payment of death gratuity payable with respect to members of the Armed Forces.
Sec. 652. Annuities for guardians or caretakers of dependent children under Survivor Benefit Plan.
Sec. 653. Expansion of combat-related special compensation eligibility for chapter 61 military retirees.
Sec. 654. Clarification of application of retired pay multiplier percentage to members of the uniformed services with over 30 years of service.
Sec. 655. 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. 656. Additional individuals eligible for transportation for survivors of deceased members to attend the member's burial ceremonies.
Sec. 657. Transportation of remains of deceased members of the Armed Forces and certain other persons.
Sec. 658. Repeal of requirement of reduction of Survivor Benefit Plan survivor annuities by dependency and indemnity compensation.
Sec. 659. Effective date of paid-up coverage under Survivor Benefit Plan.
Sec. 660. 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. 661. Computation of years of service for purposes of retired pay for nonregular service.

Subtitle E—Education Benefits

Sec. 671. Tuition assistance for off-duty training or education.
Sec. 672. Expansion of Selected Reserve education loan repayment program.
Sec. 673. Report on utilization of tuition assistance by members of the Armed Forces.
Sec. 674. Enhancement of education benefits for certain members of reserve components.
Sec. 675. Extension of period of entitlement to educational assistance for certain members of the Selected Reserve affected by force shaping initiatives.
Sec. 676. Modification of time limit for use of entitlement to educational assistance for reserve component members supporting contingency operations and other operations.

Subtitle F—Other Matters

Sec. 681. Enhancement of authorities on income replacement payments for Reserves experiencing extended and frequent mobilization for active-duty service.
Sec. 682. Overseas naturalization of military family members.
Sec. 683. National Guard yellow ribbon reintegration program.
Sec. 684. Flexibility in paying annuities to certain Federal retirees who return to work.
Sec. 685. Plan for participation of members of the National Guard and the Reserves in the benefits delivery at discharge program.
Sec. 686. 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

Sec. 701. Inclusion of TRICARE retail pharmacy program in Federal procurement of pharmaceuticals.
Sec. 702. Surveys on continued viability of TRICARE Standard and TRICARE Extra.
Sec. 703. Report on patient satisfaction surveys.
Sec. 704. Review of licensed mental health counselors, social workers, and marriage and family therapists under the TRICARE program.
Sec. 705. Sense of Senate on collaborations between the Department of Defense and the Department of Veterans Affairs on health care for wounded warriors.
Sec. 706. Authority for expansion of persons eligible for continued health benefits coverage.
Sec. 707. Continuation of eligibility for TRICARE Standard coverage for certain members of the Selected Reserve.
Sec. 708. Authority for special reimbursement rates for mental health care services under the TRICARE program.
Sec. 709. Implementation of recommendations of Department of Defense Mental Health Task Force.
Sec. 710. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries.
Sec. 711. Report on establishment of a scholarship program for civilian mental health professionals.
Sec. 712. Report on medical physical examinations of members of the Armed Forces before their deployment.
Sec. 713. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
Sec. 714. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Sec. 715. Sense of Congress on fees and adjustments under the TRICARE program.
Sec. 716. Continuation of transitional health benefits for members of the Armed Forces pending resolution of service-related medical conditions.

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

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Sec. 801. Substantial savings under multiyear contracts.
Sec. 802. Changes to Milestone B certifications.
Sec. 803. Comptroller General report on Department of Defense organization and structure for major defense acquisition programs.
Sec. 804. Investment strategy for major defense acquisition programs.
Sec. 805. Report on implementation of recommendations on total ownership cost for major weapon systems.

Subtitle B—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Enhanced competition requirements for task and delivery order contracts.
Sec. 822. Clarification of rules regarding the procurement of commercial items.

Sec. 823. Clarification of rules regarding the procurement of commercial services.
Sec. 824. Modification of competition requirements for purchases from Federal Prison Industries.
Sec. 825. Five-year extension of authority to carry out certain prototype projects.
Sec. 826. Multiyear procurement authority for electricity from renewable energy sources.
Sec. 827. Procurement of fire resistant rayon fiber for the production of uniforms from foreign sources.
Sec. 828. Prohibition on use of earmarks to award no bid contracts and noncompetitive grants.

Subtitle C—Acquisition Policy and Management

Sec. 841. Joint Requirements Oversight Council.
Sec. 842. Management structure for the procurement of contract services.
Sec. 843. Specification of amounts requested for procurement of contract services.
Sec. 844. Department of Defense Acquisition Workforce Development Fund.
Sec. 845. Inventories and reviews of contracts for services based on cost or time of performance.
Sec. 846. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.
Sec. 847. Independent management reviews of contracts for services.
Sec. 848. Implementation and enforcement of requirements applicable to undefinitized contractual actions.

Subtitle D—Department of Defense Contractor Matters

Sec. 861. Protection for contractor employees from reprisal for disclosure of certain information.
Sec. 862. Requirements for defense contractors relating to certain former Department of Defense officials.
Sec. 863. Report on contractor ethics programs of major defense contractors.
Sec. 864. Report on Department of Defense contracting with contractors or subcontractors employing members of the Selected Reserve.
Sec. 865. Contingency contracting training for personnel outside the acquisition workforce.

Subtitle E—Other Matters

Sec. 871. Contractors performing private security functions in areas of combat operations.
Sec. 872. Enhanced authority to acquire products and services produced in Iraq and Afghanistan.
Sec. 873. Defense Science Board review of Department of Defense policies and procedures for the acquisition of information technology.
Sec. 874. Enhancement and extension of acquisition authority for the unified combatant command for joint warfighting experimentation.
Sec. 875. Repeal of requirement for identification of essential military items and military system essential item breakout list.
Sec. 876. Green procurement policy.
Sec. 877. GAO review of use of authority under the Defense Production Act of 1950.
Sec. 878. Transparency and accountability in military and security contracting.
Sec. 879. Moab site and Crescent Junction site, Utah.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Repeal of limitation on major Department of Defense headquarters activities personnel.
Sec. 902. Chief management officers of the Department of Defense.
Sec. 903. Modification of background requirement of individuals appointed as Under Secretary of Defense for Acquisition, Technology, and Logistics.
Sec. 904. Department of Defense Board of Actuaries.
Sec. 905. Assistant Secretaries of the military departments for acquisition matters; principal military deputies.
Sec. 906. Flexible authority for number of Army Deputy Chiefs of Staff and Assistant Chiefs of Staff.
Sec. 907. Sense of Congress on term of office of the Director of Operational Test and Evaluation.

Subtitle B—Space Matters

Sec. 921. Space posture review.
Sec. 922. Additional report on oversight of acquisition for defense space programs.

Subtitle C—Other Matters

Sec. 931. Department of Defense consideration of effect of climate change on Department facilities, capabilities, and missions.
Sec. 932. Board of Regents for the Uniformed Services University of the Health Sciences.
Sec. 933. United States Military Cancer Institute.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $5,229,175,000.
(2) For missiles, $2,178,102,000.
(3) For weapons and tracked combat vehicles, $7,546,684,000.
(4) For ammunition, $2,228,976,000.
(5) For other procurement, $15,013,155,000.

SEC. 102. NAVY AND MARINE CORPS.

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

(1) For aircraft, $13,475,107,000.
(2) For weapons, including missiles and torpedoes, $3,078,387,000.
(3) For shipbuilding and conversion, $13,605,638,000.
(4) For other procurement, $5,432,412,000.

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

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

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement for the Air Force as follows:

(1) For aircraft, $12,593,813,000.
(2) For ammunition, $868,917,000.
(3) For missiles, $5,166,002,000.
(4) For other procurement, $16,312,962,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2008 for Defense-wide procurement in the amount of $3,385,970,000.

SEC. 105. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Rapid Acquisition Fund in the amount of $100,000,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR M1A2 ABRAMS SYSTEM ENHANCEMENT PACKAGE UPGRADES.

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

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR M2A3/M3A3 BRADLEY FIGHTING VEHICLE UPGRADES.

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

SEC. 113. STRYKER MOBILE GUN SYSTEM.

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

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

(1) determines that further procurement of the Stryker Mobile Gun System utilizing amounts referred to in subsection (a) is in the national security interest of the United States notwithstanding the inability of the Secretary of the Army to make the certification required by that subsection; and

(2) submits to the Congress, in writing , a notification of the waiver together with a discussion of—

(A) the reasons for the determination described in paragraph (1); and

(B) the actions that will be taken to mitigate any deficiencies that cause the Stryker Mobile Gun System not to be operationally effective, suitable, or survivable, as that case may be, as described in subsection (a).

SEC. 114. CONSOLIDATION OF JOINT NETWORK NODE PROGRAM AND WARFIGHTER INFORMATION NETWORK-TACTICAL PROGRAM INTO SINGLE ARMY TACTICAL NETWORK PROGRAM.

(a) CONSOLIDATION REQUIRED.—The Secretary of the Army shall consolidate the Joint Network

Node program and the Warfighter Information Network-Tactical program into a single Army tactical network program.

(b) REPORT ON CONSOLIDATION.—

(1) REPORT REQUIRED.—Not later than December 31, 2007, the Secretary shall, with the concurrence of the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Assistant Secretary of Defense for Networks and Information Integration, submit to the congressional defense committees a report setting forth a plan to consolidate the Joint Network Node program and the Warfighter Information Network-Tactical program into a single Army tactical network program as required by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include with respect to the acquisition of the single Army tactical network required by subsection (a) the following:

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

(i) an analysis of whether there are opportunities to leverage technologies and equipment from the Warfighter Information Network-Tactical program as part of the continuing development and fielding of the Joint Network Node; and

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

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

(C) A description of the strategy of the Army for completing the systems engineering necessary to ensure the end-to-end interoperability of a single Army tactical network as described in subsection (a).

(D) An assessment of the costs of acquiring the systems.

(E) An assessment of the technical compatibility of the systems.

(F) A description and assessment of the plans of the Army relating to ownership of the technical data packages for the systems, and an assessment of the capacity of the industrial base to support Army needs.

(G) A description of the plans and schedule of the Army for fielding the systems, and a description of the associated training schedule.

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

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

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

(K) An assessment as to whether other programs should be inserted into the single Army tactical network as required by subsection (a).

(L) An analysis of the interoperability requirements between the Army tactical network and the Joint Network Node, an assessment of the technological barriers to achievement of such interoperability requirements, and a description of formal mechanisms of coordination between the Army tactical network and the Joint Network Node program.

SEC. 115. GENERAL FUND ENTERPRISE BUSINESS SYSTEM.

(a) ADDITIONAL AMOUNT.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 201(1) for research, development, test and evaluation for the Army is hereby increased by $59,041,000.

(2) AVAILABILITY.—Of the amount authorized to be appropriated by section 201(1) for research, development, test and evaluation for the Army, as increased by paragraph (1), $59,041,000 may be available for the General Fund Enterprise Business System of the Army.

(3) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

(b) OFFSET.—

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

(2) O&M, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby reduced by $29,822,000, with the amount of the reduction to be allocated to amounts available for the General Fund Enterprise Business System.

Subtitle C—Navy Programs

SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.

(a) AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts, beginning with the fiscal year 2009 program year, for the procurement of Virginia-class submarines and government-furnished equipment.

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

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

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

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

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

(3) The 55-ship Littoral Combat Ship (LCS) program is central to the shipbuilding plan of the Navy. The inability of the Navy to control requirements and costs on the two lead ships of the Littoral Combat Ship program raises serious concerns regarding the capacity of the Navy to affordably build a 313-ship fleet.

(4) According to information provided to Congress by the Navy, the cost growth in the Littoral Combat Ship program was attributable to several factors, most notably that—

(A) the strategy adopted for the Littoral Combat Ship program, a so-called ''concurrent design-build'' strategy, was a high-risk strategy that did not account for that risk in the cost and schedule for the lead ships in the program;

(B) inadequate emphasis was placed on ''bid realism'' in the evaluation of contract proposals under the program;

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

(D) the Earned Value Management System of the contractor under the program did not adequately measure shipyard performance, and the Navy program organizations did not independently assess cost performance;

(E) the Littoral Combat Ship program organization was understaffed and lacking in the experience and qualifications required for a major defense acquisition program;

(F) the Littoral Combat Ship program organization was aware of the increasing costs of the Littoral Combat Ship program, but did not communicate those cost increases directly to the Assistant Secretary of the Navy in a time manner; and

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

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

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

(2) PROCUREMENT COSTS.—For purposes of paragraph (1), procurement costs shall include all costs for plans, basic construction, change orders, electronics, ordnance, contractor support, and other costs associated with completion of production drawings, ship construction, test, and delivery, including work performed post-delivery that is required to meet original contract requirements.

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

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

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

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

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

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) is repealed.

SEC. 133. ADVANCED PROCUREMENT FOR VIRGINIA CLASS SUBMARINE PROGRAM.

Of the amount authorized to be appropriated by section 102(a)(3) for shipbuilding and conversion for the Navy, $1,172,710,000 may be available for advanced procurement for the Virginia class submarine program, of which—

(1) $400,000,000 may be available for the procurement of a second ship set of reactor components; and

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

Subtitle D—Air Force Programs

SEC. 141. LIMITATION ON RETIREMENT OF C–130E/H TACTICAL AIRLIFT AIRCRAFT.

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

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

SEC. 142. LIMITATION ON RETIREMENT OF KC–135E AERIAL REFUELING AIRCRAFT.

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

SEC. 143. SENSE OF CONGRESS ON THE PROCUREMENT PROGRAM FOR THE KC–X TANKER AIRCRAFT.

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

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

(2) The KC–X tanker aircraft procurement program is the number one acquisition and recapitalization priority of the Air Force.

(3) Given the competing budgetary requirements of the other Armed Forces and other sectors of the Federal Government, the Air Force needs to modernize at the most cost effective price.

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

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

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

(2) be discouraged from taking any actions that would limit the ability of either of the teams seeking the contract for the procurement of KC–X tanker aircraft from competing for that contract.

SEC. 144. TRANSFER TO GOVERNMENT OF IRAQ OF THREE C–130E TACTICAL AIRLIFT AIRCRAFT.

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

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

(a) MAINTENANCE OF PRIMARY AND BACKUP INVENTORY OF AIRCRAFT.—Subsection (a)(1) of section 131 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2111) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

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

''(C) shall maintain in a common configuration a primary aircraft inventory of not less than 63 such aircraft and a backup aircraft inventory of not less than 11 such aircraft.''.

(b) NOTICE OF RETIREMENT.—Subsection (b)(1) of such section is amended by striking ''45 days'' and inserting ''60 days''.

SEC. 146. SENSE OF CONGRESS ON THE AIR FORCE STRATEGY FOR THE REPLACEMENT OF THE AERIAL REFUELING TANKER AIRCRAFT FLEET.

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

(1) A properly executed comprehensive strategy to replace Air Force tankers will allow the United States military to continue to project combat capability anywhere in the world on short notice without relying on intermediate bases for refueling.

(2) With an average age of 45 years, it is estimated that it will take over 30 years to replace the KC–135 aircraft fleet with the funding currently in place.

(3) In addition to the KC–X program of record, which supports the tanker replacement strategy, the Air Force should immediately pursue that part of the tanker replacement strategy that would support, augment, or enhance the Air Force air refueling mission, such as Fee-for-Service support or modifications and upgrades to maintain the viability of the KC–135 aircraft force structure as the Air Force recapitalizes the tanker fleet.

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

(1) the timely modernization of the Air Force aerial refueling tanker fleet is a vital national security priority; and

(2) in furtherance of meeting this priority, the Secretary of the Air Force has initiated, and Congress approves of, a comprehensive strategy for replacing the aerial refueling tanker aircraft fleet, which includes the following elements:

(A) Replacement of the aging tanker aircraft fleet with newer and improved capabilities under the KC–X program of record which supports the tanker replacement strategy, through the purchase of new commercial derivative aircraft.

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

(C) Augmentation of the aerial refueling capability through aerial refueling Fee-for-Service.

SEC. 147. SENSE OF CONGRESS ON RAPID FIELDING OF ASSOCIATE INTERMODAL PLATFORM SYSTEM AND OTHER INNOVATIVE LOGISTICS SYSTEMS.

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

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

(2) The benefits of the usage of the Associate Intermodal Platform pallet system include the following:

(A) The Associate Intermodal Platform pallet system can be used to transport cargo alone within current International Standard of Organization containers and thereby provide further savings in costs of transportation of cargo.

(B) The Associate Intermodal Platform pallet system has successfully passed rigorous testing by the United States Transportation Command at various military installations in the United States, at a Navy testing lab, and in the field in Iraq, Kuwait, and Antarctica.

(C) By all accounts the Associate Intermodal Platform pallet system has performed well beyond expectations and is ready for immediate production and deployment.

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

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

(2) seek to fully procure innovative logistic systems such as the Associate Intermodal Platform pallet system in future budgets.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2008.—Of the amounts authorized to be appropriated by section 201, $11,204,784,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in program elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ADVANCED SENSOR APPLICATIONS PROGRAM.

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

(b) REASSIGNMENT OF PROGRAM.—Beginning not later than 30 days after the date of the enactment of this Act, the Advanced Sensor Applications Program shall be a program of the Defense Threat Reduction Agency, managed by the Director of the Defense Threat Reduction Agency, and shall be executed by the Program Executive Officer for Aviation for the Navy working for the Director of the Defense Threat Reduction Agency.

SEC. 212. ACTIVE PROTECTION SYSTEMS.

(a) COMPARATIVE TESTS REQUIRED.—

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

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

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

(2) REPORTS.—Not later than March 1 of each of 2008 and 2009, the Secretary shall submit to the congressional defense committees a report on the results of the tests undertaken under paragraph (1) as of the date of such report.

(b) COMPREHENSIVE ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary shall undertake a comprehensive assessment of active protection systems in order to develop information useful in the development of joint active protection systems and other defense programs.

(2) ELEMENTS.—The assessment under paragraph (1) shall include—

(A) an identification of the potential merits and operational costs of the use of active protection systems by United States military forces;

(B) a characterization of the threats that use of active protection systems by potential adversaries would pose to United States military forces and weapons;

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

(D) an analysis of collateral damage potential of active protection systems;

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

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

(3) REPORT.—Not later than December 31, 2008, the Secretary shall submit to the congressional defense committees a report on the assessment under paragraph (1).

SEC. 213. OBLIGATION AND EXPENDITURE OF FUNDS FOR COMPETITIVE PROCUREMENT OF PROPULSION SYSTEM FOR THE JOINT STRIKE FIGHTER.

Within amount authorized to be appropriated for fiscal years after fiscal year 2007 for procurement, and for research, development, test, and evaluation, for the Joint Strike Fighter Program, the Secretary of Defense shall ensure the obligation and expenditure of sufficient amounts each such fiscal year for the continued development and procurement of two options for the propulsion system for the Joint Strike Fighter in order to assure the competitive development and eventual production for the propulsion system for a Joint Strike Fighter aircraft, thereby giving a choice of engine to the growing number of nations expressing interest in procuring such aircraft.

SEC. 214. GULF WAR ILLNESSES RESEARCH.

(a) FUNDING.—

(1) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army $15,000,000, may be allocated to Medical Advanced Technology (PE #0603002A) for the Army to carry out, as part of its Congressionally

Directed Medical Research Programs, a program for Gulf War Illnesses Research.

(b) PURPOSE.—The purpose of the program may be to develop diagnostic markers and treatments for the complex of symptoms commonly known as ''Gulf War Illnesses (GWI)'', including widespread pain, cognitive impairment, and persistent fatigue in conjunction with diverse other symptoms and abnormalities, that are associated with service in the Southwest Asia theater of operations in the early 1990s during the Persian Gulf War.

(c) PROGRAM ACTIVITIES.—

(1) Highest priority under the program shall be afforded to pilot and observational studies of treatments for the complex of symptoms described in subsection (b) and comprehensive clinical trials of such treatments that have demonstrated effectiveness in previous past pilot and observational studies.

(2) Secondary priority under the program may be afforded to studies that identify objective markers for such complex of symptoms and biological mechanisms underlying such complex of symptoms that can lead to the identification and development of such markers and treatments.

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

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

Subtitle C—Missile Defense Programs

SEC. 231. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

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

(1) The governments of the countries in which major components of such missile defense system (including interceptors and associated radars) are proposed to be deployed have each given final approval to any missile defense agreements negotiated between such governments and the United States Government concerning the proposed deployment of such components in their countries.

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

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

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

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

(2) ISSUES TO BE ASSESSED.—In carrying out the assessment described in paragraph (1), the federally funded research and development center selected under that paragraph shall consider the following in connection with options for missile defense in Europe:

(A) The threat to Europe of ballistic missiles (including short-range, medium-range, intermediate-range, and long-range ballistic missiles) from Iran and from other nations (except Russia), including the likelihood and timing of such threats.

(B) The missile defense capabilities appropriate to meet current, near-term, and mid-term ballistic missile threats facing Europe during the period from 2008 through 2015.

(C) Alternative options for defending the European territory of members of the North Atlantic Treaty Organization against the threats described in subparagraph (B).

(D) The utility and cost-effectiveness of providing ballistic missile defense of the United States with a system located in Europe, if warranted by the threat, when compared with the provision of such defense through the deployment of additional ballistic missile defense in the United States.

(E) The views of European members of the North Atlantic Treaty Organization on the desirability of ballistic missile defenses for the European territory of such nations.

(F) Potential opportunities for participation by the Government of Russia in a European missile defense system.

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

(A) The Patriot PAC–3 system.

(B) The Medium Extended Air Defense System.

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

(D) The Terminal High Altitude Area Defense (THAAD) system.

(E) The proposed deployment of Ground-based Midcourse Defense (GMD) system elements in Europe, consisting of the proposed 2-stage Orbital Boost Vehicle interceptor, and the proposed European Midcourse X-band radar.

(F) Forward-Based X-band Transportable (FBX–T) radars.

(G) Other non-United States, North Atlantic Treaty Organization missile defense systems.

(4) FACTORS TO BE CONSIDERED.—In conducting the assessment described in paragraph (1), the federally funded research and development center selected under that paragraph shall consider the following factors with respect to potential ballistic missile defense options:

(A) The missile defense needs of the European members of the North Atlantic Treaty Organization, including forward deployed United States forces, with respect to current, near-term, and mid-term ballistic missile threats.

(B) Operational effectiveness.

(C) Command and control arrangements.

(D) Integration and interoperability with North Atlantic Treaty Organization missile defenses.

(E) Cost and affordability, including possible allied cost-sharing.

(F) Cost-effectiveness.

(G) The degree of coverage of the European territory of members of the North Atlantic Treaty Organization.

(5) COOPERATION OF OTHER AGENCIES.—The Secretary of Defense, the Director of National Intelligence, and the heads of other departments and agencies of the United States Government shall provide the federally funded research and development center selected under paragraph (1) such data, analyses, briefings, and other information as the center considers necessary to carry out the assessment described in that paragraph.

(6) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the federally funded research and development center selected under paragraph (1) shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment described in that paragraph, including any findings and recommendations of the center as a result of the assessment.

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

(d) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b).

SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR DEPLOYMENT OF MISSILE DEFENSE INTERCEPTORS IN ALASKA.

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

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

(a) REVISED BUDGET STRUCTURE.—The budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2008 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) shall set forth separately amounts requested for the Missile Defense Agency for each of the following:

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

(2) Procurement.

(3) Operation and maintenance.

(4) Military construction.

(b) OBJECTIVES FOR ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Commencing as soon as practicable, but not later than the submittal to Congress of the budget for the President for fiscal year 2009 under section 1105(a) of title 31, United States Code, the Missile Defense Agency shall take appropriate actions to achieve the following objectives in its acquisition activities:

(A) Improved transparency.

(B) Improved accountability.

(C) Enhanced oversight.

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

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

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

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

(B) Provide unit cost reporting data for each Ballistic Missile Defense System element covered by subparagraph (A), and secure independent estimation and verification of such cost reporting data.

(C) Include each year in the budget justification materials described in subsection (a) a description of actions being taken in the fiscal year in which such materials are submitted, and the actions to be taken in the fiscal year covered by such materials, to achieve such objectives.

(3) SPECIFICATION OF BALLISTIC MISSILE DEFENSE SYSTEM ELEMENTS.—The Ballistic Missile

Defense System elements that, as of May 2007, are Ballistic Missile Defense System elements covered by paragraph (2)(A) are the following elements:

(A) Ground-based Midcourse Defense.

(B) Aegis Ballistic Missile Defense.

(C) Terminal High Altitude Area Defense.

(D) Forward-Based X-band radar-Transportable (AN/TPY–2).

(E) Command, Control, Battle Management, and Communications.

(F) Sea-Based X-band radar.

(G) Upgraded Early Warning radars.

SEC. 234. PARTICIPATION OF DIRECTOR, OPERATIONAL TEST AND EVALUATION, IN MISSILE DEFENSE TEST AND EVALUATION ACTIVITIES.

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

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

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

''(f)(1) The Director of the Missile Defense Agency shall report promptly to the Director of Operational Test and Evaluation the results of all tests and evaluations conducted by the Missile Defense Agency and of all studies conducted by the Missile Defense Agency in connection with tests and evaluations in the Missile Defense Agency.

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

''(3) The Director of Operational Test and Evaluation shall have access to all records and data in the Department of Defense (including the records and data of the Missile Defense Agency) that the Director considers necessary to review in order to carry out his duties under this subsection.''.

SEC. 235. EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

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

(1) in paragraph (1), by striking ''through 2008'' and inserting ''through 2013''; and

(2) in paragraph (2), by striking ''through 2009'' and inserting ''through 2014''.

Subtitle D—Other Matters

SEC. 251. MODIFICATION OF NOTICE AND WAIT REQUIREMENT FOR OBLIGATION OF FUNDS FOR FOREIGN COMPARATIVE TEST PROGRAM.

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

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

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

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

''(2) The amount of funds provided to a project under paragraph (1) by the military department or Defense Agency concerned shall be the appropriate share of the military department or Defense Agency, as the case may be, of the cost of the project, as determined by the Manager.''.

SEC. 253. STRATEGIC PLAN FOR THE MANUFACTURING TECHNOLOGY PROGRAM.

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

''(e) STRATEGIC PLAN.—(1) The Secretary shall develop a plan for the program which includes the following:

''(A) The overall manufacturing technology goals, milestones, priorities, and investment strategy for the program during the 5-fiscal year period beginning with the first fiscal year commencing after the development of the plan.

''(B) For each of the fiscal years under the period of the plan, the objectives of, and funding for, the program for each military department and each Defense Agency that shall participate in the program during the period of the plan.

''(2) The Secretary shall include in the plan mechanisms for assessing the effectiveness of the program under the plan.

''(3) The Secretary shall update the plan on a biennial basis.

''(4) The Secretary shall include the plan, and any update of the plan under paragraph (3), in the budget justification documents submitted in support of the budget of the Department of Defense for the applicable fiscal year (as included in the budget of the President submitted to Congress under section 1105 of title 31).''.

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

SEC. 254. MODIFICATION OF AUTHORITIES ON COORDINATION OF DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH WITH SIMILAR FEDERAL PROGRAMS.

Section 257(e)(2) of the National Defense Authorization Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amended by striking ''shall'' each place it appears and inserting ''may''.

SEC. 255. ENHANCEMENT OF DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

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

(1) in paragraph (2), by striking ''in nanoscale research and development'' and inserting ''in the National Nanotechnology Initiative and with the National Nanotechnology Coordination Office under section 3 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7502)''; and

(2) in paragraph (3), by striking ''portfolio of fundamental and applied nanoscience and engineering research initiatives'' and inserting ''portfolio of nanotechnology research and development initiatives''.

(b) PROGRAM ADMINISTRATION.—

(1) ADMINISTRATION THROUGH UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Subsection (c) of such section is amended—

(A) by striking ''the Director of Defense Research and Engineering'' and inserting ''the Under Secretary of Defense for Acquisition, Technology, and Logistics''; and

(B) by striking ''The Director'' and inserting ''The Under Secretary''.

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

(A) in paragraph (2), by striking ''the Department's increased investment in nanotechnology and the National Nanotechnology Initiative; and'' and inserting ''investments by the Department and other departments and agencies participating in the National Nanotechnology Initiative in nanotechnology research and development;'';

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) oversee interagency coordination of the program with other departments and agencies participating in the National Nanotechnology Initiative, including providing appropriate funds to support the National Nanotechnology Coordination Office.''.

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

(1) by striking subsection (d); and

(2) by adding at the end the following new subsection (d):

''(d) ACTIVITIES.—Activities under the program shall include the following:

''(1) The development of a strategic plan for defense nanotechnology research and development that is integrated with the strategic plan for the National Nanotechnology Initiative.

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

''(A) establishes research priorities under the program;

''(B) provides for the determination and documentation of the benefits to the Department of Defense of research under the program; and

''(C) sets forth a clear strategy for transitioning the research into products needed by the Department.

''(3) Advocating for the transition of nanotechnologies in defense acquisition programs, including the development of nanomanufacturing capabilities and a nanotechnology defense industrial base.''.

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

''(e) REPORTS.—(1) Not later than March 1 of each of 2009, 2011, and 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the program.

''(2) Each report under paragraph (1) shall include the following:

''(A) A review of—

''(i) the long-term challenges and specific technical goals of the program; and

''(ii) the progress made toward meeting such challenges and achieving such goals.

''(B) An assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities.

''(C) A review of the coordination of activities under the program within the Department of Defense, with other departments and agencies of the United States, and with the National Nanotechnology Initiative.

''(D) A review and analysis of the findings and recommendations relating to the Department of Defense of the most recent triennial external review of the National Nanotechnology Program under section 5 of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 1704), and a description of initiatives of the Department to implement such recommendations.

''(E) An assessment of technology transition from nanotechnology research and development to enhanced warfighting capabilities, including contributions from the Department of Defense Small Business Innovative Research and Small Business Technology Transfer Research programs, and the Department of Defense Manufacturing Technology program, and an identification of acquisition programs and deployed defense systems that are incorporating nanotechnologies.

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

''(G) An assessment of the defense nanotechnology manufacturing and industrial base and its capability to meet the near and far term requirements of the Department.

''(H) Such recommendations for additional activities under the program to meet emerging national security requirements as the Under Secretary considers appropriate.

''(3) Each report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.''.

(e) COMPTROLLER GENERAL REPORT ON PROGRAM.—Not later than March 31, 2010, the

Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General of the progress made by the Department of Defense in achieving the purposes of the defense nanotechnology research and development program required by section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (as amended by this section).

SEC. 256. COMPTROLLER GENERAL ASSESSMENT OF THE DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

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

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

(1) A description and assessment of the tangible results and progress toward the objectives of the program, including—

(A) an identification of any past program activities that led to, or were fundamental to, applications used by, or supportive of, operational users; and

(B) an assessment of whether the program has expanded the national research infrastructure.

(2) An assessment whether the activities undertaken under the program are consistent with the statute authorizing the program.

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

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

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

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

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

SEC. 257. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—In conjunction with the development of the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense authorized under this Act, the Secretary of Defense shall conduct a study on the feasibility of including in the required pilot program the following additional elements:

(1) A means to allow each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A means to ensure that the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member.

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

(4) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

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

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

SEC. 258. COST-BENEFIT ANALYSIS OF PROPOSED FUNDING REDUCTION FOR HIGH ENERGY LASER SYSTEMS TEST FACILITY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a cost-benefit analysis of the proposed reduction in Army research, development, test, and evaluation funding for the High Energy Laser Systems Test Facility.

(b) EVALUATION OF IMPACT ON OTHER MILITARY DEPARTMENTS.—The report required under subsection (a) shall include an evaluation of the impact of the proposed reduction in funding on each Department of Defense organization or activity that utilizes the High Energy Laser Systems Test Facility.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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

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

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

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

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

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

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

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

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

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

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

(11) For the Air National Guard, $5,469,368,000.

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

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

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

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

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

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

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

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

(20) For Overseas Contingency Operations Transfer Fund, $5,000,000.

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.

(a) AUTHORITY TO REIMBURSE.—

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

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

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

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

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

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE ARCTIC SURPLUS SUPERFUND SITE, FAIRBANKS, ALASKA.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b), the Secretary of Defense may, notwithstanding section 2215 of title 10, United States Code, transfer not more than $186,625.38 to the Hazardous Substance Superfund.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for costs incurred pursuant to the agreement known as ''In the Matter of Arctic Surplus Superfund Site, U.S. EPA Docket Number CERCLA–10–2003–0114: Administrative Order on Consent for Remedial Design and Remedial Action,'' entered into by the Department of Defense and the Environmental Protection Agency on December 11, 2003.

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

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

SEC. 313. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH JACKSON PARK HOUSING COMPLEX, WASHINGTON.

(a) AUTHORITY TO TRANSFER FUNDS.—

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

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

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

operation and maintenance for Environmental Restoration, Navy.

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

SEC. 314. REPORT ON CONTROL OF THE BROWN TREE SNAKE.

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

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

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

(3) The most probable vector for the introduction of the brown tree snake into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States is the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

(4) It is probable that the movement of military aircraft, personnel, and cargo, including the household goods of military personnel, from Guam to Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States will increase significantly coincident with the increase in the number of military units and personnel stationed on Guam.

(5) Current policies, programs, procedures, and dedicated resources of the Department of Defense and of other departments and agencies of the United States may not be sufficient to adequately address the increasing threat of the introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States.

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

(1) The actions currently being taken (including the resources being made available) by the Department of Defense to control, and to develop new or existing techniques to control, the brown tree snake on Guam and to ensure that the brown tree snake is not introduced into Hawaii, the Commonwealth of the Northern Mariana Island, or the continental United States as a result of the movement from Guam of military aircraft, personnel, and cargo, including the household goods of military personnel.

(2) Current plans for enhanced future actions, policies, and procedures and increased levels of resources in order to ensure that the projected increase of military personnel stationed on Guam does not increase the threat of introduction of the brown tree snake from Guam into Hawaii, the Commonwealth of the Northern Mariana Islands, or the continental United States.

Subtitle C—Program Requirements, Restrictions, and Limitations

SEC. 321. AVAILABILITY OF FUNDS IN DEFENSE INFORMATION SYSTEMS AGENCY WORKING CAPITAL FUND FOR TECHNOLOGY UPGRADES TO DEFENSE INFORMATION SYSTEMS NETWORK.

(a) IN GENERAL.—Funds in the Defense Information Systems Agency Working Capital Fund may be used for expenses directly related to technology upgrades to the Defense Information Systems Network.

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

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

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

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

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

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

(d) ANNUAL REPORT.—

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

(2) DEADLINE FOR SUBMITTAL.—The report required by paragraph (1) in a fiscal year shall be submitted not later than 60 days after the date of the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code.

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

SEC. 322. EXTENSION OF TEMPORARY AUTHORITY FOR CONTRACT PERFORMANCE OF SECURITY GUARD FUNCTIONS.

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

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

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new paragraphs:

''(4) for fiscal year 2010, the number equal to 70 percent of the total number of such personnel employed under such contracts on October 1, 2006;

''(5) for fiscal year 2011, the number equal to 60 percent of the total number of such personnel employed under such contracts on October 1, 2006; and

''(6) for fiscal year 2012, the number equal to 50 percent of the total number of such personnel employed under such contracts on October 1, 2006.''.

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

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

(1) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) each of the military departments for the additional incremental cost resulting from the additional deployment of forces to Iraq and Afghanistan above the levels deployed to such countries on January 1, 2007.''.

SEC. 324. INDIVIDUAL BODY ARMOR.

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

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of Operational Test and Evaluation and the Director of Defense Research and Engineering shall jointly submit to the Secretary of Defense, and to the congressional defense committees, a report on the assessment required by subsection (a).

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

(A) a detailed comparative analysis and assessment of the technical approaches covered by the assessment under subsection (a), including the technical capability, feasibility, military utility, and cost of each such approach; and

(B) such other matters as the Director of Operational Test and Evaluation and the Director of Defense Research and Engineering jointly consider appropriate.

(3) FORM.—The report submitted under paragraph (1) to the congressional defense committees shall be submitted in both classified and unclassified form.

Subtitle D—Workplace and Depot Issues

SEC. 341. EXTENSION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

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

(1) in subsection (a), by adding at the end the following: ''This authority may be used to enter into not more than eight contracts or cooperative agreements.''; and

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

(b) REPORTS.—

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

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

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

(a) EXTENSION.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 10 U.S.C. 4551 note) is amended by striking ''fiscal years 2001 through 2008'' and inserting ''fiscal years 2001 through 2010''.

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

SEC. 343. REPORTS ON NATIONAL GUARD READINESS FOR DOMESTIC EMERGENCIES.

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

''(9) An assessment of the extent to which the National Guard possesses the equipment required to respond to domestic emergencies, including large scale, multi-State disasters and terrorist attacks.

''(10) An assessment of the shortfalls, if any, in National Guard equipment throughout the United States, and an assessment of the effect of such shortfalls on the capacity of the National Guard to respond to domestic emergencies.

''(11) Strategies and investment priorities for equipment for the National Guard to ensure that the National Guard possesses the equipment required to respond in a timely and effective way to domestic emergencies.''.

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

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

(2) by redesignating subsection (f) as subsection (g);

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

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

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

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to reports submitted after the date of the enactment of this Act.

(d) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—As part of the budget justification materials submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted under section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the congressional defense committees a report on actions taken by the Secretary to achieve the implementation of the amendments made by this section.

(2) ELEMENTS.—The report under paragraph (1) shall include a description of the mechanisms to be utilized by the Secretary for assessing the personnel, equipment, and training readiness of the National Guard, including the standards and measures that will be applied and mechanisms for sharing information on such matters with the Governors of the States.

SEC. 344. SENSE OF SENATE ON THE AIR FORCE LOGISTICS CENTERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Air Force Air Logistics Centers have served as a model of efficiency and effectiveness in providing integrated sustainment (depot maintenance, supply management, and product support) for fielded weapon systems within the Department of Defense. This success has been founded in the integration of these dependent processes.

(2) Air Force Air Logistics Centers have embraced best practices, technology changes, and process improvements, and have successfully managed increased workload while at the same time reducing personnel.

(3) Air Force Air Logistics Centers continue to successfully sustain an aging aircraft fleet that is performing more flying hours, with less aircraft, than at any point in the last thirty years.

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

(5) The Air Force is working diligently to identify means to create further efficiencies in the Air Force logistics network.

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

Subtitle E—Other Matters

SEC. 351. ENHANCEMENT OF CORROSION CONTROL AND PREVENTION FUNCTIONS WITHIN DEPARTMENT OF DEFENSE.

(a) OFFICE OF CORROSION POLICY AND OVERSIGHT.—

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

*(A) in the section heading, by striking ''**Military equipment and infrastructure: prevention and mitigation of corrosion**'' and inserting ''**Office of Corrosion Policy and Oversight**''; and*

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

''(a) OFFICE AND DIRECTOR.—(1) There is an Office of Corrosion Policy and Oversight within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Office shall be headed by a Director of Corrosion Policy and Oversight (in this section referred to as the 'Director'), who shall be assigned to such position by the Under Secretary from among civilian employees of the Department of Defense with the qualifications described in paragraph (3). The Director is the senior official responsible in the Department of Defense to the Secretary of Defense (after the Under Secretary of Defense for Acquisition, Technology, and Logistics) for the prevention and mitigation of corrosion of the military equipment and infrastructure of the Department of Defense. The Director shall report directly to the Under Secretary.

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

''(A) have a minimum of 10 years experience in the Defense Acquisition Corps;

''(B) have technical expertise in, and professional experience with, corrosion engineering, including an understanding of the effects of corrosion policies on infrastructure; research, development, test, and evaluation; and maintenance; and

''(C) have background in and an understanding of Department of Defense budget formulation and execution, policy formulation, and planning and program requirements.''.

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

(A) in paragraph (1), by striking ''official or organization designated under subsection (a)'' and inserting ''Director''; and

(B) by striking ''designated official or organization'' each place it appears and inserting ''Director''.

(b) ADDITIONAL AUTHORITY FOR DIRECTOR OF OFFICE.—Such section is further amended—

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

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

''(c) ADDITIONAL AUTHORITIES FOR DIRECTOR.—The Director is authorized to—

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

''(2) participate in the process within the Department of Defense for the development of relevant directives and instructions; and

''(3) interact directly with the corrosion prevention industry, trade associations, other government corrosion prevention agencies, academic research institutions, and scientific organizations engaged in corrosion prevention, including the National Academy of Sciences.''.

(c) INCLUSION OF COOPERATIVE RESEARCH AGREEMENTS AS PART OF CORROSION REDUCTION STRATEGY.—Subparagraph (D) of subsection (d)(2) of such section, as redesignated by subsection (b), is amended by inserting after ''operational strategies'' the following: '', including through the establishment of memoranda of agreement, joint funding agreements, public-private partnerships, university research centers, and other cooperative research agreements''.

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

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

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

''(B) The return on investment that would be achieved by implementing the strategy.

''(C) The funds requested in the budget compared to the funding requirements.

''(D) An explanation of why the Department of Defense is not requesting funds for the entire requirement.

''(2) Not later than 60 days after submission of the budget for a fiscal year, the Comptroller General shall provide to the congressional defense committees—

''(A) an analysis of the budget submission for corrosion control and prevention by the Department of Defense; and

''(B) an analysis of the report required under paragraph (1).''.

(e) DEFINITIONS.—Subsection (f), as redesignated by subsection (b), is amended by adding at the end the following new paragraphs:

''(4) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(5) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.''.

SEC. 352. REIMBURSEMENT FOR NATIONAL GUARD SUPPORT PROVIDED TO FEDERAL AGENCIES.

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

(1) in subsection (a), by striking ''To the extent'' and inserting ''Subject to subsection (c), to the extent'';

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

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

''(b)(1) Subject to subsection (c), the Secretary of Defense shall require a Federal agency to which law enforcement support or support to a national special security event is provided by National Guard personnel performing duty under section 502(f) of title 32 to reimburse the Department of Defense for the costs of that support, notwithstanding any other provision of law. No other provision of this chapter shall apply to such support.

''(2) Any funds received by the Department of Defense under this subsection as reimbursement for support provided by personnel of the National Guard shall be credited, at the election of the Secretary of Defense, to the following:

''(A) The appropriation, fund, or account used to fund the support.

''(B) The appropriation, fund, or account currently available for reimbursement purposes.''; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) by inserting ''or section 502(f) of title 32'' after ''under this chapter''; and

(B) in paragraph (2), by inserting ''or personnel of the National Guard'' after ''Department of Defense''.

SEC. 353. REAUTHORIZATION OF AVIATION INSURANCE PROGRAM.

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

SEC. 354. PROPERTY ACCOUNTABILITY AND DISPOSITION OF UNLAWFULLY OBTAINED PROPERTY OF THE ARMED FORCES.

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

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

''§ 7864. Property accountability; regulations

''The Secretary of the Navy may prescribe regulations for the accounting for property of the Navy and the Marine Corps and for the fixing of responsibility for such property.''.

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

''§ 7865. Military equipment: unauthorized disposition

''(a) PROHIBITION.—No member of the Navy or the Marine Corps may sell, lend, pledge, barter, or give any clothing, arms, or equipment obtained by or furnished to the member by the

United States to any person other than a member of the Navy or the Marine Corps authorized to receive it, an officer of the United States authorized to receive it, or any other individual authorized to receive it.

''(b) SEIZURE OF PROPERTY.—If a member of the Navy or the Marine Corps disposes of property in violation of subsection (a) and it is in the possession of a person who is not authorized to receive it as described in that subsection, that person has no right to or interest in the property, and any civil or military officer of the United States may seize it, wherever found, subject to applicable regulations. Possession of such property by a person who is not authorized to receive it as described in subsection (a) is prima facie evidence that it has been disposed of in violation of subsection (a).

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

(b) STANDARDIZING AMENDMENTS RELATING TO DISPOSITION OF UNLAWFULLY OBTAINED ARMY AND AIR FORCE PROPERTY.—

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

''§ 4836. Military equipment: unauthorized disposition

''(a) PROHIBITION.—No member of the Army may sell, lend, pledge, barter, or give any clothing, arms, or equipment obtained by or furnished to the member by the United States to any person other than a member of the Army authorized to receive it, an officer of the United States authorized to receive it, or any other individual authorized to receive it.

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

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

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

''§ 9836. Military equipment: unauthorized disposition

''(a) PROHIBITION.—No member of the Air Force may sell, lend, pledge, barter, or give any clothing, arms, or equipment obtained by or furnished to the member by the United States to any person other than a member of the Air Force authorized to receive it, an officer of the United States authorized to receive it, or any other individual authorized to receive it.

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

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

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 453 of such title is amended by striking the item relating to section 4836 and inserting the following new item:

''4836. Military equipment: unauthorized disposition.''.

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

''7864. Property accountability: regulations.
''7865. Military equipment: unauthorized disposition.''.

(3) The table of sections at the beginning of chapter 953 of such title is amended by striking the item relating to section 9836 and inserting the following new item:

''9836. Military equipment: unauthorized disposition.''.

SEC. 355. AUTHORITY TO IMPOSE REASONABLE CONDITIONS ON THE PAYMENT OF FULL REPLACEMENT VALUE FOR CLAIMS RELATED TO PERSONAL PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE.

Section 2636a(d) of title 10, United States Code, is amended by adding at the end the following new sentence: ''The regulations may require members of the armed forces or civilian employees of the Department of Defense to comply with reasonable conditions in order to receive benefits under this section.''.

SEC. 356. AUTHORITY FOR INDIVIDUALS TO RETAIN COMBAT UNIFORMS ISSUED IN CONNECTION WITH CONTINGENCY OPERATIONS.

The Secretary of a military department may authorize members of the Armed Forces under the jurisdiction of the Secretary to retain combat uniforms issued as organizational clothing and individual equipment in connection with their deployment in support of contingency operations.

SEC. 357. MODIFICATION OF REQUIREMENTS ON COMPTROLLER GENERAL REPORT ON THE READINESS OF ARMY AND MARINE CORPS GROUND FORCES.

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

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

(1) by striking paragraph (2);

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

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) An assessment of the ability of the Army and Marine Corps to provide trained and ready forces to meet the requirements of increased force levels in support of Operations Iraqi Freedom and Enduring Freedom and to meet the requirements of other ongoing operations simultaneously with such increased force levels.

''(3) An assessment of the strategic depth of the Army and Marine Corps and their ability to provide trained and ready forces to meet the requirements of the high-priority contingency war plans of the regional combatant commands, including an identification and evaluation for each such plan of—

''(A) the strategic and operational risks associated with current and projected forces of current and projected readiness;

''(B) the time required to make forces available and prepare them for deployment; and

''(C) likely strategic tradeoffs necessary to meet the requirements of each such plan.''.

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

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) DEPARTMENT OF DEFENSE COOPERATION.—The Secretary of Defense shall ensure the full cooperation of the Department of Defense with the Comptroller General for purposes of the preparation of the report required by this section.''.

SEC. 358. AUTHORITY FOR DEPARTMENT OF DEFENSE TO PROVIDE SUPPORT FOR CERTAIN SPORTING EVENTS.

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

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

''(4) A sporting event sanctioned by the United States Olympic Committee through the Paralympic Military Program.

''(5) Any national or international paralympic sporting event (other than a sporting event described in paragraphs (1) through (4))—

''(A) that—

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

''(ii) is governed by the International Paralympic Committee; and

''(iii) is sanctioned by the United States Olympic Committee;

''(B) for which participation exceeds 100 amateur athletes; and

''(C) in which at least 10 percent of the athletes participating in the sporting event are members or former members of the armed forces who are participating in the sporting event based upon an injury or wound incurred in the line of duty in the armed force and veterans who are participating in the sporting event based upon a service-connected disability.''; and

(2) by adding at the end the following new subsection:

''(g) FUNDING FOR SUPPORT OF CERTAIN EVENTS.—(1) Amounts for the provision of support for a sporting event described in paragraph (4) or (5) of subsection (c) may be derived from the Support for International Sporting Competitions, Defense account established by section 5802 of the Omnibus Consolidated Appropriations Act, 1997 (10 U.S.C. 2564 note), notwithstanding any limitation under that section relating to the availability of funds in such account for the provision of support for international sporting competitions.

''(2) The total amount expended for any fiscal year to provide support for sporting events described in subsection (c)(5) may not exceed $1,000,000.''.

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

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

(2) by striking ''45 days'' and inserting ''15 days''.

SEC. 359. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REPORT ON PHYSICAL SECURITY OF DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the physical security of Department of Defense installations and resources.

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

(1) An analysis of the progress in implementing requirements under the Physical Security Program as set forth in the Department of Defense Instruction 5200.08–R, Chapter 2 (C.2) and Chapter 3, Section 3: Installation Access (C3.3), which mandates the policies and minimum standards for the physical security of Department of Defense installations and resources.

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

Fiscal Year 2007 (Public Law 109–366; 120 Stat. 2155).

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

SEC. 360. CONTINUITY OF DEPOT OPERATIONS TO RESET COMBAT EQUIPMENT AND VEHICLES IN SUPPORT OF WARS IN IRAQ AND AFGHANISTAN.

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

(1) The United States Armed Forces, particularly the Army and the Marine Corps, are currently engaged in a tremendous effort to reset equipment that was damaged and worn in combat operations in Iraq and Afghanistan.

(2) The implementing guidance from the Under Secretary of Defense for Acquisition, Technology, and Logistics related to the decisions of the 2005 Defense Base Closure and Realignment Commission (BRAC) to transfer depot functions appears not to differentiate between external supply functions and in-process storage functions related to the performance of depot maintenance.

(3) Given the fact that up to 80 percent of the parts involved in the vehicle reset process are reclaimed and refurbished, the transfer of this inherently internal depot maintenance function to the Defense Logistics Agency could severely disrupt production throughput, generate increased costs, and negatively impact Army and Marine Corps equipment reset efforts.

(4) The goal of the Department of Defense, the Defense Logistics Agency, and the 2005 Defense Base Closure and Realignment Commission is the reengineering of businesses processes in order to achieve higher efficiency and cost savings.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the challenges of implementing the transfer of depot functions and the impacts on production, including parts reclamation and refurbishment.

(2) CONTENT.—The report required under paragraph (1) shall describe—

(A) the sufficiency of the business plan to transfer depot functions to accommodate a timely and efficient transfer without the disruption of depot production;

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

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

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

(E) the number of personnel positions affected;

(F) the sufficiency of the business plan to ensure the responsiveness and availability of Defense Logistics supply personnel to meet depot throughput needs, including potential impact on depot turnaround time; and

(G) the impact of Defense Logistics personnel being outside the chain of command of the depot commander in terms of overtime scheduling and meeting surge requirements.

(3) GOVERNMENT ACCOUNTABILITY OFFICE ASSESSMENT.—Not later than September 30, 2008, the Comptroller General of the United States shall review the report submitted under paragraph (1) and submit to the congressional defense committees an independent assessment of the matters addressed in such report, as requested by the Chairman of the Committee on Armed Services of the House of Representatives.

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

(a) REPORT.—Not later than April 1, 2008, the Secretary of the Air Force shall submit to the appropriate congressional committees a report on the search and rescue capabilities of the Air Force in the northwestern United States.

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

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

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

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

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

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

(c) USE OF REPORT FOR PURPOSES OF CERTIFICATION REGARDING SEARCH AND RESCUE CAPABILITIES.—Section 1085 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note) is amended by striking ''unless the Secretary first certifies'' and inserting ''unless the Secretary, after reviewing the search and rescue capabilities report prepared by the Secretary of the Air Force under section 358 of the National Defense Authorization Act for Fiscal Year 2008, first certifies''.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Natural Resources, and the Committee on Appropriations of the House of Representatives.

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

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the High-Altitude Aviation Training Site at Gypsum, Colorado.

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

(1) a summary of costs for each of the previous 5 years associated with transporting aircraft to and from the High-Altitude Aviation Training Site for training purposes; and

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

SEC. 363. SENSE OF CONGRESS ON FUTURE USE OF SYNTHETIC FUELS IN MILITARY SYSTEMS.

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

SEC. 364. REPORTS ON SAFETY MEASURES AND ENCROACHMENT ISSUES AT WARREN GROVE GUNNERY RANGE, NEW JERSEY.

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

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

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

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

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

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

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

(E) In 1997, the pilots of F–16 aircraft uplifting from the Warren Grove Gunnery Range escaped injury by ejecting from their aircraft just before the planes collided over the ocean near the north end of Brigantine. Pilot error was found to be the cause of the collision.

(F) In 1986, a New Jersey Air National Guard jet fighter crashed in a remote section of the Pine Barrens in Burlington County, starting a fire that scorched at least 90 acres of woodland.

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

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

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

(2) CONTENT.—The study required under paragraph (1) shall include a master plan for the Warren Grove Gunnery Range and the surrounding community, taking into consideration military mission, land use plans, urban encroachment, the economy of the region, and protection of the environment and public health, safety, and welfare.

(3) REQUIRED INPUT.—The study required under paragraph (1) shall include input from all affected parties and relevant stakeholders at the Federal, State, and local level.

SEC. 365. MODIFICATION TO PUBLIC-PRIVATE COMPETITION REQUIREMENTS BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

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

(1) in subparagraph (F), by striking ''and'' at the end;

(2) by redesignating subparagraph (G) as subparagraph (H); and

(3) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) requires that the contractor shall not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

''(i) not making an employer-sponsored health insurance plan (or payment that could be used in lieu of such a plan), health savings account, or medical savings account, available to the workers who are to be employed to perform the function under the contract;

''(ii) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is

paid by the Department of Defense for health benefits for civilian employees of the Department under chapter 89 of title 5; or

''(iii) offering to such workers a retirement benefit that, in any year, costs less than the annual retirement cost factor applicable to civilian employees of the Department of Defense under chapter 84 of title 5; and''.

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

(1) by striking section 2467; and

(2) in section 2461—

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

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

''(b) REQUIREMENT TO CONSULT DOD EMPLOYEES.—(1) Each officer or employee of the Department of Defense responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the Department of Defense—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

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

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

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The Secretary of Defense shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in subparagraph (B) for purposes of consultation required by paragraph (1).''.

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

(1) in subsection (a)(1)—

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

(B) in subparagraph (D), by striking ''and reliability'' and inserting '', reliability, and timeliness''; and

(2) in subsection (c)(2), as redesignated under subsection (b)(2), by inserting ''of'' after ''examination''.

SEC. 366. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT BUDGET CIRCULAR A–76.

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

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one individual who, for the purpose of representing the Federal employees engaged in the performance of the activity or function for which the public-private competition is conducted in a protest under this subchapter that relates to such public-private competition, has been designated as the agent of the Federal employees by a majority of such employees.''.

(b) EXPEDITED ACTION.—

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

''SEC. 3557. EXPEDITED ACTION IN PROTESTS OF PUBLIC-PRIVATE COMPETITIONS.

''For any protest of a public-private competition conducted under Office of Management and Budget Circular A–76 with respect to the performance of an activity or function of a Federal agency, the Comptroller General shall administer the provisions of this subchapter in the manner best suited for expediting the final resolution of the protest and the final action in the public-private competition.''.

(2) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

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

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

''(5) If an interested party who is a member of the private sector commences an action described in paragraph (1) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding the performance of an activity or function of a Federal agency, or a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, then an interested party described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

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

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

(2) any other protest or civil action that relates to a public-private competition initiated under Office of Management and Budget Circular A–76, or to a decision to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76, on or after the date of the enactment of this Act.

SEC. 367. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

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

''SEC. 43. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION TO CONTRACTOR PERFORMANCE.

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

''(A) formally compares the cost of performance of the function by agency civilian employees with the cost of performance by a contractor;

''(B) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003, or any successor circular;

''(C) includes the issuance of a solicitation;

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

''(E) examines the cost of performance of the function by agency civilian employees and the cost of performance of the function by one or more contractors to demonstrate whether converting to performance by a contractor will result in savings to the Government over the life of the contract, including—

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

''(ii) the estimated cost to the Government for performance of the function by agency civilian employees; and

''(iii) an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract;

''(F) requires continued performance of the function by agency civilian employees unless the difference in the cost of performance of the function by a contractor compared to the cost of performance of the function by agency civilian employees would, over all performance periods required by the solicitation, be equal to or exceed the lesser of—

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

''(ii) $10,000,000; and

''(G) examines the effect of performance of the function by a contractor on the agency mission associated with the performance of the function.

''(2) A function that is performed by the executive agency and is reengineered, reorganized, modernized, upgraded, expanded, or changed to become more efficient, but still essentially provides the same service, shall not be considered a new requirement.

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

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

''(B) converted to performance by a contractor to circumvent a civilian personnel ceiling.

''(b) REQUIREMENT TO CONSULT EMPLOYEES.—(1) Each civilian employee of an executive agency responsible for determining under Office of Management and Budget Circular A–76 whether to convert to contractor performance any function of the executive agency—

''(A) shall, at least monthly during the development and preparation of the performance work statement and the management efficiency study used in making that determination, consult with civilian employees who will be affected by that determination and consider the views of such employees on the development and preparation of that statement and that study; and

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

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

''(B) In the case of employees other than employees referred to in subparagraph (A), consultation with appropriate representatives of those employees shall satisfy the consultation requirement in paragraph (1).

''(C) The head of each executive agency shall prescribe regulations to carry out this subsection. The regulations shall include provisions for the selection or designation of appropriate representatives of employees referred to in paragraph (2)(B) for purposes of consultation required by paragraph (1).

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

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

''(B) The location at which the function is performed by agency civilian employees.

''(C) The number of agency civilian employee positions potentially affected.

''(D) The anticipated length and cost of the public-private competition, and a specific identification of the budgetary line item from which funds will be used to cover the cost of the public-private competition.

''(E) A certification that a proposed performance of the function by a contractor is not a result of a decision by an official of an executive agency to impose predetermined constraints or limitations on such employees in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

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

''(A) agency civilian employees who would be affected by such a conversion in performance; and

''(B) the local community and the Government, if more than 50 agency civilian employees perform the function.

''(3)(A) A representative individual or entity at a facility where a public-private competition is conducted may submit to the head of the executive agency an objection to the public private competition on the grounds that the report required by paragraph (1) has not been submitted or that the certification required by paragraph (1)(E) is not included in the report submitted as a condition for the public private competition. The objection shall be in writing and shall be submitted within 90 days after the following date:

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

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

''(B) If the head of the executive agency determines that the report required by paragraph (1) was not submitted or that the required certification was not included in the submitted report, the function for which the public-private competition was conducted for which the objection was submitted may not be the subject of a solicitation of offers for, or award of, a contract until, respectively, the report is submitted or a report containing the certification in full compliance with the certification requirement is submitted.

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

''(1) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

''(2) is planned to be changed to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.

''(e) INAPPLICABILITY DURING WAR OR EMERGENCY.—The provisions of this section shall not apply during war or during a period of national emergency declared by the President or Congress.''.

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

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

SEC. 368. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for new work and work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) have been performed by a contractor pursuant to a contract that was awarded on a noncompetitive basis, either a contract for a function once performed by Federal employees that was awarded without the conduct of a public-private competition or a contract that was last awarded without the conduct of an actual competition between contractors; or

(D) have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last five years .

(3) DEADLINE FOR ISSUANCE OF GUIDELINES.—The Secretary of Defense shall implement the guidelines required under paragraph (1) by not later than 60 days after the date of the enactment of this Act.

(4) ESTABLISHMENT OF CONTRACTOR INVENTORY.—The Secretary of Defense shall establish an inventory of Department of Defense contracts to determine which contracts meet the criteria set forth in paragraph (2).

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required for any Department of Defense function before—

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

(B) the commencement of the performance by civilian employees of the Department of Defense of any Department of Defense function described in subparagraphs (B) through (D) of subsection (a)(2); or

(C) the expansion of the scope of any Department of Defense function performed by civilian employees of the Department of Defense.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary may use the flexible hiring authority available to the Secretary under the National Security Personnel System, as established pursuant to section 9902 of title 5, United States Code, to facilitate the performance by civilian employees of the Department of Defense of functions described in subsection (b).

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

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

SEC. 369. RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET INFLUENCE OVER DEPARTMENT OF DEFENSE PUBLIC-PRIVATE COMPETITIONS.

(a) RESTRICTION ON OFFICE OF MANAGEMENT AND BUDGET.—The Office of Management and Budget may not direct or require the Secretary of Defense or the Secretary of a military department to prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy.

(b) RESTRICTION ON SECRETARY OF DEFENSE.—The Secretary of Defense or the Secretary of a military department may not prepare for, undertake, continue, or complete a public-private competition or direct conversion of a Department of Defense function to performance by a contractor under Office of Management and Budget Circular A–76, or any other successor regulation, directive, or policy by reason of any direction or requirement provided by the Office of Management and Budget.

SEC. 370. PUBLIC-PRIVATE COMPETITION AT END OF PERIOD SPECIFIED IN PERFORMANCE AGREEMENT NOT REQUIRED.

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

''(4) A military department or defense agency may not be required to conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law at the end of the period specified in the performance agreement entered into in accordance with this section for any function of the Department of Defense performed by Department of Defense civilian employees.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2008, as follows:

(1) The Army, 525,400.

(2) The Navy, 328,400.

(3) The Marine Corps, 189,000.

(4) The Air Force, 328,600.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

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

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 67,800.

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

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

(6) The Air Force Reserve, 67,500.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2008, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,204.

(2) The Army Reserve, 15,870.

(3) The Navy Reserve, 11,579.

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

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

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

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2008 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,249.

(2) For the Army National Guard of the United States, 26,502.

(3) For the Air Force Reserve, 9,909.

(4) For the Air National Guard of the United States, 22,553.

SEC. 414. FISCAL YEAR 2008 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2008, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2008, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2008, may not exceed 90.

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

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

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

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

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

SEC. 416. REVISION OF AUTHORIZED VARIANCES IN END STRENGTHS FOR SELECTED RESERVE PERSONNEL.

(a) INCREASE.—Section 115(f)(3) of title 10, United States Code, is amended by striking ''2 percent'' and inserting ''3 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2008 for military personnel, in amounts as follows:

(1) For the Army, $34,952,762,000.

(2) For the Navy, $23,300,841,000.

(3) For the Marine Corps, $11,065,542,000.

(4) For the Air Force, $24,091,993,000.

(5) For the Army Reserve, $3,701,197,000.

(6) For the Navy Reserve, $1,766,408,000.

(7) For the Marine Corps Reserve, $593,961,000.

(8) For the Air Force Reserve, $1,356,618,000.

(9) For the Army National Guard, $5,914,979,000.

(10) For the Air National Guard, $2,607,456,000.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. INCREASE IN AUTHORIZED STRENGTHS FOR ARMY OFFICERS ON ACTIVE DUTY IN THE GRADE OF MAJOR TO MEET FORCE STRUCTURE REQUIREMENTS.

The table in section 523(a)(1) of title 10, United States Code, is amended by striking the items under the heading ''Major'' in the portion of the table relating to the Army and inserting the following new items:

''7,768
8,689
9,611
10,532
11,454
12,375
13,297
14,218
15,140
16,061
16,983
17,903
18,825
19,746
20,668
21,589
22,511
24,354
26,197
28,040
35,412''.

SEC. 502. INCREASE IN AUTHORIZED STRENGTHS FOR NAVY OFFICERS ON ACTIVE DUTY IN GRADES OF LIEUTENANT COMMANDER, COMMANDER, AND CAPTAIN TO MEET FORCE STRUCTURE REQUIREMENTS.

(a) IN GENERAL.—The table in section 523(a)(2) of title 10, United States Code, is amended to read as follows:

''Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Lieutenant Commander	Commander	Captain
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''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007.

SEC. 503. EXPANSION OF EXCLUSION OF MILITARY PERMANENT PROFESSORS FROM STRENGTH LIMITATIONS FOR OFFICERS BELOW GENERAL AND FLAG GRADES.

(a) INCLUSION OF PERMANENT PROFESSORS OF THE NAVY.—Section 523(b)(8) of title 10, United States Code, is amended—

(1) by striking ''Naval Academy'' and inserting ''Navy''; and

(2) by inserting ''or service'' before the period at the end.

(b) EXPANSION OF EXCLUSION GENERALLY.—Such section is further amended by striking ''50'' and inserting ''85''.

SEC. 504. MANDATORY RETIREMENT AGE FOR ACTIVE-DUTY GENERAL AND FLAG OFFICERS CONTINUED ON ACTIVE DUTY.

Section 637(b)(3) of title 10, United States Code, is amended by striking ''but such period may not (except as provided under section 1251(b) of this title) extend beyond the date of the officer's sixty-second birthday'' and inserting ''except as provided under section 1253 of this title''.

SEC. 505. AUTHORITY FOR REDUCED MANDATORY SERVICE OBLIGATION FOR INITIAL APPOINTMENTS OF OFFICERS IN CRITICALLY SHORT HEALTH PROFESSIONAL SPECIALTIES.

Section 651 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Secretary of Defense may waive the service required by subsection (a) for initial appointments of commissioned officers in such critically short health professional specialties as the Secretary shall specify for purposes of this subsection.

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

''(A) two years; or

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

SEC. 506. INCREASE IN AUTHORIZED NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES MILITARY ACADEMY.

Paragraph (4) of section 4331(b) of title 10, United States Code, is amended to read as follows:

''(4) Twenty-eight permanent professors.''.

SEC. 507. EXPANSION OF AUTHORITY FOR REENLISTMENT OF OFFICERS IN THEIR FORMER ENLISTED GRADE.

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

(1) in subsection (a)—

(A) by striking ''a Reserve officer'' and inserting ''an officer''; and

(B) by striking ''a temporary appointment'' and inserting ''an appointment''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''a Reserve officer'' and inserting ''an officer''; and

(B) in paragraph (2), by striking ''the Reserve commission'' and inserting ''the commission''.

(b) REGULAR AIR FORCE.—Section 8258 of such title is amended—

(1) in subsection (a)—

(A) by striking ''a reserve officer'' and inserting ''an officer''; and

(B) by striking ''a temporary appointment'' and inserting ''an appointment''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''a Reserve officer'' and inserting ''an officer''; and

(B) in paragraph (2), by striking ''the Reserve commission'' and inserting ''the commission''.

SEC. 508. ENHANCED AUTHORITY FOR RESERVE GENERAL AND FLAG OFFICERS TO SERVE ON ACTIVE DUTY.

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

(1) by inserting ''(1)'' before ''The limitations''; and

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

''(2) The limitations of this section also do not apply to a number, as specified by the Secretary of the military department concerned, of reserve component general or flag officers authorized to serve on active duty for a period of not more than 365 days. The number so specified for an armed force may not exceed the number equal to ten percent of the authorized number of general or flag officers, as the case may be, of that armed force under section 12004 of this title. In determining such number, any fraction shall be rounded down to the next whole number, except that such number shall be at least one.''.

SEC. 509. PROMOTION OF CAREER MILITARY PROFESSORS OF THE NAVY.

(a) PROMOTION.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended—

(A) by redesignating section 6970 as section 6970a; and

(B) by inserting after section 6969 the following new section 6970:

''§ 6970. Permanent professors: promotion

''(a) PROMOTION.—An officer serving as a permanent professor may be recommended for promotion to the grade of captain or colonel, as the case may be, under regulations prescribed by the Secretary of the Navy. The regulations shall include a competitive selection board process to identify those permanent professors best qualified for promotion. An officer so recommended shall be promoted by appointment to the higher grade by the President, by and with the advice and consent of the Senate.

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

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 603 of such title is amended by striking the item relating to section 6970 and inserting the following new items:

''6970. Permanent professors: promotion.

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

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

(1) by striking ''and the registrar'' and inserting '', the registrar''; and

(2) by inserting before the period at the end the following: '', and permanent professors of the Navy (as defined in regulations prescribed by the Secretary of the Navy)''.

Subtitle B—Enlisted Personnel Policy

SEC. 521. INCREASE IN AUTHORIZED DAILY AVERAGE OF NUMBER OF MEMBERS IN PAY GRADE E–9.

(a) INCREASE.—Section 517(a) of title 10, United States Code, is amended by striking ''1 percent'' and inserting ''1.25 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Reserve Component Management

SEC. 531. REVISED DESIGNATION, STRUCTURE, AND FUNCTIONS OF THE RESERVE FORCES POLICY BOARD.

(a) MODIFICATION OF DESIGNATION, STRUCTURE, AND FUNCTIONS OF RESERVE FORCES POLICY BOARD.—

(1) IN GENERAL.—Section 10301 of title 10, United States Code, is amended to read as follows:

''§ 10301. Reserve Policy Advisory Board

''(a) There is in the Office of the Secretary of Defense a Reserve Policy Advisory Board.

''(b)(1) The Board shall consist of a civilian chairman and not more than 15 other members, each appointed by the Secretary of Defense, of whom—

''(A) not more than 4 members may be Government civilian officials who must be from outside the Department of Defense; and

''(B) not more than 2 members may be members of the armed forces.

''(2) Each member appointed to serve on the Board shall have—

''(A) extensive knowledge, or experience with, reserve component matters, national security and national military strategies of the United States, or roles and missions of the regular components and the reserve components;

''(B) extensive knowledge of, or experience in, homeland defense and matters involving Department of Defense support to civil authorities; or

''(C) a distinguished background in government, business, personnel planning, technology and its application in military operations, or other fields that are pertinent to the management and utilization of the reserve components.

''(3) Each member of the Board shall serve for a term of 2 years, and, at the conclusion of such term, may be appointed under this subsection to serve an additional term of 2 years.

''(4) Upon the designation of the chairman of the Board and the approval of the Secretary of Defense, an officer of the Army, Navy, Air Force, or Marine Corps in the Reserves or the National Guard who is a general or flag officer shall serve as the military advisor to, and executive officer of, the Board. Such service shall be either full-time or part-time, as designated by the Secretary of Defense, and shall be in a nonvoting status on the Board.

''(c)(1) This section does not affect the committees on reserve policies prescribed within the military departments by sections 10302 through 10305 of this title.

''(2) A member of a committee or board prescribed under a section listed in paragraph (1) may, if otherwise eligible, be a member of the Reserve Policy Advisory Board.

''(d)(1) The Board shall provide the Secretary of Defense, through the Deputy Secretary of Defense, with independent advice and recommendations on strategies, policies, and practices designed to improve the capability, efficiency, and effectiveness of the reserve components.

''(2) The Board shall act on those matters referred to it by the Secretary or the chairman and, in addition, on any matter raised by a member of the Board.

''(e) The Under Secretary of Defense for Personnel and Readiness shall provide necessary logistical support to the Board.

''(f) The Board shall not be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1009 of such title is amended by striking the item relating to section 10301 and inserting the following new item:

''10301. Reserve Policy Advisory Board.''.

(3) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Reserve Forces Policy Board shall be deemed to be a reference to the Reserve Policy Advisory Board.

(b) INCLUSION OF MATTERS FROM BOARD IN ANNUAL REPORT ON ACTIVITIES OF DEPARTMENT OF DEFENSE.—Paragraph (2) of section 113(c) of title 10, United States Code, is amended to read as follows:

''(2) At the same time the Secretary submits the annual report under paragraph (1), the Secretary may transmit to the President and Congress with such report any additional matters from the Reserve Policy Advisory Board on the programs and activities of the reserve components as the Secretary considers appropriate to include in such report.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on a date elected by the Secretary of Defense, which date may not be earlier than the date that is one year after the date of the enactment of this Act. The Secretary shall publish in the Federal Register notice of the effective date of the amendments made by this section, as so elected.

(2) REPORT.—Not later than the effective date elected under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary regarding the following:

(A) The appropriate role and mission of the Reserve Forces Policy Board.

(B) The appropriate membership of the Reserve Forces Policy Board.

(C) The appropriate procedures to be utilized by the Reserve Forces Policy Board in its interaction with the Department of Defense.

SEC. 532. CHARTER FOR THE NATIONAL GUARD BUREAU.

(a) PRESCRIPTION OF CHARTER BY SECRETARY OF DEFENSE.—Section 10503 of title 10, United States Code, is amended—

(1) by striking ''The Secretary of the Army and the Secretary of the Air Force shall jointly develop and'' in the matter preceding paragraph (1) and inserting ''The Secretary of the Defense shall, in consultation with the Secretary of the Army, the Secretary of the Air Force, and the Chairman of the Joint Chiefs of Staff,'';

(2) in paragraph (10), by striking ''the Army and Air Force'' and inserting ''the Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force''; and

(3) in paragraph (12), by striking ''Secretaries'' and inserting ''Secretary of Defense, the Secretary of the Army, and the Secretary of the Air Force''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

''§ 10503. Functions of National Guard Bureau: charter from the Secretary of Defense''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item related to section 10503 and inserting the following new item:

''10503. Functions of the National Guard Bureau: charter from the Secretary of Defense.''.

SEC. 533. APPOINTMENT, GRADE, DUTIES, AND RETIREMENT OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) APPOINTMENT.—Subsection (a) of section 10502 of title 10, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

''(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

''(2) are recommended for such appointment by the Secretary of the Army or the Secretary of the Air Force;

''(3) have had at least 10 years of federally recognized commissioned service in an active status in the National Guard;

''(4) are in a grade above the grade of brigadier general;

''(5) are determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience;

''(6) are determined by the Secretary of Defense to have successfully completed such other assignments and experiences so as to possess a detailed understanding of the status and capabilities of National Guard forces and the missions of the National Guard Bureau as set forth in section 10503 of this title;

''(7) have a level of operational experience in a position of significant responsibility, professional military education, and demonstrated expertise in national defense and homeland defense matters that are commensurate with the advisory role of the Chief of the National Guard Bureau; and

''(8) possess such other qualifications as the Secretary of Defense shall prescribe for purposes of this section.''.

(b) GRADE.—Subsection (d) of such section is amended by striking ''lieutenant general'' and inserting ''general''.

(c) REPEAL OF AGE 64 LIMITATION ON SERVICE.—Subsection (b) of such section is amended by striking ''An officer may not hold that office after becoming 64 years of age.''.

(d) ADVISORY DUTIES.—Subsection (c) of section 10502 of such title is amended to read as follows:

''(c) ADVISOR ON NATIONAL GUARD MATTERS.—The Chief of the National Guard Bureau is—

''(1) an advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on matters involving non-federalized National Guard forces and on other matters as determined by the Secretary of Defense; and

''(2) the principal adviser to the Secretary of the Army and the Chief of Staff of the Army, and to the Secretary of the Air Force and the Chief of Staff of the Air Force, on matters relating to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.''.

(e) DEFERRAL OF RETIREMENT.—Section 14512(a) of such title is amended by adding at the end the following new paragraph:

''(3) The President may defer the retirement of an officer serving in the position specified in paragraph (2)(A), but such deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.''.

SEC. 534. MANDATORY SEPARATION FOR YEARS OF SERVICE OF RESERVE OFFICERS IN THE GRADE OF LIEUTENANT GENERAL OR VICE ADMIRAL.

Section 14508 of title 10, United States Code, is amended—

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

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

''(c) THIRTY-EIGHT YEARS OF SERVICE FOR LIEUTENANT GENERALS AND VICE ADMIRALS.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of lieutenant general, and each reserve officer of the Navy in the grade of vice admiral, shall, 30 days after completion of 38 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of lieutenant general or vice admiral, whichever is later, be separated in accordance with section 14514 of this title.''.

SEC. 535. INCREASE IN PERIOD OF TEMPORARY FEDERAL RECOGNITION AS OFFICERS OF THE NATIONAL GUARD FROM SIX TO TWELVE MONTHS.

Section 308(a) of title 32, United States Code, is amended by striking ''six months'' and inserting ''12 months''.

SEC. 536. SATISFACTION OF PROFESSIONAL LICENSURE AND CERTIFICATION REQUIREMENTS BY MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE DUTY.

(a) ADDITIONAL PERIOD BEFORE RE-TRAINING OF NURSE AIDES IS REQUIRED UNDER THE MEDICARE AND MEDICAID PROGRAMS.—For purposes of subparagraph (D) of sections 1819(b)(5) and 1919(b)(5) of the Social Security Act (42 U.S.C. 1395i–3(b)(5), 1396r(b)(5)), if, since an individual's most recent completion of a training and competency evaluation program described in subparagraph (A) of such sections, the individual was ordered to active duty in the Armed Forces for a period of at least 12 months, and the individual completes such active duty service during the period beginning on July 1, 2007, and ending on September 30, 2008, the 24-consecutive-month period described subparagraph (D) of such sections with respect to the individual shall begin on the date on which the individual completes such active duty service. The preceding sentence shall not apply to an individual who had already reached such 24-consecutive-month period on the date on which such individual was ordered to such active duty service.

(b) REPORT ON RELIEF FROM REQUIREMENTS FOR NATIONAL GUARD AND RESERVE ON LONG-TERM ACTIVE DUTY.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth recommendations for such legislative action as the Secretary considers appropriate (including amendments to the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.)) to provide for the exemption or tolling of professional or other licensure or certification requirements for the conduct or practice of a profession, trade, or occupation with respect to members of the National Guard and Reserve who are on active duty in the Armed Forces for an extended period of time.

Subtitle D—Education and Training

SEC. 551. GRADE AND SERVICE CREDIT OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) MEDICAL STUDENTS OF USUHS.—Section 2114(b) of title 10, United States Code, is amended by striking the second sentence and inserting the following new sentences: ''Medical students so commissioned shall be appointed as regular officers in the grade of second lieutenant or ensign, or if they meet promotion criteria prescribed by the Secretary concerned, in the grade of first lieutenant or lieutenant (junior grade), and shall serve on active duty with full pay and allowances of an officer in the applicable grade. Any prior service of medical students on active duty shall be deemed, for pay purposes, to have been service as a warrant officer.''.

(b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—

(1) GRADE OF PARTICIPANTS.—Section 2121(c) of such title is amended by striking the second sentence and inserting the following new sentences: ''Persons so commissioned shall be appointed in the grade of second lieutenant or ensign, or if they meet promotion criteria prescribed by the Secretary concerned, in the grade of first lieutenant or lieutenant (junior grade), and shall serve on active duty with full pay and allowances of an officer in the applicable grade for a period of 45 days during each year of participation in the program. Any prior service of such persons on active duty shall be deemed, for pay purposes, to have been service as a warrant officer.''.

(2) SERVICE CREDIT.—Subsection (a) of section 2126 of such title is amended to read as follows:

''(a) SERVICE NOT CREDITABLE.—Except as provided in subsection (b), service performed while a member of the program shall not be counted in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program.''.

(c) OFFICERS DETAILED AS STUDENTS AT MEDICAL SCHOOLS.—Subsection (a) of section 2004a of such title is amended by adding at the end the following new sentences: ''An officer detailed under this section shall serve on active duty, subject to the limitations on grade specified in section 2114(b) of this title. Any prior active service of such an officer shall be deemed, for pay purposes, to have been served as a warrant officer.''.

SEC. 552. EXPANSION OF NUMBER OF ACADEMIES SUPPORTABLE IN ANY STATE UNDER STARBASE PROGRAM.

(a) EXPANSION.—Section 2193b(c)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''more than two academies'' and inserting ''more than four academies''; and

(2) in subparagraph (B), by striking ''in excess of two'' both places it appears and inserting ''in excess of four''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 553. REPEAL OF POST-2007–2008 ACADEMIC YEAR PROHIBITION ON PHASED INCREASE IN CADET STRENGTH LIMIT AT THE UNITED STATES MILITARY ACADEMY.

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

SEC. 554. TREATMENT OF SOUTHOLD, MATTITUCK, AND GREENPORT HIGH SCHOOLS, SOUTHOLD, NEW YORK, AS SINGLE INSTITUTION FOR PURPOSES OF MAINTAINING A JUNIOR RESERVE OFFICERS' TRAINING CORPS UNIT.

Southold High School, Mattituck High School, and Greenport High School, located in Southold, New York, may be treated as a single institution for purposes of the maintenance of a unit of the Junior Reserve Officers' Training Corps of the Navy.

SEC. 555. AUTHORITY OF THE AIR UNIVERSITY TO CONFER ADDITIONAL ACADEMIC DEGREES.

Section 9317(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(5) The degree of doctor of philosophy in strategic studies upon graduates of the School of Advanced Airpower Studies who fulfill the requirements for that degree in manner consistent with the guidelines of the Department of Education and the principles of the regional accrediting body for Air University.

''(6) The degree of master of air, space, and cyberspace studies upon graduates of Air University who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for Air University.

''(7) The degree of master of flight test engineering science upon graduates of the Air Force Test Pilot School who fulfill the requirements for that degree in a manner consistent with the recommendations of the Department of Education and the principles of the regional accrediting body for Air University.''.

SEC. 556. NURSE MATTERS.

(a) IN GENERAL.—The Secretary of Defense may provide for the carrying out of each of the programs described in subsections (b) through (f).

(b) SERVICE OF NURSE OFFICERS AS FACULTY IN EXCHANGE FOR COMMITMENT TO ADDITIONAL SERVICE IN THE ARMED FORCES.—

(1) IN GENERAL.—One of the programs under this section may be a program in which covered commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) COVERED OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer on active duty who has served for more than nine years on active duty in the Armed Forces as an officer of the nurse corps at the time of the commencement of the tour of duty described in paragraph (1).

(3) BENEFITS AND PRIVILEGES.—An officer serving on the faculty of an accredited school or nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving a full-time faculty member of such school.

(4) AGREEMENT FOR ADDITIONAL SERVICE.—Each officer who serves a tour of duty on the faculty of a school of nursing under this subsection shall enter into an agreement with the Secretary to serve upon the completion of such tour of duty for a period of four years for such tour of duty as a member of the nurse corps of the Armed Force concerned. Any service agreed to by an officer under this paragraph is in addition to any other service required of the officer under law.

(c) SERVICE OF NURSE OFFICERS AS FACULTY IN EXCHANGE FOR SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—

(1) IN GENERAL.—One of the programs under this section may be a program in which commissioned officers with a graduate degree in nursing or a related field who are in the nurse corps of the Armed Force concerned serve while on active duty a tour of duty of two years as a full-time faculty member of an accredited school of nursing.

(2) BENEFITS AND PRIVILEGES.—An officer serving on the faculty of an accredited school of nursing under this subsection shall be accorded all the benefits, privileges, and responsibilities (other than compensation and compensation-related benefits) of any other comparably situated individual serving as a full-time faculty member of such school.

(3) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—(A) Each accredited school of nursing at which an officer serves on the faculty under this subsection shall provide scholarships to individuals undertaking an educational program at such school leading to a degree in nursing who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of the Armed Forces.

(B) The total amount of funds made available for scholarships by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be not less than the amount equal to an entry-level full-time faculty member of that school for each year that such officer so serves on the faculty of that school.

(C) The total number of scholarships provided by an accredited school of nursing under subparagraph (A) for each officer serving on the faculty of that school under this subsection shall be such number as the Secretary of Defense shall specify for purposes of this subsection.

(d) SCHOLARSHIPS FOR CERTAIN NURSE OFFICERS FOR EDUCATION AS NURSES.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides scholarships to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) who enter into an agreement described in paragraph (4) for the participation of such officers in an educational program of an accredited school of nursing leading to a graduate degree in nursing.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who has served not less than 20 years on active duty in the Armed Forces and is otherwise eligible for retirement from the Armed Forces.

(3) SCOPE OF SCHOLARSHIPS.—Amounts in a scholarship provided a nurse officer under this subsection may be utilized by the officer to pay the costs of tuition, fees, and other educational expenses of the officer in participating in an educational program described in paragraph (1).

(4) AGREEMENT.—An agreement of a nurse officer described in this paragraph is the agreement of the officer—

(A) to participate in an educational program described in paragraph (1); and

(B) upon graduation from such educational program—

(i) to serve not less than two years as a full-time faculty member of an accredited school of nursing; and

(ii) to undertake such activities as the Secretary considers appropriate to encourage current and prospective nurses to pursue service in the nurse corps of the Armed Forces.

(e) TRANSITION ASSISTANCE FOR RETIRING NURSE OFFICERS QUALIFIED AS FACULTY.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides to commissioned officers of the nurse corps of the Armed Force concerned described in paragraph (2) the assistance described in paragraph (3) to assist such officers in obtaining and fulfilling positions as full-time faculty members of an accredited school of nursing after retirement from the Armed Forces.

(2) COVERED NURSE OFFICERS.—A commissioned officer of the nurse corps of the Armed Forces described in this paragraph is a nurse officer who—

(A) has served an aggregate of at least 20 years on active duty or in reserve active status in the Armed Forces;

(B) is eligible for retirement from the Armed Forces; and

(C) possesses a doctoral or master degree in nursing or a related field which qualifies the nurse officer to discharge the position of nurse instructor at an accredited school of nursing.

(3) ASSISTANCE.—The assistance described in this paragraph is assistance as follows:

(A) Career placement assistance.

(B) Continuing education.

(C) Stipends (in an amount specified by the Secretary).

(4) AGREEMENT.—A nurse officer provided assistance under this subsection shall enter into an agreement with the Secretary to serve as a full-time faculty member of an accredited school of nursing for such period as the Secretary shall provide in the agreement.

(f) BENEFITS FOR RETIRED NURSE OFFICERS ACCEPTING APPOINTMENT AS FACULTY.—

(1) IN GENERAL.—One of the programs under this section may be a program in which the Secretary provides to any individual described in paragraph (2) the benefits specified in paragraph (3).

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) is retired from the Armed Forces after service as a commissioned officer in the nurse corps of the Armed Forces;

(B) holds a graduate degree in nursing; and

(C) serves as a full-time faculty member of an accredited school of nursing.

(3) BENEFITS.—The benefits specified in this paragraph shall include the following:

(A) Payment of retired or retirement pay without reduction based on receipt of pay or other compensation from the institution of higher education concerned.

(B) Payment by the institution of higher education concerned of a salary and other compensation to which other similarly situated faculty members of the institution of higher education would be entitled.

(C) If the amount of pay and other compensation payable by the institution of higher education concerned for service as an associate full-time faculty member is less than the basic pay to which the individual was entitled immediately before retirement from the Armed Forces, payment of an amount equal to the difference between such basic pay and such payment and other compensation.

(g) ADMINISTRATION AND DURATION OF PROGRAMS.—

(1) IN GENERAL.—The Secretary shall establish requirements and procedures for the administration of the programs authorized by this section. Such requirements and procedures shall include procedures for selecting participating schools of nursing.

(2) DURATION.—Any program carried out under this section shall continue for not less than two years.

(3) ASSESSMENT.—Not later than two years after commencing any program under this section, the Secretary shall assess the results of such program and determine whether or not to continue such program. The assessment of any program shall be based on measurable criteria, information concerning results, and such other matters as the Secretary considers appropriate.

(4) CONTINUATION.—The Secretary may continue carrying out any program under this section that the Secretary determines, pursuant to an assessment under paragraph (3), to continue to carry out. In continuing to carry out a program, the Secretary may modify the terms of the

program within the scope of this section. The continuation of any program may include its expansion to include additional participating schools of nursing.

(h) DEFINITIONS.—In this section, the terms ''school of nursing'' and ''accredited'' have the meaning given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

SEC. 557. REPEAL OF ANNUAL LIMIT ON NUMBER OF ROTC SCHOLARSHIPS UNDER ARMY RESERVE AND ARMY NATIONAL GUARD FINANCIAL ASSISTANCE PROGRAM.

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

Subtitle E—Defense Dependents' Education Matters

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 563. 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.

Section 574(e)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) elementary and secondary school students who are dependents of personnel who are not members of the Armed Forces or civilian employees of the Department of Defense but who are employed on Federal property.''.

SEC. 564. AUTHORITY FOR PAYMENT OF PRIVATE BOARDING SCHOOL TUITION FOR MILITARY DEPENDENTS IN OVERSEAS AREAS NOT SERVED BY DEPARTMENT OF DEFENSE DEPENDENTS' SCHOOLS.

Section 1407(b)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(b)(1)) is amended in the first sentence by inserting '', including private boarding schools in the United States,'' after ''subsection (a)''.

SEC. 565. HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—For fiscal year 2008 and each succeeding fiscal year, the Secretary of Education shall—

(1) deem each local educational agency that was eligible to receive a fiscal year 2007 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eligible to receive a basic support payment for heavily impacted local educational agencies under such section for the fiscal year for which the determination is made under this subsection; and

(2) make a payment to such local educational agency under such section for such fiscal year.

(b) EFFECTIVE DATES.—Subsection (a) shall remain in effect until the date that a Federal statute is enacted authorizing the appropriations for, or duration of, any program under title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) for fiscal year 2008 or any succeeding fiscal year.

SEC. 566. EMERGENCY ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.

(a) SHORT TITLE.—This section may be cited as the ''Help for Military Children Affected by War Act of 2007''.

(b) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide assistance to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war-related action.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that—

(A) has a number of military dependent children in average daily attendance in the schools served by the local educational agency during the current school year, determined in consultation with the Secretary of Education, that—

(i) equaled or exceeded 20 percent of the number of all children in average daily attendance in the schools served by such agency during the current school year; or

(ii) is 1,000 or more,

whichever is less; and

(B) is designated by the Secretary of Defense as impacted by—

(i) Operation Iraqi Freedom;

(ii) Operation Enduring Freedom; or

(iii) the global rebasing plan of the Department of Defense.

(2) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) MILITARY DEPENDENT CHILD.—The term ''military dependent child''—

(A) means a child described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); and

(B) includes a child—

(i) who resided on Federal property with a parent on active duty in the National Guard or Reserve; or

(ii) who had a parent on active duty in the National Guard or Reserve but did not reside on Federal property.

(d) ASSISTANCE.—Assistance provided under this section may be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B); and

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B), including the subsidization of a percentage of hiring of a military-school liaison.

Subtitle F—Military Justice and Legal Assistance Matters

SEC. 571. AUTHORITY OF JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES TO ADMINISTER OATHS.

Section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(c) The judges of the United States Court of Appeals for the Armed Forces may administer oaths.''.

SEC. 572. MILITARY LEGAL ASSISTANCE FOR DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES IN AREAS WITHOUT ACCESS TO NON-MILITARY LEGAL ASSISTANCE.

Section 1044(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Civilian employees of the Department of Defense in locations where legal assistance from non-military legal assistance providers is not reasonably available.''.

SEC. 573. MODIFICATION OF AUTHORITIES ON SENIOR MEMBERS OF THE JUDGE ADVOCATE GENERALS' CORPS.

(a) DEPARTMENT OF THE ARMY.—

(1) GRADE OF JUDGE ADVOCATE GENERAL.—Subsection (a) of section 3037 of title 10, United States Code, is amended by striking the third sentence and inserting the following new sentence: ''The Judge Advocate General, while so serving, has the grade of lieutenant general.''.

(2) REDESIGNATION OF ASSISTANT JUDGE ADVOCATE GENERAL AS DEPUTY JUDGE ADVOCATE GENERAL.—Such section is further amended—

(A) in subsection (a), by striking ''Assistant Judge Advocate General'' each place it appears and inserting ''Deputy Judge Advocate General''; and

(B) in subsection (d), by striking ''Assistant Judge Advocate General'' and inserting ''Deputy Judge Advocate General''.

*(3) CONFORMING AND CLERICAL AMENDMENTS.—(A) The heading of such section is amended by striking ''**ASSISTANT JUDGE ADVOCATE GENERAL**'' and inserting ''**DEPUTY JUDGE ADVOCATE GENERAL**''.*

(B) The table of sections at the beginning of chapter 305 of such title is amended in the item relating to section 3037 by striking ''Assistant Judge Advocate General'' and inserting ''Deputy Judge Advocate General''.

(b) GRADE OF JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of such title is amended in subsection by striking the last sentence and inserting the following new sentence: ''The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.''.

(c) GRADE OF JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037(a) of such title is amended by striking the last sentence and inserting the following new sentence: ''The Judge Advocate General, while so serving, has the grade of lieutenant general.''.

(d) EXCLUSION FROM ACTIVE-DUTY GENERAL AND FLAG OFFICER STRENGTH AND DISTRIBUTION LIMITATIONS.—Section 525(b) of such title is

amended by adding at the end the following new paragraph:

''(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as applicable.''.

(e) LEGAL COUNSEL TO CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Chapter 5 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 156. Legal Counsel to the Chairman of the Joint Chiefs of Staff

''(a) IN GENERAL.—There is a Legal Counsel to the Chairman of the Joint Chiefs of Staff.

''(b) SELECTION FOR APPOINTMENT.—Under regulations prescribed by the Secretary of Defense, the officer selected for appointment to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall be recommended by a board of officers convened by the Secretary of Defense that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.

''(c) GRADE.—An officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall, while so serving, hold the grade of brigadier general or rear admiral (lower half).

''(d) DUTIES.—The Legal Counsel of the Chairman of the Joint Chiefs of Staff shall perform such legal duties in support of the responsibilities of the Chairman of the Joint Chiefs of Staff as the Chairman may prescribe.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

''156. Legal Counsel to the Chairman of the Joint Chiefs of Staff.''.

Subtitle G—Military Family Readiness

SEC. 581. DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1781 the following new section:

''§ 1781a. Department of Defense Military Family Readiness Council

''(a) IN GENERAL.—There is in the Department of Defense the Department of Defense Military Family Readiness Council (hereafter in this section referred to as the 'Council').

''(b) MEMBERS.—(1) The members of the Council shall be the following:

''(A) The Under Secretary of Defense for Personnel and Readiness, who shall serve as chair of the Council.

''(B) One representative of each of the Army, the Navy, the Marine Corps, and the Air Force, who shall be appointed by Secretary of Defense.

''(C) Three individuals appointed by the Secretary of Defense from among representatives of military family organizations (including military family organizations of families of members of the regular components and of families of members of the reserve components), of whom not less than two shall be members of the family of an enlisted member of the armed forces.

''(D) In addition to the members appointed under subparagraphs (B) and (C), eight individuals appointed by the Secretary of Defense, of whom—

''(i) one shall be a commissioned officer of the Army or spouse of a commissioned officer of the Army, and one shall be an enlisted member of the Army or spouse of an enlisted member of the Army, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Army and the other shall be a spouse of a member of the Army;

''(ii) one shall be a commissioned officer of the Navy or spouse of a commissioned officer of the Navy, and one shall be an enlisted member of the Navy or spouse of an enlisted member of the Navy, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Navy and the other shall be a spouse of a member of the Navy;

''(iii) one shall be a commissioned officer of the Marine Corps or spouse of a commissioned officer of the Marine Corps, and one shall be an enlisted member of the Marine Corps or spouse of an enlisted member of the Marine Corps, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Marine Corps and the other shall be a spouse of a member of the Marine Corps; and

''(iv) one shall be a commissioned officer of the Air Force or spouse of a commissioned officer of the Air Force, and one shall be an enlisted member of the Air Force or spouse of an enlisted member of the Air Force, except that of the individuals appointed under this clause at any particular time, one shall be a member of the Air Force and the other shall be a spouse of a member of the Air Force.

''(2) The term on the Council of the members appointed under paragraph (1)(C) shall be three years.

''(c) MEETINGS.—The Council shall meet not less often than twice each year. Not more than one meeting of the Council each year shall be in the National Capital Region.

''(d) DUTIES.—The duties of the Council shall include the following:

''(1) To review and make recommendations to the Secretary of Defense on the policy and plans required under section 1781b of this title.

''(2) To monitor requirements for the support of military family readiness by the Department of Defense.

''(3) To evaluate and assess the effectiveness of the military family readiness programs and activities of the Department of Defense.

''(e) ANNUAL REPORTS.—(1) Not later than February 1 each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report on military family readiness.

''(2) Each report under this subsection shall include the following:

''(A) An assessment of the adequacy and effectiveness of the military family readiness programs and activities of the Department of Defense during the preceding fiscal year in meeting the needs and requirements of military families.

''(B) Recommendations on actions to be taken to improve the capability of the military family readiness programs and activities of the Department of Defense to meet the needs and requirements of military families, including actions relating to the allocation of funding and other resources to and among such programs and activities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1781 the following new item:

''1781a. Department of Defense Military Family Readiness Council.''.

SEC. 582. DEPARTMENT OF DEFENSE POLICY AND PLANS FOR MILITARY FAMILY READINESS.

(a) POLICY AND PLANS REQUIRED.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, as amended by section 581 of this Act, is further amended by inserting after section 1781a the following new section:

''§ 1781b. Department of Defense policy and plans for military family readiness

''(a) IN GENERAL.—The Secretary of Defense shall develop a policy and plans for the Department of Defense for the support of military family readiness.

''(b) PURPOSES.—The purposes of the policy and plans required under subsection (a) are as follows:

''(1) To ensure that the military family readiness programs and activities of the Department of Defense are comprehensive, effective, and properly supported.

''(2) To ensure that support is continuously available to military families in peacetime and in war, as well as during periods of force structure change and relocation of military units.

''(3) To ensure that the military family readiness programs and activities of the Department of Defense are available to all military families, including military families of members of the regular components and military families of members of the reserve components.

''(4) To ensure that the goal of military family readiness is an explicit element of applicable Department of Defense plans, programs, and budgeting activities, and that achievement of military family readiness is expressed through Department-wide goals that are identifiable and measurable.

''(5) To ensure that the military family readiness programs and activities of the Department of Defense undergo continuous evaluation in order to ensure that resources are allocated and expended for such programs and activities in the most effective possible manner throughout the Department.

''(c) ELEMENTS OF POLICY.—The policy required under subsection (a) shall include the following elements:

''(1) A definition for treating a program or activity of the Department of Defense as a military family readiness program or activity.

''(2) Department of Defense-wide goals for military family support, both for military families of members of the regular components and military families of members of the reserve components.

''(3) Requirements for joint programs and activities for military family support.

''(4) Policies on access to military family support programs and activities based on military family populations served and geographical location.

''(5) Metrics to measure the performance and effectiveness of the military family readiness programs and activities of the Department of Defense.

''(d) ELEMENTS OF PLANS.—(1) Each plan under required under subsection (a) shall include the elements specified in paragraph (2) for the five-fiscal year period beginning with the fiscal year in which such plan is submitted under paragraph (3).

''(2) The elements in each plan required under subsection (a) shall include, for the period covered by such plan, the following:

''(A) An ongoing identification and assessment of the effectiveness of the military family readiness programs and activities of the Department of Defense in meeting goals for such programs and activities, which assessment shall evaluate such programs and activities separately for each military department and for each regular component and each reserve component.

''(B) A description of the resources required to support the military family readiness programs and activities of the Department of Defense, including the military personnel, civilian personnel, and volunteer personnel so required.

''(C) An ongoing identification in gaps in the military family readiness programs and activities of the Department of Defense, and an ongoing identification of the resources required to address such gaps.

''(D) Mechanisms to apply the metrics developed under subsection (c)(5).

''(E) A summary, by fiscal year, of the allocation of funds (including appropriated funds and nonappropriated funds) for major categories of military family readiness programs and activities of the Department of Defense, set forth for each of the military departments and for the Office of the Secretary of Defense.

''(3) Not later than March 1, 2008, and each year thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the plans required under subsection (a) for the five-fiscal year period beginning with the fiscal year beginning in the year in which such report is submitted. Each report shall include the plans covered by such report and an assessment of the discharge by the Department of Defense of the previous plans submitted under this subsection.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title, as so amended, is further amended by inserting after the item relating to section 1781a the following new item:

''1781b. Department of Defense policy and plans for military family readiness.''.

(3) REPORT ON POLICY.—The Secretary of Defense shall submit to the congressional defense committees a report setting forth the policy developed under section 1781b of title 10, United States Code (as added by this subsection), not later than February 1, 2009.

(b) SURVEYS OF MILITARY FAMILIES.—Section 1782(a) of title 10, United States Code, is amended—

(1) in the heading, by striking ''AUTHORITY'' and inserting ''IN GENERAL''; and

(2) by striking ''may conduct surveys'' in the matter preceding paragraph (1) and inserting ''shall, in fiscal year 2009 and not less often than once every three fiscal years thereafter, conduct surveys''.

SEC. 583. FAMILY SUPPORT FOR FAMILIES OF MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT, INCLUDING NATIONAL GUARD AND RESERVE PERSONNEL.

(a) FAMILY SUPPORT.—

(1) IN GENERAL.—The Secretary of Defense shall enhance and improve current programs of the Department of Defense to provide family support for families of deployed members of the Armed Forces, including deployed members of the National Guard and Reserve, in order to improve the assistance available for families of such members before, during, and after their deployment cycle.

(2) SPECIFIC ENHANCEMENTS.—In enhancing and improving programs under paragraph (1), the Secretary shall enhance and improve the availability of assistance to families of members of the Armed Forces, including members of the National Guard and Reserve, including assistance in—

(A) preparing and updating family care plans;

(B) securing information on health care and mental health care benefits and services and on other community resources;

(C) providing referrals for—

(i) crisis services; and

(ii) marriage counseling and family counseling; and

(D) financial counseling.

(b) POST-DEPLOYMENT ASSISTANCE FOR SPOUSES AND PARENTS OF RETURNING MEMBERS.—

(1) IN GENERAL.—The Secretary of Defense shall provide spouses and parents of members of the Armed Forces, including members of the National Guard and Reserve, who are returning from deployment assistance in—

(A) understanding issues that arise in the readjustment of such members—

(i) for members of the National Guard and Reserve, to civilian life; and

(ii) for members of the regular components of the Armed Forces, to military life in a non-combat environment;

(B) identifying signs and symptoms of mental health conditions; and

(C) encouraging such members and their families in seeking assistance for such conditions.

(2) INFORMATION ON AVAILABLE RESOURCES.—In providing assistance under paragraph (1), the Secretary shall provide information on local resources for mental health services, family counseling services, or other appropriate services, including services available from both military providers of such services and community-based providers of such services.

(3) TIMING.—The Secretary shall provide resources under paragraph (1) to a member of the Armed Forces approximately six months after the date of the return of such member from deployment.

SEC. 584. SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT, INCLUDING NATIONAL GUARD AND RESERVE PERSONNEL.

(a) ENHANCEMENT OF SUPPORT SERVICES FOR CHILDREN.—The Secretary of Defense shall—

(1) provide information to parents and other caretakers of children, including infants and toddlers, who are deployed members of the Armed Forces to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(2) develop programs and activities to increase awareness throughout the military and civilian communities of the potential adverse implications of such deployment (including the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(3) develop training for early childhood education, child care, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the potential adverse implications of such deployment (including the death or injury of such members during such deployment) for such children; and

(4) conduct or sponsor research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORTS.—

(1) REPORTS REQUIRED.—At the end of the 18-month period beginning on the date of the enactment of this Act, and at the end of the 36-month period beginning on that date, the Secretary of Defense shall submit to Congress a report on the services provided under subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) An assessment of the extent to which outreach to parents and other caretakers of children, or infants and toddlers, as applicable, of members of the Armed Forces was effective in reaching such parents and caretakers and in mitigating any adverse effects of the deployment of such members on such children or infants and toddlers.

(B) An assessment of the effectiveness of training materials for education, mental health, health, and family support professionals in increasing awareness of their role in assisting families in addressing and mitigating the adverse effects on children, or infants and toddlers, of the deployment of deployed members of the Armed Forces, including National Guard and Reserve personnel.

(C) A description of best practices identified for building psychological and emotional resiliency in children, or infants and toddlers, in coping with the deployment of deployed members of the Armed Forces, including National Guard and Reserve personnel.

(D) A plan for dissemination throughout the military departments of the most effective practices for outreach, training, and building psychological and emotional resiliency in the children of deployed members.

SEC. 585. STUDY ON IMPROVING SUPPORT SERVICES FOR CHILDREN, INFANTS, AND TODDLERS OF MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS UNDERGOING DEPLOYMENT.

(a) STUDY REQUIRED.—

(1) STUDY.—The Secretary of Defense shall conduct a study to evaluate the feasibility and advisability of entering into a contract or other agreement with a private sector entity having expertise in the health and well-being of families and children, infants, and toddlers in order to enhance and develop support services for children of members of the Active and Reserve Components who are deployed.

(2) TYPES OF SUPPORT SERVICES.—In conducting the study, the Secretary shall consider the need—

(A) to develop materials for parents and other caretakers of children of members of the Active and Reserve Components who are deployed to assist such parents and caretakers in responding to the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children, including the role such parents and caretakers can play in addressing and mitigating such implications;

(B) to develop programs and activities to increase awareness throughout the military and civilian communities of the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children and their families and to increase collaboration within such communities to address and mitigate such implications;

(C) to develop training for early child care and education, mental health, health care, and family support professionals to enhance the awareness of such professionals of their role in assisting families in addressing and mitigating the adverse implications of such deployment (and the death or injury of such members during such deployment) for such children; and

(D) to conduct research on best practices for building psychological and emotional resiliency in such children in coping with the deployment of such members.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a).

SEC. 586. STUDY ON ESTABLISHMENT OF PILOT PROGRAM ON FAMILY-TO-FAMILY SUPPORT FOR FAMILIES OF DEPLOYED MEMBERS OF THE ACTIVE AND RESERVE COMPONENTS.

(a) STUDY.—The Secretary of Defense shall carry out a study to evaluate the feasibility and advisability of establishing a pilot program on family-to-family support for families of deployed members of the Active and Reserve Components. The study shall include an assessment of the following:

(1) The effectiveness of family-to-family support programs in—

(A) providing peer support for families of deployed members of the Active and Reserve Components;

(B) identifying and preventing family problems in such families;

(C) reducing adverse outcomes for children of such families, including poor academic performance, behavioral problems, stress, and anxiety; and

(D) improving family readiness and post-deployment transition for such families.

(2) The feasibility and advisability of utilizing spouses of members of the Armed Forces as counselors for families of deployed members of the Active and Reserve Components, in order to assist such families in coping throughout the deployment cycle.

(3) Best practices for training spouses of members of the Armed Forces to act as counselors for families of deployed members of the Active and Reserve Components.

(b) REPORT.—The Secretary of Defense shall submit to Congress a report containing the results of the study conducted under subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 587. PILOT PROGRAM ON MILITARY FAMILY READINESS AND SERVICEMEMBER REINTEGRATION.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing assistance and support to the Adjutant General of a State or territory of the United States to create comprehensive soldier and family preparedness and reintegration outreach programs for members of the Armed Forces and their families to further the purposes described in section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act.

(2) COORDINATION.—In carrying out the pilot program, the Secretary shall—

(A) coordinate with the Department of Defense Military Family Readiness Council (established under section 1781a of title, United States Code, as added by section 581 of this Act); and

(B) consult with the Secretary of Veterans Affairs.

(3) DESIGNATION.—The pilot program established pursuant to paragraph (1) shall be known as the ''National Military Family Readiness and Servicemember Reintegration Outreach Program'' (in this section referred to as ''the pilot program'').

(b) ASSISTANCE PROVIDED.—The Secretary shall carry out the pilot program through assistance and support to the Adjutant General of a State or territory of the United States.

(c) PURPOSE OF ASSISTANCE AND SUPPORT.—

(1) The pilot program may develop programs of outreach to members of the Armed Forces and their family members to educate such members and their family members about the assistance and services available to them that meet the purposes of section 1781b(b) of title 10, United States Code, as added by section 582(a) of this Act, and to assist such members and their family members in obtaining such assistance and services. Such assistance and services may include the following:

(A) Marriage counseling.

(B) Services for children.

(C) Suicide prevention.

(D) Substance abuse awareness and treatment.

(E) Mental health awareness and treatment.

(F) Financial counseling.

(G) Anger management counseling.

(H) Domestic violence awareness and prevention.

(I) Employment assistance.

(J) Development of strategies for living with a member of the Armed Forces with post traumatic stress disorder or traumatic brain injury.

(K) Other services that may be appropriate to address the unique needs of members of the Armed Forces and their families who live in rural or remote areas with respect to family readiness and servicemember reintegration.

(L) Assisting members of the Armed Forces and their families find and receive assistance with military family readiness and servicemember reintegration, including referral services.

(M) Development of strategies and programs that recognize the need for long-term follow-up services for reintegrating members of the Armed Forces and their families for extended periods following deployments, including between deployments.

(N) Assisting members of the Armed Forces and their families in receiving services and assistance from the Department of Veterans Affairs, including referral services.

(2) PROVISION OF OUTREACH SERVICES.—A recipient of a grant under this section shall carry out programs of outreach in accordance with paragraph (1) to members of the Armed Forces and their families before, during, between, and after deployment of such members of the Armed Forces.

(d) SELECTION OF GRANT RECIPIENTS.—

(1) APPLICATION.—An eligible entity seeking a grant under the pilot program shall submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.

(2) ELEMENTS.—An application submitted under subparagraph (A) shall include such elements as the Secretary considers appropriate.

(3) PRIORITY.—In selecting eligible entities to receive grants under the pilot program, the Secretary shall give priority to eligible entities that propose programs with a focus on personal outreach to members of the Armed Forces and their families by trained staff (with preference given to veterans and, in particular, veterans of combat) conducted in person.

Subtitle H—Other Matters

SEC. 591. ENHANCEMENT OF CARRYOVER OF ACCUMULATED LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN ACCUMULATION OF CARRYOVER AMOUNT.—

(1) IN GENERAL.—Subsection (b) of section 701 of title 10, United States Code, is amended by striking ''60 days'' and inserting ''90 days''.

(2) HIGH DEPLOYMENT MEMBERS.—Paragraph (1) of subsection (f) of such section is amended—

(A) by striking ''60 days'' each place it appears and inserting ''90 days''; and

(B) in subparagraph (C), by striking ''third fiscal year'' and inserting ''fourth fiscal year''.

(3) MEMBERS SERVING IN SUPPORT OF CONTINGENCY OPERATIONS.—Paragraph (2) of subsection (f) of such section is amended by striking ''except for this paragraph—'' and all that follows and inserting ''except for this paragraph, would lose any accumulated leave in excess of 90 days at the end of that fiscal year, shall be permitted to retain such leave until the end of the second fiscal year after the fiscal year in which such service on active duty is terminated.''.

(4) CONFORMING AMENDMENTS.—Subsection (g) of such section is amended—

(A) by striking ''60-day'' and inserting ''90-day''; and

(B) by striking ''90-day'' and inserting ''120-day''.

(b) PAY.—Section 501(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(6) An enlisted member of the armed forces who would lose accumulated leave in excess of 120 days of leave under section 701(f)(1) of title 10 may elect to be paid in cash or by a check on the Treasurer of the United States for any leave in excess so accumulated for up to 30 days of such leave. A member may make an election under this paragraph only once.''.

(c) EFFECTIVE DATE.—

(1) INCREASE IN ACCUMULATION.—The amendments made by subsection (a) shall take effect on October 1, 2008.

(2) PAY.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 592. UNIFORM POLICY ON PERFORMANCES BY MILITARY BANDS.

(a) IN GENERAL.—Chapter 49 of title 10, United States Code, is amended by adding at the end the following new section:

''§988. Performances by military bands

''(a) IN GENERAL.—Department of Defense bands, ensembles, choruses, or similar musical units, including individual members thereof performing in an official capacity, may not—

''(1) engage in the performance of music in competition with local civilian musicians; or

''(2) receive remuneration for official performances.

''(b) PERFORMANCE OF MUSIC IN COMPETITION WITH LOCAL CIVILIAN MUSICIANS DEFINED.—In this section, the term 'performance of music in competition with local civilian musicians'—

''(1) includes—

''(A) a performance of music that is more than incidental to an event that is not supported solely by appropriated funds or free to the public; and

''(B) a performance of background, dinner, dance, or other social music at any event, regardless of location, that is not supported solely by appropriated funds; but

''(2) does not include a performance of music—

''(A) at an official Federal Government event that is supported solely by appropriated funds;

''(B) at a concert, parade, or other event of a patriotic nature (including a celebration of a national holiday) that is free to the public; or

''(C) that is incidental to an event that is not supported solely by appropriated funds, including a short performance of military or patriotic music at the beginning or end of an event, if the performance complies with such regulations as the Secretary of Defense shall prescribe for purposes of this section.

''(c) MEMBERS OF DEPARTMENT OF DEFENSE BANDS PERFORMING IN PERSONAL CAPACITY.—A member of a Department of Defense band, ensemble, chorus, or similar musical unit may perform music in the member's personal capacity, as an individual or part of a group, whether for remuneration or otherwise, if in so performing the member does not wear a military uniform or otherwise identify the member as a member of the Department of Defense, as provided in applicable regulations and standards of conduct.

''(d) RECORDINGS.—(1) When authorized pursuant to regulations prescribed by the Secretary of Defense for purposes of this section, Department of Defense bands, ensembles, choruses, or similar musical units may produce recordings for distribution to the public, at a cost not to exceed production and distribution expenses.

''(2) Amounts received in payment for recording distributed to the public under this subsection shall be credited to the appropriation or account providing the funds for the production of such recordings. Any amounts so credited shall be merged with amounts in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.''.

(b) CONFORMING REPEALS.—Sections 3634, 6223, and 8634 of such title are repealed.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 49 of such title is amended by adding at the end the following new item:

''988. Performances by military bands.''.

(2) The table of sections at the beginning of chapter 349 of such title is amended by striking the item relating to section 3634.

(3) The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6223.

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

SEC. 593. WAIVER OF TIME LIMITATIONS ON AWARD OF MEDALS OF HONOR TO CERTAIN MEMBERS OF THE ARMY.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the Medal of Honor under section 3741 of that title to any of the persons named in subsections (b), (c), (d), (e), and (f) for the acts of valor referred to in the respective subsections.

(b) WOODROW KEEBLE.—Subsection (a) applies with respect to Woodrow W. Keeble, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty as an acting platoon leader on October 20, 1950, during the Korean War.

(c) LESLIE SABO, JR.—Subsection (a) applies with respect to Leslie H. Sabo, Jr., for conspicuous acts of gallantry and intrepidity at the

risk of his life above and beyond the call of duty on May 10, 1970, as an Army soldier, serving in the grade of Specialist Grade Four in Vietnam, with Company B, 3d Battalion, 506th Infantry Regiment, 101st Airborne Division.

(d) PHILIP SHADRACH.—Subsection (a) applies with respect to Philip G. Shadrach, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on April 12, 1862, as a Union Soldier, serving in the grade of Private during the Civil War, with Company K, 2nd Ohio Volunteer Infantry Regiment.

(e) HENRY SVEHLA.—Subsection (a) applies with respect to Henry Svehla, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on June 12, 1952, as an Army soldier, serving in the grade of Private First Class in Korea, with Company F, 32d Infantry Regiment, 7th Infantry Division.

(f) GEORGE WILSON.—Subsection (a) applies with respect to George D. Wilson, for conspicuous acts of gallantry and intrepidity at the risk of his life above and beyond the call of duty on April 12, 1862, as a Union Soldier, serving in the grade of Private during the Civil War, with Company B, 2nd Ohio Volunteer Infantry Regiment.

SEC. 594. ENHANCEMENT OF REST AND RECUPERATION LEAVE.

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

SEC. 595. DEMONSTRATION PROJECTS ON THE PROVISION OF SERVICES TO MILITARY DEPENDENT CHILDREN WITH AUTISM.

(a) DEMONSTRATION PROJECTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may conduct one or more demonstration projects to evaluate improved approaches to the provision of education and treatment services to military dependent children with autism.

(2) PURPOSE.—The purpose of any demonstration project carried out under this section shall be to evaluate strategies for integrated treatment and case manager services that include early intervention and diagnosis, medical care, parent involvement, special education services, intensive behavioral intervention, and language, communications, and other interventions considered appropriate by the Secretary.

(b) REVIEW OF BEST PRACTICES.—In carrying out demonstration projects under this section, the Secretary of Defense shall, in coordination with the Secretary of Education, conduct a review of best practices in the United States in the provision of education and treatment services for children with autism, including an assessment of Federal and State education and treatment services for children with autism in each State, with an emphasis on locations where members of the Armed Forces who qualify for enrollment in the Exceptional Family Member Program of the Department of Defense are assigned.

(c) ELEMENTS.—

(1) ENROLLMENT IN EXCEPTIONAL FAMILY MEMBER PROGRAM.—Military dependent children may participate in a demonstration project under this section only if their military sponsor is enrolled in the Exceptional Family Member Program of the Department of Defense.

(2) CASE MANAGERS.—Each demonstration project shall include the assignment of both medical and special education services case managers which shall be required under the Exceptional Family Member Program pursuant to the policy established by the Secretary of Defense.

(3) INDIVIDUALIZED SERVICES PLAN.—Each demonstration project shall provide for the voluntary development for military dependent children with autism participating in such demonstration project of individualized autism services plans for use by Department of Defense medical and special education services case managers, caregivers, and families to ensure continuity of services throughout the active military service of their military sponsor.

(4) SUPERVISORY LEVEL PROVIDERS.—The Secretary of Defense may utilize for purposes of the demonstration projects personnel who are professionals with a level (as determined by the Secretary) of post-secondary education that is appropriate for the provision of safe and effective services for autism and who are from an accredited educational facility in the mental health, human development, social work, or education field to act as supervisory level providers of behavioral intervention services for autism. In so acting, such personnel may be authorized—

(A) to develop and monitor intensive behavior intervention plans for military dependent children with autism who are participating in the demonstration projects; and

(B) to provide appropriate training in the provision of approved services to such children.

(5) SERVICES UNDER CORPORATE SERVICES PROVIDER MODEL.—(A) In carrying out the demonstration projects, the Secretary may utilize a corporate services provider model.

(B) Employees of a provider under a model referred to in subparagraph (A) shall include personnel who implement special educational and behavioral intervention plans for military dependent children with autism that are developed, reviewed, and maintained by supervisory level providers approved by the Secretary.

(C) In authorizing such a model, the Secretary shall establish—

(i) minimum education, training, and experience criteria required to be met by employees who provide services to military dependent children with autism;

(ii) requirements for supervisory personnel and supervision, including requirements for supervisor credentials and for the frequency and intensity of supervision; and

(iii) such other requirements as the Secretary considers appropriate to ensure safety and the protection of the children who receive services from such employees under the demonstration projects.

(6) CONSTRUCTION WITH OTHER SERVICES.—Services provided to military dependent children with autism under the demonstration projects under this section shall be in addition to any other publicly-funded special education services available in a location in which their military sponsor resides.

(d) PERIOD.—

(1) COMMENCEMENT.—If the Secretary determines to conduct demonstration projects under this section, the Secretary shall commence any such demonstration projects not later than 180 days after the date of the enactment of this Act.

(2) MINIMUM PERIOD.—Any demonstration projects conducted under this section shall be conducted for not less than two years.

(e) EVALUATION.—

(1) IN GENERAL.—The Secretary shall conduct an evaluation of each demonstration project conducted under this section.

(2) ELEMENTS.—The evaluation of a demonstration project under this subsection shall include the following:

(A) An assessment of the extent to which the activities under the demonstration project contributed to positive outcomes for military dependent children with autism and their families.

(B) An assessment of the extent to which the activities under the demonstration project led to improvements in services and continuity of care for children with autism.

(C) An assessment of the extent to which the activities under the demonstration project improved military family readiness and enhanced military retention.

(f) REPORTS.—Not later than 30 months after the commencement of any demonstration project authorized by this section, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such demonstration project. The report on a demonstration project shall include a description of such project, the results of the evaluation under subsection (e) with respect to such project, and a description of plans for the further provision of services for military dependent children with autism under such project.

SEC. 596. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY.

The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, modify the Certificate of Release or Discharge from Active Duty (Department of Defense from DD214) in order to permit a member of the Armed Forces, upon discharge or release from active duty in the Armed Forces, to elect the forwarding of the Certificate to the following:

(1) The Central Office of the Department of Veterans Affairs in Washington, District of Columbia.

(2) The appropriate office of the United States Department of Veterans in the State in which the member will first reside after such discharge or release.

SEC. 597. ADMINISTRATIVE SEPARATIONS OF MEMBERS OF THE ARMED FORCES FOR PERSONALITY DISORDER.

(a) CLINICAL REVIEW OF ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REVIEW OF SEPARATIONS OF CERTAIN MEMBERS.—Not later than 30 days after the date of the enactment of this Act, and continuing until the Secretary of Defense submits to Congress the report required by subsection (b), a covered member of the Armed Forces may not, except as provided in paragraph (2), be administratively separated from the Armed Forces on the basis of a personality disorder.

(2) CLINICAL REVIEW OF PROPOSED SEPARATIONS BASED ON PERSONALITY DISORDER.—

(A) IN GENERAL.—A covered member of the Armed Forces may be administratively separated from the Armed Forces on the basis of a personality disorder under this paragraph if a clinical review of the case is conducted by a senior officer in the office of the Surgeon General of the Armed Force concerned who is a credentialed mental health provider and who is fully qualified to review cases involving maladaptive behavior (personality disorder), diagnosis and treatment of post-traumatic stress disorder, or other mental health conditions.

(B) PURPOSES OF REVIEW.—The purposes of the review with respect to a member under subparagraph (A) are as follows:

(i) To determine whether the diagnosis of personality order in the member is correct and fully documented.

(ii) To determine whether evidence of other mental health conditions (including depression, post-traumatic stress disorder, substance abuse, or traumatic brain injury) resulting from service in a combat zone may exist in the member which indicate that the separation of the member from the Armed Forces on the basis of a personality disorder is inappropriate pending diagnosis and treatment, and, if so, whether initiation of medical board procedures for the member is warranted.

(b) SECRETARY OF DEFENSE REPORT ON ADMINISTRATIVE SEPARATIONS BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all cases of administrative separation from the Armed Forces of covered members of the Armed Forces on the basis of a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces have been separated from the

Armed Forces on the basis of a personality disorder, and an identification of the various forms of personality order forming the basis for such separations.

(B) A statement of the total number of cases, by Armed Force, in which covered members of the Armed Forces who have served in Iraq and Afghanistan since October 2001 have been separated from the Armed Forces on the basis of a personality disorder, and the identification of the various forms of personality disorder forming the basis for such separations.

(C) A summary of the policies, by Armed Forces, controlling administrative separations of members of the Armed Forces based on personality disorder, and an evaluation of the adequacy of such policies for ensuring that covered members of the Armed Forces who may be eligible for disability evaluation due to mental health conditions are not separated from the Armed Forces prematurely or unjustly on the basis of a personality order.

(D) A discussion of measures being implemented to ensure that members of the Armed Forces who should be evaluated for disability separation or retirement due to mental health conditions are not prematurely or unjustly processed for separation from the Armed Forces on the basis of a personality disorder, and recommendations regarding how members of the Armed Forces who may have been so separated from the Armed Forces should be provided with expedited review by the applicable board for the correction of military records.

(c) COMPTROLLER GENERAL REPORT ON POLICIES ON ADMINISTRATIVE SEPARATION BASED ON PERSONALITY DISORDER.—

(1) REPORT REQUIRED.—Not later than June 1, 2008, the Comptroller General shall submit to Congress a report on the policies and procedures of the Department of Defense and of the military departments relating to the separation of members of the Armed Forces based on a personality disorder.

(2) ELEMENTS.—The report required by paragraph (1) shall—

(A) include an audit of a sampling of cases to determine the validity and clinical efficacy of the policies and procedures referred to in paragraph (1) and the extent, if any, of the divergence between the terms of such policies and procedures and the implementation of such policies and procedures; and

(B) include a determination by the Comptroller General of whether, and to what extent, the policies and procedures referred to in paragraph (1)—

(i) deviate from standard clinical diagnostic practices and current clinical standards; and

(ii) provide adequate safeguards aimed at ensuring that members of the Armed Forces who suffer from mental health conditions (including depression, post-traumatic stress disorder, or traumatic brain injury) resulting from service in a combat zone are not prematurely or unjustly separated from the Armed Forces on the basis of a personality disorder.

(d) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term ''covered member of the Armed Forces''includes the following:

(1) Any member of a regular component of the Armed Forces of the Armed Forces who has served in Iraq or Afghanistan since October 2001.

(2) Any member of the Selected Reserve of the Ready Reserve of the Armed Forces who served on active duty in Iraq or Afghanistan since October 2001.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2008 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2008 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2008, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

SEC. 602. ALLOWANCE FOR PARTICIPATION OF RESERVES IN ELECTRONIC SCREENING.

(a) ALLOWANCE FOR PARTICIPATION IN ELECTRONIC SCREENING.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 433 the following new section:

''§ 433a. Allowance for participation in Ready Reserve screening

''(a) ALLOWANCE AUTHORIZED.—(1) Under regulations prescribed by the Secretaries concerned, a member of the Individual Ready Reserve may be paid a stipend for participation in the screening performed pursuant to section 10149 of title 10, in lieu of muster duty performed under section 12319 of title 10, if such participation is conducted through electronic means.

''(2) The stipend paid a member under this section shall constitute the sole monetary allowance authorized for participation in the screening described in paragraph (1), and shall constitute payment in full to the member for participation in such screening, regardless of the grade or rank in which the member is serving.

''(b) MAXIMUM PAYMENT.—The aggregate amount of the stipend paid a member of the Individual Ready Reserve under this section in any calendar year may not exceed $50.

''(c) PAYMENT REQUIREMENTS.—(1) The stipend authorized by this section may not be disbursed in kind.

''(2) Payment of a stipend to a member of the Individual Ready Reserve under this section for participation in screening shall be made on or after the date of participation in such screening, but not later than 30 days after such date.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 433 the following new item:

''433a. Allowance for participation in Ready Reserve screening.''.

(b) BAR TO DUAL COMPENSATION.—Section 206 of such title is amended by adding at the end the following new subsection:

''(f) A member of the Individual Ready Reserve is not entitled to compensation under this section for participation in screening for which the member is paid a stipend under section 433a of this title.''.

(c) BAR TO RETIREMENT CREDIT.—Section 12732(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) Service in the screening performed pursuant to section 10149 of this title through electronic means, regardless of whether or not a stipend is paid the member concerned for such service under section 433a of title 37.''.

SEC. 603. MIDMONTH PAYMENT OF BASIC PAY FOR CONTRIBUTIONS OF MEMBERS PARTICIPATING IN THRIFT SAVINGS PLAN.

Section 1014 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(c) Subsection (a) does not preclude a payment with respect to a member who elects to participate in the Thrift Savings Plan under section 211 of this title of an amount equal to one-half of the monthly deposit to the Thrift Savings Fund otherwise to be made by the member in participating in the Plan, which amount shall be deposited in the Fund at midmonth.''.

SEC. 604. PAYMENT OF INACTIVE DUTY TRAINING TRAVEL COSTS FOR CERTAIN SELECTED RESERVE MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 408 the following new section:

''§ 408a. Travel and transportation allowances: inactive duty training

''(a) ALLOWANCE AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may reimburse a member of the Selected Reserve of the Ready Reserve described in subsection (b) for travel expenses for travel to an inactive duty training location to perform inactive duty training.

''(b) ELIGIBLE MEMBERS.—A member of the Selected Reserve of the Ready Reserve described in this subsection is a member who—

''(1) is—

''(A) qualified in a skill designated as critically short by the Secretary concerned;

''(B) assigned to a unit of the Selected Reserve with a critical manpower shortage, or is in a pay grade in the member's reserve component with a critical manpower shortage; or

''(C) assigned to a unit or position that is disestablished or relocated as a result of defense base closure or realignment or another force structure reallocation; and

''(2) commutes a distance from the member's permanent residence to the member's inactive duty training location that is outside the normal commuting distance (as determined under regulations prescribed by the Secretary of Defense) for that commute.

''(c) MAXIMUM AMOUNT.—The maximum amount of reimbursement provided a member under subsection (a) for each round trip to a training location shall be $300.

''(d) TERMINATION.—No reimbursement may be provided under this section for travel that occurs after December 31, 2010.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 408 the following new item:

''408a. Travel and transportation allowances: inactive duty training.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007. No reimbursement may be provided under section 408a of title 37, United States Code (as added by subsection (a)), for travel costs incurred before October 1, 2007.

SEC. 605. 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.

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

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

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2008'' and inserting ''January 1, 2009''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

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

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(c) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(d) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 323(i) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2007'' and inserting ''December 31, 2008''.

SEC. 615. INCREASE IN INCENTIVE SPECIAL PAY AND MULTIYEAR RETENTION BONUS FOR MEDICAL OFFICERS OF THE ARMED FORCES.

(a) INCENTIVE SPECIAL PAY.—Section 302(b)(1) of title 37, United States Code, is amended by striking ''$50,000'' and inserting ''$75,000''.

(b) MULTIYEAR RETENTION BONUS.—Section 301d(a)(2) of such title is amended by striking ''$50,000'' and inserting ''$75,000''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 616. INCREASE IN DENTAL OFFICER ADDITIONAL SPECIAL PAY.

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

(1) in the matter preceding subparagraph (A), by striking ''at the following rates'' and inserting ''at a rate determined by the Secretary concerned, which rate may not exceed the following'';

(2) in subparagraph (A), by striking ''$4,000'' and inserting ''$10,000''; and

(3) in subparagraph (B), by striking ''$6,000'' and inserting ''$12,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007, and shall apply to payments of dental officer additional special pay under agreements entered into under section 302b(b) of title 37, United States Code, on or after that date.

SEC. 617. ENHANCEMENT OF HARDSHIP DUTY PAY.

(a) IN GENERAL.—The text of section 305 of title 37, United States Code, is amended to read as follows:

''(a) AUTHORITY.—A member of a uniformed service who is entitled to basic pay may be paid special pay under this section while the member is performing duty that is designated by the Secretary of Defense as hardship duty.

''(b) PAYMENT ON MONTHLY OR LUMP SUM BASIS.—Special pay payable under this section may be paid on a monthly basis or in a lump sum.

''(c) MAXIMUM RATE OR AMOUNT.—(1) The maximum monthly rate of special pay payable to a member on a monthly basis under this section is $1,500.

''(2) The amount of the lump sum payment of special pay payable to a member on a lump sum basis under this section may not exceed an amount equal to the product of—

''(A) the maximum monthly rate authorized under paragraph (1) at the time the member qualifies for payment of special pay on a lump sum basis under this section; and

''(B) the number of months for which special pay on a lump sum basis under this section is payable to the member.

''(d) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Special pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

''(e) REPAYMENT.—A member who is paid special pay in a lump sum under this section, but who fails to complete the period of service for which such special pay is paid, shall be subject to the repayment provisions of section 303a(e) of this title.

''(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the payment of hardship duty pay under this section, including the specific rates at which special pay payable under this section on a monthly basis shall be paid.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to hardship duty pay payable on or after that date.

SEC. 618. INCLUSION OF SERVICE AS OFF-CYCLE CREWMEMBER OF MULTI-CREWED SHIP IN SEA DUTY FOR CAREER SEA PAY.

(a) IN GENERAL.—Section 305a(e)(1)(A) of title 37, United States Code, is amended—

(1) in clause (ii), by striking ''or'' at the end; and

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

''(iv) while serving as an off-cycle crewmember of a multi-crewed ship; or''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to months beginning on or after that date.

SEC. 619. MODIFICATION OF REENLISTMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE.

(a) MINIMUM PERIOD OF REENLISTMENT.—Subsection (a)(2) of section 308b of title 37, United States Code, is amended by striking ''for a period of three years or for a period of six years'' and inserting ''for a period of not less than three years''.

(b) AMOUNT OF BONUS.—Subsection (b)(1) of such section is amended by striking ''may not exceed—'' and all that follows and inserting ''may not exceed $15,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to reenlistments or extensions of enlistment that occur on or after that date.

SEC. 620. INCREASE IN YEARS OF COMMISSIONED SERVICE COVERED BY AGREEMENTS FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) INCREASE.—Section 312 of title 37, United States Code, is amended—

(1) in subsection (a)(3), by striking ''26 years'' and inserting ''30 years''; and

(2) in subsection (e)(1), by striking ''26 years'' and inserting ''30 years''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to agreements, including new agreements, entered into under section 312 of title 37, United States Code, on or after that date.

SEC. 621. AUTHORITY TO WAIVE 25-YEAR ACTIVE DUTY LIMIT FOR RETENTION BONUS FOR CRITICAL MILITARY SKILLS WITH RESPECT TO CERTAIN MEMBERS.

(a) AUTHORITY.—Section 323(e) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(4) The limitations in paragraph (1) may be waived by the Secretary of Defense, or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, with respect to a member who is assigned duties in a critical skill designated by such Secretary for purposes of this paragraph during the period of active duty for which the bonus is being offered.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2007, and shall apply with respect to written agreements that are executed, or reenlistments or extensions of enlistment that occur, under section 323 of title 37, United States Code, on or after that date.

SEC. 622. CODIFICATION AND IMPROVEMENT OF AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) CODIFICATION AND IMPROVEMENT OF BONUS AUTHORITY.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 331. Bonus to encourage Army personnel to refer other persons for enlistment in the Army

''(a) AUTHORITY TO PAY BONUS.—

''(1) AUTHORITY.—The Secretary of the Army may pay a bonus under this section to an individual referred to in paragraph (2) who refers to an Army recruiter a person who has not previously served in an armed force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

''(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

''(A) A member in the regular component of the Army.

''(B) A member of the Army National Guard.

''(C) A member of the Army Reserve.

''(D) A member of the Army in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired pay.

''(E) A civilian employee of the Department of the Army.

''(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

''(1) when the individual concerned contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

''(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

''(c) CERTAIN REFERRALS INELIGIBLE.—

''(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

''(2) MEMBERS IN RECRUITING ROLES.—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

''(3) JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.—A member of the Army detailed under subsection (c)(1) of section 2031 of title 10 to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the Army employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

''(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable as provided in subsection (e).

''(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

''(1) Not more than $1,000 shall be paid upon the commencement of basic training by the person.

''(2) Not more than $1,000 shall be paid upon the completion of basic training and individual advanced training by the person.

''(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

''(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the Army in a retired status is in addition to any compensation to which the member is entitled under title 10, 37, or 38, or any other provision of law.

''(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2008.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

''331. Bonus to encourage Army personnel to refer other persons for enlistment in the Army.''.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 645 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended, is repealed.

(c) PAYMENT OF BONUSES UNDER SUPERSEDED AUTHORITY.—Any bonus payable under section 645 of the National Defense Authorization Act for Fiscal Year 2006, as amended, as of the day before the date of the enactment of this Act shall remain payable after that date in accordance with the provisions of such section as in effect on such day.

SEC. 623. AUTHORITY TO PAY BONUS TO ENCOURAGE DEPARTMENT OF DEFENSE PERSONNEL TO REFER OTHER PERSONS FOR APPOINTMENT AS OFFICERS TO SERVE IN HEALTH PROFESSIONS.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, as amended by section 622 of this Act, is further amended by adding at the end the following new section:

"§ 331a. Bonus to encourage Department of Defense personnel to refer other persons for appointment as officers to serve in health professions

''(a) AUTHORITY TO PAY BONUS.—

''(1) AUTHORITY.—The appropriate Secretary may pay a bonus under this section to an individual referred to in paragraph (2) who refers to a military recruiter a person who has not previously served and, after such referral, takes an oath of enlistment that leads to appointment as a commissioned officer, or accepts an appointment as a commissioned officer, in an armed force in a health profession designated by the appropriate Secretary for purposes of this section.

''(2) INDIVIDUALS ELIGIBLE FOR BONUS.—Subject to subsection (c), the following individuals are eligible for a referral bonus under this section:

''(A) A member of the armed forces in a regular component of the armed forced.

''(B) A member of the armed forces in a reserve component of the armed forced.

''(C) A member of the armed forces in a retired status, including a member under 60 years of age who, but for age, would be eligible for retired or retainer pay.

''(D) A civilian employee of a military department or the Department of Defense.

''(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

''(1) when the individual concerned contacts a military recruiter on behalf of a person interested in taking an oath of enlistment that leads to appointment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable, in an armed force in a health profession; or

''(2) when a person interested in taking an oath of enlistment that leads to appointment as a commissioned officer, or accepting an appointment as a commissioned officer, as applicable, in an armed force in a health profession contacts a military recruiter and informs the recruiter of the role of the individual concerned in initially recruiting the person.

''(c) CERTAIN REFERRALS INELIGIBLE.—

''(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the armed forces may not be paid a bonus under subsection (a) for the referral of an immediate family member.

''(2) MEMBERS IN RECRUITING ROLES.—A member of the armed forces serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the appropriate Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

''(3) JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS.—A member of the armed forces detailed under subsection (c)(1) of section 2031 of title 10 to serve as an administrator or instructor in the Junior Reserve Officers' Training Corps program or a retired member of the armed forces employed as an administrator or instructor in the program under subsection (d) of such section may not be paid a bonus under subsection (a).

''(d) AMOUNT OF BONUS.—The amount of the bonus payable for a referral under subsection (a) may not exceed $2,000. The amount shall be payable as provided in subsection (e).

''(e) PAYMENT.—A bonus payable for a referral of a person under subsection (a) shall be paid as follows:

''(1) Not more than $1,000 shall be paid upon the execution by the person of an agreement to serve as an officer in a health profession in an armed force for not less than 3 years,

''(2) Not more than $1,000 shall be paid upon the completion by the person of the initial period of military training as an officer.

''(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

''(g) COORDINATION WITH RECEIPT OF RETIRED PAY.—A bonus paid under this section to a member of the armed forces in a retired status is in addition to any compensation to which the member is entitled under title 10, 37, or 38, or any other provision of law.

''(h) APPROPRIATE SECRETARY DEFINED.—In this section, the term 'appropriate Secretary' means—

''(1) the Secretary of the Army, with respect to matters concerning the Army;

''(2) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Navy;

''(3) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

''(4) the Secretary of Defense, with respect to personnel of the Department of Defense.

''(i) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2008.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title, as so amended, is further amended by adding at the end the following new item:

''331a. Bonus to encourage Department of Defense personnel to refer other persons for appointment as officers to serve in health professions.''.

SEC. 624. ACCESSION BONUS FOR PARTICIPANTS IN ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) ACCESSION BONUS AUTHORIZED.—Section 2127 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) In order to increase participation in the program, the Secretary of Defense may pay a person who signs an agreement under section 2122 of this title an accession bonus of not more than $20,000.

''(2) An accession bonus paid a person under this subsection is in addition to any other amounts payable to the person under this subchapter.

''(3) In the case of an individual who is paid an accession bonus under this subsection, but fails to commence or complete the obligated service required of the person under this subchapter,

the repayment provisions of section 303a(e) of title 37 shall apply to the accession bonus paid the person under this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2007, and shall apply with respect to agreements signed under subchapter I of chapter 105 of title 10, United States Code, on or after that date.

Subtitle C—Travel and Transportation Allowances

SEC. 641. PAYMENT OF EXPENSES OF TRAVEL TO THE UNITED STATES FOR OBSTETRICAL PURPOSES OF DEPENDENTS LOCATED IN VERY REMOTE LOCATIONS OUTSIDE THE UNITED STATES.

Section 1040 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsection (d) and (e), respectively; and

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

''(c) The Secretary of Defense may pay the travel expenses and related expenses of a dependent of a member of the uniformed services assigned to a very remote location outside the United States, as determined by the Secretary, for travel for obstetrical purposes to a location in the United States.''.

SEC. 642. PAYMENT OF MOVING EXPENSES FOR JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTORS IN HARD-TO-FILL POSITIONS.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) When determined by the Secretary of the military department concerned to be in the national interest and agreed upon by the institution concerned, the institution may reimburse the moving expenses of a Junior Reserve Officers' Training Corps instructor who executes a written agreement to serve a minimum of two years of employment at the institution in a position that is hard-to-fill for geographic or economic reasons and as determined by the Secretary concerned.

''(2) Any reimbursement of an instructor under paragraph (1) is in addition to the minimum instructor pay otherwise payable to the instructor.

''(3) The Secretary concerned shall reimburse an institution making a reimbursement under paragraph (1) in an amount equal to the amount of the reimbursement paid by the institution under that paragraph. Any reimbursement under this paragraph shall be made from funds appropriated for that purpose.

''(4) The payment of reimbursements under paragraphs (1) and (3) shall be subject to regulations prescribed by the Secretary of Defense for purposes of this subsection.''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 651. MODIFICATION OF SCHEME FOR PAYMENT OF DEATH GRATUITY PAYABLE WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Subsection (a) of section 1477 of title 10, United States Code, is amended by striking all that follows ''on the following list:'' and inserting the following:

''(1) To any individual designated by the person in writing.

''(2) If there is no person so designated, to the surviving spouse of the person.

''(3) If there is none of the above, to the children (as prescribed by subsection (b)) of the person and the descendants of any deceased children by representation.

''(4) If there is none of the above, to the parents (as prescribed by subsection (c)) of the person or the survivor of them.

''(5) If there is none of the above, to the duly appointed executor or administrator of the estate of the person.

''(6) If there is none of the above, to other next of kin of the person entitled under the laws of domicile of the person at the time of the person's death.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking ''Subsection (a)(2)'' in the matter preceding paragraph (1) and inserting ''Subsection (a)(3)'';

(2) by striking (c) and inserting the following new subsection (c):

''(c) For purposes of subsection (a)(4), parents include fathers and mothers through adoption. However, only one father and one mother may be recognized in any case, and preference shall be given to those who exercised a parental relationship on the date, or most nearly before the date, on which the decedent entered a status described in section 1475 or 1476 of this title.''; and

(3) by striking subsection (d).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) APPLICABILITY.—Notwithstanding subsection (c), the provisions of section 1477 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply to each member of the Armed Forces covered by such section until the earlier of the following—

(1) the date on which such member makes the designation contemplated by paragraph (1) of section 1477(a) of such title (as amended by subsection (a) of this section); or

(2) January 1, 2008.

(e) REGULATIONS.—

(1) IN GENERAL.—Not later than December 1, 2007, the Secretary of Defense shall prescribe regulations to implement the amendments to section 1477 of title 10, United States Code, made by subsection (a).

(2) ELEMENTS.—The regulations required by paragraph (1) shall include forms for the making of the designation contemplated by paragraph (1) of section 1477(a) of title 10, United States Code (as amended by subsection (a)), and instructions for members of the Armed Forces in the filling out of such forms.

SEC. 652. ANNUITIES FOR GUARDIANS OR CARETAKERS OF DEPENDENT CHILDREN UNDER SURVIVOR BENEFIT PLAN.

(a) ELECTION.—Section 1448(b) of title 10, United States Code, is amended—

(1) in the subsection caption, by striking ''AND FORMER SPOUSE'' and inserting '', FORMER SPOUSE, AND GUARDIAN OR CARETAKER''; and

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

''(6) GUARDIAN OR CARETAKER COVERAGE.—

''(A) GENERAL RULE.—A person who is not married and has one or more dependent children upon becoming eligible to participate in the Plan may elect to provide an annuity under the Plan to a natural person (other than a natural person with an insurable interest in the person under paragraph (1) or a former spouse) who acts as a guardian or caretaker to such child or children. In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

''(B) TERMINATION OF COVERAGE.—Subparagraphs (B) through (E) of paragraph (1) shall apply to an election under subparagraph (A) of this paragraph in the same manner as such subparagraphs apply to an election under subparagraph (A) of paragraph (1).

''(C) ELECTION OF NEW BENEFICIARY UPON DEATH OF PREVIOUS BENEFICIARY.—Subparagraph (G) of paragraph (1) shall apply to an election under subparagraph (A) of this paragraph in the same manner as such subparagraph (G) applies to an election under subparagraph (A) of paragraph (1), except that any new beneficiary elected under such subparagraph (G) by reason of this subparagraph shall be a guardian or caretaker of the dependent child or children of the person making such election.''.

(b) PAYMENT OF ANNUITY.—Section 1450 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(5) GUARDIAN OR CARETAKER COVERAGE.—The natural person designated under section 1448(b)(6) of this title, unless the election to provide an annuity to the natural person has been changed as provided in subsection (f).''; and

(2) in the subsection caption of subsection (f), by striking ''OR FORMER SPOUSE'' and inserting '', FORMER SPOUSE, OR GUARDIAN OR CARETAKER''.

(c) AMOUNT OF ANNUITY.—Section 1451(b) of such title is amended—

(1) in the subsection caption, by inserting ''OR GUARDIAN OR CARETAKER'' after ''INSURABLE INTEREST''; and

(2) by inserting ''or 1450(a)(5)'' after ''1450(a)(4)'' each place it appears in paragraphs (1) and (2).

(d) REDUCTION IN RETIRED PAY.—Section 1452(c) of such title is amended—

(1) in the subsection caption, by inserting ''OR GUARDIAN OR CARETAKER'' after ''INSURABLE INTEREST''; and

(2) by inserting ''or 1450(a)(5)'' after ''1450(a)(4)'' each place it appears in paragraphs (1) and (3).

SEC. 653. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES.

(a) ELIGIBILITY.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking ''entitled to retired pay who—'' and all that follows and inserting ''who—

''(1) is entitled to retired pay (other than by reason of section 12731b of this title); and

''(2) has a combat-related disability.''.

(b) COMPUTATION.—Paragraph (3) of subsection (b) of such section is amended—

(1) by designating the text of that paragraph as subparagraph (A), realigning that text so as to be indented 4 ems from the left margin, and inserting before ''In the case of'' the following heading: ''IN GENERAL.—''; and

(2) by adding at the end the following new subparagraph:

''(B) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

SEC. 654. CLARIFICATION OF APPLICATION OF RETIRED PAY MULTIPLIER PERCENTAGE TO MEMBERS OF THE UNIFORMED SERVICES WITH OVER 30 YEARS OF SERVICE.

(a) COMPUTATION OF RETIRED AND RETAINER PAY FOR MEMBERS OF NAVAL SERVICE.—The table in section 6333(a) of title 10, United States Code, is amended in Column 2 of Formula A by striking ''75 percent'' and inserting ''Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.''.

(b) RETIRED PAY FOR CERTAIN MEMBERS RECALLED TO ACTIVE DUTY.—The table in section 1402(a) of such title is amended by striking Column 3.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 2007, and shall apply with respect to retired pay and retainer pay payable on or after that date.

SEC. 655. COMMENCEMENT OF RECEIPT OF NONREGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) has attained the eligibility age applicable under subsection (f) to that person;''; and

(2) by adding at the end the following new subsection:

''(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

''(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

''(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

''(ii) Active service described in this subparagraph is also service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

''(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).''.

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

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

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

SEC. 656. ADDITIONAL INDIVIDUALS ELIGIBLE FOR TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS TO ATTEND THE MEMBER'S BURIAL CEREMONIES.

Section 411f(c) of title 37, United States Code, is amended—

(1) in paragraph (1) by adding at the end the following new subparagraphs:

''(D) Any child of the parent or parents of the deceased member who is under the age of 18 years if such child is attending the burial ceremony of the memorial service with the parent or parents and would otherwise be left unaccompanied by the parent or parents.

''(E) The person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10, or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who have been designated under such section to direct the disposition of the remains if individual identification had been made.''; and

(2) in paragraph (2), by striking ''may be provided to—'' and all that follows through the end and inserting ''may be provided to up to two additional persons closely related to the deceased member who are selected by the person referred to in paragraph (1)(E).''.

SEC. 657. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: ''When transportation of the remains includes transportation by aircraft, the Secretary concerned shall provide, to the maximum extent possible, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee or, if such a selection is not made, nearest to the cemetery selected by the Secretary.''.

SEC. 658. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFIT PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e); and

(ii) by striking subsection (k).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking ''does not apply—'' and all that follows and inserting ''does not apply in the case of a deduction made through administrative error.''; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking '', 1450(k)(2),''.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d)(2) of such title is amended—

(1) by striking ''DEPENDENT CHILDREN.—'' and all that follows through ''In the case of a member described in paragraph (1),'' and inserting ''DEPENDENT CHILDREN.—In the case of a member described in paragraph (1),''; and

(2) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 659. EFFECTIVE DATE OF PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

(a) SURVIVOR BENEFIT PLAN.—Section 1452(j) of title 10, United States Code, is amended by striking ''October 1, 2008'' and inserting ''October 1, 2007''.

(b) RETIRED SERVICEMAN'S FAMILY PROTECTION PLAN.—Section 1436a of such title is amended by striking ''October 1, 2008'' and inserting ''October 1, 2007''.

SEC. 660. 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.

(a) INCLUSION OF VETERANS.—Section 1414(a)(1) of title 10, United States Code, is amended by striking ''except that'' and all that follows and inserting ''except that payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following:

''(A) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

''(B) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 31, 2004.

SEC. 661. COMPUTATION OF YEARS OF SERVICE FOR PURPOSES OF RETIRED PAY FOR NON-REGULAR SERVICE.

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

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period and inserting ''before the year of service that includes October 30, 2007; and''; and

(3) by adding at the end the following new subparagraph:

''(D) 130 days in the year of service that includes October 30, 2007, and any subsequent year of service.''.

Subtitle E—Education Benefits

SEC. 671. TUITION ASSISTANCE FOR OFF-DUTY TRAINING OR EDUCATION.

(a) CLARIFICATION OF APPLICABILITY OF CURRENT AUTHORITY TO COMMISSIONED OFFICERS ON ACTIVE DUTY.—Subsection (b) of section 2007 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''(other than a member of the Ready Reserve)'' after ''active duty'' the first place it appears; and

(B) by striking ''or full-time National Guard duty'' both places it appears; and

(2) in paragraph (2)(B), by inserting ''for which ordered to active duty'' after ''active duty service''.

(b) AUTHORITY TO PAY TUITION ASSISTANCE TO MEMBERS OF THE READY RESERVE.—

(1) IN GENERAL.—Subsection (c) of such section is amended to read as follows:

''(c)(1) Subject to paragraphs (3)(A) and (4), the Secretary of a military department may pay the charges of an educational institution for the tuition or expenses described in subsection (a) of a member of the Selected Reserve.

''(2) Subject to paragraphs (3)(B) and (4), the Secretary of a military department may pay the charges of an educational institution for the tuition or expenses described in subsection (a) of a member of the Individual Ready Reserve who has a military occupational specialty designated by the Secretary for purposes of this subsection.

''(3)(A) The Secretary of a military department may not pay charges under paragraph (1) for tuition or expenses of an officer of the Selected Reserve unless the officer agrees to remain a member of the Selected Reserve for at least four years after completion of the education or training for which the charges are paid.

''(B) The Secretary of a military department may not pay charges under paragraph (2) for tuition or expenses of an officer of the Individual Ready Reserve unless the officer agrees to remain in the Selected Reserve or Individual Ready Reserve for at least four years after completion of the education or training for which the charges are paid.

''(4) The Secretary of a military department may require enlisted members of the Selected Reserve or Individual Ready Reserve to agree to serve for up to four years in the Selected Reserve or Individual Ready Reserve, as the case may be, after completion of education or training for which tuition or expenses are paid under paragraph (1) or (2), as applicable.''.

(2) REPEAL OF SUPERSEDED PROVISION.—Such section is further amended—

(A) by striking subsection (d); and

(B) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(3) REPAYMENT OF UNEARNED BENEFIT.—Subsection (e) of such section, as redesignated by paragraph (2) of this subsection, is amended—

(A) by inserting ''(1)'' after ''(e)''; and

(B) by adding at the end the following new paragraph:

''(2) If a member of the Ready Reserve who enters into an agreement under subsection (c) does not complete the period of service specified in the agreement, the member shall be subject to the repayment provisions of section 303a(e) of title 37.''.

(c) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:

''(f) This section shall be administered under regulations prescribed by the Secretary of Defense and the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy.''.

SEC. 672. EXPANSION OF SELECTED RESERVE EDUCATION LOAN REPAYMENT PROGRAM.

(a) ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of subsection (a) of section 16301 of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''or'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(D) any loan incurred for educational purposes made by a lender that is—

''(i) an agency or instrumentality of a State;

''(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

''(iii) a pension fund approved by the Secretary for purposes of this section; or

''(iv) a nonprofit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.''.

(b) ELIGIBILITY OF OFFICERS.—Such subsection is further amended—

(1) in paragraph (2)—

(A) by striking ''Except as provided in paragraph (3), the Secretary'' and inserting ''The Secretary''; and

(B) by striking ''an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty'' and inserting ''a member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and officer program or military specialty''; and

(2) by striking paragraph (3).

(c) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 16301. Education loan repayment program: members of the Selected Reserve''.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1609 of such title is amended by striking the item relating to section 16301 and inserting the following new item:

''16301. Education loan repayment program: members of the Selected Reserve.''.

SEC. 673. REPORT ON UTILIZATION OF TUITION ASSISTANCE BY MEMBERS OF THE ARMED FORCES.

(a) REPORTS REQUIRED.—Not later than April 1, 2008, the Secretary of each military department shall submit to the congressional defense committees a report on the utilization of tuition assistance by members of the Armed Forces, whether in the regular components if the Armed Forces or the reserve components of the Armed Forces, under the jurisdiction of such military department during fiscal year 2007.

(b) ELEMENTS.—The report with respect to a military department under subsection (a) shall include the following:

(1) Information on the policies of such military department for fiscal year 2007 regarding utilization of, and limits on, tuition assistance by members of the Armed Forces under the jurisdiction of such military department, including an estimate of the number of members of the reserve components of the Armed Forces under the jurisdiction of such military department whose requests for tuition assistance during that fiscal year were unfunded.

(2) Information on the policies of such military department for fiscal year 2007 regarding funding of tuition assistance for each of the regular components of the Armed Forces and each of the reserve components of the Armed Forces under the jurisdiction of such military department.

SEC. 674. ENHANCEMENT OF EDUCATION BENEFITS FOR CERTAIN MEMBERS OF RESERVE COMPONENTS.

(a) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

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

''§ 16131A. Accelerated payment of educational assistance

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

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

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

''(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

''(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

''(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

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

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

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

''(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

''(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

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

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

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

''(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section.

The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

''(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $4,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended by inserting after the item relating to section 16131 the following new item:

''16131A. Accelerated payment of educational assistance.''.

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

(b) ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) IN GENERAL.—Chapter 1607 of title 10, United States Code, is amended by inserting after section 16162 the following new section:

''§ 16162A. Accelerated payment of educational assistance

''(a) The educational assistance allowance payable under section 16162 of this title with respect to an eligible member described in subsection (b) may, upon the election of such eligible member, be paid on an accelerated basis in accordance with this section.

''(b) An eligible member described in this subsection is a member of a reserve component entitled to educational assistance under this chapter who is—

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

''(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title.

''(c)(1) The amount of the accelerated payment of educational assistance payable with respect to an eligible member making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of educational assistance allowance to which the member remains entitled under this chapter at the time of the payment.

''(2)(A) In this subsection, except as provided in subparagraph (B), the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

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

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

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

''(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible member under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

''(d) An accelerated payment of educational assistance allowance made with respect to an eligible member under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

''(1) the member's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible member under this section, the member's entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the member under section 16162 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible member under section 16162 of this title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the member's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

''(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

''(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed $3,000,000.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1607 of such title is amended by inserting after the item relating to section 16162 the following new item:

''16162A. Accelerated payment of educational assistance.''.

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

(c) ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.—

(1) ASSISTANCE FOR THREE YEARS CUMULATIVE SERVICE.—Subsection (c)(4)(C) of section 16162 of title 10, United States Code, is amended by striking ''for two continuous years or more.'' and inserting ''for—

''(i) two continuous years or more; or

''(ii) an aggregate of three years or more.''.

(2) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—Such section is further amended by adding at the end the following new subsection:

''(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligible for educational assistance under this section may contribute amounts for purposes of receiving an increased amount of educational assistance as provided for in paragraph (2).

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

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

''(D) Contributions under this subsection shall be made to the Secretary concerned. Such Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

''(2) Effective as of the first day of the enrollment period following the enrollment period in which an individual makes contributions under paragraph (1), the monthly amount of educational assistance allowance applicable to such individual under this section shall be the monthly rate otherwise provided for under subsection (c) increased by—

''(A) an amount equal to $5 for each $20 contributed by such individual under paragraph (1) for an approved program of education pursued on a full-time basis; or

''(B) an appropriately reduced amount based on the amount so contributed as determined under regulations that the Secretary of Veterans Affairs shall prescribe, for an approved program of education pursued on less than a full-time basis.''.

SEC. 675. EXTENSION OF PERIOD OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE AFFECTED BY FORCE SHAPING INITIATIVES.

Section 16133(b)(1)(B) of title 10, United States Code, is amended by inserting ''or the period beginning on October 1, 2007, and ending on September 30, 2014,'' after ''December 31, 2001,''.

SEC. 676. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking ''this chapter while serving—'' and all that follows and inserting ''this chapter—

''(1) while the member is serving—

''(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

''(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

''(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

''(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

Subtitle F—Other Matters

SEC. 681. ENHANCEMENT OF AUTHORITIES ON INCOME REPLACEMENT PAYMENTS FOR RESERVES EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE-DUTY SERVICE.

(a) CLARIFICATION OF GENERAL AUTHORITY.—Subsection (a) of section 910 of title 37, United States Code, is amended by inserting '', when the total monthly military compensation of the member is less than the average monthly civilian income'' after ''by the Secretary''.

(b) ELIGIBILITY.—Subsection (b) of such section is amended to read as follows:

''(b) ELIGIBILITY.—Subject to subsection (c), a reserve component member is entitled to a payment under this section for any full month of active duty of the member—

''(1) while on active duty under an involuntary mobilization order, following the date on which the member—

''(A) completes 18 continuous months of service on active duty under such an order;

''(B) completes 730 cumulative days of service on active duty under such an order during the previous 1,826 days; or

''(C) is involuntarily mobilized for service on active duty for a period of 180 days or more within 180 days following the member's separation from a previous period of involuntary active duty for period of 180 days or more; or

''(2) while retained on active duty under subparagraph (A) or (B) of section 12301(h)(1) of title 10 because of an injury or illness incurred or aggravated while deployed to an area designated for special pay under section 310 of this title after becoming entitled to income replacement pay under paragraph (1).''.

(c) TERMINATION.—Subsection (g) of such section is amended to read as follows:

''(g) TERMINATION OF AUTHORITY.—Payment under this section shall only be made for service performed on or before December 31, 2008.''.

SEC. 682. OVERSEAS NATURALIZATION OF MILITARY FAMILY MEMBERS.

(a) IN GENERAL.—Section 319 of the Immigration and Nationality Act (8 U.S.C. 1430) is amended by adding at the end the following new subsection:

''(e) Any person who is lawfully admitted for permanent residence, is the spouse or child of a member of the Armed Forces, and is authorized to accompany such member and reside in a foreign country with the member pursuant to the member's official orders, and who is so accompanying and residing with the member (in marital union if a spouse), may be naturalized upon compliance with all the requirements of this title except that the person's residence and physical presence in such foreign country shall be treated as residence and physical presence in the United States or any State for the purpose of satisfying the requirements of section 316 or 322 for naturalization and for the purpose of satisfying the requirements of section 101(a)(13)(C)(i) or (ii).''.

(b) OVERSEAS NATURALIZATION AUTHORITY.—Section 1701(d) of the National Defense Authorization Act for Fiscal Year 2004 (8 U.S.C. 1443a) is amended by inserting '', and persons eligible to meet the residence or physical presence requirements for naturalization pursuant to subsection (e) of section 319 of the Immigration and Nationality Act (8 U.S.C. 1430),'' after ''Armed Forces''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to any application of naturalization pending before the Secretary of Homeland Security on or after the date of enactment.

SEC. 683. NATIONAL GUARD YELLOW RIBBON REINTEGRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a national combat veteran reintegration program to provide National Guard and Reserve members and their families with sufficient information, services, referral, and proactive outreach opportunities throughout the entire deployment cycle. This program shall be known as the Yellow Ribbon Reintegration Program.

(b) PURPOSE.—The Yellow Ribbon Reintegration Program shall consist of informational events and activities for Reserve Component members, their families, and community members to facilitate access to services supporting their health and well-being through the four phases of the deployment cycle:

(1) Pre-Deployment.

(2) Deployment.

(3) Demobilization.

(4) Post-Deployment-Reconstitution.

(c) ORGANIZATION.—

(1) EXECUTIVE AGENT.—The Secretary shall designate the OSD (P&R) as the Department of Defense executive agent for the Yellow Ribbon Reintegration Program.

(2) ESTABLISHMENT OF THE OFFICE FOR REINTEGRATION PROGRAMS.—

(A) IN GENERAL.—The OSD (P&R) shall establish the Office for Reintegration Programs within the OSD. The office shall administer all reintegration programs in coordination with State National Guard organizations. The office shall be responsible for coordination with existing National Guard and Reserve family and support programs. The Directors of the Army National Guard and Air National Guard and the Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve and Air Force Reserve may appoint liaison officers to coordinate with the permanent office staff. The Center may also enter into partnerships with other public entities, including, but not limited to, the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, for access to necessary substance abuse and mental health treatment services from local State-licensed service providers.

(B) ESTABLISHMENT OF A CENTER FOR EXCELLENCE IN REINTEGRATION.—The Office for Reintegration Programs shall establish a Center for Excellence in Reintegration within the office. The Center shall collect and analyze ''lessons learned'' and suggestions from State National Guard and Reserve organizations with existing or developing reintegration programs. The Center shall also assist in developing training aids and briefing materials and training representatives from State National Guard and Reserve organizations.

(3) ADVISORY BOARD.—

(A) APPOINTMENT.—The Secretary of Defense shall appoint an advisory board to analyze and report areas of success and areas for necessary improvements. The advisory board shall include, but is not limited to, the Director of the Army National Guard, the Director of the Air National Guard, Chiefs of the Army Reserve, Marine Corps Reserve, Navy Reserve, and Air Force Reserve, the Assistant Secretary of Defense for Reserve Affairs, an Adjutant General on a rotational basis as determined by the Chief of the National Guard Bureau, and any other Department of Defense, Federal Government agency, or outside organization as determined by the Secretary of Defense. The members of the advisory board may designate representatives in their stead.

(B) SCHEDULE.—The advisory board shall meet on a schedule as determined by the Secretary of Defense.

(C) INITIAL REPORTING REQUIREMENT.—The advisory board shall issue internal reports as necessary and shall submit an initial report to the Committees on Armed Services not later than 180 days after the end of a one-year period from establishment of the Office for Reintegration Programs. This report shall contain—

(i) an evaluation of the reintegration program's implementation by State National Guard and Reserve organizations;

(ii) an assessment of any unmet resource requirements; and

(iii) recommendations regarding closer coordination between the Office of Reintegration Programs and State National Guard and Reserve organizations.

(D) ANNUAL REPORTS.—The advisory board shall submit annual reports to the Committees on Armed Services of the Senate and the House of Representatives following the initial report by the first week in March of subsequent years following the initial report.

(d) PROGRAM.—

(1) IN GENERAL.—The Office for Reintegration Programs shall analyze the demographics, placement of State Family Assistance Centers (FAC), and FAC resources before a mobilization alert is issued to affected State National Guard and Reserve organizations. The Office of Reintegration Programs shall consult with affected State National Guard and Reserve organizations following the issuance of a mobilization alert and implement the reintegration events in accordance with the Reintegration Program phase model.

(2) PRE-DEPLOYMENT PHASE.—The Pre-Deployment Phase shall constitute the time from first notification of mobilization until deployment of the mobilized National Guard or Reserve unit. Events and activities shall focus on providing education and ensuring the readiness of service members, families, and communities for the rigors of a combat deployment.

(3) DEPLOYMENT PHASE.—The Deployment Phase shall constitute the period from deployment of the mobilized National Guard or Reserve unit until the unit arrives at a demobilization station inside the continental United States. Events and services provided shall focus on the challenges and stress associated with separation and having a member in a combat zone. Information sessions shall utilize State National Guard and Reserve resources in coordination with the Employer Support of Guard and Reserve Office, Transition Assistance Advisors, and the State Family Programs Director.

(4) DEMOBILIZATION PHASE.—

(A) IN GENERAL.—The Demobilization Phase shall constitute the period from arrival of the National Guard or Reserve unit at the demobilization station until its departure for home station. In the interest of returning members as soon as possible to their home stations, reintegration briefings during the Demobilization Phase shall be minimized. State Deployment Cycle Support Teams are encouraged, however, to assist demobilizing members in enrolling in the Department of Veterans Affairs system using Form 1010EZ during the Demobilization Phase. State Deployment Cycle Support Teams may provide other events from the Initial Reintegration Activity as determined by the State National Guard or Reserve organizations. Remaining events shall be conducted during the Post-Deployment-Reconstitution Phase.

(B) INITIAL REINTEGRATION ACTIVITY.—The purpose of this reintegration program is to educate service members about the resources that are available to them and to connect members to service providers who can assist them in overcoming the challenges of reintegration.

(5) POST-DEPLOYMENT-RECONSTITUTION PHASE.—

(A) IN GENERAL.—The Post-Deployment-Reconstitution Phase shall constitute the period from arrival at home station until 180 days following demobilization. Activities and services provided shall focus on reconnecting service members with their families and communities and providing resources and information necessary for successful reintegration. Reintegration events shall begin with elements of the Initial Reintegration Activity program that were not completed during the Demobilization Phase.

(B) 30-DAY, 60-DAY, AND 90-DAY REINTEGRATION ACTIVITIES.—The State National Guard and Reserve organizations shall hold reintegration activities at the 30-day, 60-day, and 90-day interval following demobilization. These activities shall focus on reconnecting service members and family members with the service providers from Initial Reintegration Activity to ensure service members and their families understand what benefits they are entitled to and what resources are available to help them overcome the challenges of reintegration. The Reintegration Activities shall also provide a forum for service members and families to address negative behaviors related to combat stress and transition.

(C) SERVICE MEMBER PAY.—Service members shall receive appropriate pay for days spent attending the Reintegration Activities at the 30-day, 60-day, and 90-day intervals.

(D) MONTHLY INDIVIDUAL REINTEGRATION PROGRAM.—The Office for Reintegration Programs, in coordination with State National Guard and Reserve organizations, shall offer a monthly reintegration program for individual service members released from active duty or formerly in a medical hold status. The program shall focus on the special needs of this service member subset and the Office for Reintegration Programs shall develop an appropriate program of services and information.

SEC. 684. FLEXIBILITY IN PAYING ANNUITIES TO CERTAIN FEDERAL RETIREES WHO RETURN TO WORK.

(a) IN GENERAL.—Section 9902(j) of title 5, United States Code, is amended to read as follows:

''(j) PROVISIONS RELATING TO REEMPLOYMENT.—

''(1) Except as provided under paragraph (2), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Department of Defense, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

''(2)(A) An annuitant receiving an annuity from the Civil Service Retirement and Disability Fund who becomes employed in a position within the Department of Defense following retirement under section 8336(d)(1) or 8414(b)(1)(A) shall be subject to section 8344 or 8468.

''(B) The Secretary of Defense may, under procedures and criteria prescribed under subparagraph (C), waive the application of the provisions of section 8344 or 8468 on a case-by-case or group basis, for employment of an annuitant referred to in subparagraph (A) in a position in the Department of Defense.

''(C) The Secretary shall prescribe procedures for the exercise of any authority under this paragraph, including criteria for any exercise of authority and procedures for a delegation of authority.

''(D) An employee as to whom a waiver under this paragraph is in effect shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84.

''(3)(A) An annuitant retired under section 8336(d)(1) or 8414(b)(1)(A) receiving an annuity from the Civil Service Retirement and Disability Fund, who is employed in a position within the Department of Defense after the date of enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), may elect to begin coverage under paragraph (2) of this subsection.

''(B) An election for coverage under this paragraph shall be filed not later than the later of 90 days after the date the Department of Defense—

''(i) prescribes regulations to carry out this subsection; or

''(ii) takes reasonable actions to notify employees who may file an election.

''(C) If an employee files an election under this paragraph, coverage shall be effective beginning on the date of the filing of the election.

''(D) Paragraph (1) shall apply to an individual who is eligible to file an election under subparagraph (A) of this paragraph and does not file a timely election under subparagraph (B) of this paragraph.''.

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out the amendment made by this section.

SEC. 685. PLAN FOR PARTICIPATION OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES IN THE BENEFITS DELIVERY AT DISCHARGE PROGRAM.

(a) PLAN TO MAXIMIZE PARTICIPATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to the benefits delivery at discharge program for members of the reserve components of the Armed Forces who have been called or ordered to active duty at any time since September 11, 2001.

(b) ELEMENTS.—The plan submitted under subsection (a) shall include a description of efforts to ensure that services under the benefits delivery at discharge program are provided, to the maximum extent practicable—

(1) at appropriate military installations;

(2) at appropriate armories and military family support centers of the National Guard;

(3) at appropriate military medical care facilities at which members of the Armed Forces are separated or discharged from the Armed Forces;

(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member; and

(5) that services described in the plan can be provided within resources available to the Secretary of Defense and the Secretary of Veterans Affairs in the appropriate fiscal year.

(c) BENEFITS DELIVERY AT DISCHARGE PROGRAM DEFINED.—In this section, the term ''benefits delivery at discharge program'' means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for which such members may be eligible.

SEC. 686. 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.

(a) MODIFICATION.—Section 667(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–170) is amended by adding at the end the following new paragraph:

''(3) The amount determined for a person under paragraph (1) shall be increased to reflect increases in cost of living since the basic pay referred to in paragraph (1)(B) was paid to or for that person, calculated on the basis of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.''.

(b) RECALCULATION OF PREVIOUS PAYMENTS.—In the case of any payment of back pay made to or for a person under section 667 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 before the date of the enactment of this Act, the Secretary of the Navy shall—

(1) recalculate the amount of back pay to which the person is entitled by reason of the amendment made by subsection (a); and

(2) if the amount of back pay, as so recalculated, exceeds the amount of back pay so paid, pay the person, or the surviving spouse of the person, an amount equal to the excess.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. INCLUSION OF TRICARE RETAIL PHARMACY PROGRAM IN FEDERAL PROCUREMENT OF PHARMACEUTICALS.

(a) IN GENERAL.—Section 1074g of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

''(f) PROCUREMENT OF PHARMACEUTICALS BY TRICARE RETAIL PHARMACY PROGRAM.—With respect to any prescription filled on or after October 1, 2007, the TRICARE retail pharmacy program shall be treated as an element of the Department of Defense for purposes of the procurement of drugs by Federal agencies under section 8126 of title 38 to the extent necessary to ensure that pharmaceuticals paid for by the Department of Defense that are provided by pharmacies under the program to eligible covered beneficiaries under this section are subject to the pricing standards in such section 8126.''.

(b) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries under chapter 55 of title 10, United States Code, modify the regulations under subsection (h) of section 1074g of title 10, United States Code (as redesignated by subsection (a)(1) of this section), to implement the requirements of subsection (f) of section 1074g of title 10, United States Code (as amended by subsection (a)(2) of this section). The Secretary shall so modify such regulations not later than December 31, 2007.

SEC. 702. SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD AND TRICARE EXTRA.

(a) REQUIREMENT FOR SURVEYS.—

(1) IN GENERAL.—The Secretary of Defense shall conduct surveys of health care providers and beneficiaries who use TRICARE in the United States to determine, utilizing a reconciliation of the responses of providers and beneficiaries to such surveys, each of the following:

(A) How many health care providers in TRICARE Prime service areas selected under paragraph (3)(A) are accepting new patients under each of TRICARE Standard and TRICARE Extra.

(B) How many health care providers in geographic areas in which TRICARE Prime is not offered are accepting patients under each of TRICARE Standard and TRICARE Extra.

(C) The availability of mental health care providers in TRICARE Prime service areas selected under paragraph (3)(C) and in geographic areas in which TRICARE Prime is not offered.

(2) BENCHMARKS.—The Secretary shall establish for purposes of the surveys required by paragraph (1) benchmarks for primary care and specialty care providers, including mental health care providers, to be utilized to determine the adequacy of health care providers to beneficiaries eligible for TRICARE.

(3) SCOPE OF SURVEYS.—The Secretary shall carry out the surveys required by paragraph (1) as follows:

(A) In the case of the surveys required by subparagraph (A) of that paragraph, in at least 20 TRICARE Prime service areas in the United States in each of fiscal years 2008 through 2011.

(B) In the case of the surveys required by subparagraph (B) of that paragraph, in 20 geographic areas in which TRICARE Prime is not offered and in which significant numbers of beneficiaries who are members of the Selected Reserve reside.

(C) In the case of the surveys required by subparagraph (C) of that paragraph, in at least 40 geographic areas.

(4) PRIORITY FOR SURVEYS.—In prioritizing the areas which are to be surveyed under paragraph (1), the Secretary shall—

(A) consult with representatives of TRICARE beneficiaries and health care and mental health care providers to identify locations where

TRICARE Standard beneficiaries are experiencing significant levels of access-to-care problems under TRICARE Standard or TRICARE Extra; and

(B) give a high priority to surveying health care and mental health care providers in such areas.

(5) INFORMATION FROM PROVIDERS.—The surveys required by paragraph (1) shall include questions seeking to determine from health care and mental health care providers the following:

(A) Whether the provider is aware of the TRICARE program.

(B) What percentage of the provider's current patient population uses any form of TRICARE.

(C) Whether the provider accepts patients for whom payment is made under the medicare program for health care and mental health care services.

(D) If the provider accepts patients referred to in subparagraph (C), whether the provider would accept additional such patients who are not in the provider's current patient population.

(6) INFORMATION FROM BENEFICIARIES.—The surveys required by paragraph (1) shall include questions seeking information to determine from TRICARE beneficiaries whether they have difficulties in finding health care and mental health care providers willing to provide services under TRICARE Standard or TRICARE Extra.

(b) SUPERVISION.—

(1) SUPERVISING OFFICIAL.—The Secretary shall designate a senior official of the Department of Defense to take the actions necessary for achieving and maintaining participation of health care and mental health care providers in TRICARE Standard and TRICARE Extra throughout TRICARE in a number that is adequate to ensure the viability of TRICARE Standard for TRICARE beneficiaries.

(2) DUTIES.—The official designated under paragraph (1) shall have the following duties:

(A) To make recommendations to the Secretary for purposes of subsection (a)(2) on appropriate benchmarks for measuring the adequacy of health care and mental health care providers in TRICARE Prime service areas and geographic areas in the United States in which TRICARE Prime is not offered.

(B) To educate health care and mental health care providers about TRICARE Standard and TRICARE Extra.

(C) To encourage health care and mental health care providers to accept patients under TRICARE Standard and TRICARE Extra.

(D) To ensure that TRICARE beneficiaries have the information necessary to locate TRICARE Standard and TRICARE Extra providers readily.

(E) To recommend adjustments in TRICARE Standard provider payment rates that the official considers necessary to ensure adequate availability of TRICARE Standard providers for TRICARE Standard beneficiaries.

(c) GAO REVIEW.—

(1) ONGOING REVIEW.—The Comptroller General shall, on an ongoing basis, review—

(A) the processes, procedures, and analysis used by the Department of Defense to determine the adequacy of the number of health care and mental health care providers—

(i) that currently accept TRICARE Standard or TRICARE Extra beneficiaries as patients under TRICARE Standard in each TRICARE area as of the date of completion of the review; and

(ii) that would accept TRICARE Standard or TRICARE Extra beneficiaries as new patients under TRICARE Standard or TRICARE Extra, as applicable, within a reasonable time after the date of completion of the review; and

(B) the actions taken by the Department of Defense to ensure ready access of TRICARE Standard beneficiaries to health care and mental health care under TRICARE Standard in each TRICARE area, including any pending or resolved requests for waiver of payment limits in order to improve access to health care or mental health care in a specific geographic area.

(2) REPORTS.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives on a bi-annual basis a report on the results of the review under paragraph (1). Each report shall include the following:

(A) An analysis of the adequacy of the surveys under subsection (a).

(B) An identification of any impediments to achieving adequacy of availability of health care and mental health care under TRICARE Standard or TRICARE Extra.

(C) An assessment of the adequacy of Department of Defense education programs to inform health care and mental health care providers about TRICARE Standard and TRICARE Extra.

(D) An assessment of the adequacy of Department of Defense initiatives to encourage health care and mental health care providers to accept patients under TRICARE Standard and TRICARE Extra.

(E) An assessment of the adequacy of information available to TRICARE Standard beneficiaries to facilitate access by such beneficiaries to health care and mental health care under TRICARE Standard and TRICARE Extra.

(F) An assessment of any need for adjustment of health care and mental health care provider payment rates to attract participation in TRICARE Standard by appropriate numbers of health care and mental health care providers.

(d) EFFECTIVE DATE.—This section shall take effect on October 1, 2007.

(e) REPEAL OF SUPERSEDED REQUIREMENTS AND AUTHORITY.—Section 723 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 1073 note) is repealed, effective as of October 1, 2007.

(f) DEFINITIONS.—In this section:

(1) The term ''TRICARE Extra'' means the option of the TRICARE program under which TRICARE Standard beneficiaries may obtain discounts on cost-sharing as a result of using TRICARE network providers.

(2) The term ''TRICARE Prime'' means the managed care option of the TRICARE program.

(3) The term ''TRICARE Prime service area'' means a geographic are designated by the Department of Defense in which managed care support contractors develop a managed care network under TRICARE Prime.

(4) The term ''TRICARE Standard'' means the option of the TRICARE program that is also known as the Civilian Health and Medical Program of the Uniformed Services, as defined in section 1072(4) of title 10, United States Code.

(5) The term ''United States'' means the United States (as defined in section 101(a) of title 10, United States Code), its possessions (as defined in such section), and the Commonwealth of Puerto Rico.

SEC. 703. REPORT ON PATIENT SATISFACTION SURVEYS.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the ongoing patient satisfaction surveys taking place in Department of Defense inpatient and outpatient settings at military treatment facilities.

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

(1) The types of survey questions asked.

(2) How frequently the surveying is conducted.

(3) How often the results are analyzed and reported back to the treatment facilities.

(4) To whom survey feedback is made available.

(5) How best practices are incorporated for quality improvement.

(6) An analysis of the impact and effect of inpatient and outpatient surveys quality improvement and a comparison of patient satisfaction survey programs with patient satisfaction survey programs used by other public and private health care systems and organizations.

(c) USE OF REPORT INFORMATION.—The Secretary shall use information in the report as the basis for a plan for improvements in patient satisfaction surveys at health care at military treatment facilities in order to ensure the provision of high quality healthcare and hospital services in such facilities.

SEC. 704. REVIEW OF LICENSED MENTAL HEALTH COUNSELORS, SOCIAL WORKERS, AND MARRIAGE AND FAMILY THERAPISTS UNDER THE TRICARE PROGRAM.

(a) REVIEW REQUIRED.—The Secretary of Defense shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another similarly qualified independent academic medical organization, for the purpose of—

(1) conducting an independent study of the comparability of credentials, preparation, and training of individuals practicing as licensed mental health counselors, social workers, and marriage and family therapists under the TRICARE program to provide mental health services; and

(2) making recommendations for permitting such professionals to practice independently under the TRICARE program.

(b) ELEMENTS.—The study required by subsection (a) shall provide for each of the health care professions referred to in subsection (a)(1) the following:

(1) An assessment of the educational requirements and curriculums relevant to mental health practice for members of such profession, including types of degrees recognized, certification standards for graduate programs for such profession, and recognition of undergraduate coursework for completion of graduate degree requirements.

(2) An assessment of State licensing requirements for members of such profession, including for each level of licensure if a State issues more than one type of license for the profession. The assessment shall examine requirements in the areas of education, training, examination, continuing education, and ethical standards, and shall include an evaluation of the extent to which States, through their scope of practice, either implicitly or explicitly authorize members of such profession to diagnose and treat mental illnesses.

(3) An analysis of the requirements for clinical experience in such profession to be recognized under regulations for the TRICARE program, and recommendations, if any, for standardization or adjustment of such requirements with those of the other professions.

(4) An assessment of the extent to which practitioners under such profession are authorized to practice independently under other Federal programs (such as the Medicare program, the Department of Veterans Affairs, the Indian Health Service, Head Start, and the Federal Employee Health Benefits Program), and a review the relationship, if any, between recognition of such profession under the Medicare program and independent practice authority for such profession under the TRICARE program.

(5) An assessment of the extent to which practitioners under such profession are authorized to practice independently under private insurance plans. The assessment shall identify the States having laws requiring private insurers to cover, or offer coverage of, the services of members of such profession, and shall identify the conditions, if any, that are placed on coverage of practitioners under such profession by insurance plans and how frequently these types of conditions are used by insurers.

(6) An historical review of the regulations issued by the Department of Defense regarding which members of such profession are recognized as providers under the TRICARE program as independent practitioners, and an examination of the recognition by the Department of third party certification for members of such profession.

(c) PROVIDERS STUDIED.—It the sense of Congress that the study required by subsection (a)

should focus only on those practitioners of each health care profession referred to in subsection (a)(1) who are permitted to practice under regulations for the TRICARE program as specified in section 119.6 of title 32, Code of Federal Regulations.

(d) CLINICAL CAPABILITIES STUDIES.—The study required by subsection (a) shall include a review of outcome studies and of the literature regarding the comparative quality and effectiveness of care provided by practitioners within each of the health care professions referred to in subsection (a)(1), and provide an independent review of the findings.

(e) RECOMMENDATIONS FOR TRICARE INDEPENDENT PRACTICE AUTHORITY.—The recommendations provided under subsection (a)(2) shall include specific recommendation (whether positive or negative) regarding modifications of current policy for the TRICARE program with respect to allowing members of each of the health care professions referred to in subsection (a)(1) to practice independently under the TRICARE program, including recommendations regarding possible revision of requirements for recognition of practitioners under each such profession.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review required by subsection (a).

SEC. 705. SENSE OF SENATE ON COLLABORATIONS BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS ON HEALTH CARE FOR WOUNDED WARRIORS.

(a) FINDINGS.—The Senate makes the following findings:

(1) There have been recent collaborations between the Department of Defense, the Department of Veterans Affairs, and the civilian medical community for purposes of providing high quality medical care to America's wounded warriors. One such collaboration is occurring in Augusta, Georgia, between the Dwight D. Eisenhower Army Medical Center at Fort Gordon, the Augusta Department of Veterans Affairs Medical Center, the Medical College of Georgia, and local health care providers under the TRICARE program.

(2) Medical staff from the Dwight D. Eisenhower Army Medical Center and the Augusta Department of Veterans Affairs Medical Center have been meeting weekly to discuss future patient cases for the Active Duty Rehabilitation Unit (ADRU) within the Uptown Department of Veterans Affairs facility. The Active Duty Rehabilitation Unit, along with the Polytrauma Centers of the Department of Veterans Affairs, provide rehabilitation for members of the Armed Forces on active duty.

(3) Since 2004, 1,037 soldiers, sailors, airmen, and marines have received rehabilitation services at the Active Duty Rehabilitation Unit, 32 percent of whom served in Operation Iraqi Freedom or Operation Enduring Freedom.

(4) The Dwight D. Eisenhower Army Medical Center and the Augusta Department of Veterans Affairs Medical Center have combined their neurosurgery programs and have coordinated on critical brain injury and psychiatric care.

(5) The Department of Defense, the Army, and the Army Medical Command have recognized the need for expanded behavioral health care services for members of the Armed Forces returning from Operation Iraqi Freedom and Operation Enduring Freedom. These services are currently being provided by the Dwight D. Eisenhower Army Medical Center.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Department of Defense should encourage continuing collaboration between the Army and the Department of Veterans Affairs in treating America's wounded warriors and, when appropriate and available, provide additional support and resources for the development of such collaborations, including the current collaboration between the Active Duty Rehabilitation Unit at the Augusta Department of Veterans Affairs Medical Center, Georgia, and the behavioral health care services program at the Dwight D. Eisenhower Army Medical Center, Fort Gordon, Georgia.

SEC. 706. AUTHORITY FOR EXPANSION OF PERSONS ELIGIBLE FOR CONTINUED HEALTH BENEFITS COVERAGE.

(a) AUTHORITY TO SPECIFY ADDITIONAL ELIGIBLE PERSONS.—Subsection (b) of section 1078a of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) Any other person specified in regulations prescribed by the Secretary of Defense for purposes of this paragraph who loses entitlement to health care services under this chapter or section 1145 of this title, subject to such terms and conditions as the Secretary shall prescribe in the regulations.''.

(b) ELECTION OF COVERAGE.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(4) In the case of a person described in subsection (b)(4), by such date as the Secretary shall prescribe in the regulations required for purposes of that subsection.''.

(c) PERIOD OF COVERAGE.—Subsection (g)(1) of such section is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) in the case of a person described in subsection (b)(4), the date that is 36 months after the date on which the person loses entitlement to health care services as described in that subsection.''.

SEC. 707. CONTINUATION OF ELIGIBILITY FOR TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE SELECTED RESERVE.

(a) IN GENERAL.—Section 706(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2282; 10 U.S.C. 1076d note) is amended—

(1) by striking ''Enrollments'' and inserting ''(1) Except as provided in paragraph (2), enrollments''; and

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

''(2) The enrollment of a member in TRICARE Standard that is in effect on the day before health care under TRICARE Standard is provided pursuant to the effective date in subsection (g) shall not be terminated by operation of the exclusion of eligibility under subsection (a)(2) of such section 1076d, as so amended, for the duration of the eligibility of the member under TRICARE Standard as in effect on October 16, 2006.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 708. AUTHORITY FOR SPECIAL REIMBURSEMENT RATES FOR MENTAL HEALTH CARE SERVICES UNDER THE TRICARE PROGRAM.

(a) AUTHORITY.—Section 1079(h)(5) of title 10, United States Code, is amended in the first sentence by inserting '', including mental health care services,'' after ''health care services''.

(b) REPORT ON ACCESS TO MENTAL HEALTH CARE SERVICES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy of access to mental health services under the TRICARE program, including in the geographic areas where surveys on the continued viability of TRICARE Standard and TRICARE Extra are conducted under section 702 of this Act.

SEC. 709. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—As soon as practicable, but not later than May 31, 2008, the Secretary of Defense shall implement the recommendations of the Department of Defense Task Force on Mental Health developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement the following recommendations of the Department of Defense Task Force on Mental Health:

(1) The implementation of a comprehensive public education campaign to reduce the stigma associated with mental health problems.

(2) The appointment of a psychological director of health for each military department, each military treatment facility, the National Guard, and the Reserve Component, and the establishment of a psychological health council.

(3) The establishment of a center of excellence for the study of psychological health.

(4) The enhancement of TRICARE benefits and care for mental health problems.

(5) The implementation of an annual psychological health assessment addressing cognition, psychological functioning, and overall psychological readiness for each member of the Armed Forces, including members of the National Guard and Reserve Component.

(6) The development of a model for allocating resources to military mental health facilities, and services embedded in line units, based on an assessment of the needs of and risks faced by the populations served by such facilities and services.

(7) The issuance of a policy directive to ensure that each military department carefully assesses the history of occupational exposure to conditions potentially resulting in post-traumatic stress disorder, traumatic brain injury, or related diagnoses in members of the Armed Forces facing administrative or medical discharge.

(8) The maintenance of adequate family support programs for families of deployed members of the Armed Forces.

(c) RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any legislative action required to implement the recommendations of the Department of Defense Mental Health Task Force.

(d) RECOMMENDATIONS TO BE NOT IMPLEMENTED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any recommendations of the Department of Defense Mental Health Task Force the Secretary of Defense has determined not to implement.

(e) PROGRESS REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter until the date described in paragraph (2), the Secretary shall submit to the congressional defense committees a report on the status of the implementation of the recommendations of the Department of Defense Mental Health Task Force.

(2) DATE DESCRIBED.—The date described in this paragraph is the date on which all recommendations of the Department of Defense Mental Health Task Force have been implemented other than the recommendations the Secretary has determined pursuant to subsection (d) not to implement.

SEC. 710. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

"§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries'.

''(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

''(c) RESPONSIBILITIES.—(1) The Center shall—

''(A) develop, implement, and oversee a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury incurred by a member of the armed forces in combat that requires surgery or other operative intervention; and

''(B) ensure the electronic exchange with Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A).

''(2) The registry under this subsection shall be known as the 'Military Eye Injury Registry'.

''(3) The Center shall develop the Registry in consultation with the ophthalmological specialist personnel and optometric specialist personnel of the Department of Defense. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other eye injuries.

''(4) The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the Center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury described in that paragraph as follows (to the extent applicable):

''(A) Not later than 72 hours after surgery or other operative intervention.

''(B) Any clinical or other operative intervention done within 30 days, 60 days, or 120 days after surgery or other operative intervention as a result of a follow-up examination.

''(C) Not later than 180 days after surgery or other operative intervention.

''(5)(A) The Center shall provide notice to the Blind Service or Low Vision Optometry Service, as applicable, of the Department of Veterans Affairs on each member of the armed forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of visual rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the armed forces.

''(B) A member of the armed forces described in this subparagraph is a member of the armed forces as follows:

''(i) A member with an eye injury incurred in combat who has a visual acuity of 20/200 or less in either eye.

''(ii) A member with an eye injury incurred in combat who has a loss of peripheral vision of twenty degrees or less.

''(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Military Eye Injury Registry is available to appropriate ophthalmological and optometric personnel of the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on eye injuries incurred by members of the armed forces in combat.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new item:

''1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries.''.

(b) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Military Eye Injury Registry established under section 1105a of title 10, United States Code (as added by subsection (a)), such records of members of the Armed Forces who incurred an eye injury in combat in Operation Iraqi Freedom or Operation Enduring Freedom before the establishment of the Registry as the Secretary considers appropriate for purposes of the Registry.

(c) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added), including the progress made in established the Military Eye Injury Registry required under that section.

(d) TRAUMATIC BRAIN INJURY POST TRAUMATIC VISUAL SYNDROME.—In carrying out the program at Walter Reed Army Medical Center, District of Columbia, on Traumatic Brain Injury Post Traumatic Visual Syndrome, the Secretary of Defense and the Department of Veterans Affairs shall jointly provide for the conduct of a cooperative study on neuro-optometric screening and diagnosis of members of the Armed Forces with Traumatic Brain Injury by military medical treatment facilities of the Department of Defense and medical centers of the Department of Veterans Affairs selected for purposes of this subsection for purposes of vision screening, diagnosis, rehabilitative management, and vision research on visual dysfunction related to Traumatic Brain Injury.

(e) FUNDING.—Of the amounts available for Defense Health Program, $5,000,000 may be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added).

SEC. 711. REPORT ON ESTABLISHMENT OF A SCHOLARSHIP PROGRAM FOR CIVILIAN MENTAL HEALTH PROFESSIONALS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Assistant Secretary of Defense for Health Affairs and each of the Surgeons General of the Armed Forces, shall submit to Congress a report on the feasibility and advisability of establishing a scholarship program for civilian mental health professionals.

(b) ELEMENTS.—The report shall include the following:

(1) An assessment of a potential scholarship program that provides certain educational funding to students seeking a career in mental health services in exchange for service in the Department of Defense.

(2) An assessment of current scholarship programs which may be expanded to include mental health professionals.

(3) Recommendations regarding the establishment or expansion of scholarship programs for mental health professionals.

(4) A plan to implement, or reasons for not implementing, recommendations that will increase mental health staffing across the Department of Defense.

SEC. 712. REPORT ON MEDICAL PHYSICAL EXAMINATIONS OF MEMBERS OF THE ARMED FORCES BEFORE THEIR DEPLOYMENT.

Not later than April 1, 2008, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) The results of a study of the frequency of medical physical examinations conducted by each component of the Armed Forces (including both the regular components and the reserve components of the Armed Forces) for members of the Armed Forces within such component before their deployment.

(2) A comparison of the policies of the military departments concerning medical physical examinations of members of the Armed Forces before their deployment, including an identification of instances in which a member (including a member of a reserve component) may be required to undergo multiple physical examinations, from the time of notification of an upcoming deployment through the period of preparation for deployment.

(3) A model of, and a business case analysis for, each of the following:

(A) A single predeployment physical examination for members of the Armed Forces before their deployment.

(B) A single system for tracking electronically the results of examinations under subparagraph (A) that can be shared among the military departments and thereby eliminate redundancy of medical physical examinations for members of the Armed Forces before their deployment.

SEC. 713. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(c) PREMIUMS UNDER TRICARE COVERAGE FOR CERTAIN MEMBERS IN THE SELECTED RESERVE.—Section 1076d(d)(3) of such title is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(d) PREMIUMS UNDER TRICARE COVERAGE FOR MEMBERS OF THE READY RESERVE.—Section 1076b(e)(3) of such title is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

SEC. 714. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2007, and ending on September 30, 2008, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

SEC. 715. SENSE OF CONGRESS ON FEES AND ADJUSTMENTS UNDER THE TRICARE PROGRAM.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands, and make extraordinary sacrifices, over the course of 20-year to 30-year careers in protecting freedom for all Americans;

(2) these demands and sacrifices are such that few Americans are willing to accept them for a multi-decade career;

(3) a primary benefit of enduring the extraordinary sacrifices inherent in a military career is a system of exceptional retirement benefits that a grateful Nation provides for those who choose to subordinate much of their personal life to the national interest for so many years;

(4) proposals to compare cash fees paid by retired military members and their families to fees paid by civilians fail to recognize adequately that military members prepay the equivalent of very large advance premiums for health care in retirement through their extended service and sacrifice, in addition to cash fees, deductibles, and copayments;

(5) the Department of Defense and the Nation have a committed obligation to provide health care benefits to active duty, National Guard, Reserve and retired members of the uniformed services and their families and survivors that considerably exceeds the obligation of corporate employers to provide health care benefits to their employees; and

(6) the Department of Defense has options to constrain the growth of health care spending in ways that do not disadvantage retired members of the uniformed services, and should pursue any and all such options as a first priority.

SEC. 716. CONTINUATION OF TRANSITIONAL HEALTH BENEFITS FOR MEMBERS OF THE ARMED FORCES PENDING RESOLUTION OF SERVICE-RELATED MEDICAL CONDITIONS.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking ''Transitional health care'' and inserting ''Except as provided in paragraph (6), transitional health care''; and

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

''(6)(A) A member who has a medical condition relating to service on active duty that warrants further medical care shall be entitled to receive medical and dental care for such medical condition as if the member were a member of the armed forces on active duty until such medical condition is resolved.

''(B) The Secretary concerned shall ensure that the Defense Enrollment and Eligibility Reporting System (DEERS) is continually updated in order to reflect the continuing entitlement of members covered by subparagraph (A) to the medical and dental care referred to in that subparagraph.''.

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

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.

(a) DEFINITION IN REGULATIONS OF SUBSTANTIAL SAVINGS UNDER MULTIYEAR CONTRACTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations prescribed pursuant to subsection (b)(2)(A) of section 2306b of title 10, United States Code, to define the term ''substantial savings'' for purposes of subsection (a)(1) of such section. Such regulations shall specify that—

(A) savings that exceed 10 percent of the total anticipated costs of carrying out a program through annual contracts shall be considered to be substantial;

(B) savings that exceed 5 percent of the total anticipated costs of carrying out a program through annual contracts, but do not exceed 10 percent of such costs, shall not be considered to be substantial unless the Secretary determines in writing that an exceptionally strong case has been made with regard to the findings required by paragraphs (2) through (6) of section 2306b(a) of such title; and

(C) savings that do not exceed 5 percent of the total anticipated costs of carrying out a program through annual contracts shall not be considered to be substantial.

(2) EFFECTIVE DATE.—The modification required by paragraph (1) shall apply with regard to any multiyear contract that is authorized after the date that is 60 days after the date of the enactment of this Act.

(b) REPORT ON BASIS FOR DETERMINATION.—Section 2306b(i)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: ''after the head of the agency concerned submits to the congressional defense committees a report on the specific facts supporting the determination of the head of that agency under subsection (a)''.

(c) REPORTS ON SAVINGS ACHIEVED.—

(1) REPORTS REQUIRED.—Not later than January 15 of 2008, 2009, and 2010, the Secretary shall submit to the congressional defense committees a report on the savings achieved through the use of multiyear contracts that were entered under the authority of section 2306b of title 10, United States Code, and the performance of which was completed in the preceding fiscal year.

(2) ELEMENTS.—Each report under paragraph (1) shall specify, for each multiyear contract covered by such report—

(A) the savings that the Department of Defense estimated it would achieve through the use of the multiyear contract at the time such contract was awarded; and

(B) the best estimate of the Department on the savings actually achieved under such contract.

SEC. 802. CHANGES TO MILESTONE B CERTIFICATIONS.

Section 2366a of title 10, United States Code, is amended—

(1) in subsection (a), by inserting '', after receiving a business case analysis,'' after ''the milestone decision authority'' in the matter preceding paragraph (1);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

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

''(b) CHANGES TO CERTIFICATION.—(1) The program manager for a major defense acquisition program that has received certification under subsection (a) shall immediately notify the milestone decision authority of any changes to the program that are—

''(A) inconsistent with such certification; or

''(B) deviate significantly from the material provided to the milestone decision authority in support of such certification.

''(2) Upon receipt of information under paragraph (1), the milestone decision authority may withdraw the certification concerned or rescind Milestone B approval (or Key Decision Point B approval in the case of a space program) if the milestone decision authority determines that such action is in the best interest of the national security of the United States.'';

(4) in subsection (c), as redesignated by paragraph (1)—

(A) by inserting ''(1)'' before ''The certification''; and

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

''(2) Any information provided to the milestone decision authority pursuant to subsection (b) shall be summarized in the first Selected Acquisition Report submitted under section 2432 of this title after such information is received by the milestone decision authority.''; and

(5) in subsection (e), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (d)''.

SEC. 803. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE ORGANIZATION AND STRUCTURE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on potential modifications of the organization and structure of the Department of Defense for major defense acquisition programs.

(b) ELEMENTS.—The report required by subsection (a) shall include the results of a review, conducted by the Comptroller General for purposes of the report, regarding the feasibility and advisability of, at a minimum, the following:

(1) Establishing system commands within each military department, each of which commands would be headed by a 4-star general or flag officer, to whom the program managers and program executive officers for major defense acquisition programs would report.

(2) Revising the acquisition process for major defense acquisition programs by establishing shorter, more frequent acquisition program milestones.

(3) Requiring certifications of program status to the defense acquisition executive and Congress prior to milestone approval for major defense acquisition programs.

(4) Establishing a new office (to be known as the ''Office of Independent Assessment'') to provide independent cost estimates and performance estimates for major defense acquisition programs.

(5) Establishing a milestone system for major defense acquisition programs utilizing the following milestones (or such other milestones as the Comptroller General considers appropriate for purposes of the review):

(A) MILESTONE 0.—The time for the development and approval of a mission need statement for a major defense acquisition program.

(B) MILESTONE 1.—The time for the development and approval of a capability need definition for a major defense acquisition program, including development and approval of a certification statement on the characteristics required for the system under the program and a determination of the priorities among such characteristics.

(C) MILESTONE 2.—The time for technology development and assessment for a major defense acquisition program, including development and approval of a certification statement on technology maturity of elements under the program.

(D) MILESTONE 3.—The time for system development and demonstration for a major defense acquisition program, including development and approval of a certification statement on design proof of concept.

(E) MILESTONE 4.—The time for final design, production prototyping, and testing of a major defense acquisition program, including development and approval of a certification statement on cost, performance, and schedule in advance of initiation of low-rate production of the system under the program.

(F) MILESTONE 5.—The time for limited production and field testing of the system under a major defense acquisition program.

(G) MILESTONE 6.—The time for initiation of full-rate production of the system under a major defense acquisition program.

(6) Requiring the Milestone Decision Authority for a major defense acquisition program to specify, at the time of Milestone B approval, or Key Decision Point B approval, as applicable, the period of time that will be required to deliver an initial operational capability to the relevant combatant commanders.

(7) Establishing a materiel solutions process for addressing identified gaps in critical warfighting capabilities, under which process the Under Secretary of Defense for Acquisition, Technology, and Logistics circulates among the military departments and appropriate Defense Agencies a request for proposals for technologies and systems to address such gaps.

(8) Modifying the role played by chiefs of staff of the Armed Forces in the requirements, resource allocation, and acquisition processes.

(c) CONSULTATION.—In conducting the review required under subsection (b) for the report required by subsection (a), the Comptroller General shall obtain the views of the following:

(1) Senior acquisition officials currently serving in the Department of Defense.

(2) Individuals who formerly served as senior acquisition officials in the Department of Defense.

(3) Participants in previous reviews of the organization and structure of the Department of Defense for the acquisition of major weapon systems, including the President's Blue Ribbon Commission on Defense Management in 1986.

(4) Other experts on the acquisition of major weapon systems.

(5) Appropriate experts in the Government Accountability Office.

SEC. 804. INVESTMENT STRATEGY FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the strategies of the Department of Defense for the allocation of funds and other resources under major defense acquisition programs.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum, Department of Defense organizations, procedures, and approaches for the following purposes:

(1) To establish priorities among needed capabilities under major defense acquisition programs, and to assess the resources (including funds, technologies, time, and personnel) needed to achieve such capabilities.

(2) To balance cost, schedule, and requirements for major defense acquisition programs to ensure the most efficient use of Department of Defense resources.

(3) To ensure that the budget, requirements, and acquisition processes of the Department of Defense work in a complementary manner to achieve desired results.

(c) ROLE OF TRI-CHAIR COMMITTEE IN RESOURCE ALLOCATION.—

(1) IN GENERAL.—The report required by subsection (a) shall also address the role of the committee described in paragraph (2) in the resource allocation process for major defense acquisition programs.

(2) COMMITTEE.—The committee described in this paragraph is a committee (to be known as the ''Tri-Chair Committee'') composed of the following:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who is one of the chairs of the committee.

(B) The Vice Chairman of the Joint Chiefs of Staff, who is one of the chairs of the committee.

(C) The Director of Program Analysis and Evaluation, who is one of the chairs of the committee.

(D) Any other appropriate officials of the Department of Defense, as jointly agreed upon by the Under Secretary and the Vice Chairman.

(d) RECOMMENDATIONS.—The report required by subsection (a) shall include any recommendations, including recommendations for legislative action, that the Secretary considers appropriate to improve the organizations, procedures, and approaches described in the report.

SEC. 805. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS ON TOTAL OWNERSHIP COST FOR MAJOR WEAPON SYSTEMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the extent of the implementation of the recommendations set forth in the February 2003 report of the Government Accountability Office entitled ''Setting Requirements Differently Could Reduce Weapon Systems' Total Ownership Costs''.

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

(1) For each recommendation described in subsection (a) that has been implemented, or that the Secretary plans to implement—

(A) a summary of all actions that have been taken to implement such recommendation; and

(B) a schedule, with specific milestones, for completing the implementation of such recommendation.

(2) For each recommendation that the Secretary has not implemented and does not plan to implement—

(A) the reasons for the decision not to implement such recommendation; and

(B) a summary of any alternative actions the Secretary plans to take to address the purposes underlying such recommendation.

(3) A summary of any additional actions the Secretary has taken or plans to take to ensure that total ownership cost is appropriately considered in the requirements process for major weapon systems.

Subtitle B—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 821. ENHANCED COMPETITION REQUIREMENTS FOR TASK AND DELIVERY ORDER CONTRACTS.

(a) LIMITATION ON SINGLE AWARD CONTRACTS.—Section 2304a(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) No task or delivery order contract in an amount estimated to exceed $100,000,000 (including all options) may be awarded to a single contractor unless the head of the agency determines in writing that—

''(A) because of the size, scope, or method of performance of the requirement, it would not be practical to award multiple task or delivery order contracts;

''(B) the task or delivery orders expected under the contract are so integrally related that only a single contractor can reasonably perform the work;

''(C) the contract provides only for firm, fixed price task orders or delivery orders for—

''(i) products for which unit prices are established in the contract; or

''(ii) services for which prices are established in the contract for the specific tasks to be performed; or

''(D) only one contractor is qualified and capable of performing the work at a reasonable price to the government.''.

(b) ENHANCED COMPETITION FOR ORDERS IN EXCESS OF $5,000,000.—Section 2304c of such title is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following new subsection (d):

''(d) ENHANCED COMPETITION FOR ORDERS IN EXCESS OF $5,000,000.—In the case of a task or delivery order in excess of $5,000,000, the requirement to provide all contractors a fair opportunity to be considered under subsection (b) is not met unless all such contractors are provided, at a minimum—

''(1) a notice of the task or delivery order that includes a clear statement of the agency's requirements;

''(2) a reasonable period of time to provide a proposal in response to the notice;

''(3) disclosure of the significant factors and subfactors, including cost or price, that the agency expects to consider in evaluating such proposals, and their relative importance;

''(4) in the case of an award that is to be made on a best value basis, a written statement documenting the basis for the award and the relative importance of quality and price or cost factors; and

''(5) an opportunity for a post-award debriefing consistent with the requirements of section 2305(b)(5) of this title.''; and

(3) by striking subsection (e), as redesignated by paragraph (1), and inserting the following new subsection (e):

''(e) PROTESTS.—(1) A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order except for—

''(A) a protest on the ground that the order increases the scope, period, or maximum value of the contract under which the order is issued; or

''(B) a protest of an order valued in excess of $5,000,000.

''(2) Notwithstanding section 3556 of title 31, the Comptroller General of the United States shall have exclusive jurisdiction of a protest authorized under paragraph (1)(B).''.

(c) EFFECTIVE DATES.—

(1) SINGLE AWARD CONTRACTS.—The amendments made by subsection (a) shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to any contract awarded on or after such date.

(2) ORDERS IN EXCESS OF $5,000,000.—The amendments made by subsection (b) shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to any task or delivery order awarded on or after such date.

SEC. 822. CLARIFICATION OF RULES REGARDING THE PROCUREMENT OF COMMERCIAL ITEMS.

(a) TREATMENT OF SUBSYSTEMS, COMPONENTS, AND SPARE PARTS AS COMMERCIAL ITEMS.—

(1) IN GENERAL.—Section 2379 of title 10, United States Code, is amended—

(A) by striking subsection (b) and inserting the following new subsection (b):

''(b) TREATMENT OF SUBSYSTEMS AS COMMERCIAL ITEMS.—A subsystem of a major weapon system shall be treated as a commercial item and purchased under procedures established for the procurement of commercial items only if—

''(1) the subsystem is intended for a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (a);

''(2) the Secretary of Defense determines that—

''(A) the subsystem is a commercial item, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)); and

''(B) the treatment of the subsystem as a commercial item is necessary to meet national security objectives; or

''(3) the contractor demonstrates that it has sold, leased, or licensed the subsystem or an item that is the same as the subsystem, but for modifications described in subparagraphs (B) and (C) of section 4(12) of the Office of Federal Procurement Policy Act, in significant quantities to the general public.'';

(B) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(C) by inserting after subsection (b) the following new subsections (c) and (d):

''(c) TREATMENT OF COMPONENTS AND SPARE PARTS AS COMMERCIAL ITEMS.—A component or spare part for a major weapon system may be treated as a commercial item, and purchased under procedures established for the procurement of commercial items, only if—

''(1) the component or spare part is intended for—

''(A) a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (a); or

''(B) a subsystem of a major weapon system that is being purchased, or has been purchased, under procedures established for the procurement of commercial items in accordance with the requirements of subsection (b); or

''(2) the contractor demonstrates that it has sold, leased, or licensed the component or spare part, or an item that is the same as the component or spare part, but for modifications described in subparagraphs (B) and (C) of section 4(12) of the Office of Federal Procurement Policy Act, in significant quantities to the general public.

''(d) PRICE INFORMATION.—In the case of any major weapon system, subsystem, component, or

spare part purchased under procedures established for the procurement of commercial items under the authority of this section, the contractor shall provide data other than certified cost or pricing data, including information on prices at which the same item or similar items have previously been sold to the general public, that is adequate for evaluating, through price analysis, the reasonableness of the price of the contract, subcontract, or modification of the contract or subcontract pursuant to which such major weapon system, subsystem, component or spare part, as the case may be, will be purchased.''.

(2) CONFORMING AMENDMENT TO TECHNICAL DATA PROVISION.—Section 2321(f)(2) of such title is amended by striking ''(whether or not under a contract for commercial items)'' and inserting ''(other than technical data for a subsystem, component, or spare part that is determined to be a commercial item in accordance with the requirements of section 2379 of this title)''.

(b) SALES OF COMMERCIAL ITEMS TO NONGOVERNMENTAL ENTITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the regulations of the Department of Defense on the procurement of commercial items in order to clarify that the terms ''general public'' and ''nongovernmental entities'' in such regulations do not include the following:

(1) The Federal Government or a State, local, or foreign government.

(2) A contractor or subcontractor acting on behalf of the Federal Government or a State, local, or foreign government.

(c) HARMONIZATION OF THRESHOLDS FOR COST OR PRICING DATA.—Section 2306a(b)(3)(A) of title 10, United States Code, is amended by striking ''$500,000'' and inserting ''the amount specified in subsection (a)(1)(A)(i), as adjusted from time to time under subsection (a)(7),''.

SEC. 823. CLARIFICATION OF RULES REGARDING THE PROCUREMENT OF COMMERCIAL SERVICES.

Notwithstanding section 8002(d) of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 264 note), the Secretary of Defense shall modify the regulations of the Department of Defense on procurements for or on behalf of the Department of Defense in order to prohibit the use of time and materials contracts or labor-hour contracts to purchase as commercial items any category of commercial services other than the following:

(1) Commercial services procured for support of a commercial item, as described in section 4(12)(E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(E)).

(2) Emergency repair services.

SEC. 824. MODIFICATION OF COMPETITION REQUIREMENTS FOR PURCHASES FROM FEDERAL PRISON INDUSTRIES.

(a) MODIFICATION OF COMPETITION REQUIREMENTS.—

(1) IN GENERAL.—Section 2410n of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections (a) and (b):

''(a) PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES DOES NOT HAVE SIGNIFICANT MARKET SHARE.—(1) Before purchasing a product listed in the latest edition of the Federal Prison Industries catalog under section 4124(d) of title 18 for which Federal Prison Industries does not have a significant market share, the Secretary of Defense shall conduct market research to determine whether the product is comparable to products available from the private sector that best meet the needs of the Department in terms of price, quality, and time of delivery.

''(2) If the Secretary determines that a Federal Prison Industries product described in paragraph (1) is not comparable in price, quality, or time of delivery to products of the private sector that best meets the needs of the Department in terms of price, quality, and time of delivery, the Secretary shall use competitive procedures for the procurement of the product, or shall make an individual purchase under a multiple award contract in accordance with the competition requirements applicable to such contract. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries.

''(b) PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES HAS SIGNIFICANT MARKET SHARE.—(1) The Secretary of Defense may purchase a product listed in the latest edition of the Federal Prison Industries catalog for which Federal Prison Industries has a significant market share only if the Secretary uses competitive procedures for the procurement of the product or makes an individual purchase under a multiple award contract in accordance with the competition requirements applicable to such contract. In conducting such a competition, the Secretary shall consider a timely offer from Federal Prison Industries.

''(2) For purposes of this subsection, Federal Prison Industries shall be treated as having a significant share of the market for a product if the Secretary, in consultation with the Administrator of Federal Procurement Policy, determines that the Federal Prison Industries' share of the Department of Defense market for the category of products including such product is greater than 5 percent.''.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of the enactment of this Act.

(b) LIST OF PRODUCTS FOR WHICH FEDERAL PRISON INDUSTRIES HAS SIGNIFICANT MARKET SHARE.—

(1) INITIAL LIST.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall publish a list of product categories for which Federal Prison Industries' share of the Department of Defense market is greater than 5 percent, based on the most recent fiscal year for which data is available.

(2) MODIFICATION.—The Secretary may modify the list published under paragraph (1) at any time if the Secretary determines that new data require adding a product category to the list or omitting a product category from the list.

(3) CONSULTATION.—The Secretary shall carry out this subsection in consultation with the Administrator for Federal Procurement Policy.

SEC. 825. FIVE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''September 30, 2008'' and inserting ''September 30, 2013''.

SEC. 826. MULTIYEAR PROCUREMENT AUTHORITY FOR ELECTRICITY FROM RENEWABLE ENERGY SOURCES.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§2410q. Multiyear procurement authority: purchase of electricity from renewable energy sources

''(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsection (b), the Secretary of Defense may enter into contracts for a period not to exceed 10 years for the purchase of electricity from sources of renewable energy, as that term is defined in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).

''(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The Secretary may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the Secretary determines, on the basis of a business case prepared by the Department of Defense that—

''(1) the proposed purchase of electricity under such contract is cost effective for the Department of Defense; and

''(2) it would not be possible to purchase electricity from the source in an economical manner without the use of a contract for a period in excess of five years.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410q. Multiyear procurement authority: purchase of electricity from renewable energy sources.''.

SEC. 827. PROCUREMENT OF FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

(a) AUTHORITY TO PROCURE.—The Secretary of Defense may procure fire resistant rayon fiber for the production of uniforms that is manufactured in a foreign country referred to in subsection (d) if the Secretary determines either of the following:

(1) That fire resistant rayon fiber for the production of uniforms is not available from sources within the national technology and industrial base.

(2) That—

(A) procuring fire resistant rayon fiber manufactured from suppliers within the national technology and industrial base would result in sole-source contracts or subcontracts for the supply of fire resistant rayon fiber; and

(B) such sole-source contracts or subcontracts would not be in the best interests of the Government or consistent with the objectives of section 2304 of title 10, United States Code.

(b) SUBMISSION TO CONGRESS.—Not later than 30 days after making a determination under subsection (a), the Secretary shall submit to Congress a copy of the determination.

(c) APPLICABILITY TO SUBCONTRACTS.—The authority under subsection (a) applies with respect to subcontracts under Department of Defense contracts as well as to such contracts.

(d) FOREIGN COUNTRIES COVERED.—The authority under subsection (a) applies with respect to a foreign country that—

(1) is a party to a defense memorandum of understanding entered into under section 2531 of this title; and

(2) does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE DEFINED.—In this section, the term ''national technology and industrial base'' has the meaning given that term in section 2500 of title 10, United States Code.

(f) SUNSET.—The authority under subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.

SEC. 828. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense to implement new programs or projects pursuant to congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project pursuant to a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project pursuant to a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be

awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

(B) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress and the Committees on Armed Services of the Senate and the House of Representatives.

(4) CONTRACTING AUTHORITY.—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract, grant, or cooperative agreement awarded to implement a new program or project pursuant to a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

Subtitle C—Acquisition Policy and Management

SEC. 841. JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) ADVISORS.—Section 181 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) ADVISORS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense (Comptroller) shall serve as advisors to the Council on matters within their authority and expertise.''.

(b) CONSULTATION.—Section 2433(e)(2) of such title is amended by inserting '', after consultation with the Joint Requirements Oversight Council regarding program requirements,'' after ''Secretary of Defense'' in the matter preceding subparagraph (A).

SEC. 842. MANAGEMENT STRUCTURE FOR THE PROCUREMENT OF CONTRACT SERVICES.

(a) AUTHORITY TO ESTABLISH CONTRACT SUPPORT ACQUISITION CENTERS.—Subsection (b) of section 2330 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) Each senior official responsible for the management of acquisition of contract services is authorized to establish a center (to be known as a 'Contract Support Acquisition Center') to act as executive agent for the acquisition of contract services. Any center so established shall be subject to the provisions of subsection (c).''.

(b) DIRECTION, STAFF, AND SUPPORT.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) DIRECTION, STAFF, AND SUPPORT OF CONTRACT SUPPORT ACQUISITION CENTERS.—(1) The Contract Support Acquisition Center established by a senior official responsible for the management of acquisition of contract services under subsection (b)(4) shall be subject to the direction, supervision, and oversight of such senior official.

''(2) The Secretary of Defense or the Secretary of the military department concerned may transfer to a Contract Support Acquisition Center any personnel under the authority of such Secretary whose principal duty is the acquisition of contract services.

''(3)(A) Except as provided in subparagraph (E), the Secretary of Defense may accept from the head of a department or agency outside the Department of Defense a transfer to any Contract Support Acquisition Center under subsection (b)(4) of all or part of any organizational unit of such other department or agency that is primarily engaged in the acquisition of contract services if, during the most recent year for which data is available before such transfer, more than 50 percent of the contract services acquired by such organizational unit (as determined on the basis of cost) were acquired on behalf of the Department of Defense.

''(B) The head of a department or agency outside the Department of Defense may transfer in accordance with this paragraph an organizational unit that is authorized to be accepted under subparagraph (A).

''(C) A transfer under this paragraph may be made and accepted only pursuant to a memorandum of understanding entered into by the head of the department or agency making the transfer and the Secretary of Defense.

''(D) A transfer of an organizational unit under this paragraph shall include the transfer of the personnel of such organizational unit, the assets of such organizational unit, and the contracts of such organizational unit, to the extent provided in the memorandum of understanding governing the transfer of the unit.

''(E) This paragraph does not authorize a transfer of the multiple award schedule program of the General Services Administration as described in section 2302(2)(C) of this title.''.

SEC. 843. SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.

(a) SPECIFICATION OF AMOUNTS REQUESTED.—The budget justification materials submitted to Congress in support of the budget of the Department of Defense for any fiscal year after fiscal year 2008 shall identify clearly and separately the amounts requested in each budget account for the procurement of contract services.

(b) CONTRACT SERVICES DEFINED.—In this section, the term ''contract services''—

(1) means services from contractors; but

(2) excludes services relating to research and development and services relating to military construction.

SEC. 844. DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) PURPOSE.—The purpose of this section is to ensure that the Department of Defense acquisition workforce has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate oversight of contractor performance, and ensure that the Department receives the best value for the expenditure of public resources.

(b) DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—The Secretary of Defense shall establish a fund to be known as the ''Department of Defense Acquisition Workforce Fund'' (in this section referred to as the ''Fund'') to provide funds for the recruitment, training, and retention of acquisition personnel of the Department of Defense for the purpose of this section.

(2) MANAGEMENT.—The Fund shall be managed by a senior official of the Department of Defense designated by the Secretary for that purpose.

(c) ELEMENTS.—

(1) IN GENERAL.—The Fund shall consist of amounts as follows:

(A) Amounts credited to the Fund under paragraph (2).

(B) Any other amounts appropriated to, credited to, or deposited into the Fund by law.

(2) CREDITS TO THE FUND.—(A) There shall be credited to the Fund an amount equal to the applicable percentage for a fiscal year of all amounts expended by the Department of Defense in such fiscal year for contract services, other than services relating to research and development and services relating to military construction.

(B) Not later than 30 days after the end of the first fiscal year quarter of fiscal year 2008, and 30 days after the end of each fiscal year quarter thereafter, the head of each military department and Defense Agency shall remit to the Secretary of Defense an amount equal to the applicable percentage for such fiscal year of the amount expended by such military department or Defense Agency, as the case may be, during such fiscal year quarter for services covered by subparagraph (A). Any amount so remitted shall be credited to the Fund under subparagraph (A).

(C) For purposes of this paragraph, the applicable percentage for a fiscal year is a percentage as follows:

(i) For fiscal year 2008, 0.5 percent.

(ii) For fiscal year 2009, 1 percent.

(iii) For fiscal year 2010, 1.5 percent.

(iv) For any fiscal year after fiscal year 2010, 2 percent.

(d) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Subject to the provisions of this subsection, amounts in the Fund shall be available to the Secretary of Defense for expenditure, or for transfer to a military department or Defense Agency, for the recruitment, training, and retention of acquisition personnel of the Department of Defense for the purpose of this section, including for the provision of training and retention incentives to the acquisition workforce of the Department as of the date of the enactment of this Act.

(2) LIMITATION ON PAYMENTS TO OR FOR CONTRACTORS.—Amounts in the Fund shall not be available for payments to contractors or contractor employees, other than for the purpose of providing training to Department of Defense employees.

(3) PROHIBITION ON PAYMENT OF BASE SALARY OF CURRENT EMPLOYEES.—Amounts in the Fund may not be used to pay the base salary of any person who is an employee of the Department as of the date of the enactment of this Act.

(4) DURATION OF AVAILABILITY.—Amounts credited to the Fund under subsection (c)(2) shall remain available for expenditure in the fiscal year for which credited and the two succeeding fiscal years.

(e) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the Fund during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(1) A statement of the amounts remitted to the Secretary for crediting to the Fund for such fiscal year by each military department and Defense Agency, and a statement of the amounts credited to the Fund for such fiscal year.

(2) A description of the expenditures made from the Fund (including expenditures following a transfer of amounts in the Fund to a military department or Defense Agency) in such fiscal year, including the purpose of such expenditures.

(3) A description and assessment of improvements in the Department of Defense acquisition workforce resulting from such expenditures.

(4) A statement of the balance remaining in the Fund at the end of such fiscal year.

(f) DEFENSE AGENCY DEFINED.—In this section, the term ''Defense Agency'' has the meaning given that term in section 101(a) of title 10, United States Code.

(g) EXPEDITED HIRING AUTHORITY.—

(1) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(A) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

(B) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(2) SUNSET.—The Secretary may not appoint a person to a position of employment under this subsection after September 30, 2012.

(h) ACQUISITION WORKFORCE ASSESSMENT AND PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop an assessment and plan for addressing gaps in the acquisition workforce of the Department of Defense.

(2) CONTENT OF ASSESSMENT.—The assessment developed under paragraph (1) shall identify—

(A) the skills and competencies needed in the military and civilian workforce of the Department of Defense to effectively manage the acquisition programs and activities of the Department over the next decade;

(B) the skills and competencies of the existing military and civilian acquisition workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected military and civilian acquisition workforce that should be addressed to ensure that the Department has access to the skills and competencies identified pursuant to subparagraph (A).

(3) CONTENT OF PLAN.—The plan developed under paragraph (1) shall establish specific objectives for developing and reshaping the military and civilian acquisition workforce of the Department of Defense to address the gaps in skills and competencies identified under paragraph (2). The plan shall include—

(A) specific recruiting and retention goals; and

(B) specific strategies for developing, training, deploying, compensating, and motivating the military and civilian acquisition workforce of the Department to achieve such goals.

(4) ANNUAL UPDATES.—Not later than March 1 of each year from 2009 through 2012, the Secretary of Defense shall update the assessment and plan required by paragraph (1). Each update shall include the assessment of the Secretary of the progress the Department has made to date in implementing the plan.

(5) SPENDING OF AMOUNTS IN FUND IN ACCORDANCE WITH PLAN.—Beginning on October 1, 2008, amounts in the Fund shall be expended in accordance with the plan required under paragraph (1) and the annual updates required under paragraph (4).

(6) REPORTS.—Not later than 30 days after developing the assessment and plan required under paragraph (1) or preparing an annual update required under paragraph (4), the Secretary of Defense shall submit to the congressional defense committees a report on the assessment and plan or annual update, as the case may be.

SEC. 845. INVENTORIES AND REVIEWS OF CONTRACTS FOR SERVICES BASED ON COST OR TIME OF PERFORMANCE.

(a) PREPARATION OF LISTS OF ACTIVITIES UNDER CONTRACTS FOR SERVICES.—

(1) PREPARATION OF LISTS.—Not later than the end of the third quarter of each fiscal year beginning with fiscal year 2008, the Secretary of each military department and the head of each Defense Agency shall submit to the Secretary of Defense a list of the activities performed during the preceding fiscal year pursuant to contracts for services for or on behalf of such military department or Defense Agency, as the case may be, under which the contractor is paid on the basis of the cost or time of performance, rather than specific tasks performed or results achieved.

(2) LIST ELEMENTS.—The entry for an activity on a list under paragraph (1) shall include, for the fiscal year covered by such entry, the following:

(A) The fiscal year for which the activity first appeared on a list under this section.

(B) The number of full-time contractor employees (or its equivalent) paid for the performance of the activity.

(C) A determination whether the contract pursuant to which the activity is performed is a personal services contract.

(D) The name of the Federal official responsible for the management of the contract pursuant to which the activity is performed.

(E) With respect to a list for a fiscal year after fiscal year 2008, information on plans and written determinations made pursuant to subsection (c)(2).

(b) PUBLIC AVAILABILITY OF LISTS.—Not later than 30 days after the date on which lists are required to be submitted to the Secretary of Defense under subsection (a), the Secretary shall—

(1) transmit to the congressional defense committees a copy of the lists so submitted to the Secretary;

(2) make such lists available to the public; and

(3) publish in the Federal Register a notice that such lists are available to the public.

(c) REVIEW AND PLANNING REQUIREMENTS.—

(1) REVIEW OF LISTS.—Within a reasonable time after the date on which a notice of the public availability of a list is published under subsection (b)(3), the Secretary of the military department or head of the Defense Agency concerned shall—

(A) review the contracts and activities included on the list;

(B) ensure that—

(i) each contract on the list that is a personal services contract has been entered into, and is being performed, in accordance with applicable statutory and regulatory requirements;

(ii) the activities on the list do not include any inherently governmental functions; and

(iii) to the maximum extent practicable, the activities on the list do not include any functions closely associated with inherently governmental functions; and

(C) for each activity on the list, either—

(i) develop a plan to convert the activity to performance by Federal employees, convert the contract to a performance-based contract, or terminate the activity; or

(ii) make a written determination that it is not practicable for the military department or Defense Agency, as the case may be, to take any of the actions otherwise required under clause (i).

(2) ELEMENTS OF DETERMINATION.—A written determination pursuant to subparagraph (B)(ii) shall be accompanied by—

(A) a statement of the basis for the determination; and

(B) a description of the resources that will be made available to ensure adequate planning, management, and oversight for each contract covered by the determination.

(d) CHALLENGES TO LISTS.—

(1) IN GENERAL.—An interested party may submit to the Secretary of the military department or head of the Defense Agency concerned a challenge to the omission of a particular activity from, or the inclusion of a particular activity on, a list made available to the public under subsection (b).

(2) INTERESTED PARTY DEFINED.—In this subsection, the term ''interested party'', with respect to an activity referred to in subsection (a), means—

(A) the contractor performing the activity;

(B) an officer or employee of an organization within the military department or Defense Agency concerned that is responsible for the performance of the activity; or

(C) the head of any labor organization referred to in section 7103(a)(4) of title 5, United States Code, that includes within its membership officers or employees or an organization described in subparagraph (B).

(3) DEADLINE FOR CHALLENGE.—A challenge to a list shall be submitted under paragraph (1) not later than 30 days after the date of the publication of the notice of public availability of the list under subsection (b)(3).

(4) RESOLUTION OF CHALLENGE.—Not later than 30 days of the receipt by the Secretary of a military department or head of a Defense Agency of a challenge to a list under this subsection, an official designated by the Secretary of the military department or the head of the Defense Agency, as the case may be, shall—

(A) determine whether or not the challenge is valid; and

(B) submit to the interested party concerned a written notification of the determination, together with a discussion of the rationale for the determination.

(5) ACTION FOLLOWING DETERMINATION OF VALID CHALLENGE.—If the Secretary of a military department or head of a Defense Agency determines under paragraph (4)(A) that a challenge under this subsection to a list under this section is valid, such official shall—

(A) notify the Secretary of Defense of the determination; and

(B) adjust the next list submitted by such official under subsection (a) after the date of the determination to reflect the resolution of the challenge.

(e) RULES OF CONSTRUCTION.—

(1) NO AUTHORIZATION OF PERFORMANCE OF PERSONAL SERVICES.—Nothing in this section shall be construed to authorize the performance of personal services by a contractor except where expressly authorized by a provision of statute other than this section.

(2) NO PUBLIC-PRIVATE COMPETITION FOR CONVERSION OF PERFORMANCE OF CERTAIN FUNCTIONS.—No public-private competition may be required under this section, Office of Management and Budget Circular A–76, or any other provision of law or regulation before a function closely associated with inherently governmental functions is converted to performance by Federal employees.

(f) DEFINITIONS.—In this section:

(1) The term ''Defense Agency'' has the meaning given that term in section 101(a) of title 10, United States Code.

(2) The term ''function closely associated with inherently governmental functions'' has the

meaning given that term in section 2383(b)(3) of title 10, United States Code.

(3) The term ''inherently governmental functions'' has the meaning given that term in section 2383(b)(2) of title 10, United States Code.

(4) The term ''personal services contract'' means a contract under which, as a result of its terms or conditions or the manner of its administration during performance, contractor personnel are subject to the relatively continuous supervision and control of one or more Government officers or employees, except that the giving of an order for a specific article or service, with the right to reject the finished product or result, is not the type of supervision or control that makes a contract a personal services contract.

SEC. 846. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) LIMITATION ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—Except as provided in subsection (b), no official of the Department of Defense may place an order, make a purchase, or otherwise procure property or services for the Department of Defense in an amount in excess of $100,000 through a non-defense agency in any fiscal year if—

(1) the head of the non-defense agency has not certified that the non-defense agency will comply with defense procurement requirements during that fiscal year;

(2) in the case of a covered non-defense agency that has been determined under this section to be not compliant with defense procurement requirements, such determination has not been terminated in accordance with subsection (c); or

(3) in the case of a covered non-defense agency for which a memorandum of understanding is required by subsection (e)(4), the Inspector General of the Department of Defense and the Inspector General of the non-defense agency have not yet entered into such a memorandum of understanding.

(b) EXCEPTION FOR PROCUREMENTS OF NECESSARY PROPERTY AND SERVICES.—

(1) IN GENERAL.—The limitation in subsection (a) shall not apply to the procurement of property and services on behalf of the Department of Defense by a non-defense agency during any fiscal year for which there is in effect a written determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics that it is necessary in the interest of the Department of Defense to procure property and services through the non-defense agency during such fiscal year.

(2) SCOPE OF PARTICULAR EXCEPTION.—A written determination with respect to a non-defense agency under paragraph (1) shall apply to any category of procurements through the non-defense agency that is specified in the determination.

(c) TERMINATION OF APPLICABILITY OF CERTAIN LIMITATION.—In the event the limitation under subsection (a)(2) applies to a covered non-defense agency, the limitation shall cease to apply to the non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of the non-defense agency jointly—

(1) determine that the non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(d) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a non-defense agency is compliant with defense procurement requirements if the procurement policies, procedures, and internal controls of the non-defense agency applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure the compliance of the non-defense agency with the requirements of laws and regulations (including applicable Department of Defense financial management regulations) that apply to procurements of property and services made directly by the Department of Defense.

(e) INSPECTORS GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than the date specified in paragraph (2), jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of such policies, procedures, and internal controls; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(2) DEADLINE FOR REVIEWS AND DETERMINATIONS.—The reviews and determinations required by paragraph (1) shall take place as follows:

(A) In the case of the General Services Administration, by not later than March 15, 2010.

(B) In the case of each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration, by not later than March 15, 2011.

(C) In the case of each of the Department of Veterans Affairs and the National Institutes of Health, by not later than March 15, 2012.

(3) SEPARATE REVIEWS AND DETERMINATIONS.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by joint agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of the non-defense agency. If such separate reviews are conducted, the Inspectors General shall make a separate determination under paragraph (1)(B) with respect to each such separate review.

(4) MEMORANDA OF UNDERSTANDING FOR REVIEWS AND DETERMINATIONS.—Not later than one year before a review and determination is required under this subsection with respect to a covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of the covered non-defense agency shall enter into a memorandum of understanding with each other to carry out such review and determination.

(f) TREATMENT OF PROCUREMENTS FOR FISCAL YEAR PURPOSES.—For the purposes of this section, a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for the procurement in that fiscal year.

(g) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (c) or (e), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(h) DEFINITIONS.—In this section:

(1) The term ''covered non-defense agency'' means each of the following:

(A) The General Services Administration.

(B) The Department of the Treasury.

(C) The Department of the Interior.

(D) The National Aeronautics and Space Administration.

(E) The Department of Veterans Affairs.

(F) The National Institutes of Health.

(2) The term ''governmentwide acquisition contract'', with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

SEC. 847. INDEPENDENT MANAGEMENT REVIEWS OF CONTRACTS FOR SERVICES.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to provide for periodic independent management reviews of contracts for services. The independent management review procedures issued pursuant to this section shall be designed to evaluate, at a minimum—

(1) contract performance in terms of cost, schedule, and requirements;

(2) the use of contracting mechanisms, including the use of competition, the contract structure and type, the definition of contract requirements, cost or pricing methods, the award and negotiation of task orders, and management and oversight mechanisms;

(3) the contractor's use, management, and oversight of subcontractors; and

(4) the staffing of contract management and oversight functions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the contracts subject to independent management reviews, including any applicable thresholds and exceptions;

(2) the frequency with which independent management reviews shall be conducted;

(3) the composition of teams designated to perform independent management reviews;

(4) any phase-in requirements needed to ensure that qualified staff are available to perform independent management reviews;

(5) procedures for tracking the implementation of recommendations made by independent management review teams; and

(6) procedures for developing and disseminating lessons learned from independent management reviews.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTION.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT ON IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the implementation of the guidance and instructions issued pursuant to subsection (a).

SEC. 848. IMPLEMENTATION AND ENFORCEMENT OF REQUIREMENTS APPLICABLE TO UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) GUIDANCE AND INSTRUCTIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance, with detailed implementation instructions, for the Department of Defense to ensure the implementation and enforcement of requirements applicable to undefinitized contractual actions.

(b) ELEMENTS.—The guidance and instructions issued pursuant to subsection (a) shall address, at a minimum—

(1) the circumstances in which it is, and is not, appropriate for Department of Defense officials to use undefinitized contractual actions;

(2) approval requirements (including thresholds) for the use of undefinitized contractual actions;

(3) procedures for ensuring that schedules for the definitization of undefinitized contractual actions are not exceeded;

(4) procedures for ensuring compliance with limitations on the obligation of funds pursuant to undefinitized contractual actions (including,

where feasible, the obligation of less than the maximum allowed at time of award);

(5) procedures (including appropriate documentation requirements) for ensuring that reduced risk is taken into account in negotiating profit or fee with respect to costs incurred before the definitization of an undefinitized contractual action; and

(6) reporting requirements for undefinitized contractual actions that fail to meet required schedules or limitations on the obligation of funds.

(c) REPORTS.—

(1) REPORT ON GUIDANCE AND INSTRUCTIONS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the guidance and instructions issued pursuant to subsection (a).

(2) GAO REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the extent to which the guidance and instructions issued pursuant to subsection (a) have resulted in improvements to—

(A) the level of insight that senior Department of Defense officials have into the use of undefinitized contractual actions;

(B) the appropriate use of undefinitized contractual actions;

(C) the timely definitization of undefinitized contractual actions; and

(D) the negotiation of appropriate profits and fees for undefinitized contractual actions.

Subtitle D—Department of Defense Contractor Matters

SEC. 861. PROTECTION FOR CONTRACTOR EMPLOYEES FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

(a) INCREASED PROTECTION FROM REPRISAL.—Subsection (a) of section 2409 of title 10, United States Code, is amended—

(1) by striking ''disclosing to a Member of Congress or an authorized official of an agency or the Department of Justice'' and inserting ''disclosing to a Member of Congress, a representative of a committee of Congress, an Inspector General, the Government Accountability Office, a Department of Defense employee responsible for contract oversight or management, or an authorized official of an agency or the Department of Justice, including in the case of a disclosure made in the ordinary course of an employee's duties,''; and

(2) by striking ''information relating to a substantial violation of law related to a contract (including the competition for or negotiation of a contract)'' and inserting ''information that the employee reasonably believes is evidence of gross mismanagement of a Department of Defense contract, grant, or direct payment if the United States Government provides any portion of the money or property which is requested or demanded, a gross waste of Department of Defense funds, a substantial and specific danger to public health or safety, or a violation of law related to a Department of Defense contract (including the competition for or negotiation of a contract), grant, or direct payment if the United States Government provides any portion of the money or property which is requested or demanded''.

(b) ACCELERATION OF SCHEDULE FOR DENYING RELIEF OR PROVIDING REMEDY.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by inserting after ''(1)'' the following: ''Not later than 90 days after receiving an Inspector General report pursuant to subsection (b), the head of the agency concerned shall determine whether the contractor concerned has subjected the complainant to a reprisal prohibited under subsection (a).''; and

(B) by adding at the end the following new subparagraphs:

''(D) In the event the disclosure relates to a cost-plus contract, prohibit the contractor from receiving one or more award fee payments to which the contractor would otherwise be eligible until such time as the contractor takes the actions ordered by the head of the agency pursuant to subparagraphs (A) through (C).

''(E) Take the reprisal into consideration in any past performance evaluation of the contractor for the purpose of a contract award.'';

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph:

''(3)(A) In the case of a contract covered by subsection (f), an employee of a contractor who has been discharged, demoted, or otherwise discriminated against as a reprisal for a disclosure covered by subsection (a) or who is aggrieved by the determination made pursuant to paragraph (1) or by an action that the agency head has taken or failed to take pursuant to such determination may, after exhausting his or her administrative remedies, bring a de novo action at law or equity against the contractor to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

''(B) An employee shall be deemed to have exhausted his or her administrative remedies for the purpose of this paragraph—

''(i) 90 days after the receipt of a written determination under paragraph (1); or

''(ii) 15 months after a complaint is submitted under subsection (b), if a determination by an agency head has not been made by that time and such delay is not shown to be due to the bad faith of the complainant.''.

(c) LEGAL BURDEN OF PROOF.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following new subsection:

''(e) LEGAL BURDEN OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an inspector general, decision by the head of an agency, or hearing to determine whether discrimination prohibited under this section has occurred.''.

(d) REQUIREMENT TO NOTIFY EMPLOYEES OF RIGHTS RELATED TO PROTECTION FROM REPRISAL.—Such section, as amended by subsection (c), is further amended by inserting after subsection (e) the following new subsection:

''(f) NOTICE OF RIGHTS RELATED TO PROTECTION FROM REPRISAL.—

''(1) IN GENERAL.—Each Department of Defense contract in excess of $5,000,000, other than a contract for the purchase of commercial items, shall include a clause requiring the contractor to ensure that all employees of the contractor who are working on Department of Defense contracts are notified of—

''(A) their rights under this section;

''(B) the fact that the restrictions imposed by any employee contract, employee agreement, or non-disclosure agreement may not supersede, conflict with, or otherwise alter the employee rights provided for under this section; and

''(C) the telephone number for the whistleblower hotline of the Inspector General of the Department of Defense.

''(2) FORM OF NOTICE.—The notice required by paragraph (1) shall be made by posting the required information at a prominent place in each workplace where employees working on the contract regularly work.''.

(e) DEFINITIONS.—Subsection (g) of such section, as redesignated by subsection (c)(1), is amended—

(1) in paragraph (4), by inserting after ''an agency'' the following: ''and includes any person receiving funds covered by the prohibition against reprisals in subsection (a)'';

(2) in paragraph (5), by inserting after ''1978'' the following: ''and any Inspector General that receives funding from or is under the jurisdiction of the Secretary of Defense''; and

(3) by adding at the end the following new paragraphs:

''(6) The term 'employee' means an individual (as defined by section 2105 of title 5) or any individual or organization performing services for a contractor, grantee, or other recipient if the United States Government provides any portion of the money or property which is requested or demanded (including as an employee of an organization).

''(7) The term 'Department of Defense funds' includes funds controlled by the Department of Defense and funds for which the Department of Defense may be reasonably regarded as responsible to a third party.''.

SEC. 862. REQUIREMENTS FOR DEFENSE CONTRACTORS RELATING TO CERTAIN FORMER DEPARTMENT OF DEFENSE OFFICIALS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by section 826 of this Act, is further amended by adding at the end the following new section:

''§2410r. Defense contractors: requirements concerning former Department of Defense officials

''(a) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial items, that is entered into by the Department of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract is in effect, a written report setting forth the information required by subsection (b).

''(b) REPORT INFORMATION.—Except as provided in subsection (c), a report by a contractor under subsection (a) shall—

''(1) list the name of each person who—

''(A) is a former officer or employee of the Department of Defense or a former or retired member of the armed forces who served—

''(i) in an Executive Schedule position under subchapter II of chapter 53 of title 5;

''(ii) in a position in the Senior Executive Service under subchapter VIII of chapter 53 of title 5;

''(iii) in a general or flag officer position compensated at a rate of pay for grade 0–7 or above under section 201 of title 37; or

''(iv) as a program manager, deputy program manager, procuring contracting officer, administrative contracting officer, source selection authority, member of the source selection evaluation board, or chief of a financial or technical evaluation team for a contract with a value in excess of $10,000,000; and

''(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor not more than two years after such officer, employee, or member left service in the Department of Defense; and

''(2) in the case of each person listed under paragraph (1)—

''(A) identify the agency in which such person was employed or served on active duty during the last two years of such person's service with the Department of Defense;

''(B) state such person's job title and identify each major defense system, if any, on which such person performed any work with the Department of Defense during the last two years of such person's service with the Department; and

''(C) state such person's current job title with the contractor and identify each major defense system on which such person has performed any work on behalf of the contractor.

''(c) DUPLICATE INFORMATION NOT REQUIRED.—An annual report submitted by a contractor pursuant to subsection (b) need not provide information with respect to any former officer or employee of the Department of Defense or former or retired member of the armed forces if such information has already been provided in a previous annual report filed by such contractor under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title, as so amended, is further amended by adding at the end the following new item:

''2410r. Defense contractors: requirements concerning former Department of Defense officials.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

SEC. 863. REPORT ON CONTRACTOR ETHICS PROGRAMS OF MAJOR DEFENSE CONTRACTORS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the internal ethics programs of major defense contractors.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum—

(1) the extent to which major defense contractors have internal ethics programs in place;

(2) the extent to which the ethics programs described in paragraph (1) include—

(A) the availability of internal mechanisms, such as hotlines, for contractor employees to report conduct that may violate applicable requirements of law or regulation;

(B) notification to contractor employees of the availability of external mechanisms, such as the hotline of the Inspector General of the Department of Defense, for the reporting of conduct that may violate applicable requirements of law or regulation;

(C) notification to contractor employees of their right to be free from reprisal for disclosing a substantial violation of law related to a contract, in accordance with section 2409 of title 10, United States Code;

(D) ethics training programs for contractor officers and employees;

(E) internal audit or review programs to identify and address conduct that may violate applicable requirements of law or regulation;

(F) self-reporting requirements, under which contractors report conduct that may violate applicable requirements of law or regulation to appropriate government officials;

(G) disciplinary action for contractor employees whose conduct is determined to have violated applicable requirements of law or regulation; and

(H) appropriate management oversight to ensure the successful implementation of such ethics programs;

(3) the extent to which the Department of Defense monitors or approves the ethics programs of major defense contractors; and

(4) the advantages and disadvantages of legislation requiring that defense contractors develop internal ethics programs and requiring that specific elements be included in such ethics programs.

(c) ACCESS TO INFORMATION.—In accordance with the contract clause required pursuant to section 2313(c) of title 10, United States Code, each major defense contractor shall provide the Comptroller General access to information requested by the Comptroller General that is within the scope of the report required by this section.

(d) MAJOR DEFENSE CONTRACTOR DEFINED.—In this section, the term ''major defense contractor'' means any company that received more than $500,000,000 in contract awards from the Department of Defense during fiscal year 2006.

SEC. 864. REPORT ON DEPARTMENT OF DEFENSE CONTRACTING WITH CONTRACTORS OR SUBCONTRACTORS EMPLOYING MEMBERS OF THE SELECTED RESERVE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on contracting with the Department of Defense by actual and potential contractors and subcontractors of the Department who employ members of the Selected Reserve of the reserve components of the Armed Forces.

(b) ELEMENTS.—The study required by subsection (a) shall address the following:

(1) The extent to which actual and potential contractors and subcontractors of the Department, including small businesses, employ members of the Selected Reserve.

(2) The extent to which actual and potential contractors and subcontractors of the Department have been or are likely to be disadvantaged in the performance of contracts with the Department, or in competition for new contracts with the Department, when employees who are such members are mobilized as part of a United States military operation overseas.

(3) Any actions that, in the view of the Secretary, should be taken to address any such disadvantage, including—

(A) the extension of additional time for the performance of contracts to contractors and subcontractors of the Department who employ members of the Selected Reserve who are mobilized as part of a United States military operation overseas; and

(B) the provision of assistance in forming contracting relationships with other entities to ameliorate the temporary loss of qualified personnel.

(4) For any action addressed under paragraph (3)—

(A) the impact of that action on small business concerns (as that term is defined in section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) how contractors and subcontractors that are small business concerns may assist in addressing any such disadvantage.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study required by this section. The report shall set forth the findings and recommendations of the Secretary as a result of the study.

(d) REPEAL OF SUPERSEDED AUTHORITY.—Section 819 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3385; 10 U.S.C. 2305 note) is repealed.

SEC. 865. CONTINGENCY CONTRACTING TRAINING FOR PERSONNEL OUTSIDE THE ACQUISITION WORKFORCE.

(a) TRAINING REQUIREMENT.—Section 2333 of title 10, United States Code is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) TRAINING FOR PERSONNEL OUTSIDE ACQUISITION WORKFORCE.—(1) The joint policy for requirements definition, contingency program management, and contingency contracting required by subsection (a) shall provide for training of military personnel outside the acquisition workforce (including operational field commanders and officers performing key staff functions for operational field commanders) who are expected to have acquisition responsibility, including oversight duties associated with contracts or contractors, during combat operations, post-conflict operations, and contingency operations.

''(2) Training under paragraph (1) shall be sufficient to ensure that the military personnel referred to in that paragraph understand the scope and scale of contractor support they will experience in contingency operations and are prepared for their roles and responsibilities with regard to requirements definition, program management (including contractor oversight), and contingency contracting.

''(3) The joint policy shall also provide for the incorporation of contractors and contract operations in mission readiness exercises for operations that will include contracting and contractor support.''.

(b) COMPTROLLER GENERAL REPORT.—Section 854(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2346) is amended by adding at the end the following new paragraph:

''(3) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date on which the Secretary of Defense submits the final report required by paragraph (2), the Comptroller General of the United States shall—

''(A) review the joint policies developed by the Secretary, including the implementation of such policies; and

''(B) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the extent to which such policies. and the implementation of such policies, comply with the requirements of section 2333 of title 10, United States Code (as so added).''.

Subtitle E—Other Matters

SEC. 871. CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

(a) REGULATIONS ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations on the selection, training, equipping, and conduct of personnel performing private security functions under a covered contract or covered subcontract in an area of combat operations.

(2) ELEMENTS.—The regulations prescribed under subsection (a) shall, at a minimum, establish—

(A) a process for registering, processing, accounting for, and keeping appropriate records of personnel performing private security functions in an area of combat operations;

(B) a process for authorizing and accounting for weapons to be carried by, or available to be used by, personnel performing private security functions in an area of combat operations;

(C) a process for the registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations;

(D) a process under which contractors are required to report all incidents, and persons other than contractors are permitted to report incidents, in which—

(i) a weapon is discharged by personnel performing private security functions in an area of combat operations;

(ii) personnel performing private security functions in an area of combat operations are filled or injured; or

(iii) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

(E) a process for the independent review and, where appropriate, investigation of—

(i) incidents reported pursuant to subparagraph (D); and

(ii) incidents of alleged misconduct by personnel performing private security functions in an area of combat operations;

(F) qualification, training, screening, and security requirements for personnel performing private security functions in an area of combat operations;

(G) guidance to the commanders of the combatant commands on the issuance of—

(i) orders, directives, and instructions to contractors and subcontractors performing private security functions relating to force protection, security, health, safety, or relations and interaction with locals;

(ii) predeployment training requirements for personnel performing private security functions

in an area of combat operations, addressing the requirements of this section, resources and assistance available to contractor personnel, country information and cultural training, and guidance on working with host country nationals and military; and

(iii) rules on the use of force for personnel performing private security functions in an area of combat operations;

(H) a process by which a commander of a combatant command may request an action described in subsection (b)(3); and

(I) a process by which the Department of Defense shall implement the training requirements referred to in subparagraph (G)(ii).

(3) AVAILABILITY OF ORDERS, DIRECTIVES, AND INSTRUCTIONS.—The regulations prescribed under subsection (a) shall include mechanisms to ensure the provision and availability of the orders, directives, and instructions referred to in paragraph (2)(G)(i) to contractors and subcontractors referred to in that paragraph, including through the maintenance of a single location (including an Internet website) at or through which such contractors and subcontractors may access such orders, directives, and instructions.

(b) CONTRACT CLAUSE ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS.—

(1) REQUIREMENT UNDER FAR.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) shall be revised to require the insertion into each covered contract and covered subcontract of a contract clause addressing the selection, training, equipping, and conduct of personnel performing private security functions under such contract or subcontract.

(2) CLAUSE REQUIREMENT.—The contract clause required by paragraph (1) shall require, at a minimum, that the contractor or subcontractor concerned shall—

(A) comply with Department of Defense procedures for—

(i) registering, processing, accounting for, and keeping appropriate records of personnel performing private security functions in an area of combat operations;

(ii) authorizing and accounting of weapons to be carried by, or available to be used by, personnel performing private security functions in an area of combat operations;

(iii) registration and identification of armored vehicles, helicopters, and other military vehicles operated by contractors and subcontractors performing private security functions in an area of combat operations; and

(iv) the reporting of incidents in which—

(I) a weapon is discharged by personnel performing private security functions in an area of combat operations;

(II) personnel performing private security functions in an area of combat operations are killed or injured; or

(III) persons are killed or injured, or property is destroyed, as a result of conduct by contractor personnel;

(B) ensure that all personnel performing private security functions under such contract or subcontract are briefed on and understand their obligation to comply with—

(i) qualification, training, screening, and security requirements established by the Secretary of Defense for personnel performing private security functions in an area of combat operations;

(ii) applicable laws and regulations of the United States and the host country, and applicable treaties and international agreements, regarding the performance of the functions of the contractor or subcontractor;

(iii) orders, directives, and instructions issued by the applicable commander of a combatant command relating to force protection, security, health, safety, or relations and interaction with locals; and

(iv) rules on the use of force issued by the applicable commander of a combatant command for personnel performing private security functions in an area of combat operations; and

(C) cooperate with any investigation conducted by the Department of Defense pursuant to subsection (a)(2)(D) by providing access to employees of the contractor or subcontractor, as the case may be, and relevant information in the possession of the contractor or subcontractor, as the case may be, regarding the incident concerned.

(3) NONCOMPLIANCE OF PERSONNEL WITH CLAUSE.—The contracting officer for a covered contract or subcontract may direct the contractor or subcontractor, at its own expense, to remove or replace any personnel performing private security functions in an area of combat operations who violate or fail to comply with applicable requirements of the clause required by this subsection. If the violation or failure to comply is significant or repeated, the contract or subcontract may be terminated for default.

(4) APPLICABILITY.—The contract clause required by this subsection shall be included in all covered contracts and covered subcontracts awarded on or after the date that is 180 days after the date of the enactment of this Act. Federal agencies shall make best efforts to provide for the inclusion of the contract clause required by this subsection in covered contracts and covered subcontracts awarded before such date.

(5) INSPECTOR GENERAL REPORT ON PILOT PROGRAM ON IMPOSITION OF FINES FOR NONCOMPLIANCE OF PERSONNEL WITH CLAUSE.—Not later than January 30, 2008, the Inspector General of the Department of Defense shall submit to Congress a report assessing the feasibility and advisability of carrying out a pilot program for the imposition of fines on contractors or subcontractors for personnel who violate or fail to comply with applicable requirements of the clause required by this section as a mechanism for enhancing the compliance of such personnel with the clause. The report shall include—

(A) an assessment of the feasibility and advisability of carrying out the pilot program; and

(B) if the Inspector General determines that carrying out the pilot program is feasible and advisable—

(i) recommendations on the range of contracts and subcontracts to which the pilot program should apply; and

(ii) a schedule of fines to be imposed under the pilot program for various types of personnel actions or failures.

(c) AREAS OF COMBAT OPERATIONS.—

(1) DESIGNATION.—The Secretary of Defense shall designate the areas constituting an area of combat operations for purposes of this section by not later than 120 days after the date of the enactment of this Act.

(2) PARTICULAR AREAS.—Iraq and Afghanistan shall be included in the areas designated as an area of combat operations under paragraph (1).

(3) ADDITIONAL AREAS.—The Secretary may designate any additional area as an area constituting an area of combat operations for purposes of this section if the Secretary determines that the presence or potential of combat operations in such area warrants designation of such area as an area of combat operations for purposes of this section.

(4) MODIFICATION OR ELIMINATION OF DESIGNATION.—The Secretary may modify or cease the designation of an area under this subsection as an area of combat operations if the Secretary determines that combat operations are no longer ongoing in such area.

(d) DEFINITIONS.—In this section:

(1) The term ''covered contract'' means a contract of a Federal agency for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c).

(2) The term ''covered subcontract'' means a subcontract for the performance of private security functions at any tier under a covered contract.

(3) The term ''private security functions'' means activities engaged in by a contractor or subcontractor under a covered contract or subcontract as follows:

(A) Guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party.

(B) Any other activity for which personnel are required to carry weapons in the performance of their duties.

SEC. 872. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military operations or stability operations in Iraq or Afghanistan (including security, transition, reconstruction, and humanitarian relief activities) for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from Iraq or Afghanistan;

(2) procedures other than competitive procedures are used to award a contract to a particular source or sources from Iraq or Afghanistan; or

(3) a preference is provided for products or services that are from Iraq or Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by the military forces, police, or other security personnel of Iraq or Afghanistan; or

(2) it is in the national security interest of the United States to limit competition, use procedures other than competitive procedures, or provide a preference as described in subsection (a) because—

(A) such limitation, procedure, or preference is necessary to provide a stable source of jobs in Iraq or Afghanistan; and

(B) such limitation, procedure, or preference will not adversely affect—

(i) military operations or stability operations in Iraq or Afghanistan; or

(ii) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM IRAQ OR AFGHANISTAN.—For the purposes of this section:

(1) A product is from Iraq or Afghanistan if it is mined, produced, or manufactured in Iraq or Afghanistan.

(2) A service is from Iraq or Afghanistan if it is performed in Iraq or Afghanistan by citizens or permanent resident aliens of Iraq or Afghanistan.

(3) A source is from Iraq or Afghanistan if it—

(A) is located in Iraq or Afghanistan; and

(B) offers products or services that are from Iraq or Afghanistan.

SEC. 873. DEFENSE SCIENCE BOARD REVIEW OF DEPARTMENT OF DEFENSE POLICIES AND PROCEDURES FOR THE ACQUISITION OF INFORMATION TECHNOLOGY.

(a) REVIEW REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a review of Department of Defense policies and procedures for the acquisition of information technology.

(b) MATTERS TO BE ADDRESSED.—The matters addressed by the review required by subsection (a) shall include the following:

(1) Department of Defense policies and procedures for acquiring national security systems, business information systems, and other information technology.

(2) The roles and responsibilities in implementing such policies and procedures of—

(A) the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(B) the Chief Information Officer of the Department of Defense;

(C) the Director of the Business Transformation Agency;

(D) the service acquisition executives;

(E) the chief information officers of the military departments;

(F) Defense Agency acquisition officials;

(G) the information officers of the Defense Agencies; and

(H) the Director of Operational Test and Evaluation and the heads of the operational test organizations of the military departments and the Defense Agencies.

(3) The application of such policies and procedures to information technologies that are an integral part of weapons or weapon systems.

(4) The requirements of the Clinger-Cohen Act (division E of Public Law 104–106) and the Paperwork Reduction Act of 1995 regarding performance-based and results-based management, capital planning, and investment control in the acquisition of information technology.

(5) Department of Defense policies and procedures for maximizing the usage of commercial information technology while ensuring the security of the microelectronics, software, and networks of the Department.

(6) The suitability of Department of Defense acquisition regulations, including Department of Defense Directive 5000.1 and the accompanying milestones, to the acquisition of information technology systems.

(7) The adequacy and transparency of performance metrics currently used by the Department of Defense for the acquisition of information technology systems.

(8) The effectiveness of existing statutory and regulatory reporting requirements for the acquisition of information technology systems.

(9) The adequacy of operational and development test resources (including infrastructure and personnel), policies, and procedures to ensure appropriate testing of information technology systems both during development and before operational use.

(10) The appropriate policies and procedures for technology assessment, development, and operational testing for purposes of the adoption of commercial technologies into information technology systems.

(c) REPORT REQUIRED.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the review required by subsection (a). The report shall include the findings and recommendations of the Defense Science Board pursuant to the review, including such recommendations for legislative or administrative action as the Board considers appropriate, together with any comments the Secretary considers appropriate.

SEC. 874. ENHANCEMENT AND EXTENSION OF ACQUISITION AUTHORITY FOR THE UNIFIED COMBATANT COMMAND FOR JOINT WARFIGHTING EXPERIMENTATION.

(a) SUSTAINMENT OF EQUIPMENT.—

(1) IN GENERAL.—Subsection (a) of section 167a of title 10, United States Code, is amended by striking ''and acquire'' and inserting '', acquire, and sustain''.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section is amended in the matter preceding paragraph (1) by striking ''or acquisition'' and inserting '', acquisition, or sustainment''.

(b) TWO-YEAR EXTENSION.—Subsection (f) of such section is amended—

(1) by striking ''through 2008'' and inserting ''through 2010''; and

(2) by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

SEC. 875. REPEAL OF REQUIREMENT FOR IDENTIFICATION OF ESSENTIAL MILITARY ITEMS AND MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

SEC. 876. GREEN PROCUREMENT POLICY.

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 1, 2004, the Department of Defense issued its green procurement policy. The policy affirms a goal of 100 percent compliance with Federal laws and executive orders requiring purchase of environmentally friendly, or green, products and services. The policy also outlines a strategy for meeting those requirements along with metrics for measuring progress.

(2) On September 13, 2006, the Department of Defense hosted a biobased product showcase and educational event which underscores the importance and seriousness with which the Department is implementing its green procurement program.

(3) On January 24, 2007, President Bush signed Executive Order 13423: Strengthening Federal Environmental, Energy, and Transportation Management, which contains the requirement that Federal agencies procure biobased and environmentally preferable products and services.

(4) Although the Department of Defense continues to work to become a leading advocate of green procurement, there is concern that there is not a procurement application or process in place at the Department that supports compliance analysis.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Defense should establish a system to document and track the use of environmentally preferable products and services.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on its plan to increase the usage of environmentally friendly products that minimize potential impacts to human health and the environment at all Department of Defense facilities inside and outside the United States, including through the direct purchase of products and the purchase of products by facility maintenance contractors.

SEC. 877. GAO REVIEW OF USE OF AUTHORITY UNDER THE DEFENSE PRODUCTION ACT OF 1950.

(a) THOROUGH REVIEW REQUIRED.—The Comptroller General of the United States (in this section referred to as the ''Comptroller'') shall conduct a thorough review of the application of the Defense Production Act of 1950, since the date of enactment of the Defense Production Act Reauthorization of 2003 (Public Law 108–195), in light of amendments made by that Act.

(b) CONSIDERATIONS.—In conducting the review required by this section, the Comptroller shall examine—

(1) existing authorities under the Defense Production Act of 1950;

(2) whether and how such authorities should be statutorily modified to ensure preparedness of the United States and United States industry—

(A) to meet security challenges;

(B) to meet current and future defense requirements;

(C) to meet current and future energy requirements;

(D) to meet current and future domestic emergency and disaster response and recovery requirements;

(E) to reduce the interruption of critical infrastructure operations during a terrorist attack, natural catastrophe, or other similar national emergency; and

(F) to safeguard critical components of the United States industrial base, including American aerospace and shipbuilding industries;

(3) the effectiveness of amendments made by the Defense Production Act Reauthorization of 2003, and the implementation of such amendments;

(4) advantages and limitations of Defense Production Act of 1950-related capabilities, to ensure adaptation of the law to meet the security challenges of the 21st Century;

(5) the economic impact of foreign offset contracts and the efficacy of existing authority in mitigating such impact;

(6) the relative merit of developing rapid and standardized systems for use of the authority provided under the Defense Production Act of 1950, by any Federal agency; and

(7) such other issues as the Comptroller determines relevant.

(c) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate on the results of the review conducted under this section, together with any legislative recommendations.

(d) RULES OF CONSTRUCTION ON PROTECTION OF INFORMATION.—Notwithstanding any other provision of law—

(1) the provisions of section 705(d) of the Defense Production Act of 1950 (50 U.S.C. App. 2155(d)) shall not apply to information sought or obtained by the Comptroller for purposes of the review required by this section; and

(2) provisions of law pertaining to the protection of classified information or proprietary information otherwise applicable to information sought or obtained by the Comptroller in carrying out this section shall not be affected by any provision of this section.

SEC. 878. TRANSPARENCY AND ACCOUNTABILITY IN MILITARY AND SECURITY CONTRACTING.

(a) REPORTS ON IRAQ AND AFGHANISTAN CONTRACTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence shall each submit to Congress a report that contains the information, current as of the date of the enactment of this Act, as follows:

(1) The number of persons performing work in Iraq and Afghanistan under contracts (and subcontracts at any tier) entered into by departments and agencies of the United States Government, including the Department of Defense, the Department of State, the Department of the Interior, and the United States Agency for International Development, respectively, and a brief description of the functions performed by these persons.

(2) The companies awarded such contracts and subcontracts.

(3) The total cost of such contracts.

(4) A method for tracking the number of persons who have been killed or wounded in performing work under such contracts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Defense, the Secretary of State, the Secretary of the Interior, the Administrator of the United States Agency for International Development, and the Director of National Intelligence should make their best efforts to compile the most accurate accounting of the number of civilian contractors killed or wounded in Iraq and Afghanistan since October 1, 2001.

(c) DEPARTMENT OF DEFENSE REPORT ON STRATEGY FOR AND APPROPRIATENESS OF ACTIVITIES OF CONTRACTORS UNDER DEPARTMENT OF DEFENSE CONTRACTS IN IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the strategy of the Department of Defense for the use of, and a description of the activities being carried out by, contractors and subcontractors working in Iraq and Afghanistan in support of Department missions in Iraq, Afghanistan, and the Global War on Terror, including its strategy for ensuring that such contracts do not—

(1) have private companies and their employees performing inherently governmental functions; or

(2) place contractors in supervisory roles over United States Government personnel.

SEC. 879. MOAB SITE AND CRESCENT JUNCTION SITE, UTAH.

(a) The Secretary of Energy shall develop a strategy to complete the remediation at the Moab site, and the removal of the tailings to the Crescent Junction site, in the State of Utah by not later than January 1, 2019.

(b) Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Appropriations of each of the Senate and the House of Representatives a report describing the strategy developed under subsection (a) and changes to the existing cost, scope and schedule of the remediation and removal activities that will be necessary to implement the strategy.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES PERSONNEL.

(a) REPEAL.—Section 130a of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130a.

SEC. 902. CHIEF MANAGEMENT OFFICERS OF THE DEPARTMENT OF DEFENSE.

(a) SERVICE OF DEPUTY SECRETARY OF DEFENSE AS CHIEF MANAGEMENT OFFICER OF DEPARTMENT OF DEFENSE.—Section 132 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c)(1) The Deputy Secretary—

''(A) serves as the Chief Management Officer of the Department of Defense; and

''(B) is the principal adviser to the Secretary of Defense on matters relating to the management of the Department of Defense, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of Defense that relate to the performance of the following functions:

''(i) Planning and budgeting, including performance measurement.

''(ii) Acquisition.

''(iii) Logistics.

''(iv) Facilities, installations, and environment.

''(v) Financial management.

''(vi) Human resources and personnel.

''(vii) Management of information resources, including information technology, networks, and telecommunications functions.

''(2) In carrying out the duties of Chief Management Officer of the Department of Defense, the Deputy Secretary shall—

''(A) develop and maintain a departmentwide strategic plan for business reform identifying key initiatives to be undertaken by the Department of Defense and its components, together with related resource needs;

''(B) establish performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of Defense;

''(C) monitor the progress of the Department of Defense and its components in meeting performance goals and measures established pursuant to subparagraph (B);

''(D) review and approve plans and budgets for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A);

''(E) oversee the development of, and review and approve, all budget requests for defense business systems, including the information to be submitted to Congress under section 2222(h) of this title; and

''(F) subject to the authority, direction, and control of the Secretary of Defense, perform the responsibilities of the Secretary under section 2222 of this title.

''(3) The Deputy Secretary exercises the authority of the Secretary of Defense in the performance of the duties of Chief Management Officer of the Department of Defense under this subsection subject to the authority, direction, and control of the Secretary. The exercise of that authority is binding on the Secretaries of the military departments and the heads of the other elements and components of the Department of Defense.''.

(b) DEPUTY CHIEF MANAGEMENT OFFICER.—

(1) IN GENERAL.—Chapter 4 of such title is amended by inserting after section 133b the following new section:

''§ 133c. Under Secretary of Defense for Management (Deputy Chief Management Officer)

''(a) There is an Under Secretary of Defense for Management (Deputy Chief Management Officer), appointed from civilian life by the President, by and with the advice and consent of the Senate, from among persons who have—

''(1) extensive executive level leadership and management experience in the public or private sector;

''(2) strong leadership skills;

''(3) a demonstrated ability to manage large and complex organizations; and

''(4) a record of achieving positive operational results.

''(b) The Under Secretary of Defense for Management (Deputy Chief Management Officer) shall assist the Deputy Secretary of Defense in the performance of his duties as Chief Management Officer. The Under Secretary of Defense for Management (Deputy Chief Management Officer) shall act for, and exercise the powers of, the Chief Management Officer when the Deputy Secretary is absent or disabled or there is no Deputy Secretary.

''(c)(1) With respect to all matters for which he has responsibility by law or by direction of the Secretary of Defense, the Under Secretary of Defense for Management (Deputy Chief Management Officer) takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.

''(2) With respect to all matters other than matters for which he has responsibility by law or by direction of the Secretary of Defense, the Under Secretary takes precedence in the Department of Defense after the Secretaries of the military departments and the Under Secretary of Defense for Acquisition, Technology, and Logistics.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 133b the following new item:

''133c. Under Secretary of Defense for Management (Deputy Chief Management Officer).''.

(3) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Defense for Intelligence the following new item:

''Under Secretary of Defense for Management (Deputy Chief Management Officer).''.

(4) PLACEMENT IN OSD.—Section 131(b)(2) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) The Under Secretary of Defense for Management (Deputy Chief Management Officer).''.

(5) CONFORMING AMENDMENT.—Section 134(c) of such title is amended by striking ''the Secretary of Defense'' and all that follows and inserting ''the Under Secretary of Defense for Management (Deputy Chief Management Officer).''.

(c) CHIEF MANAGEMENT OFFICERS OF THE MILITARY DEPARTMENTS.—

(1) DEPARTMENT OF THE ARMY.—Section 3015 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Under Secretary serves as the Chief Management Officer of the Department of the Army.

''(2) The Under Secretary is the principal adviser to the Secretary of the Army on matters relating to the management of the Department of the Army, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of the Army that relate to the performance of the following functions:

''(A) Planning and budgeting, including performance measurement.

''(B) Acquisition.

''(C) Logistics.

''(D) Facilities, installations, and environment.

''(E) Financial management.

''(F) Human resources and personnel.

''(G) Management of information resources, including information technology, networks, and telecommunications functions.

''(3) Subject to the direction and oversight of the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense, the Under Secretary shall be responsible for—

''(A) developing and maintaining a strategic plan for business reform that identifies key initiatives to be undertaken by the Department of the Army for business reform, together with related resource needs;

''(B) establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of the Army;

''(C) monitoring the progress of the Department of the Army and its components in meeting the performance goals and measures established pursuant to subparagraph (B);

''(D) reviewing and approving the plans and budgets of the Department of the Army for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A); and

''(E) overseeing the development of, and reviewing and approving, all budget requests for defense business systems by the Department of the Army, including the information to be submitted to Congress under section 2222(h) of this title.''.

(2) DEPARTMENT OF THE NAVY.—Section 5015 of such title is amended by adding at the end the following new subsection:

''(c)(1) The Under Secretary serves as the Chief Management Officer of the Department of the Navy.

''(2) The Under Secretary is the principal adviser to the Secretary of the Navy on matters relating to the management of the Department of the Navy, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of the Navy that relate to the performance of the following functions:

''(A) Planning and budgeting, including performance measurement.

''(B) Acquisition.

''(C) Logistics.

''(D) Facilities, installations, and environment.

''(E) Financial management.

''(F) Human resources and personnel.

''(G) Management of information resources, including information technology, networks, and telecommunications functions.

''(3) Subject to the direction and oversight of the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense, the Under Secretary shall be responsible for—

''(A) developing and maintaining a strategic plan for business reform that identifies key initiatives to be undertaken by the Department of the Navy for business reform, together with related resource needs;

''(B) establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of the Navy;

''(C) monitoring the progress of the Department of the Navy and its components in meeting the performance goals and measures established pursuant to subparagraph (B);

''(D) reviewing and approving the plans and budgets of the Department of the Navy for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A); and

''(E) overseeing the development of, and reviewing and approving, all budget requests for defense business systems by the Department of the Navy, including the information to be submitted to Congress under section 2222(h) of this title.''.

(3) DEPARTMENT OF THE AIR FORCE.—Section 8015 of such title is amended by adding at the end the following new subsection:

''(c)(1) The Under Secretary serves as the Chief Management Officer of the Department of the Air Force.

''(2) The Under Secretary is the principal adviser to the Secretary of the Air Force on matters relating to the management of the Department of the Air Force, including the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of the Air Force that relate to the performance of the following functions:

''(A) Planning and budgeting, including performance measurement.

''(B) Acquisition.

''(C) Logistics.

''(D) Facilities, installations, and environment.

''(E) Financial management.

''(F) Human resources and personnel.

''(G) Management of information resources, including information technology, networks, and telecommunications functions.

''(3) Subject to the direction and oversight of the Chief Management Officer and Deputy Chief Management Officer of the Department of Defense, the Under Secretary shall be responsible for—

''(A) developing and maintaining a strategic plan for business reform that identifies key initiatives to be undertaken by the Department of the Air Force for business reform, together with related resource needs;

''(B) establishing performance goals and measures for improving and evaluating the overall economy, efficiency, and effectiveness of the business operations of the Department of the Air Force;

''(C) monitoring the progress of the Department of the Air Force and its components in meeting the performance goals and measures established pursuant to subparagraph (B);

''(D) reviewing and approving the plans and budgets of the Department of the Air Force for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of such plans and budgets with the strategic plan for business reform established pursuant to subparagraph (A); and

''(E) overseeing the development of, and reviewing and approving, all budget requests for defense business systems by the Department of the Air Force, including the information to be submitted to Congress under section 2222(h) of this title.''.

(d) MATTERS RELATING TO FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—Section 185(a) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) through (E) as subparagraphs (C) though (G), respectively; and

(B) by inserting before subparagraph (C), as redesignated by subparagraph (A) of this paragraph, the following new subparagraphs:

''(A) The Deputy Secretary of Defense, who shall be the chairman of the committee.

''(B) The Under Secretary of Defense for Management (Deputy Chief Management Officer), who shall act as the chairman of the committee in the absence of the Deputy Secretary of Defense.''; and

(C) in subparagraph (C), as so redesignated, by striking '', who shall be the chairman of the committee''; and

(2) in paragraph (3), by inserting ''the Under Secretary of Defense for Management (Deputy Chief Management Officer),'' after ''the Deputy Secretary of Defense,''.

(e) MATTERS RELATING TO DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.—Section 186 of such title is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Under Secretary of Defense for Management (Deputy Chief Management Officer).''; and

(2) in subsection (b), by striking the second sentence and inserting the following new sentence: ''The Under Secretary of Defense for Management (Deputy Chief Management Officer) shall serve as the vice chairman of the committee, and shall act as the chairman of the committee in the absence of the Deputy Secretary of Defense.''.

(f) MANAGEMENT OF DEFENSE BUSINESS TRANSFORMATION AGENCY.—Section 192(e)(2) of such title is amended by striking ''that the Agency'' and all that follows and inserting ''that the Director of the Agency shall report directly to the Under Secretary of Defense for Management (Deputy Chief Management Officer).''.

SEC. 903. MODIFICATION OF BACKGROUND REQUIREMENT OF INDIVIDUALS APPOINTED AS UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

Section 133(a) of title 10, United States Code, is amended by striking ''in the private sector''.

SEC. 904. DEPARTMENT OF DEFENSE BOARD OF ACTUARIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by inserting after section 182 the following new section:

''§ 183. Department of Defense Board of Actuaries

''(a) IN GENERAL.—There shall be in the Department of Defense a Department of Defense Board of Actuaries (hereinafter in this section referred to as the 'Board').

''(b) MEMBERS.—(1) The Board shall consist of three members who shall be appointed by the Secretary of Defense from among qualified professional actuaries who are members of the Society of Actuaries.

''(2) The members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which the member's predecessor was appointed shall only serve until the end of such term. A member may serve after the end of the member's term until the member's successor takes office.

''(3) A member of the Board may be removed by the Secretary of Defense only for misconduct or failure to perform functions vested in the Board.

''(4) A member of the Board who is not an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5 for each day the member is engaged in the performance of the duties of the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of that title in connection with such duties.

''(c) DUTIES.—The Board shall have the following duties:

''(1) To review valuations of the Department of Defense Military Retirement Fund in accordance with section 1465(c) of this title and submit to the President and Congress, not less often than once every four years, a report on the status of that Fund, including such recommendations for modifications to the funding or amortization of that Fund as the Board considers appropriate and necessary to maintain that Fund on a sound actuarial basis.

''(2) To review valuations of the Department of Defense Education Benefits Fund in accordance with section 2006(e) of this title and make recommendations to the President and Congress on such modifications to the funding or amortization of that Fund as the Board considers appropriate to maintain that Fund on a sound actuarial basis.

''(3) To review valuations of such other funds as the Secretary of Defense shall specify for purposes of this section and make recommendations to the President and Congress on such modifications to the funding or amortization of such funds as the Board considers appropriate to maintain such funds on a sound actuarial basis.

''(d) RECORDS.—The Secretary of Defense shall ensure that the Board has access to such records regarding the funds referred to in subsection (c) as the Board shall require to determine the actuarial status of such funds.

''(e) REPORTS.—(1) The Board shall submit to the Secretary of Defense on an annual basis a report on the actuarial status of each of the following:

''(A) The Department of Defense Military Retirement Fund.

''(B) The Department of Defense Education Benefits Fund.

''(C) Each other fund specified by Secretary under subsection (c)(3).

''(2) The Board shall also furnish its advice and opinion on matters referred to it by the Secretary.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 182 the following new item:

''183. Department of Defense Board of Actuaries.''.

(3) INITIAL SERVICE AS BOARD MEMBERS.—Each member of the Department of Defense Retirement Board of Actuaries or the Department of Defense Education Benefits Board of Actuaries as of the date of the enactment of this Act shall serve as an initial member of the Department of Defense Board of Actuaries under section 183 of title 10, United States Code (as added by paragraph (1)), from that date until the date otherwise provided for the completion of such individual's term as a member of the Department of Defense Retirement Board of Actuaries or the Department of Defense Education Benefits Board of Actuaries, as the case may be, unless earlier removed by the Secretary of Defense.

(b) TERMINATION OF EXISTING BOARDS OF ACTUARIES.—

(1) DEPARTMENT OF DEFENSE RETIREMENT BOARD OF ACTUARIES.—(A) Section 1464 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 74 of such title is amended by striking the item relating to section 1464.

(2) DEPARTMENT OF DEFENSE EDUCATION BENEFITS BOARD OF ACTUARIES.—Section 2006 of such title is amended—

(A) in subsection (c)(1), by striking ''subsection (g)'' and inserting ''subsection (f)'';

(B) by striking subsection (e);

(C) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively;

(D) in subsection (e), as redesignated by subparagraph (C), by striking ''subsection (g)'' in paragraph (5) and inserting ''subsection (f)''; and

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

(i) in paragraph (2)(A), by striking ''subsection (f)(3)'' and inserting ''subsection (e)(3)''; and

(ii) in paragraph (2)(B), by striking ''subsection (f)(4)'' and inserting ''subsection (e)(4)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1175(h)(4) of title 10, United States Code, is amended by striking ''Retirement'' the first place it appears.

(2) Section 1460(b) of such title is amended by striking ''Retirement''.

(3) Section 1466(c)(3) of such title is amended by striking ''Retirement''.

(4) Section 12521(6) of such title is amended by striking ''Department of Defense Education Benefits Board of Actuaries referred to in section 2006(e)(1) of this title'' and inserting ''Department of Defense Board of Actuaries under section 183 of this title''.

SEC. 905. ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS; PRINCIPAL MILITARY DEPUTIES.

(a) DEPARTMENT OF THE ARMY.—Section 3016(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Acquisition, Technology, and Logistics. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition, technology, and logistics matters of the Department of the Army.

''(B) The Assistant Secretary shall have a Principal Deputy, who shall be a lieutenant general of the Army on active duty. The Principal Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.''.

(b) DEPARTMENT OF THE NAVY.—Section 5016(b) of such title is amended by adding at the end the following new paragraph:

''(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Research, Development, and Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of research, development, and acquisition matters of the Department of the Navy.

''(B) The Assistant Secretary shall have a Principal Deputy, who shall be a vice admiral of the Navy or a lieutenant general of the Marine Corps on active duty. The Principal Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.''.

(c) DEPARTMENT OF THE AIR FORCE.—Section 8016(b) of such title is amended by adding at the end the following new paragraph:

''(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition matters of the Department of the Air Force.

''(B) The Assistant Secretary shall have a Principal Deputy, who shall be a lieutenant general of the Air Force on active duty. The Principal Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Deputy shall be designated as a critical acquisition position under section 1733 of this title.''.

(d) DUTY OF PRINCIPAL MILITARY DEPUTIES TO INFORM SERVICE CHIEFS ON MAJOR DEFENSE ACQUISITION PROGRAMS.—Each Principal Deputy to a service acquisition executive shall be responsible for keeping the Chief of Staff of the Armed Force concerned informed of the progress of major defense acquisition programs.

(e) EXCLUSION OF PRINCIPAL MILITARY DEPUTIES FROM DISTRIBUTION AND STRENGTH IN GRADE LIMITATIONS.—

(1) DISTRIBUTION.—Section 525(b) of such title is amended by adding at the end the following new paragraph:

''(9)(A) An officer while serving in a position specified in subparagraph (B) is in addition to the number that would otherwise be permitted for that officer's armed force for the grade of lieutenant general or vice admiral, as applicable.

''(B) A position specified in this subparagraph is each position as follows:

''(i) Principal Deputy to the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

''(ii) Principal Deputy to the Assistant Secretary of the Navy for Research, Development, and Acquisition.

''(iii) Principal Deputy to the Assistant Secretary of the Air Force for Acquisition.''.

(2) AUTHORIZED STRENGTH.—Section 526 of such title is amended by adding at the end the following new subsection:

''(g) EXCLUSION OF PRINCIPAL DEPUTIES TO ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION MATTERS.—The limitations of this section do not apply to a general or flag officer who is covered by the exclusion under section 525(b)(9) of this title.''.

SEC. 906. FLEXIBLE AUTHORITY FOR NUMBER OF ARMY DEPUTY CHIEFS OF STAFF AND ASSISTANT CHIEFS OF STAFF.

Subsection (b) of section 3035 of title 10, United States Code, is amended to read as follows:

''(b) The Secretary of the Army shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff. The aggregate number of such positions may not exceed eight positions.''.

SEC. 907. SENSE OF CONGRESS ON TERM OF OFFICE OF THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

It is the sense of Congress that the term of office of the Director of Operational Test and Evaluation of the Department of Defense should be not less than five years.

Subtitle B—Space Matters

SEC. 921. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each such program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (F) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (F) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) United States military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term ''posture review period'' means the 10-year period beginning on February 1, 2009.

SEC. 922. ADDITIONAL REPORT ON OVERSIGHT OF ACQUISITION FOR DEFENSE SPACE PROGRAMS.

Section 911(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2621) is amended by inserting '', and March 15, 2008,'' after ''March 15, 2003,''.

Subtitle C—Other Matters

SEC. 931. DEPARTMENT OF DEFENSE CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.

Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) CONSIDERATION OF EFFECT OF CLIMATE CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES, AND MISSIONS.—(1) The first national security strategy and national defense strategy prepared after the date of the enactment of this subsection shall include guidance for military planners—

''(A) to assess the risks of projected climate change to current and future missions of the armed forces;

''(B) to update defense plans based on these assessments, including working with allies and partners to incorporate climate mitigation strategies, capacity building, and relevant research and development; and

''(C) to develop the capabilities needed to reduce future impacts.

''(2) The first quadrennial defense review prepared after the date of the enactment of this

subsection shall also examine the capabilities of the armed forces to respond to the consequences of climate change, in particular, preparedness for natural disasters from extreme weather events and other missions the armed forces may be asked to support inside the United States and overseas.

''(3) For planning purposes to comply with the requirements of this subsection, the Secretary of Defense shall use—

''(A) the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change;

''(B) subsequent mid-range consensus climate projections if more recent information is available when the next national security strategy, national defense strategy, or quadrennial defense review, as the case may be, is conducted; and

''(C) findings of appropriate and available estimations or studies of the anticipated strategic, social, political, and economic effects of global climate change and the implications of such effects on the national security of the United States.

''(4) The Secretary shall ensure that this subsection is implemented in a manner that does not have a negative impact on national security.

''(5) In this subsection, the term 'national security strategy' means the annual national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).''.

SEC. 932. BOARD OF REGENTS FOR THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) APPOINTMENTS.—

(1) IN GENERAL.—Section 2113 of title 10, United States Code, is amended—

(A) in subsection (a)(1), by striking ''by the President, by and with the advice and consent of the Senate'' and inserting ''by the Secretary of Defense''; and

(B) in subsection (b)—

(i) in paragraph (1), by adding ''and'' at the end;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(2) CHAIRMAN.—Subsection (c) of such section is amended by striking ''the President'' and inserting ''the Secretary''.

(b) STATUTORY REDESIGNATION OF DEAN AS PRESIDENT.—

(1) Section 2113 of such title is further amended by striking ''Dean'' each place it appears in subsections (d) and (f)(1) and inserting ''President''.

(2) Section 2114(e) of such title is amended by striking ''Dean'' each place it appears in paragraphs (3) and (5).

(c) COMPENSATION OF MEMBERS FOR PERFORMANCE OF DUTIES.—Subsection (e) of section 2113 of such title is further amended by striking ''but not exceeding $100 per diem''.

SEC. 933. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

''§2117. United States Military Cancer Institute

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish in the University the United States Military Cancer Institute. The Institute shall be established pursuant to regulations prescribed by the Secretary.

''(b) PURPOSES.—The purposes of the Institute are as follows:

''(1) To establish and maintain a clearinghouse of data on the incidence and prevalence of cancer among members and former members of the armed forces.

''(2) To conduct research that contributes to the detection or treatment of cancer among the members and former members of the armed forces.

''(c) HEAD OF INSTITUTE.—The Director of the United States Military Cancer Institute is the head of the Institute. The Director shall report to the President of the University regarding matters relating to the Institute.

''(d) ELEMENTS.—(1) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for affiliation with the Institute.

''(2) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

''(e) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

''(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins within the members of the armed forces.

''(B) The prevention and early detection of cancer among members and former members of the armed forces.

''(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

''(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

''(f) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (e) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

''(g) ANNUAL REPORT.—(1) Not later than November 1 each year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the current status of the research studies being carried out by the Institute under subsection (e).

''(2) Not later than 60 days after receiving a report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following new item:

''2117. United States Military Cancer Institute.''.

SEC. 934. WESTERN HEMISPHERE CENTER FOR EXCELLENCE IN HUMAN RIGHTS.

(a) CENTER AUTHORIZED.—The Secretary of Defense may establish and operate a center to be known as the Western Hemisphere Center for Excellence in Human Rights.

(b) MISSIONS.—The missions of the Center shall be as follows:

(1) To provide and facilitate education, training, research, strategic planning, and reform on the integration of respect for human rights into all aspects of military operations, doctrine, education, judicial systems, and other internal control mechanisms, and into the relations of the military with civil society, including the development of programs to combat the growing phenomenon of trafficking in persons.

(2) To sponsor conferences, symposia, seminars, academic exchanges, and courses, as well as special projects such as studies, reviews, design of curricula, and evaluations, on the matters covered by paragraph (1).

(3) In carrying out its other mission, to place special emphasis on the implementation of reforms that result in measurable improvements in respect for human rights in the provision of effective security.

(c) FORMULATION AND EXECUTION OF PROGRAMS.—

(1) CONCURRENCE OF SECRETARY OF STATE.—The Secretary of Defense may carry out this section only with the concurrence of the Secretary of State.

(2) FORMULATION AND EXECUTION OF PROGRAMS.—The Secretary of Defense and the Secretary of State shall—

(A) jointly formulate any program or other activities undertaken under this section; and

(B) shall coordinate with one another, under procedures that they jointly establish, to ensure appropriate implementation of such programs and activities, including in a manner that—

(i) incorporates appropriate vetting procedures, irrespective of the source of funding for the activity; and

(ii) avoids duplication with existing programs.

(d) JOINT OPERATION WITH EDUCATIONAL INSTITUTIONS AND NONGOVERNMENTAL ORGANIZATIONS AUTHORIZED.—The Secretary of Defense may enter into agreements with appropriate officials of institutions of higher education and nongovernmental organizations to provide for the joint operation of the Center by the Secretary and such entities. Any such agreement may provide for the institution or organization concerned to furnish necessary administrative services for the Center, including administration and allocation of funds.

(e) ACCEPTANCE OF GIFTS AND DONATIONS.—

(1) ACCEPTANCE AUTHORIZED.—Except as provided in paragraph (2), the Secretary of Defense may accept, on behalf of the Center, gifts and donations to be used to defray the costs of the Center or to enhance the operation of the Center. Any such gift or donation may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.

(2) LIMITATION.—The Secretary may not accept a gift or donation under paragraph (1) if acceptance of the gift or donation would compromise or appear to compromise—

(A) the ability of the Department of Defense, any employee of the Department, or members of the Armed Forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department or of any person involved in such a program.

(3) CREDITING.—Amounts accepted as a gift or donation under paragraph (1) shall be credited to the appropriation available to the Department of Defense for the Western Hemisphere Center for Excellence in Human Rights. Amounts so credited shall be merged with the appropriation to which credited, and shall be available to the Center for the same purposes, and subject to the same conditions and limitations, as amounts in the appropriation with which merged.

(4) ANNUAL REPORT.—Not later than January 31 each year, the Secretary shall submit to the congressional defense committees a report on the gifts or donations accepted under paragraph (1) during the preceding year. Each report shall include, for the year covered by such report, a description of each gift of donation so accepted, including—

(A) the source of the gift or donation;

(B) the amount of the gift or donation; and

(C) the use of the gift or donation.

SEC. 935. INCLUSION OF COMMANDERS OF WESTERN HEMISPHERE COMBATANT COMMANDS IN BOARD OF VISITORS OF WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Subparagraph (F) of section 2166(e)(1) of title 10, United States Code, is amended to read as follows:

''(F) The commanders of the combatant commands having geographic responsibility for the Western Hemisphere, or the designees of those officers.''.

SEC. 936. COMPTROLLER GENERAL ASSESSMENT OF PROPOSED REORGANIZATION OF THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) ASSESSMENT REQUIRED.—Not later than March 1, 2008, the Comptroller General of the

United States shall submit to the congressional defense committees a report containing an assessment of the proposed reorganization of the office of the Under Secretary of Defense for Policy, including an assessment with respect to the matters set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessment required by subsection are as follows:

(1) Whether the proposed reorganization of the office will further the stated purposes of the proposed reorganization in the short-and long-term, namely whether the proposed reorganization will enhance the ability of the Department of Defense—

(A) to address current security priorities, including the war in Iraq and the global war on terrorism in Afghanistan and elsewhere;

(B) to manage geopolitical defense relationships; and

(C) to anticipate future strategic shifts.

(2) Whether, and to what extent, the proposed reorganization adheres to generally accepted principles of effective organization such as establishing clear goals, identifying clear lines of authority and accountability, and developing an effective human capital strategy.

(3) The extent to which the Department has developed detailed implementation plans for the proposed reorganization, and the current status of the implementation of all aspects of the reorganization.

(4) The extent to which the Department has worked to mitigate congressional concerns and address other challenges that have arisen since the proposed reorganization was announced.

(5) Whether the Department plans to evaluate progress in achieving the stated goals of the proposed reorganization and what metrics, if any, the Department has established to assess the results of the reorganization.

(6) The impact of the large span of responsibilities for the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under the proposed reorganization on the ability of the Assistant Secretary to carry out the principal duties of the Assistant Secretary under law.

(7) The impact of the large span of responsibility for the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict under the proposed reorganization, including responsibility under the proposed reorganization for each of the following:

(A) Strategic capabilities.

(B) Forces transformation.

(C) Major budget programs.

(8) The relationship between any global war on terrorism task force that reports directly to the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, and the Principal Deputy Under Secretary of Defense for Policy in managing policy on combating terrorism.

(9) The impact of the large span of responsibilities for the proposed Deputy Assistant Secretary of Defense for Counternarcotics, Counterproliferation, and Global Threats under the proposed reorganization.

(10) The impact of the proposed reorganization on counternarcotics program execution.

(11) The unique placement under the proposed reorganization of both functional and regional issue responsibilities under the single proposed Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs.

(12) The differentiation between the responsibilities of the proposed Deputy Assistant Secretary of Defense for Building Partnership Capacity Strategy and the proposed Deputy Assistant Secretary of Defense for Security Cooperation Options under the proposed reorganization, and the relationship between such officials.

SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOWANCES.

(a) AUTHORITY TO PROVIDE ALLOWANCES.—

(1) AUTHORITY.—In order to recruit and retain highly qualified Department of Defense physicians and Department of Defense health care professionals, the Secretary of Defense may, subject to the provisions of this section, enter into a service agreement with a current or new Department of Defense physician or a Department of Defense health care professional which provides for such physician or health care professional to complete a specified period of service in the Department of Defense in return for an allowance for the duration of such agreement in an amount to be determined by the Secretary and specified in the agreement, but not to exceed—

(A) in the case of a Department of Defense physician—

(i) $25,000 per annum if, at the time the agreement is entered into, the Department of Defense physician has served as a Department of Defense physician for 24 months or less; or

(ii) $40,000 per annum if the Department of Defense physician has served as a Department of Defense physician for more than 24 months; and

(B) in the case of a Department of Defense health care professional—

(i) an amount up to $5,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for less than 10 years;

(ii) an amount up to $10,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for at least 10 years but less than 18 years; or

(iii) an amount up to $15,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for 18 years or more.

(2) TREATMENT OF CERTAIN SERVICE.—(A) For the purpose of determining length of service as a Department of Defense physician, service as a physician under section 4104 or 4114 of title 38, United States Code, or active service as a medical officer in the commissioned corps of the Public Health Service under title II of the Public Health Service Act (42 U.S.C. 202 et seq.) shall be deemed service as a Department of Defense physician.

(B) For the purpose of determining length of service as a Department of Defense health care professional, service as a nonphysician health care provider, psychologist, or social worker while serving as an officer described under section 302c(d)(1) of title 37, United States Code, shall be deemed service as a Department of Defense health care professional.

(b) CERTAIN PHYSICIANS AND PROFESSIONALS INELIGIBLE.—An allowance may not be paid under this section to any physician or health care professional who—

(1) is employed on less than a half-time or intermittent basis;

(2) occupies an internship or residency training position; or

(3) is fulfilling a scholarship obligation.

(c) COVERED CATEGORIES OF POSITIONS.—The Secretary of Defense shall determine categories of positions applicable to physicians and health care professionals within the Department of Defense with respect to which there is a significant recruitment and retention problem for purposes of this section. Only physicians and health care professionals serving in such positions shall be eligible for an allowance under this section. The amounts of each such allowance shall be determined by the Secretary, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians and health care professionals.

(d) PERIOD OF SERVICE.—Any agreement entered into by a physician or health care professional under this section shall be for a period of service in the Department of Defense specified in such agreement, which period may not be less than one year of service or exceed four years of service.

(e) REPAYMENT.—Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the physician or health care professional, in the event that such physician or health care professional voluntarily, or because of misconduct, fails to complete at least one year of service under such agreement, shall be required to refund the total amount received under this section unless the Secretary of Defense determines that such failure is necessitated by circumstances beyond the control of the physician or health care professional.

(f) TERMINATION OF AGREEMENT.—Any agreement under this section shall specify the terms under which the Secretary of Defense and the physician or health care professional may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician or health care professional for each reason for termination.

(g) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) ALLOWANCE NOT TREATABLE AS BASIC PAY.—An allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 of title 5, United States Code, chapter 81 or 87 of such title, or other benefits related to basic pay.

(2) PAYMENT.—Any allowance under this section for a Department of Defense physician or Department of Defense health care professional shall be paid in the same manner and at the same time as the basic pay of the physician or health care professional is paid.

(3) CONSTRUCTION WITH CERTAIN AUTHORITY.—The authority to pay allowances under this section may not be exercised together with the authority in section 5948 of title 5, United States Code.

(h) ANNUAL REPORT.—

(1) ANNUAL REPORT.—Not later than June 30 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a written report on the operation of this section during the preceding year. Each report shall include—

(A) with respect to the year covered by such report, information as to—

(i) the nature and extent of the recruitment or retention problems justifying the use by the Department of Defense of the authority under this section;

(ii) the number of physicians and health care professionals with whom agreements were entered into by the Department of Defense;

(iii) the size of the allowances and the duration of the agreements entered into; and

(iv) the degree to which the recruitment or retention problems referred to in clause (i) were alleviated under this section; and

(B) such recommendations as the Secretary considers appropriate for actions (including legislative actions) to improve or enhance the authorities in this section to achieve the purpose specified in subsection (a)(1).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Armed Services and Homeland Security of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) The term ''Department of Defense health care professional'' means any individual employed by the Department of Defense who is a qualified health care professional employed as a health care professional and paid under any provision of law specified in subparagraphs (A) through (G) of paragraph (2).

(2) The term ''Department of Defense physician'' means any individual employed by the Department of Defense as a physician or dentist who is paid under a provision or provisions of law as follows:

(A) Section 5332 of title 5, United States Code, relating to the General Schedule.

(B) Subchapter VIII of chapter 53 of title 5, United States Code, relating to the Senior Executive Service.

(C) Section 5371 of title 5, United States Code, relating to certain health care positions.

(D) Section 5376 of title 5, United States Code, relating to certain senior-level positions.

(E) Section 5377 of title 5, United States Code, relating to critical positions.

(F) Subchapter IX of chapter 53 of title 5, United States Code, relating to special occupational pay systems.

(G) Section 9902 of title 5, United States Code, relating to the National Security Personnel System.

(3) The term ''qualified health care professional'' means any individual who is—

(A) a psychologist who meets the Office of Personnel Management Qualification Standards for the Occupational Series of Psychologist as required by the position to be filled;

(B) a nurse who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(C) a nurse anesthetist who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(D) a physician assistant who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Physician Assistant as required by the position to be filled;

(E) a social worker who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Social Worker as required by the position to be filled; or

(F) any other health care professional designated by the Secretary of Defense for purposes of this section.

(j) TERMINATION.—No agreement may be entered into under this section after September 30, 2012.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2008 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2007.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2007 in the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation or by a transfer of funds, or decreased by a rescission, or any thereof, pursuant to the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28).

SEC. 1003. MODIFICATION OF FISCAL YEAR 2007 GENERAL TRANSFER AUTHORITY.

Section 1001(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2371) is amended by adding at the end the following new paragraph:

''(3) EXCEPTION FOR CERTAIN TRANSFERS.—The following transfers of funds shall be not be counted toward the limitation in paragraph (2) on the amount that may be transferred under this section:

''(A) The transfer of funds to the Iraq Security Forces Fund under reprogramming FY07–07–R PA.

''(B) The transfer of funds to the Joint Improvised Explosive Device Defeat Fund under reprogramming FY07–11 PA.

''(C) The transfer of funds back from the accounts referred to in subparagraphs (A) and (B) to restore the sources used in the reprogrammings referred to in such subparagraphs.''.

SEC. 1004. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2008.

(a) FISCAL YEAR 2008 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2008 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2007, of funds appropriated for fiscal years before fiscal year 2008 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,031,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $362,159,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1005. FINANCIAL MANAGEMENT TRANSFORMATION INITIATIVE FOR THE DEFENSE AGENCIES.

(a) FINANCIAL MANAGEMENT TRANSFORMATION INITIATIVE.—

(1) IN GENERAL.—The Director of the Business Transformation Agency of the Department of Defense shall carry out an initiative for financial management transformation in the Defense Agencies. The initiative shall be known as the ''Defense Agencies Initiative'' (in this section referred to as the ''Initiative'').

(2) SCOPE OF AUTHORITY.—In carrying out the Initiative, the Director of the Business Transformation Agency may require the heads of the Defense Agencies to carry out actions that are within the purpose and scope of the Initiative.

(b) PURPOSES.—The purposes of Initiative shall be as follows:

(1) To eliminate or replace financial management systems of the Defense Agencies that are duplicative, redundant, or fail to comply with the standards set forth in subsection (d).

(2) To transform the budget, finance, and accounting operations of the Defense Agencies to enable the Defense Agencies to achieve accurate and reliable financial information needed to support financial accountability and effective and efficient management decisions.

(c) REQUIRED ELEMENTS.—The Initiative shall include, to the maximum extent practicable—

(1) the utilization of commercial, off-the-shelf technologies and web-based solutions;

(2) a standardized technical environment and an open and accessible architecture; and

(3) the implementation of common business processes, shared services, and common data structures.

(d) STANDARDS.—In carrying out the Initiative, the Director of the Business Transformation Agency shall ensure that the Initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(e) SCOPE.—The Initiative shall be designed to provide, at a minimum, capabilities in the major process areas for both general fund and working capital fund operations of the Defense Agencies as follows:

(1) Budget formulation.

(2) Budget to report, including general ledger and trial balance.

(3) Procure to pay, including commitments, obligations, and accounts payable.

(4) Order to fulfill, including billing and accounts receivable.

(5) Cost accounting.

(6) Acquire to retire (account management).

(7) Time and attendance and employee entitlement.

(8) Grants financial management.

(f) PROGRAM CONTROL.—In carrying out the Initiative, the Director of the Business Transformation Agency shall establish—

(1) a board (to be known as the ''Configuration Control Board'') to manage scope and cost changes to the Initiative; and

(2) a program management office (to be known as the ''Program Management Office'') to control and enforce assumptions made in the acquisition plan, the cost estimate, and the system integration contract for the Initiative, as directed by the Configuration Control Board.

(g) PLAN ON DEVELOPMENT AND IMPLEMENTATION OF INITIATIVE.—Not later than six months after the date of the enactment of this Act, the Director of the Business Transformation Agency shall submit to the congressional defense committees a plan for the development and implementation of the Initiative. The plan shall provide for the implementation of an initial capability under the Initiative as follows:

(1) In at least one Defense Agency by not later than eight months after the date of the enactment of this Act.

(2) In not less than six Defense Agencies by not later than 18 months after the date of the enactment of this Act.

SEC. 1006. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE.

Section 1405 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 744; 31 U.S.C. 1105 note) is repealed.

SEC. 1007. EXTENSION OF PERIOD FOR TRANSFER OF FUNDS TO FOREIGN CURRENCY FLUCTUATIONS, DEFENSE ACCOUNT.

Section 2779 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking ''second fiscal year'' and inserting ''fourth fiscal year''; and

(2) in subsection (d)(2), by striking ''second fiscal year'' and inserting ''fourth fiscal year''.

SEC. 1008. REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE FOR HEALTH CARE FOR ANY FISCAL YEAR IN WHICH THE ARMED FORCES ARE ENGAGED IN A MAJOR MILITARY CONFLICT.

If the Armed Forces are involved in a major military conflict when the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and the aggregate amount included in that budget for the Department of Defense for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department for health care for such preceding fiscal year, and, in the case of the Department, the total allocation from the Defense Health Program to any military department is less than the total such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

(1) the reasons for the determination that inclusion of a lesser aggregate amount or allocation to any military department is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount or allocation to any military department on the access to and delivery of medical and support services to members of the Armed Forces and their family members.

Subtitle B—Counter-Drug Activities

SEC. 1011. EXPANSION OF DEPARTMENT OF DEFENSE AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES TO CERTAIN ADDITIONAL FOREIGN GOVERNMENTS.

Section 1033(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1593) and section 1022(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended by adding at the end the following new paragraphs:

''(17) The Government of the Dominican Republic.

''(18) The Government of Mexico.''.

SEC. 1012. REPORT ON COUNTERNARCOTICS ASSISTANCE FOR THE GOVERNMENT OF HAITI.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on counternarcotics assistance for the Government of Haiti.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description and assessment of the counternarcotics assistance provided to the Government of Haiti by each of the Department of Defense, the Department of State, the Department of Homeland Security, and the Department of Justice.

(2) A description and assessment of any impediments to increasing counternarcotics assistance to the Government of Haiti, including corruption and lack of entities available to partner with in Haiti.

(3) An assessment of the feasability and advisability of providing additional counternarcotics assistance to the Government of Haiti, including an extension and expansion to the Government of Haiti of Department of Defense authority to provide support for counter-drug activities of certain foreign governments.

(4) An assessment of the potential for counternarcotics assistance for the Government of Haiti through the United Nations Stabilization Mission in Haiti.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Miscellaneous Authorities and Limitations

SEC. 1021. ENHANCEMENT OF AUTHORITY TO PAY REWARDS FOR ASSISTANCE IN COMBATING TERRORISM.

(a) INCREASE IN AMOUNT OF REWARD.—Subsection (b) of section 127b of title 10, United States Code, is amended by inserting '', or $5,000,000 during fiscal year 2008'' after ''$200,000''.

(b) DELEGATION OF AUTHORITY TO COMMANDERS OF COMBATANT COMMANDS.—Subsection (c)(1)(B) of such title is amended by inserting '', or $1,000,000 during fiscal year 2008'' after ''$50,000''.

(c) CONSULTATION WITH SECRETARY OF STATE IN AWARD.—Subsection (d)(2) of such section is amended by inserting '', or $2,000,000 during fiscal year 2008'' after ''$100,000''.

SEC. 1022. REPEAL OF MODIFICATION OF AUTHORITIES RELATING TO THE USE OF THE ARMED FORCES IN MAJOR PUBLIC EMERGENCIES.

(a) REPEAL.—

(1) IN GENERAL.—Section 333 of title 10, United States Code, as amended by section 1076 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2404), is amended to read as such section read on October 16, 2006, which is the day before the date of the enactment of the John Warner National Defense Authorization Act for Fiscal Year 2007.

(2) CONFORMING CLERICAL AMENDMENTS.—(A) The heading of such section 333, as so amended, is amended to read as such heading read on October 16, 2006.

(B) The item relating to such section 333 in the table of sections at the beginning of chapter 15 of such title, as so amended, is amended to read as such item read on October 16, 2006.

(C) The heading of chapter 15 of such title, as so amended, is amended to read as such heading read on October 16, 2006.

(D) The item relating to chapter 15 of such title in the tables of chapters at the beginning of subtitle A of such title, and at the beginning of part I of such subtitle, as so amended, is amended to read as such item read on October 16, 2006.

(b) OTHER CONFORMING AMENDMENTS.—

(1) CONFORMING REPEAL.—(A) Section 2567 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2567.

(2) ADDITIONAL AMENDMENT.—Section 12304(c)(1) of such title, as amended by section 1076 of the John Warner National Defense Authorization Act for Fiscal Year 2007, is amended to read as such section read on October 16, 2006.

SEC. 1023. HATE CRIMES.

(a) SHORT TITLE.—This section may be cited as the ''Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007''.

(b) FINDINGS.—Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ''races''. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

(c) DEFINITION OF HATE CRIME.—In this section—

(1) the term ''crime of violence'' has the meaning given that term in section 16, title 18, United States Code;

(2) the term ''hate crime'' has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

(d) SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.—

(1) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(i) constitutes a crime of violence;

(ii) constitutes a felony under the State, local, or Tribal laws; and

(iii) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.

(B) PRIORITY.—In providing assistance under subparagraph (A), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(B) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this paragraph, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(C) APPLICATION.—

(i) IN GENERAL.—Each State, local, and Indian law enforcement agency that desires a grant under this paragraph shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(ii) DATE FOR SUBMISSION.—Applications submitted pursuant to clause (i) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(iii) REQUIREMENTS.—A State, local, and Indian law enforcement agency applying for a grant under this paragraph shall—

(I) describe the extraordinary purposes for which the grant is needed;

(II) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(III) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(IV) certify that any Federal funds received under this paragraph will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this paragraph.

(D) DEADLINE.—An application for a grant under this paragraph shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(E) GRANT AMOUNT.—A grant under this paragraph shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(F) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this paragraph, the award of such grants, and the purposes for which the grant amounts were expended.

(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2008 and 2009.

(e) GRANT PROGRAM.—

(1) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(f) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.—There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by this section.

(g) PROHIBITION OF CERTAIN HATE CRIME ACTS.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''§249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(i) death results from the offense; or

''(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(I) death results from the offense; or

''(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

''(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

''(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

''(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the State does not object to the Federal Government assuming jurisdiction; or

''(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

''(c) DEFINITIONS.—In this section—

''(1) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

''(2) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

''(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

''(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''249. Hate crime acts.''.

(h) STATISTICS.—

(1) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender and gender identity,'' after ''race,''.

(2) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting '', including data about crimes committed by, and crimes directed against, juveniles'' after ''data acquired under this section''.

(i) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 1024. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term ''relevant offense'' means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

SEC. 1025. GIFT ACCEPTANCE AUTHORITY.

(a) PERMANENT AUTHORITY TO ACCEPT GIFTS ON BEHALF OF THE WOUNDED.—Section 2601(b) of title 10, United States Code, is amended by striking paragraph (4).

(b) LIMITATION ON SOLICITATION OF GIFTS.—The Secretary of Defense shall prescribe regulations implementing sections 2601 and 2608 of title 10, United States Code, that prohibit the solicitation of any gift under such sections by any employee of the Department of Defense if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in such program.

SEC. 1026. EXPANSION OF COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF CULTURAL RESOURCES.

(a) IN GENERAL.—Subsection (a) of section 2684 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY.—(1) The Secretary of Defense or the Secretary of a military department may enter into a cooperative agreement with a State or local government, tribal government, or other entity for any purpose as follows:

''(A) For the preservation, management, maintenance, and improvement of cultural resources.

''(B) For the conduct of research regarding cultural resources.

''(2) To be covered under a cooperative agreement under this subsection, cultural resources shall be located—

''(A) on a military installation; or

''(B) off a military installation, but only if the cooperative agreement directly relieves or eliminates current or anticipated restrictions that would or might restrict, impede, or otherwise interfere (whether directly or indirectly) with current or anticipated military training, testing, or operations on the installation.

''(3) Activities under a cooperative agreement under this subsection shall be subject to the availability of funds to carry out the cooperative agreement.''.

(b) INCLUSION OF INDIAN SACRED SITES IN CULTURAL RESOURCES.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(5) An Indian sacred site, as the that term is defined in section 1(b)(iii) of Executive Order 13007.''.

SEC. 1027. MINIMUM ANNUAL PURCHASE AMOUNTS FOR AIRLIFT FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

''(a) IN GENERAL.—The Secretary of Defense may award to air carriers participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount determined in accordance with this section.

''(b) MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the annual average expenditure of the Department of Defense for airlift during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

''(2) In calculating the annual average expenditure of the Department of Defense for airlift for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for airlift if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated airlift for purposes of that paragraph.

''(3) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under paragraph (1), shall be allocated among all carriers awarded contracts under that subsection for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

''(c) ADJUSTMENT TO MINIMUM PURCHASE AMOUNT FOR PERIODS OF UNAVAILABILITY OF AIRLIFT.—In determining the minimum purchase amount payable under a contract under subsection (a) for airlift provided by a carrier during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to the carrier under subsection (b)(3) to take into account periods during such fiscal year when services of the carrier are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when the carrier is placed in nonuse status pursuant to section 2640 of this title for safety issues.

''(d) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift from a carrier for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift from the carrier in such fiscal year, such amount shall be provided to the carrier before the first day of the following fiscal year.

''(e) TRANSFER OF FUNDS.—At the beginning of each fiscal year, the Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to

the percentage of the anticipated use of airlift by such military department during such fiscal year from all carriers under contracts awarded under subsection (a) for such fiscal year.

''(f) AVAILABILITY OF AIRLIFT.—(1) From the total amount of airlift available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift equivalent to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (e).

''(2) A military department may transfer any entitlement to airlift under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

''(g) SUNSET.—The authorities in this section shall expire on December 31, 2015.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 931 of such title is amended by adding at the end the following new item:

''9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.''.

SEC. 1028. PROVISION OF AIR FORCE SUPPORT AND SERVICES TO FOREIGN MILITARY AND STATE AIRCRAFT.

(a) PROVISION OF SUPPORT AND SERVICES.—

(1) IN GENERAL.—Section 9626 of title 10, United States Code, is amended to read as follows:

''§ 9626. Aircraft supplies and services: foreign military or other state aircraft

''(a) PROVISION OF SUPPLIES AND SERVICES ON REIMBURSABLE BASIS.—(1) The Secretary of the Air Force may, under such regulations as the Secretary may prescribe and when in the best interests of the United States, provide any of the supplies or services described in paragraph (2) to military and other state aircraft of a foreign country, on a reimbursable basis without an advance of funds, if similar supplies and services are furnished on a like basis to military aircraft and other state aircraft of the United States by the foreign country.

''(2) The supplies and services described in this paragraph are supplies and services as follows:

''(A) Routine airport services, including landing and takeoff assistance, servicing aircraft with fuel, use of runways, parking and servicing, and loading and unloading of baggage and cargo.

''(B) Miscellaneous supplies, including Air Force-owned fuel, provisions, spare parts, and general stores, but not including ammunition.

''(b) PROVISION OF ROUTINE AIRPORT SERVICES ON NON-REIMBURSABLE BASIS.—(1) Routine airport services may be provided under this section at no cost to a foreign country under circumstances as follows:

''(A) If such services are provided by Air Force personnel and equipment without direct cost to the Air Force.

''(B) If such services are provided under an agreement with the foreign country that provides for the reciprocal furnishing by the foreign country of routine airport services to military and other state aircraft of the United States without reimbursement.

''(2) If routine airport services are provided under this section by a working-capital fund activity of the Air Force under section 2208 of this title and such activity is not reimbursed directly for the costs incurred by the activity in providing such services by reason of paragraph (1)(B), the working-capital fund activity shall be reimbursed for such costs out of funds currently available to the Air Force for operation and maintenance.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 939 of such title is amended by striking the item relating to section 9626 and inserting the following new item:

''9626. Aircraft supplies and services: foreign military or other state aircraft.''.

(b) CONFORMING AMENDMENT.—Section 9629(3) of such title is amended by striking ''for aircraft of a foreign military or air attaché''.

SEC. 1029. PARTICIPATION IN STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP.

(a) AUTHORITY TO PARTICIPATE IN PARTNERSHIP.—The Secretary of Defense may—

(1) enter into a multilateral memorandum of understanding authorizing the Strategic Airlift Capability Partnership to conduct activities necessary to accomplish its purpose, including—

(A) the acquisition, equipping, ownership, and operation of strategic airlift aircraft; and

(B) the acquisition or transfer of airlift and airlift-related services and supplies among members of the Strategic Airlift Capability Partnership, or between the Partnership and non-member countries or international organizations, on a reimbursable basis or by replacement-in-kind or exchange of airlift or airlift-related services of an equal value; and

(2) pay from funds available to the Department of Defense for such purpose the United States equitable share of the recurring and non-recurring costs of the activities and operations of the Strategic Airlift Capability Partnership, including costs associated with procurement of aircraft components and spare parts, maintenance, facilities, and training, and the costs of claims.

(b) AUTHORITIES UNDER PARTNERSHIP.—In carrying out the memorandum of understanding entered into under subsection (a), the Secretary of Defense may do the following:

(1) Waive reimbursement of the United States for the cost of the functions performed by Department of Defense personnel with respect to the Strategic Airlift Capability Partnership as follows:

(A) Auditing.

(B) Quality assurance.

(C) Inspection.

(D) Contract administration.

(E) Acceptance testing.

(F) Certification services.

(G) Planning, programming, and management services.

(2) Waive the imposition of any surcharge for administrative services provided by the United States that would otherwise be chargeable against the Strategic Airlift Capability Partnership.

(3) Pay the salaries, travel, lodging, and subsistence expenses of Department of Defense personnel assigned for duty to the Strategic Airlift Capability Partnership without seeking reimbursement or cost-sharing for such expenses.

(c) CREDITING OF RECEIPTS.—Any amount received by the United States in carrying out the memorandum of understanding entered into under subsection (a) shall be credited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently providing funds for the purposes for which such obligation was made.

(d) AUTHORITY TO TRANSFER AIRCRAFT.—

(1) IN GENERAL.—The Secretary of Defense is authorized to transfer one strategic airlift aircraft to the Strategic Airlift Capability Partnership in accordance with the terms and conditions of the memorandum of understanding entered into under subsection (a).

(2) REPORT.—Not later than 30 days before the date on which the Secretary transfers a strategic airlift aircraft under paragraph (1), the Secretary shall submit to the congressional defense committees a report on the strategic airlift aircraft to be transferred, including the type of strategic airlift aircraft to be transferred and the tail registration or serial number of such aircraft.

(e) STRATEGIC AIRLIFT CAPABILITY PARTNERSHIP DEFINED.—In this section the term ''Strategic Airlift Capability Partnership'' means the strategic airlift capability consortium established by the United States and other participating countries.

SEC. 1030. RESPONSIBILITY OF THE AIR FORCE FOR FIXED-WING SUPPORT OF ARMY INTRA-THEATER LOGISTICS.

The Secretary of Defense shall, acting through the Chairman of the Joint Chiefs of Staff, prescribe directives or instructions to provide that the Air Force shall have responsibility for the missions and functions of fixed-wing support for Army intra-theater logistics.

SEC. 1031. PROHIBITION ON SALE OF PARTS FOR F–14 FIGHTER AIRCRAFT.

(a) PROHIBITION ON SALE BY DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Department of Defense may not sell (whether directly or indirectly) any parts for F–14 fighter aircraft, whether through the Defense Reutilization and Marketing Service or through another agency or element of the Department.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to the sale of parts for F–14 fighter aircraft to a museum or similar organization located in the United States that is involved in the preservation of F–14 fighter aircraft for historical purposes.

(b) PROHIBITION ON EXPORT LICENSE.—No license for the export of parts for F–14 fighter aircraft to a non-United States person or entity may be issued by the United States Government.

SEC. 1032. PROVISION OF CONTACT INFORMATION ON SEPARATING MEMBERS OF THE ARMED FORCES TO STATE VETERANS AGENCIES.

For each member of the Armed Forces pending separation from the Armed Forces or who detaches from the member's regular unit while awaiting medical separation or retirement, not later than the date of such separation or detachment, as the case may be, the Secretary of Defense shall, upon the request of the member, provide the address and other appropriate contact information of the member to the State veterans agency in the State in which the member will first reside after separation or in the State in which the member resides while so awaiting medical separation or retirement, as the case may be.

SEC. 1033. PROVISIONS RELATING TO THE REMOVAL OF MISSILES FROM THE 564TH MISSILE SQUADRON.

(a) The Secretary of Defense shall submit to the Congressional Defense Committees a report on the feasibility of establishing an association between the 120th Fighter Wing of the Montana Air National Guard and active duty personnel stationed at Malmstrom Air Force Base, Montana. In making such assessment, the Secretary shall consider:

(1) An evaluation of the Air Force's requirement for additional F–15 aircraft active or reserve component force structure.

(2) An evaluation of the airspace training opportunities in the immediate airspace around Great Falls International Airport Air Guard Station.

(3) An evaluation of the impact of civilian operations on military operations at the Great Falls International Airport.

(4) An evaluation of the level of civilian encroachment on the facilities and airspace of the 120th Fighter Wing.

(5) An evaluation of the support structure available, including active military bases nearby.

(6) Opportunities for additional association between the Montana National Guard and the 341st Space Wing.

(b) Not more than 40 missiles may be removed from the 564th Missile Squadron until 15 days after the report required in subsection (a) has been submitted.

Subtitle D—Reports

SEC. 1041. RENEWAL OF SUBMITTAL OF PLANS FOR PROMPT GLOBAL STRIKE CAPABILITY.

Section 1032(b)(1) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1605; 10 U.S.C. 113 note) is amended by inserting ''and each of 2007, 2008, and 2009,'' after ''2004, 2005, and 2006,''.

SEC. 1042. REPORT ON THREATS TO THE UNITED STATES FROM UNGOVERNED AREAS.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly, in coordination with the Director of National Intelligence, submit to Congress a report on the threats posed to the United States from ungoverned areas, including the threats to the United States from terrorist groups and individuals located in such areas who direct their activities against the United States and its allies.

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

(1) A description of the intelligence capabilities and skills required by the United States Government to support United States policy aimed at managing the threats described in subsection (a), including, specifically, the technical, linguistic, and analytical capabilities and the skills required by the Department of Defense and the Department of State.

(2) An assessment of the extent to which the Department of Defense and the Department of State possess the capabilities described in paragraph (1) as well as the necessary resources and organization to support United States policy aimed at managing the threats described in subsection (a).

(3) A description of the extent to which the implementation of Department of Defense Directive 3000.05, entitled ''Military Support for Stability, Security, Transition, and Reconstruction Operations'', will support United States policy for managing such threats.

(4) A description of the actions, if any, to be taken to improve the capabilities and skills of the Department of Defense and the Department of State described in paragraph (1), and the schedule for implementing any actions so described.

SEC. 1043. STUDY ON NATIONAL SECURITY INTERAGENCY SYSTEM.

(a) STUDY REQUIRED.—The Secretary of Defense shall enter into an agreement with an independent, non-profit, non-partisan organization to conduct a study on the national security interagency system.

(b) REPORT.—The agreement entered into under subsection (a) shall require the organization to submit to Congress and the President a report containing the results of the study conducted pursuant to such agreement and any recommendations for changes to the national security interagency system (including legislative or regulatory changes) identified by the organization as a result of the study.

(c) SUBMITTAL DATE.—The agreement entered into under subsection (a) shall require the organization to submit the report required under subsection (a) not later than 180 days after the date on which the Secretary makes funds available to the organization under subsection (e) for purposes of the study.

(d) NATIONAL SECURITY INTERAGENCY SYSTEM DEFINED.—In this section, the term ''national security interagency system'' means the structures, mechanisms, and processes by which the departments, agencies, and elements of the Federal Government that have national security missions coordinate and integrate their policies, capabilities, expertise, and activities to accomplish such missions.

(e) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, not more than $3,000,000 may be available to carry out this section.

(2) MATCHING FUNDING REQUIREMENT.—The amount provided by the Secretary for the agreement entered into under subsection (a) may not exceed the value of contributions (whether money or in-kind contributions) obtained and provided by the organization for the study from non-government sources.

(f) FOCUS ON IMPROVING INTERAGENCY COOPERATION IN POST-CONFLICT CONTINGENCY RELIEF AND RECONSTRUCTION OPERATIONS.—

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

(A) The interagency coordination and integration of the United States Government for the planning and execution of overseas post-conflict contingency relief and reconstruction operations requires reform.

(B) Recent operations, most notably in Iraq, lacked the necessary consistent and effective interagency coordination and integration in planning and execution.

(C) Although the unique circumstances associated with the Iraq reconstruction effort are partly responsible for this weak coordination, existing structural weaknesses within the planning and execution processes for such operations indicate that the problems encountered in the Iraq program could recur in future operations unless action is taken to reform and improve interdepartmental integration in planning and execution.

(D) The agencies involved in the Iraq program have attempted to adapt to the relentless demands of the reconstruction effort, but more substantive and permanent reforms are required for the United States Government to be optimally prepared for future operations.

(E) The fresh body of evidence developed from the Iraq relief and reconstruction experience provides a good basis and timely opportunity to pursue meaningful improvements within and among the departments charged with managing the planning and execution of such operations.

(F) The success achieved in departmental integration of overseas conflict management through the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433; 100 Stat. 992) provides precedent for Congress to consider legislation designed to promote increased cooperation and integration among the primary Federal departments and agencies charged with managing post-conflict contingency reconstruction and relief operations.

(2) INCLUSION IN STUDY.—The study conducted under subsection (a) shall include the following elements:

(A) A synthesis of past studies evaluating the successes and failures of previous interagency efforts at planning and executing post-conflict contingency relief and reconstruction operations, including relief and reconstruction operations in Iraq.

(B) An analysis of the division of duties, responsibilities, and functions among executive branch agencies for such operations and recommendations for administrative and regulatory changes to enhance integration.

(C) Recommendations for legislation that would improve interagency cooperation and integration and the efficiency of the United States Government in the planning and execution of such operations.

(D) Recommendations for improvements in congressional, executive, and other oversight structures and procedures that would enhance accountability within such operations.

SEC. 1044. ANNUAL REPORT ON CASES REVIEWED BY NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE.

Section 4332 of title 38, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7) respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The number of cases reviewed by the Secretary of Defense under the National Committee for Employer Support of the Guard and Reserve of the Department of Defense during the fiscal year for which the report is made.''; and

(3) in paragraph (5), as so redesignated, by striking ''(2), or (3)'' and inserting ''(2), (3), or (4)''.

SEC. 1045. REPORT ON WORKFORCE REQUIRED TO SUPPORT THE NUCLEAR MISSIONS OF THE NAVY AND THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall each submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report.

(b) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

SEC. 1046. COMPTROLLER GENERAL REPORT ON DEFENSE FINANCE AND ACCOUNTING SERVICE RESPONSE TO BUTTERBAUGH V. DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the response of the Defense Finance and Accounting Service to the decision in Butterbaugh v. Department of Justice (336 F.3d 1332 (2003)).

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

(1) An estimate of the number of members of the reserve components of the Armed Forces, both past and present, who are entitled to compensation under the decision in Butterbaugh v. Department of Justice.

(2) An assessment of the current policies, procedures, and timeliness of the Defense Finance and Accounting Service in implementing and resolving claims under the decision in Butterbaugh v. Department of Justice.

(3) An assessment whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice follow a consistent pattern of resolution.

(4) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice are resolving claims by providing more compensation than an individual has been able to prove, under the rule of construction that laws providing benefits to veterans are liberally construed in favor of the veteran.

(5) An estimate of the total amount of compensation payable to members of the reserve components of the Armed Forces, both past and present, as a result of the recent decision in Hernandez v. Department of the Air Force (No. 2006–3375, slip op.) that leave can be reimbursed for Reserve service before 1994, when Congress enacted chapter 43 of title 38, United States Code (commonly referred to as the ''Uniformed Services Employment and Reemployment Rights Act'').

(6) A comparative assessment of the handling of claims by the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the handling of claims by other Federal agencies (selected by the Comptroller General for purposes of the comparative assessment) under that decision.

(7) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been adjudicated by the Defense Finance and Accounting Service.

(8) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been denied by the Defense Finance and Accounting Service.

(9) A comparative assessment of the average amount of time required for the Defense Finance and Accounting Service to resolve a claim under the decision in Butterbaugh v. Department of Justice with the average amount of time required by other Federal agencies (as so selected) to resolve a claim under that decision.

(10) A comparative statement of the backlog of claims with the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the backlog of claims of other Federal agencies (as so selected) under that decision.

(11) An estimate of the amount of time required for the Defense Finance and Accounting Service to resolve all outstanding claims under the decision in Butterbaugh v. Department of Justice.

(12) An assessment of the reasonableness of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice.

(13) A comparative assessment of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice with the requirement of other Federal agencies (as so selected) for the submittal by such members of supporting documentation for such claims.

(14) Such recommendations for legislative action as the Comptroller General considers appropriate in light of the decision in Butterbaugh v. Department of Justice and the decision in Hernandez v. Department of the Air Force.

SEC. 1047. REPORT ON FACILITIES AND OPERATIONS OF DARNALL ARMY MEDICAL CENTER, FORT HOOD MILITARY RESERVATION, TEXAS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas.

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

(1) A specific determination of whether the facilities currently housing Darnall Army Medical Center meet Department of Defense standards for Army medical centers.

(2) A specific determination of whether the existing facilities adequately support the operations of Darnall Army Medical Center, including the missions of medical treatment, medical hold, medical holdover, and Warriors in Transition.

(3) A specific determination of whether the existing facilities provide adequate physical space for the number of personnel that would be required for Darnall Army Medical Center to function as a full-sized Army medical center.

(4) A specific determination of whether the current levels of medical and medical-related personnel at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(5) A specific determination of whether the current levels of graduate medical education and medical residency programs currently in place at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(6) A description of any and all deficiencies identified by the Secretary.

(7) A proposed investment plan and timeline to correct such deficiencies.

SEC. 1048. REPORT ON PLANS TO REPLACE THE MONUMENT AT THE TOMB OF THE UNKNOWNS AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the following:

(1) The current plans of the Secretaries with respect to—

(A) replacing the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia; and

(B) disposing of the current monument at the Tomb of the Unknowns, if it were removed and replaced.

(2) An assessment of the feasibility and advisability of repairing the monument at the Tomb of the Unknowns rather than replacing it.

(3) A description of the current efforts of the Secretaries to maintain and preserve the monument at the Tomb of the Unknowns.

(4) An explanation of why no attempt has been made since 1989 to repair the monument at the Tomb of the Unknowns.

(5) A comprehensive estimate of the cost of replacement of the monument at the Tomb of the Unknowns and the cost of repairing such monument.

(6) An assessment of the structural integrity of the monument at the Tomb of the Unknowns.

(b) LIMITATION ON ACTION.—The Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).

(c) EXCEPTION.—The limitation in subsection (b) shall not prevent the Secretary of the Army or the Secretary of Veterans Affairs from repairing the current monument at the Tomb of the Unknowns or from acquiring any blocks of marble for uses related to such monument, subject to the availability of appropriations for that purposes.

SEC. 1049. REPORT ON SIZE AND MIX OF AIR FORCE INTERTHEATER AIRLIFT FORCE.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study on various alternatives for the size and mix of assets for the Air Force intertheater airlift force, with a particular focus on current and planned capabilities and costs of the C–5 aircraft and C–17 aircraft fleets.

(2) CONDUCT OF STUDY.—

(A) USE OF FFRDC.—The Secretary shall select to conduct the study required by subsection (a) a federally funded research and development center (FFRDC) that has experience and expertise in conducting studies similar to the study required by subsection (a).

(B) DEVELOPMENT OF STUDY METHODOLOGY.—Not later than 90 days after the date of enactment of this Act, the federally funded research and development center selected for the conduct of the study shall—

(i) develop the methodology for the study; and

(ii) submit the methodology to the Comptroller General of the United States for review.

(C) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after receipt of the methodology under subparagraph (B), the Comptroller General shall—

(i) review the methodology for purposes of identifying any flaws or weaknesses in the methodology; and

(ii) submit to the federally funded research and development center a report that—

(I) sets forth any flaws or weaknesses in the methodology identified by the Comptroller General in the review; and

(II) makes any recommendations the Comptroller General considers advisable for improvements to the methodology.

(D) MODIFICATION OF METHODOLOGY.—Not later than 30 days after receipt of the report under subparagraph (C), the federally funded research and development center shall—

(i) modify the methodology in order to address flaws or weaknesses identified by the Comptroller General in the report and to improve the methodology in accordance with the recommendations, if any, made by the Comptroller General; and

(ii) submit to the congressional defense committees a report that—

(I) describes the modifications of the methodology made by the federally funded research and development center; and

(II) if the federally funded research and development center does not improve the methodology in accordance with any particular recommendation of the Comptroller General, sets forth a description and explanation of the reasons for such action.

(3) UTILIZATION OF OTHER STUDIES.—The study shall build upon the results of the recent Mobility Capabilities Studies of the Department of Defense, the on-going Intratheater Airlift Fleet Mix Analysis, and other appropriate studies and analyses. The study should also include any results reached on the modified C–5A aircraft configured as part of the Reliability Enhancement and Re-engining Program (RERP) configuration, as specified in section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1411).

(b) ELEMENTS.—The study under subsection (a) shall address the following:

(1) The state of the current intertheater airlift fleet of the Air Force, including the extent to which the increased use of heavy airlift aircraft in Operation Iraqi Freedom, Operation Enduring Freedom, and other ongoing operations is affecting the aging of the aircraft of that fleet.

(2) The adequacy of the current intertheater airlift force, including whether or not the current target number of 301 airframes for the Air Force heavy lift aircraft fleet will be sufficient to support future expeditionary combat and non-combat missions as well as domestic and training mission demands consistent with the requirements of the National Military Strategy.

(3) The optimal mix of C–5 aircraft and C–17 aircraft for the intertheater airlift fleet of the Air Force, and any appropriate mix of C–5 aircraft and C–17 aircraft for intratheater airlift missions, including an assessment of the following:

(A) The cost advantages and disadvantages of modernizing the C–5 aircraft fleet when compared with procuring new C–17 aircraft, which assessment shall be performed in concert with the Cost Analysis Improvement Group and be based on program life cycle cost estimates for the respective aircraft.

(B) The military capability of the C–5 aircraft and the C–17 aircraft, including number of lifetime flight hours, cargo and passenger carrying capabilities, and mission capable rates for such airframes. In the case of assumptions for the C–5 aircraft, and any assumptions made for the mission capable rates of the C–17 aircraft, sensitivity analyses shall also be conducted to test assumptions. The military capability study for the C–5 aircraft shall also include an assessment of the mission capable rates after each of the following:

(i) Successful completion of the Avionics Modernization Program (AMP) and the Reliability Enhancement and Re-engining Program (RERP).

(ii) Partially successful completion of the Avionics Modernization Program and the Reliability Enhancement and Re-engining Program, with partially successful completion of either such program being considered the point at which the continued execution of such program is no longer supported by cost-benefit analysis.

(C) The tactical capabilities of strategic airlift aircraft, the potential increase in use of strategic airlift aircraft for tactical missions, and the value of such capabilities to tactical operations.

(D) The value of having more than one type of aircraft in the strategic airlift fleet, and the potential need to pursue a replacement aircraft for the C–5 aircraft that is larger than the C–17 aircraft.

(4) The means by which the Air Force was able to restart the production line for the C–5 aircraft after having closed the line for several years, and the actions to be taken to ensure the production line for the C–17 aircraft could be restarted if necessary, including—

(A) an analysis of the costs of closing and reopening the production line for the C–5 aircraft; and

(B) an assessment of the costs of closing and re-opening the production line for the C–17 aircraft on a similar basis.

(5) The financial effects of retiring, upgrading and maintaining, or continuing current operations of the C–5A aircraft fleet on procurement decisions relating to the C–17 aircraft.

(6) The impact that increasing the role and use of strategic airlift aircraft in intratheater operations will have on the current target number for strategic airlift aircraft of 301 airframes, including an analysis of the following:

(A) The appropriateness of using C–5 aircraft and C–17 aircraft for intratheater missions, as well as the efficacy of these aircraft to perform current and projected future intratheater missions.

(B) The interplay of existing doctrinal intratheater airlift aircraft (such as the C–130 aircraft and the future Joint Cargo Aircraft (JCA)) with an increasing role for C–5 aircraft and C–17 aircraft in intratheater missions.

(C) The most appropriate and likely missions for C–5 aircraft and C–17 aircraft in intratheater operations and the potential for increased requirements in these mission areas.

(D) Any intratheater mission sets best performed by strategic airlift aircraft as opposed to traditional intratheater airlift aircraft.

(E) Any requirements for increased production or longevity of C–5 aircraft and C–17 aircraft, or for a new strategic airlift aircraft, in light of the matters analyzed under this paragraph.

(7) Taking into consideration all applicable factors, whether or not the replacement of C–5 aircraft with C–17 aircraft on a one-for-one basis will result in the retention of a comparable strategic airlift capability.

(c) CONSTRUCTION.—Nothing in this section shall be construed to exclude from the study under subsection (a) consideration of airlift assets other than the C–5 aircraft or C–17 aircraft that do or may provide intratheater and intertheater airlift, including the potential that such current or future assets may reduce requirements for C–5 aircraft or C–17 aircraft.

(d) COLLABORATION WITH TRANSCOM.—The federally funded research and development center selected under subsection (a) shall conduct the study required by that subsection and make the report required by subsection (e) in concert with the United States Transportation Command.

(e) REPORT BY FFRDC.—

(1) IN GENERAL.—Not later than January 10, 2009, the federally funded research and development center selected under subsection (a) shall submit to the Secretary of Defense, the congressional defense committees, and the Comptroller General of the United States a report on the study required by subsection (a).

(2) REVIEW BY GAO.—Not later than 90 days after receipt of the report under paragraph (1), the Comptroller General shall submit to the congressional defense committee a report on the study conducted under subsection (a) and the report under paragraph (1). The report under this subsection shall include an analysis of the study under subsection (a) and the report under paragraph (1), including an assessment by the Comptroller General of the strengths and weaknesses of the study and report.

(f) REPORT BY SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

(2) ELEMENTS.—The report shall include a comprehensive discussion of the findings of the study, including a particular focus on the following:

(A) A description of lift requirements and operating profiles for intertheater airlift aircraft required to meet the National Military Strategy, including assumptions regarding:

(i) Current and future military combat and support missions.

(ii) The planned force structure growth of the Army and the Marine Corps.

(iii) Potential changes in lift requirements, including the deployment of the Future Combat Systems by the Army.

(iv) New capability in strategic airlift to be provided by the KC(X) aircraft and the expected utilization of such capability, including its use in intratheater lift.

(v) The utilization of the heavy lift aircraft in intratheater combat missions.

(vi) The availability and application of Civil Reserve Air Fleet assets in future military scenarios.

(vii) Air mobility requirements associated with the Global Rebasing Initiative of the Department of Defense.

(viii) Air mobility requirements in support of peacekeeping and humanitarian missions around the globe.

(ix) Potential changes in lift requirements based on equipment procured for Iraq and Afghanistan.

(B) A description of the assumptions utilized in the study regarding aircraft performances and loading factors.

(C) A comprehensive statement of the data and assumptions utilized in making program life cycle cost estimates.

(D) A comparison of cost and risk associated with optimal mix airlift fleet versus program of record airlift fleet.

(3) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 1050. REPORT AND MASTER INFRASTRUCTURE RECAPITALIZATION PLAN REGARDING CHEYENNE MOUNTAIN AIR STATION, COLORADO.

(a) REPORT ON RELOCATION OF NORTH AMERICAN AEROSPACE DEFENSE COMMAND CENTER.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the relocation of the North American Aerospace Defense command center and related functions from Cheyenne Mountain Air Station, Colorado, to Peterson Air Force Base, Colorado.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) an analysis comparing the total costs associated with the relocation, including costs determined as part of ongoing security-related studies of the relocation, to anticipated operational benefits from the relocation; and

(B) a detailed explanation of those backup functions that will remain located at Cheyenne Mountain Air Station, and how those functions planned to be transferred out of Cheyenne Mountain Air Station, including the Space Operations Center, will maintain operational connectivity with their related commands and relevant communications centers.

(b) MASTER INFRASTRUCTURE RECAPITALIZATION PLAN.—

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

(2) CONTENT.—The plan required under paragraph (1) shall include—

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

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

Subtitle E—Other Matters

SEC. 1061. REVISED NUCLEAR POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify United States nuclear deterrence policy and strategy for the near term, the Secretary of Defense shall conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years. The Secretary shall conduct the review in consultation with the Secretary of Energy and the Secretary of State.

(b) ELEMENTS OF REVIEW.—The nuclear posture review shall include the following elements:

(1) The role of nuclear forces in United States military strategy, planning, and programming.

(2) The policy requirements and objectives for the United States to maintain a safe, reliable, and credible nuclear deterrence posture.

(3) The relationship among United States nuclear deterrence policy, targeting strategy, and arms control objectives.

(4) The role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.

(5) The levels and composition of the nuclear delivery systems that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying existing systems.

(6) The nuclear weapons complex that will be required for implementing the United States national and military strategy, including any plans to modernize or modify the complex.

(7) The active and inactive nuclear weapons stockpile that will be required for implementing the United States national and military strategy, including any plans for replacing or modifying warheads.

(c) REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress, in unclassified and classified forms as necessary, a report on the results of the nuclear posture review conducted under this section. The report shall be submitted concurrently with the quadrennial defense review required to be submitted under section 118 of title 10, United States Code, in 2009.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the nuclear posture review conducted under this section should be used as a basis for establishing future United States arms control objectives and negotiating positions.

SEC. 1062. TERMINATION OF COMMISSION ON THE IMPLEMENTATION OF THE NEW STRATEGIC POSTURE OF THE UNITED STATES.

Section 1051 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3431) is repealed.

SEC. 1063. COMMUNICATIONS WITH THE COMMITTEES ON ARMED SERVICES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(a) REQUESTS OF COMMITTEES.—The Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall, not later than 15 days after receiving a request from the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives for any intelligence assessment, report, estimate, legal opinion, or other intelligence information relating to matters within the jurisdiction of such Committee, make available to such committee such assessment, report,

estimate, legal opinion, or other information, as the case may be.

(b) ASSERTION OF PRIVILEGE.—In response to a request covered by subsection (a), the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any department, agency, or element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.

(c) INDEPENDENT TESTIMONY OF INTELLIGENCE OFFICIALS.—No officer, department, agency, or element within the Executive branch shall have any authority to require the head of any department, agency, or element of the intelligence community, or any designate of such a head—

(1) to receive permission to testify before the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives; or

(2) to submit testimony, legislative recommendations, or comments to any officer or agency of the Executive branch for approval, comments, or review prior to the submission of such recommendations, testimony, or comments to the Committee on Armed Services of the Senate or the Committee on Armed Services of the House of Representatives if such testimony, legislative recommendations, or comments include a statement indicating that the views expressed therein are those of the head of the department, agency, or element of the intelligence community that is making the submission and do not necessarily represent the views of the Administration.

SEC. 1064. SECURITY CLEARANCES; LIMITATIONS.

(a) IN GENERAL.—Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following new section:

"SEC. 3002. SECURITY CLEARANCES; LIMITATIONS.

''(a) DEFINITIONS.—In this section:

''(1) CONTROLLED SUBSTANCE.—The term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

''(2) COVERED PERSON.—The term 'covered person' means—

''(A) an officer or employee of a Federal agency;

''(B) a member of the Army, Navy, Air Force, or Marine Corps who is on active duty or is in an active status; and

''(C) an officer or employee of a contractor of a Federal agency.

''(3) RESTRICTED DATA.—The term 'Restricted Data' has the meaning given that term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

''(4) SPECIAL ACCESS PROGRAM.—The term 'special access program' has the meaning given that term in section 4.1 of Executive Order 12958 (60 Fed. Reg. 19825).

''(b) PROHIBITION.—After January 1, 2008, the head of a Federal agency may not grant or renew a security clearance for a covered person who is—

''(1) an unlawful user of, or is addicted to, a controlled substance; or

''(2) mentally incompetent, as determined by an adjudicating authority, based on an evaluation by a duly qualified mental health professional employed by, or acceptable to and approved by, the United States government and in accordance with the adjudicative guidelines required by subsection (d).

''(c) DISQUALIFICATION.—

''(1) IN GENERAL.—After January 1, 2008, absent an express written waiver granted in accordance with paragraph (2), the head of a Federal agency may not grant or renew a security clearance described in paragraph (3) for a covered person who has been—

''(A) convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year; or

''(B) discharged or dismissed from the Armed Forces under dishonorable conditions.

''(2) WAIVER AUTHORITY.—In a meritorious case, an exception to the disqualification in this subsection may be authorized if there are mitigating factors. Any such waiver may be authorized only in accordance with standards and procedures prescribed by, or under the authority of, an Executive Order or other guidance issued by the President.

''(3) COVERED SECURITY CLEARANCES.—This subsection applies to security clearances that provide for access to—

''(A) special access programs;

''(B) Restricted Data; or

''(C) any other information commonly referred to as 'sensitive compartmented information'.

''(4) ANNUAL REPORT.—

''(A) REQUIREMENT FOR REPORT.—Not later than February 1 of each year, the head of a Federal agency shall submit a report to the appropriate committees of Congress if such agency employs or employed a person for whom a waiver was granted in accordance with paragraph (2) during the preceding year. Such annual report shall not reveal the identity of such person, but shall include for each waiver issued the disqualifying factor under paragraph (1) and the reasons for the waiver of the disqualifying factor.

''(B) DEFINITIONS.—In this paragraph:

''(i) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means, with respect to a report submitted under subparagraph (A) by the head of a Federal agency—

''(I) the congressional intelligence committees;

''(II) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(III) the Committee on Oversight and Government Reform of the House of Representatives; and

''(IV) each Committee of the Senate or the House of Representatives with oversight authority over such Federal agency.

''(ii) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term 'congressional intelligence committees' has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

''(d) ADJUDICATIVE GUIDELINES.—

''(1) REQUIREMENT TO ESTABLISH.—The President shall establish adjudicative guidelines for determining eligibility for access to classified information.

''(2) REQUIREMENTS RELATED TO MENTAL HEALTH.—The guidelines required by paragraph (1) shall—

''(A) include procedures and standards under which a covered person is determined to be mentally incompetent and provide a means to appeal such a determination; and

''(B) require that no negative inference concerning the standards in the guidelines may be raised solely on the basis of seeking mental health counseling.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 986 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by striking the item relating to section 986.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

SEC. 1065. IMPROVEMENTS IN THE PROCESS FOR THE ISSUANCE OF SECURITY CLEARANCES.

(a) DEMONSTRATION PROJECT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall implement a demonstration project that applies new and innovative approaches to improve the processing of requests for security clearances.

(b) EVALUATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall carry out an evaluation of the process for issuing security clearances and develop a specific plan and schedule for replacing such process with an improved process.

(c) REPORT.—Not later than 30 days after the date of the completion of the evaluation required by subsection (b), the Secretary of Defense and the Director of National Intelligence shall submit to Congress a report on—

(1) the results of the demonstration project carried out pursuant to subsection (a);

(2) the results of the evaluation carried out under subsection (b); and

(3) the specific plan and schedule for replacing the existing process for issuing security clearances with an improved process.

SEC. 1066. ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

(a) IN GENERAL.—The Secretary of Defense shall establish an advisory panel to carry out an assessment of the capabilities of the Department of Defense to provide support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incident.

(b) PANEL MATTERS.—

(1) IN GENERAL.—The advisory panel required by subsection (a) shall consist of individuals appointed by the Secretary of Defense (in consultation with the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives) from among private citizens of the United States with expertise in the legal, operational, and organizational aspects of the management of the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident.

(2) DEADLINE FOR APPOINTMENT.—All members of the advisory panel shall be appointed under this subsection not later than 30 days after the date on which the Secretary enters into the contract required by subsection (c).

(3) INITIAL MEETING.—The advisory panel shall conduct its first meeting not later than 30 days after the date that all appointments to the panel have been made under this subsection.

(4) PROCEDURES.—The advisory panel shall carry out its duties under this section under procedures established under subsection (c) by the federally funded research and development center with which the Secretary contracts under that subsection. Such procedures shall include procedures for the selection of a chairman of the advisory panel from among its members.

(c) SUPPORT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—

(1) IN GENERAL.—The Secretary of Defense shall enter into a contract with a federally funded research and development center for the provision of support and assistance to the advisory panel required by subsection (a) in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel under subsection (b)(4).

(2) DEADLINE FOR CONTRACT.—The Secretary shall enter into the contract required by this subsection not later than 60 days after the date of the enactment of this Act.

(d) DUTIES OF PANEL.—The advisory panel required by subsection (a) shall—

(1) evaluate the authorities and capabilities of the Department of Defense to conduct operations in support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident, including the authorities and capabilities of the military departments, the Defense Agencies, the combatant commands, any supporting commands, and the reserve components of the

Armed Forces (including the National Guard in a Federal and non-Federal status);

(2) assess the adequacy of existing plans and programs of the Department of Defense for training and equipping dedicated, special, and general purposes forces for conducting operations described in paragraph (1) across a broad spectrum of scenarios, including current National Planning Scenarios as applicable;

(3) assess policies, directives, and plans of the Department of Defense in support of civilian authorities in managing the consequences of a chemical, biological, radiological, nuclear, or high-yield explosive incident.

(4) assess the adequacy of policies and structures of the Department of Defense for coordination with other department and agencies of the Federal Government, especially the Department of Homeland Security, the Department of Energy, the Department of Justice, and the Department of Health and Human Services, in the provision of support described in paragraph (1);

(5) assess the adequacy and currency of information available to the Department of Defense, whether directly or through other departments and agencies of the Federal Government, from State and local governments in circumstances where the Department provides support described in paragraph (1) because State and local response capabilities are not fully adequate for a comprehensive response;

(6) assess the equipment capabilities and needs of the Department of Defense to provide support described in paragraph (1); and

(7) develop recommendations for modifying the capabilities, plans, policies, equipment, and structures evaluated or assessed under this subsection in order to improve the provision by the Department of Defense of the support described in paragraph (1).

(e) COOPERATION OF OTHER AGENCIES.—

(1) IN GENERAL.—The advisory panel required by subsection (a) may secure directly from the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Justice, the Department of Health and Human Services, and any other department or agency of the Federal Government information that the panel considers necessary for the panel to carry out its duties.

(2) COOPERATION.—The Secretary of Defense, the Secretary of Homeland Secretary, the Secretary of Energy, the Attorney General, the Secretary of Health and Human Services, and any other official of the United States shall provide the advisory panel with full and timely cooperation in carrying out its duties under this section.

(f) REPORT.—Not later than 12 months after the date of the initial meeting of the advisory panel required by subsection (a), the advisory panel shall submit to the Secretary of Defense, and to the Committees on Armed Services of the Senate and the House of Representatives, a report on activities under this section. The report shall set forth—

(1) the findings, conclusions, and recommendations of the advisory panel for improving the capabilities of the Department of Defense to provide support to United States civil authorities in the event of a chemical, biological, radiological, nuclear, or high-yield explosive incident; and

(2) such other findings, conclusions, and recommendations for improving the capabilities of the Department for homeland defense as the advisory panel considers appropriate.

SEC. 1067. SENSE OF CONGRESS ON THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

It is the sense of Congress that—

(1) the education and training facility of the Department of Defense known as the Western Hemisphere Institute for Security Cooperation has the mission of providing professional education and training to eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere that support the democratic principles set forth in the Charter of the Organization of American States, while fostering mutual knowledge, transparency, confidence, and cooperation among the participating nations and promoting democratic values and respect for human rights; and

(2) therefore, the Institute is an invaluable education and training facility which continues to foster a spirit of partnership and interoperability among the United States military and the militaries of participating nations.

SEC. 1068. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—

(1) REFERENCES.—Title 10, United States Code, is amended by striking ''Director of Central Intelligence'' each place it appears in the following provisions and inserting ''Director of National Intelligence'':

(A) Section 192(c)(2).

(B) Section 193.

(C) Section 201(a).

(D) Section 201(c)(1).

(E) Section 425(a).

(F) Section 426.

(G) Section 441.

(H) Section 443(d).

(I) Section 2273(b)(1).

(J) Section 2723(a).

(2) CAPTION AMENDMENTS.—Title 10, United States Code, is further amended by striking ''DIRECTOR OF CENTRAL INTELLIGENCE'' each place it appears in the heading of the following provisions and inserting ''DIRECTOR OF NATIONAL INTELLIGENCE'':

(A) Section 441(c).

(B) Section 443(d).

(b) REFERENCES TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Title 10, United States Code, is further amended by striking ''Director of Central Intelligence'' each place it appears in the following provisions and inserting ''Director of the Central Intelligence Agency'':

(1) Section 431(b)(1).

(2) Section 444.

(3) Section 1089(g)(1).

(c) OTHER AMENDMENTS.—Section 201 of title 10, United States Code, is further amended—

(1) in paragraph (1) of subsection (b), by striking ''Before submitting'' and all that follows and inserting ''In the event of a vacancy in a position referred to in paragraph (2), the making by the Secretary of Defense of a recommendation to the President regarding the appointment of an individual to such position shall be governed by the provisions of section 106(b) of the National Security Act of 1947 (50 U.S.C. 403–6(b)), relating to the concurrence of the Director of National Intelligence in appointments to positions in the intelligence community.''; and

(2) in subsection (c), by striking ''National Foreign Intelligence Program'' and inserting ''National Intelligence Program''.

SEC. 1069. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—There is established in the Executive Office of the President a National Foreign Language Coordination Council (in this section referred to as the ''Council'').

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Director of the Office of Personnel Management.

(10) The Director of the Office of Management and Budget.

(11) The Secretary of Commerce.

(12) The Secretary of Health and Human Services.

(13) The Secretary of the Treasury.

(14) The Secretary of Housing and Urban Development.

(15) The Secretary of Agriculture.

(16) The Chairman and President of the Export-Import Bank of the United States.

(17) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) overseeing, coordinating, and implementing the National Security Language Initiative;

(B) developing a national foreign language strategy, building upon the efforts of the National Security Language Initiative, within 18 months after the date of the enactment of this Act, in consultation with—

(i) State and local government agencies;

(ii) academic sector institutions;

(iii) foreign language related interest groups;

(iv) business associations;

(v) industry;

(vi) heritage associations; and

(vii) other relevant stakeholders;

(C) conducting a survey of the status of Federal agency foreign language and area expertise and agency needs for such expertise; and

(D) monitoring the implementation of such strategy through—

(i) application of current and recently enacted laws; and

(ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) recommendations for amendments to title 5, United States Code, in order to improve the ability of the Federal Government to recruit and retain individuals with foreign language proficiency and provide foreign language training for Federal employees;

(B) the long term goals, anticipated effect, and needs of the National Security Language Initiative;

(C) identification of crucial priorities across all sectors;

(D) identification and evaluation of Federal foreign language programs and activities, including—

(i) any duplicative or overlapping programs that may impede efficiency;

(ii) recommendations on coordination;

(iii) program enhancements; and

(iv) allocation of resources so as to maximize use of resources;

(E) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;

(F) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;

(ii) students;

(iii) parents;

(iv) elementary, secondary, and postsecondary educational institutions; and

(v) employers;

(G) recommendations for incentives for related educational programs, including foreign language teacher training;

(H) coordination of cross-sector efforts, including public-private partnerships;

(I) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign

language research into issues of national concern;

(J) recommendations for assistance for—

(i) the development of foreign language achievement standards; and

(ii) corresponding assessments for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;

(K) recommendations for development of—

(i) language skill-level certification standards;

(ii) frameworks for pre-service and professional development study for those who teach foreign language;

(iii) suggested graduation criteria for foreign language studies and appropriate non-language studies, such as—

(I) international business;

(II) national security;

(III) public administration;

(IV) health care;

(V) engineering;

(VI) law;

(VII) journalism; and

(VIII) sciences;

(L) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community; and

(M) recommendations for overcoming barriers in foreign language proficiency.

(3) NATIONAL SECURITY LANGUAGE INITIATIVE.—The term ''National Security Language Initiative'' means the comprehensive national plan of the President announced on January 5, 2006, and under the direction of the Secretaries of State, Education, and Defense and the Director of National Intelligence to expand foreign language education for national security purposes in the United States.

(d) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of enactment of this section, the Council shall prepare and transmit to the President and the relevant committees of Congress the strategy required under subsection (c).

(e) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(f) STAFF.—

(1) IN GENERAL.—The Director may—

(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Director considers necessary; and

(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(5) SECURITY CLEARANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.

(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Director) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(g) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.

(2) INFORMATION.—

(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including The Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.

(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Director, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(h) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(i) ANNUAL REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—

(A) the activities of the Council;

(B) the efforts of the Council to improve foreign language education and training; and

(C) impediments to the use of a National Foreign Language program, including any statutory and regulatory restrictions.

(2) RELEVANT COMMITTEES.—For purposes of paragraph (1), the relevant committees of Congress include—

(A) in the House of Representatives—

(i) the Committee on Appropriations;

(ii) the Committee on Armed Services;

(iii) the Committee on Education and Labor;

(iv) the Committee on Oversight and Government Reform;

(v) the Committee on Small Business;

(vi) the Committee on Foreign Affairs; and

(vii) the Permanent Select Committee on Intelligence;

(B) in the Senate—

(i) the Committee on Appropriations;

(ii) the Committee on Armed Services;

(iii) the Committee on Health, Education, Labor, and Pensions;

(iv) the Committee on Homeland Security and Governmental Affairs;

(v) the Committee on Foreign Relations;

(vi) the Committee on Small Business and Entrepreneurship; and

(vii) the Select Committee on Intelligence.

(j) ESTABLISHMENT OF A NATIONAL LANGUAGE DIRECTOR.—

(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities across the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The National Language Director shall—

(A) develop and monitor the implementation of a national foreign language strategy, built upon the efforts of the National Security Language Initiative, across all sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(l) CONGRESSIONAL NOTIFICATION.—The Council shall provide to Congress such information as may be requested by Congress, through reports, briefings, and other appropriate means.

SEC. 1070. QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS OF AIRCRAFT UNDER CONTRACT WITH THE ARMED FORCES.

(a) DEFINITION OF PUBLIC AIRCRAFT.—Section 40102(a)(41)(E) of title 49, United States Code, is amended—

(1) by inserting ''or an operational support service'' after ''transportation''; and

(2) by adding at the end the following new sentence: ''The term 'an operational support service' means a mission performed by an aircraft operator that uses fixed or rotary winged aircraft to provide a service other than transportation.''.

(b) ARMED FORCES OPERATIONAL MISSION.—Section 40125(c) of such title is amended—

(1) in paragraph (1)(C), by inserting ''or an operational support service'' after ''transportation''; and

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

''(3) COMPLIANCE WITH FEDERAL AVIATION REGULATIONS.—If the Secretary of Defense (or the Secretary of the department in which the Coast Guard is operating) does not make a designation under paragraph (1)(C) with regard to a chartered aircraft, the transportation or operational support service provided to the armed forces by such aircraft shall be in compliance with the Federal Aviation Regulations under title 14, Code of Federal Regulations.''.

(c) TECHNICAL CORRECTIONS.—

(1) Section 40125(b) of such title is amended by striking ''40102(a)(37)'' and inserting ''40102(a)(41)''.

(2) Section 40125(c)(1) of such title is amended by striking ''40102(a)(37)(E)'' appears and inserting ''40102(a)(41)(E)''.

SEC. 1071. TRAUMATIC SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) DESIGNATION OF FIDUCIARY FOR MEMBERS WITH LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is medically incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

SEC. 1072. SENSE OF CONGRESS ON FAMILY CARE PLANS AND THE DEPLOYMENT OF MEMBERS OF THE ARMED FORCES WHO HAVE MINOR DEPENDENTS.

(a) IN GENERAL.—It is the sense of Congress that—

(1) single parents who are members of the Armed Forces with minor dependents, and dual-military couples with minor dependents, should develop and maintain effective family care plans that—

(A) address all reasonably foreseeable situations that would result in the absence of the single parent or dual-military couple in order to provide for the efficient transfer of responsibility for the minor dependents to an alternative caregiver; and

(B) are consistent with Department of Defense Instruction 1342.19, dated July 13, 1992, and any applicable regulations of the military department concerned; and

(2) the Secretary of Defense should establish procedures to ensure that if a single parent and both spouses in a dual-military couple are required to deploy to a covered area—

(A) requests by the single parent or dual-military couple for deferments of deployment due to unforeseen circumstances are evaluated rapidly; and

(B) appropriate steps are taken to ensure adequate care for minor dependents of the single parent or dual-military couple.

(b) DEFINITIONS.—In this section:

(1) COVERED AREA.—The term ''covered area'' means an area for which special pay for duty subject to hostile fire or imminent danger is authorized under section 310 of title 37, United States Code.

(2) DUAL-MILITARY COUPLE.—The term ''dual-military couple'' means a married couple in which both spouses are members of the Armed Forces.

SEC. 1073. CONDUCT BY MEMBERS OF THE ARMED FORCES AND VETERANS OUT OF UNIFORM DURING HOISTING, LOWERING, OR PASSING OF FLAG.

Section 9 of title 4, United States Code, is amended by striking ''all persons present'' and all that follows through the end and inserting ''those present in uniform should render the military salute. Members of the Armed Forces and veterans who are present but not in uniform may render the military salute. All other persons present should face the flag and stand at attention with their right hand over the heart, or if applicable, remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Citizens of other countries should stand at attention. All such conduct toward the flag in a moving column should be rendered at the moment the flag passes.''.

SEC. 1074. EXTENSION OF DATE OF APPLICATION OF NATIONAL SECURITY PERSONNEL SYSTEM TO DEFENSE LABORATORIES.

Section 9902(c)(1) of title 5, United States Code, is amended by striking ''October 1, 2008'' each place such term appears and inserting ''October 1, 2011'' in each such place.

SEC. 1075. PROTECTION OF CERTAIN INDIVIDUALS.

(a) PROTECTION FOR DEPARTMENT LEADERSHIP.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and security within the United States to the following persons who, by nature of their positions, require continuous security and protection:

(1) Secretary of Defense.

(2) Deputy Secretary of Defense.

(3) Chairman of the Joint Chiefs of Staff.

(4) Vice Chairman of the Joint Chiefs of Staff.

(5) Secretaries of the military departments.

(6) Chiefs of the Services.

(7) Commanders of combatant commands.

(b) PROTECTION FOR ADDITIONAL PERSONNEL.—

(1) AUTHORITY TO PROVIDE.—The Secretary of Defense, under regulations prescribed by the Secretary and in accordance with guidelines approved by the Secretary and the Attorney General, may authorize qualified members of the Armed Forces and qualified civilian employees of the Department of Defense to provide physical protection and security within the United States to individuals other than individuals described in paragraphs (1) through (7) of subsection (a) if the Secretary determines that such protection is necessary because—

(A) there is an imminent and credible threat to the safety of the individual for whom protection is to be provided; or

(B) compelling operational considerations make such protection essential to the conduct of official Department of Defense business.

(2) PERSONNEL.—Individuals authorized to receive physical protection and security under this subsection include the following:

(A) Any official, military member, or employee of the Department of Defense, including such a former or retired official who faces serious and credible threats arising from duties performed while employed by the Department.

(B) Any distinguished foreign visitor to the United States who is conducting official business with the Department of Defense.

(C) Any member of the immediate family of a person authorized to receive physical protection and security under this section.

(3) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to authorize the provision of physical protection and security under this subsection may be delegated only to the Deputy Secretary of Defense.

(4) REQUIREMENT FOR WRITTEN DETERMINATION.—A determination of the Secretary of Defense to provide physical protection and security under this subsection shall be in writing, shall be based on a threat assessment by an appropriate law enforcement, security or intelligence organization, and shall include the name and title of the officer, employee, or other individual affected, the reason for such determination, and the duration of the authorized protection and security for such officer, employee, or individual.

(5) DURATION OF PROTECTION.—

(A) INITIAL PERIOD OF PROTECTION.—After making a written determination under paragraph (4), the Secretary of Defense may provide protection and security to an individual under this subsection for an initial period of not more than 90 calendar days.

(B) SUBSEQUENT PERIOD.—If, at the end of the 90-day period that protection and security is provided to an individual under subsection (A), the Secretary determines that a condition described in subparagraph (A) or (B) of paragraph (1) continues to exist with respect to the individual, the Secretary may extend the period that such protection and security is provided for additional 60-day periods. The Secretary shall review such a determination at the end of each 60-day period to determine whether to continue to provide such protection and security.

(C) REQUIREMENT FOR COMPLIANCE WITH REGULATIONS.—Protection and security provided under subparagraph (B) shall be provided in accordance with the regulations and guidelines referred to in paragraph (1).

(6) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report of each determination made under paragraph (4) to provide protection and security to an individual and of each determination under paragraph (5)(B) to extend such protection and security, together with the justification for such determination, not later than 30 days after the date on which the determination is made.

(B) FORM OF REPORT.—A report submitted under subparagraph (A) may be made in classified form.

(c) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term ''congressional defense committees'' means the Committee on Appropriations and the Committee on Armed Services of the Senate and the Committee on Appropriations and the Committee on Armed Services of the House of Representatives.

(2) QUALIFIED MEMBERS OF THE ARMED FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—The terms ''qualified members of the Armed Forces and qualified civilian employees of the Department of Defense'' refer collectively to members or employees who are assigned to investigative, law enforcement, or security duties of any of the following:

(A) The U.S. Army Criminal Investigation Command.

(B) The Naval Criminal Investigative Service.

(C) The U.S. Air Force Office of Special Investigations.

(D) The Defense Criminal Investigative Service.

(E) The Pentagon Force Protection Agency.

(d) CONSTRUCTION.—

(1) NO ADDITIONAL LAW ENFORCEMENT OR ARREST AUTHORITY.—Other than the authority to provide security and protection under this section, nothing in this section may be construed to bestow any additional law enforcement or arrest authority upon the qualified members of the Armed Forces and qualified civilian employees of the Department of Defense.

(2) AUTHORITIES OF OTHER DEPARTMENTS.—Nothing in this section may be construed to preclude or limit, in any way, the express or implied powers of the Secretary of Defense or other Department of Defense officials, or the duties and authorities of the Secretary of State, the Director of the United States Secret Service, the Director of the United States Marshals Service, or any other Federal law enforcement agency.

SEC. 1076. MODIFICATION OF AUTHORITIES ON COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE ATTACK.

(a) EXTENSION OF DATE OF SUBMITTAL OF FINAL REPORT.—Section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 50 U.S.C. 2301 note) is amended by striking ''June 30, 2007'' and inserting ''November 30, 2008''.

(b) COORDINATION OF WORK WITH DEPARTMENT OF HOMELAND SECURITY.—Section 1404 of such Act is amended by adding at the end the following new subsection:

''(c) COORDINATION WITH DEPARTMENT OF HOMELAND SECURITY.—The Commission and the Secretary of Homeland Security shall jointly ensure that the work of the Commission with respect to electromagnetic pulse attack on electricity infrastructure, and protection against such attack, is coordinated with Department of Homeland Security efforts on such matters.''.

(c) LIMITATION ON DEPARTMENT OF DEFENSE FUNDING.—The aggregate amount of funds provided by the Department of Defense to the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack for purposes of the preparation and submittal of the final report required by section 1403(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as amended by subsection (a)), whether by transfer or otherwise and including funds provided the Commission before the date of the enactment of this Act, shall not exceed $5,600,000.

SEC. 1077. SENSE OF SENATE ON PROJECT COMPASSION.

(a) FINDINGS.—The Senate makes the following findings:

(1) It is the responsibility of every citizen of the United States to honor the service and sacrifice of the veterans of the United States, especially those who have made the ultimate sacrifice.

(2) In the finest tradition of this sacred responsibility, Kaziah M. Hancock, an artist from central Utah, founded a nonprofit organization called Project Compassion, which endeavors to provide, without charge, to the family of a member of the Armed Forces who has fallen in active duty since the events of September 11, 2001, a museum-quality original oil portrait of that member.

(3) To date, Kaziah M. Hancock, four volunteer professional portrait artists, and those who have donated their time to support Project Compassion have presented over 700 paintings to the families of the fallen heroes of the United States.

(4) Kaziah M. Hancock and Project Compassion have been honored by the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, and other organizations with the highest public service awards on behalf of fallen members of the Armed Forces and their families.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Kaziah M. Hancock and the members of Project Compassion have demonstrated, and continue to demonstrate, extraordinary patriotism and support for the Soldiers, Sailors, Airmen and Marines who have given their lives for the United States in Iraq and Afghanistan and have done so without any expectation of financial gain or recognition for these efforts;

(2) the people of the United States owe the deepest gratitude to Kaziah M. Hancock and the members of Project Compassion; and

(3) the Senate, on the behalf of the people of the United States, commends Kaziah M. Hancock, the four other Project Compassion volunteer professional portrait artists, and the entire Project Compassion organization for their tireless work in paying tribute to those members of the Armed Forces who have fallen in the service of the United States.

SEC. 1078. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]";

and

(2) by inserting after chapter 1103 the following new chapter:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.

''120101. Organization.
''120102. Purposes.
''120103. Membership.
''120104. Governing body.
''120105. Powers.
''120106. Restrictions.
''120107. Tax-exempt status required as condition of charter.
''120108. Records and inspection.
''120109. Service of process.
''120110. Liability for acts of officers and agents.
''120111. Annual report.
''120112. Definition.

"§ 120101. Organization

''(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and that is organized under the laws of the State of New York, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

"§ 120102. Purposes

''The purposes of the corporation are those provided in the articles of incorporation of the corporation and shall include the following:

''(1) To organize as a veterans service organization in order to maintain a continuing interest in the welfare of veterans of the Korean War, and rehabilitation of the disabled veterans of the Korean War to include all that served during active hostilities and subsequently in defense of the Republic of Korea, and their families.

''(2) To establish facilities for the assistance of all veterans and to represent them in their claims before the Department of Veterans Affairs and other organizations without charge.

''(3) To perpetuate and preserve the comradeship and friendships born on the field of battle and nurtured by the common experience of service to the United States during the time of war and peace.

''(4) To honor the memory of the men and women who gave their lives so that the United States and the world might be free and live by the creation of living memorial, monuments, and other forms of additional educational, cultural, and recreational facilities.

''(5) To preserve for the people of the United States and posterity of such people the great and basic truths and enduring principles upon which the United States was founded.

"§ 120103. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

''(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation of the corporation.

''(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation.

"§ 120105. Powers

''The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

''(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any activity of the corporation.

''(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

"§ 120107. Tax-exempt status required as condition of charter

''If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

"§ 120108. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

''(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

''The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the corporation.

"§ 120110. Liability for acts of officers and agents

''The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

"§ 120111. Annual report

''The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

"§ 120112. Definition

''For purposes of this chapter, the term 'State' includes the District of Columbia and the territories and possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The item relating to chapter 1201 in the table of chapters at the beginning of subtitle II of title 36, United States Code, is amended to read as follows:

"1201. Korean War Veterans Association, Incorporated ..... 120101".

SEC. 1079. SENSE OF SENATE ON GENERAL DAVID PETRAEUS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Senate unanimously confirmed General David H. Petraeus as Commanding General, Multi-National Force-Iraq, by a vote of 81–0 on January 26, 2007.

(2) General Petraeus graduated first in his class at the United States Army Command and General Staff College.

(3) General Petraeus earned Masters of Public Administration and Doctoral degrees in international relations from Princeton University.

(4) General Petraeus has served multiple combat tours in Iraq, including command of the 101st Airborne Division (Air Assault) during combat operations throughout the first year of Operation Iraqi Freedom, which tours included both major combat operations and subsequent stability and support operations.

(5) General Petraeus supervised the development and crafting of the United States Army and Marine Corps counterinsurgency manual

based in large measure on his combat experience in Iraq, scholarly study, and other professional experiences.

(6) General Petraeus has taken a solemn oath to protect and defend the Constitution of the United States of America.

(7) During his 35-year career, General Petraeus has amassed a distinguished and unvarnished record of military service to the United States as recognized by his receipt of a Defense Distinguished Service Medal, two Distinguished Service Medals, two Defense Superior Service Medals, four Legions of Merit, the Bronze Star Medal for valor, the State Department Superior Honor Award, the NATO Meritorious Service Medal, and other awards and medals.

(8) A recent attack through a full-page advertisement in the New York Times by the liberal activist group, Moveon.org, impugns the honor and integrity of General Petraeus and all the members of the United States Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to reaffirm its support for all the men and women of the United States Armed Forces, including General David H. Petraeus, Commanding General, Multi-National Force-Iraq;

(2) to strongly condemn any effort to attack the honor and integrity of General Petraeus and all the members of the United States Armed Forces; and

(3) to specifically repudiate the unwarranted personal attack on General Petraeus by the liberal activist group Moveon.org.

SEC. 1080. REPORT ON FEASIBILITY OF HOUSING A NATIONAL DISASTER RESPONSE CENTER AT KELLY AIR FIELD, SAN ANTONIO, TEXAS.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of utilizing existing infrastructure or installing new infrastructure at Kelly Air Field, San Antonio, Texas, to house a National Disaster Response Center for responding to man-made and natural disasters in the United States .

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

(1) A determination of how the National Disaster Response Center would organize and leverage capabilities of the following currently co-located organizations, facilities, and forces located in San Antonio, Texas:

(A) Lackland Air Force Base.

(B) Fort Sam Houston.

(C) Brooke Army Medical Center.

(D) Wilford Hall Medical Center.

(E) Audie Murphy Veterans Administration Medical Center.

(F) 433rd Airlift Wing C–5 Heavy Lift Aircraft.

(G) 149 Fighter Wing and Texas Air National Guard F–16 fighter aircraft.

(H) Army Northern Command.

(I) The National Trauma Institute's three level 1 trauma centers.

(J) Texas Medical Rangers.

(K) San Antonio Metro Health Department.

(L) The University of Texas Health Science Center at San Antonio.

(M) The Air Intelligence Surveillance and Reconnaissance Agency at Lackland Air Force Base.

(N) The United States Air Force Security Police Training Department at Lackland Air Force Base.

(O) The large manpower pools and blood donor pools from the more than 6,000 trainees at Lackland Air Force Base.

(2) Determine the number of military and civilian personnel required to be mobilized to run the logistics, planning, and maintenance of the National Disaster Response Center during a time of disaster recovery.

(3) Determine the number of military and civilian personnel required to run the logistics, planning, and maintenance of the National Disaster Response Center during a time when no disaster is occurring.

(4) Determine the cost of improving the current infrastructure at Kelly Air Field to meet the needs of displaced victims of a disaster equivalent to that of Hurricanes Katrina and Rita or a natural or man-made disaster of similar scope, including adequate beds, food stores, and decontamination stations to triage radiation or other chemical or biological agent contamination victims.

(5) An evaluation of the current capability of the Department of Defense to respond to these mission requirements and an assessment of any additional capabilities that are required.

(6) An assessment of the costs and benefits of adding such capabilities at Kelly Air Field to the costs and benefits of other locations.

SEC. 1081. SENSE OF CONGRESS ON EQUIPMENT FOR THE NATIONAL GUARD TO DEFEND THE HOMELAND.

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

(1) The Army National Guard and Air National Guard have played an increasing role in homeland security and a critical role in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) As a result of persistent underfunding of procurement, lower prioritization, and more recently the wars in Afghanistan and Iraq, the Army National Guard and Air National Guard face significant equipment shortfalls.

(3) The National Guard Bureau, in its February 26, 2007, report entitled ''National Guard Equipment Requirements'', outlines the ''Essential 10'' equipment needs to support the Army National Guard and Air National Guard in the performance of their domestic missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army National Guard and Air National Guard should have sufficient equipment available to accomplish their missions inside the United States and to protect the homeland.

SEC. 1082. NOTIFICATION OF CERTAIN RESIDENTS AND CIVILIAN EMPLOYEES AT CAMP LEJEUNE, NORTH CAROLINA, OF EXPOSURE TO DRINKING WATER CONTAMINATION.

(a) NOTIFICATION OF INDIVIDUALS SERVED BY TARAWA TERRACE WATER DISTRIBUTION SYSTEM, INCLUDING KNOX TRAILER PARK.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the Tarawa Terrace Water Distribution System, including Knox Trailer Park, at Camp Lejeune, North Carolina, during the years 1958 through 1987 that they may have been exposed to drinking water contaminated with tetrachloroethylene (PCE).

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

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

(d) CIRCULATION OF HEALTH SURVEY.—

(1) FINDING.—Congress makes the following findings:

(A) Notification and survey efforts related to the drinking water contamination described in this section are necessary due to the potential negative health impacts of these contaminants.

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

(C) It is the intent of Congress is that the Secretary of the Navy contact as many former residents as quickly as possible.

(2) ATSDR HEALTH SURVEY.—

(A) DEVELOPMENT.—Not later than 120 days after the date of the enactment of this Act, the ATSDR, in consultation with the National Opinion Research Center, shall develop a health survey that would voluntarily request of individuals described in subsections (a), (b), and (c) personal health information that may lead to scientifically useful health information associated with exposure to TCE, PCE, vinyl chloride, and the other contaminants identified in the ATSDR studies that may provide a basis for further reliable scientific studies of potentially adverse health impacts of exposure to contaminated water at Camp Lejeune.

(B) INCLUSION WITH NOTIFICATION.—The survey developed under subparagraph (A) shall be distributed by the Secretary of the Navy concurrently with the direct notification required under subsections (a), (b), and (c).

(e) USE OF MEDIA TO SUPPLEMENT NOTIFICATION.—The Secretary of the Navy may use media notification as a supplement to direct notification of individuals described under subsections (a), (b), and (c). Media notification may reach those individuals not identifiable via remaining records; once individuals respond to media notifications, the Secretary will add them to the contact list to be included in future information updates.

SEC. 1083. SENSE OF SENATE ON AIR FORCE USE OF TOWBARLESS AIRCRAFT GROUND EQUIPMENT.

It is the sense of the Senate to encourage the Air Force to give full consideration to the potential operational utility, cost savings, and increased safety afforded by the utilization of towbarless aircraft ground equipment.

SEC. 1084. DESIGNATION OF CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

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

(1) Charlie Norwood volunteered for service in the United States Army Dental Corps in a time of war, providing dental and medical services in the Republic of Vietnam in 1968, earning the Combat Medical Badge and two awards of the Bronze Star.

(2) Captain Norwood, under combat conditions, helped develop the Dental Corps operating procedures, that are now standard, of delivering dentists to forward-fire bases, and providing dental treatment for military service dogs.

(3) Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war.

(4) Dr. Norwood provided military dental care at Fort Gordon, Georgia, following his service in Vietnam, then provided private-practice dental care for the next 25 years for patients in the greater Augusta, Georgia, area, including care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid.

(5) Congressman Norwood, upon being sworn into the United States House of Representatives in 1995, pursued the advancement of health and dental care for active duty and retired military personnel and dependents, and for veterans, through his public advocacy for strengthened Federal support for military and veterans' health care programs and facilities.

(6) Congressman Norwood co-authored and helped pass into law the Keep our Promises to America's Military Retirees Act, which restored lifetime healthcare benefits to veterans who are

military retirees through the creation of the Department of Defense TRICARE for Life Program.

(7) Congressman Norwood supported and helped pass into law the Retired Pay Restoration Act providing relief from the concurrent receipt rule penalizing disabled veterans who were also military retirees.

(8) Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia, and succeeded in maintaining and increasing Federal funding for the center.

(9) Congressman Norwood maintained a life membership in the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars.

(10) Congressman Norwood's role in protecting and improving military and veteran's health care was recognized by the Association of the United States Army through the presentation of the Cocklin Award in 1998, and through his induction into the Association's Audie Murphy Society in 1999.

(b) DESIGNATION.—

(1) IN GENERAL.—The Department of Veterans Affairs Medical Center located at 1 Freedom Way in Augusta, Georgia, shall after the date of the enactment of this Act be known and designated as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

(2) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in paragraph (1) shall be considered to be a reference to the Charlie Norwood Department of Veterans Affairs Medical Center.

SEC. 1085. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1), by adding at the end the following: ''The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other SBIR program that enhances the insertion or transition of SBIR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(2) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR projects.

''(6) GOAL FOR SBIR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2008, or create new incentives, to encourage prime contractors to meet the goal under subparagraph (A); and

''(C) submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an annual report regarding the percentage of contracts described in subparagraph (A) awarded by that Secretary.''; and

(4) in paragraph (8), as so redesignated, by striking ''fiscal year 2009'' and inserting ''fiscal year 2012''.

SEC. 1086. REPORT ON SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) REPORT.—Not later than 190 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status, capability, viability, and capacity of the solid rocket motor industrial base in the United States.

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

(1) An assessment of the ability to maintain the Minuteman III intercontinental ballistic missile through its planned operational life.

(2) An assessment of the ability to maintain the Trident II D–5 submarine launched ballistic missile through its planned operational life.

(3) An assessment of the ability to maintain all other space launch, missile defense, and other vehicles with solid rocket motors, through their planned operational lifetimes.

(4) An assessment of the ability to support any future requirements for vehicles with solid rocket motors to support space launch, missile defense, or any range of ballistic missiles determined to be necessary to meet defense needs or other requirements of the United States Government.

(5) An assessment of the required materials, the supplier base, the production facilities, and the production workforce needed to ensure that current and future requirements could be met.

(6) An assessment of the adequacy of the current and anticipated programs to support an industrial base that would be needed to support the range of future requirements.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after submittal under subsection (a) of the report required by that subsection, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the Comptroller General's assessment of the matters contained in the report under subsection (a), including an assessment of the consistency of the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1105 of title 31, United States Code, with the matters contained in the report under subsection (a).

SEC. 1087. JUSTICE FOR MARINES AND OTHER VICTIMS OF STATE-SPONSORED TERRORISM ACT.

(a) SHORT TITLE.—This section may be cited as the ''Justice for Marines and Other Victims of State-Sponsored Terrorism Act''.

(b) TERRORISM EXCEPTION TO IMMUNITY.—

(1) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605 the following:

''§ 1605A. Terrorism exception to the jurisdictional immunity of a foreign state

''(a) IN GENERAL.—

''(1) NO IMMUNITY.—A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency.

''(2) CLAIM HEARD.—The court shall hear a claim under this section if—

''(A) the foreign state was designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405 (j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371) at the time the act occurred, unless later designated as a result of such act;

''(B) the claimant or the victim was—

''(i) a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(ii) a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10); or

''(iii) otherwise an employee of the government of the United States or one of its contractors acting within the scope of their employment when the act upon which the claim is based occurred; or

''(C) where the act occurred in the foreign state against which the claim has been brought, the claimant has afforded the foreign state a reasonable opportunity to arbitrate the claim in accordance with the accepted international rules of arbitration.

''(b) DEFINITION.—For purposes of this section—

''(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991 (28 U.S.C. 1350 note);

''(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

''(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

''(c) TIME LIMIT.—An action may be brought under this section if the action is commenced not later than the latter of—

''(1) 10 years after April 24, 1996; or

''(2) 10 years from the date on which the cause of action arose.

''(d) PRIVATE RIGHT OF ACTION.—A private cause of action may be brought against a foreign state designated under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), and any official, employee, or agent of said foreign state while acting within the scope of his or her office, employment, or agency which shall be liable to a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), a member of the Armed Forces of the United States (as that term is defined in section 976 of title 10), or an employee of the government of the United States or one of its contractors acting within the scope of their employment or the legal representative of such a person for personal injury or death caused by acts of that foreign state or its official, employee, or agent for which the courts of the United States may maintain jurisdiction under this section for money damages which may include economic damages, solatium, pain, and suffering, and punitive damages if the acts were among those described in this section. A foreign state shall be vicariously liable for the actions of its officials, employees, or agents.

''(e) ADDITIONAL DAMAGES.—After an action has been brought under subsection (d), actions may also be brought for reasonably foreseeable property loss, whether insured or uninsured, third party liability, and life and property insurance policy loss claims.

''(f) SPECIAL MASTERS.—

''(1) IN GENERAL.—The Courts of the United States may from time to time appoint special masters to hear damage claims brought under this section.

''(2) TRANSFER OF FUNDS.—The Attorney General shall transfer, from funds available for the program under sections 1404C of the Victims Crime Act of 1984 (42 U.S.C. 10603c) to the Administrator of the United States District Court in which any case is pending which has been brought pursuant to section 1605(a)(7) such funds as may be required to carry out the Orders of that United States District Court appointing Special Masters in any case under this section. Any amount paid in compensation to any such Special Master shall constitute an item of court costs.

''(g) APPEAL.—In an action brought under this section, appeals from orders not conclusively ending the litigation may only be taken pursuant to section 1292(b) of this title.

''(h) PROPERTY DISPOSITION.—

''(1) IN GENERAL.—In every action filed in a United States district court in which jurisdiction is alleged under this section, the filing of a notice of pending action pursuant to this section, to which is attached a copy of the complaint filed in the action, shall have the effect of establishing a lien of lis pendens upon any real property or tangible personal property located within that judicial district that is titled in the name of any defendant, or titled in the name of any entity controlled by any such defendant if such notice contains a statement listing those controlled entities.

''(2) NOTICE.—A notice of pending action pursuant to this section shall be filed by the clerk of the district court in the same manner as any pending action and shall be indexed by listing as defendants all named defendants and all entities listed as controlled by any defendant.

''(3) ENFORCEABILITY.—Liens established by reason of this subsection shall be enforceable as provided in chapter 111 of this title.''.

(2) AMENDMENT TO CHAPTER ANALYSIS.—The chapter analysis for chapter 97 of title 28, United States Code, is amended by inserting after the item for section 1605 the following:

''1605A. Terrorism exception to the jurisdictional immunity of a foreign state.''.

(c) CONFORMING AMENDMENTS.—

(1) PROPERTY.—Section 1610 of title 28, United States Code, is amended by adding at the end the following:

''(g) PROPERTY IN CERTAIN ACTIONS.—

''(1) IN GENERAL.—The property of a foreign state, or agency or instrumentality of a foreign state, against which a judgment is entered under this section, including property that is a separate juridical entity, is subject to execution upon that judgment as provided in this section, regardless of—

''(A) the level of economic control over the property by the government of the foreign state;

''(B) whether the profits of the property go to that government;

''(C) the degree to which officials of that government manage the property or otherwise control its daily affairs;

''(D) whether that government is the sole beneficiary in interest of the property; or

''(E) whether establishing the property as a separate entity would entitle the foreign state to benefits in United States courts while avoiding its obligations.

''(2) UNITED STATES SOVEREIGN IMMUNITY INAPPLICABLE.—Any property of a foreign state, or agency or instrumentality of a foreign state, to which paragraph (1) applies shall not be immune from execution upon a judgment entered under this section because the property is regulated by the United States Government by reason of action taken against that foreign state under the Trading With the Enemy Act or the International Emergency Economic Powers Act.''.

(2) VICTIMS OF CRIME ACT.—Section 1404C(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603c(a)(3)) is amended by striking ''December 21, 1988, with respect to which an investigation or'' and inserting ''October 23, 1983, with respect to which an investigation or civil or criminal''.

(3) GENERAL EXCEPTION.—Section 1605 of title 28, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (5)(B), by inserting ''or'' after the semicolon;

(ii) in paragraph (6)(D), by striking ''; or'' and inserting a period; and

(iii) by striking paragraph (7); and

(B) by striking subsections (e) and (f).

(d) APPLICATION TO PENDING CASES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any claim arising under section 1605A or 1605(g) of title 28, United States Code, as added by this section.

(2) PRIOR ACTIONS.—Any judgment or action brought under section 1605(a)(7) of title 28, United States Code, or section 101(c) of Public Law 104–208 after the effective date of such provisions relying on either of these provisions as creating a cause of action, which has been adversely affected on the grounds that either or both of these provisions fail to create a cause of action opposable against the state, and which is still before the courts in any form, including appeal or motion under Federal Rule of Civil Procedure 60(b), shall, on motion made to the Federal District Court where the judgment or action was initially entered, be given effect as if it had originally been filed pursuant to section 1605A(d) of title 28, United States Code. The defenses of res judicata, collateral estoppel and limitation period are waived in any re-filed action described in this paragraph and based on the such claim. Any such motion or re-filing must be made not later than 60 days after enactment of this Act.

SEC. 1088. SMALL HIGH-TECH FIRMS.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2010''.

SEC. 1089. INCREASED AUTHORITY FOR REPAIR, RESTORATION, AND PRESERVATION OF LAFAYETTE ESCADRILLE MEMORIAL, MARNES-LA-COQUETTE, FRANCE.

Section 1065 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1233) is amended—

(1) in subsection (a)(2), by striking ''$2,000,000'' and inserting ''$2,500,000''; and

(2) in subsection (e), by striking ''under section 301(a)(4)''.

SEC. 1090. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

(1) by striking ''Funds'' and inserting ''(a) Funds''; and

(2) by adding at the end the following new subsection:

''(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged.''.

SEC. 1091. NATIONAL CENTER FOR HUMAN PERFORMANCE.

The scientific institute to perform research and education in medicine and related sciences to enhance human performance that is located at the Texas Medical Center shall hereafter be known as the ''National Center for Human Performance''. Nothing in this section shall be construed to convey on such institute status as a center of excellence under the Public Health Service Act or as a center of the national institutes of health under title IV of such Act.

SEC. 1092. DEFINITION OF ALTERNATIVE FUELED VEHICLE.

Section 301(3) of the Energy Policy Act of 1992 (42 U.S.C. 13211(3)) is amended—

(1) by striking ''(3) the term'' and inserting the following:

''(3) ALTERNATIVE FUELED VEHICLE.—

''(A) IN GENERAL.—The term''; and

(2) by adding at the end the following:

''(B) INCLUSIONS.—The term 'alternative fueled vehicle' includes—

''(i) a new qualified fuel cell motor vehicle (as defined in section 30B(b)(3) of the Internal Revenue Code of 1986);

''(ii) a new advanced lean burn technology motor vehicle (as defined in section 30B(c)(3) of that Code);

''(iii) a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of that Code); and

''(iv) any other type of vehicle that the agency demonstrates to the Secretary would achieve a significant reduction in petroleum consumption.''.

SEC. 1093. PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management may establish a program to authorize a caregiver to use under paragraph (4)—

(A) any sick leave of that caregiver during a covered period of service; and

(B) any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing agency; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection, including a definition of activities that qualify as the giving of care.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 18 years, elderly adults, persons with disabilities, and other persons with a mental or physical disability, who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor may establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service for purposes relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor shall solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to—

(i) the employing business entity; and

(ii) the uniformed service of which the individual is a member.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the giving of care by the employee to a family member under the designation of the employee as the caregiver for the family member.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2010.

(c) GAO REPORT.—Not later than March 31, 2010, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

SEC. 1094. PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Air Force shall, commencing as soon as practicable after the date of the enactment of this Act, conduct a pilot program to assess the feasability and advisability of utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations.

(b) PURPOSE.—

(1) IN GENERAL.—The purpose of the pilot program required by subsection (a) is to support, augment, or enhance the air refueling mission of the Air Force by utilizing commercial air refueling providers on a fee-for-service basis.

(2) ELEMENTS.—In order to achieve the purpose of the pilot program, the pilot program shall—

(A) demonstrate and validate a comprehensive strategy for air refueling on a fee-for-service basis by utilizing all appropriate aircraft in mission areas including testing support, training support to receivers, homeland defense support, deployment support, air bridge support, aeromedical evacuation, and emergency air refueling; and

(B) integrate fee-for-service air refueling described in paragraph (1) into Air Mobility Command operations.

(c) COMPETITIVE PROVIDERS.—The pilot program shall include the services of not more than three commercial air refueling providers selected by the Secretary for the pilot program utilizing competitive procedures.

(d) MINIMUM NUMBER OF AIRCRAFT.—Each provider selected for the pilot program shall utilize no fewer than two air refueling aircraft in participating in the pilot program.

(e) AIRCRAFT UTILIZATION.—The pilot program shall provide for a minimum of 1,200 flying hours per year per air refueling aircraft participating in the pilot program.

(f) DURATION.—The period of the pilot program shall be not less than five years after the commencement of the pilot program.

(g) REPORT.—The Secretary of the Air Force shall provide to the Congressional Defense Committees an annual report on the fee-for-service air refueling program to include:

(1) missions flown;

(2) mission areas supported;

(3) aircraft number, type, model series supported;

(4) fuel dispensed;

(5) departure reliability rates; and

(6) any other data as appropriate for evaluating performance of the commercial air refueling providers.

SEC. 1095. ESTABLISHMENT OF JOINT PATHOLOGY CENTER.

(a) ESTABLISHMENT.—The Secretary of Defense may, to the extent consistent with the final recommendations of the 2005 Defense Base Closure and Realignment Commission as approved by the President, establish a Joint Pathology Center located at the National Naval Medical Center in Bethesda, Maryland, that shall function as the reference center in pathology for the Department of Defense.

(b) SERVICES.—The Joint Pathology Center, if established, shall provide, at a minimum, the following services:

(1) Diagnostic pathology consultation.

(2) Pathology education, to include graduate medical education, including residency and fellowship programs, and continuing medical education.

(3) Diagnostic pathology research.

(4) Maintenance and continued modernization of the Tissue Repository and, as appropriate, utilization of such Repository in conducting the activities described in paragraphs (1) through (3).

SEC. 1096. REPORT ON FEASIBILITY OF ESTABLISHING A DOMESTIC MILITARY AVIATION NATIONAL TRAINING CENTER.

(a) IN GENERAL.—Not later than March 31, 2008, the Secretary of Defense shall submit to the congressional defense committees a report to determine the feasibility of establishing a Border State Aviation Training Center (BSATC) to support the current and future requirements of the existing RC–26 training site for counterdrug activities, located at the Fixed Wing Army National Guard Aviation Training Site (FWAATS), including the domestic reconnaissance and surveillance missions of the National Guard in support of local, State, and Federal law enforcement agencies, provided that the activities to be conducted at the BSATC shall not duplicate or displace any activity or program at the RC–26 training site or the FWAATS.

(b) CONTENT.—The report required under subsection (a) shall—

(1) examine the current and past requirements of RC–26 aircraft in support of local, State, and Federal law enforcement and determine the number of additional aircraft required to provide such support for each State that borders Canada, Mexico, or the Gulf of Mexico;

(2) determine the number of military and civilian personnel required to run a RC–26 domestic training center meeting the requirements identified under paragraph (1);

(3) determine the requirements and cost of locating such a training center at a military installation for the purpose of preempting and responding to security threats and responding to crises; and

(4) include a comprehensive review of the number of intelligence, reconnaissance and surveillance platforms needed for the National Guard to effectively provide domestic operations and civil support (including homeland defense and counterdrug) to local, State, and Federal law enforcement and first responder entities.

(c) CONSULTATION.—In preparing the report required under subsection (a), the Secretary of Defense shall consult with the Adjutant General of each State that borders Canada, Mexico, or the Gulf of Mexico, the Adjutant General of the State of West Virginia, and the National Guard Bureau.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. COMPENSATION OF FEDERAL WAGE SYSTEM EMPLOYEES FOR CERTAIN TRAVEL HOURS.

Section 5544(a) of title 5, United States Code, is amended in the third sentence in the matter following paragraph (3) by inserting '', including travel by the employee to such event and the return of the employee from such event to the employee's official duty station,'' after ''event''.

SEC. 1102. RETIREMENT SERVICE CREDIT FOR SERVICE AS CADET OR MIDSHIPMAN AT A MILITARY SERVICE ACADEMY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331(13) of title 5, United States Code, is amended by striking ''but'' and inserting ''and includes service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, but''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8401(31) of such title is amended by striking ''but'' and inserting ''and includes service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, but''.

(c) APPLICABILITY.—The amendments made by this section shall apply to—

(1) any annuity, eligibility for which is based upon a separation occurring before, on, or after the date of enactment of this Act; and

(2) any period of service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, occurring before, on, or after the date of enactment of this Act.

SEC. 1103. CONTINUATION OF LIFE INSURANCE COVERAGE FOR FEDERAL EMPLOYEES CALLED TO ACTIVE DUTY.

Section 8706(b) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(5) In the case of an employee enrolled in life insurance under this chapter who is a member of a reserve component of the armed forces called or ordered to active duty, is placed on leave without pay to perform active duty pursuant to such call or order, and serves on active duty pursuant to such call or order for a period of more than 30 consecutive days, the life insurance of the employee under this chapter may continue for up to 24 months after discontinuance of pay by reason of the performance of such active duty.''.

SEC. 1104. DEPARTMENT OF DEFENSE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) EXCLUSION OF WAGE-GRADE EMPLOYEES.—Subsection (b) of section 9902 of title 5, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) not apply to any prevailing rate employees, as defined in section 5342(a)(2);''.

(b) CLARIFICATION OF REQUIREMENTS REGARDING LABOR-MANAGEMENT RELATIONS.—

(1) IN GENERAL.—Such section is further amended by striking subsection (m).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (f)(1)(D)(i), by inserting ''subject to the requirements of chapter 71,'' before ''develop a method''; and

(B) in subsection (g)(2)—

(i) in subparagraph (B), by inserting ''and'' at the end;

(ii) in subparagraph (C), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (D).

(3) CONSTRUCTION OF PAY ESTABLISHMENT OR ADJUSTMENT.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

''(6) Any rate of pay established or adjusted in accordance with the requirements of this section shall be a matter covered by section 7103(a)(14)(C) of this title.''.

SEC. 1105. AUTHORITY TO WAIVE LIMITATION ON PREMIUM PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS UNDER AREAS OF UNITED STATES CENTRAL COMMAND.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding section 5547 of title 5, United States Code, during 2008, the head of an Executive agency (as that term is defined in section 105 of title 5, United States Code) may waive limitations on total compensation, including limitations on the aggregate of basic pay and premium pay payable in a calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command in direct support of, or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to a declared emergency.

(2) LIMITATION.—The total compensation payable to an employee pursuant to a waiver under this subsection in a calendar year may not exceed $212,100.

(b) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall such additional pay be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(c) REGULATIONS.—The Director of the Office of Personnel Management may prescribe regulations to ensure appropriate consistency among heads of Executive agencies in the exercise of the authority granted by this section.

SEC. 1106. AUTHORITY FOR INCLUSION OF CERTAIN OFFICE OF DEFENSE RESEARCH AND ENGINEERING POSITIONS IN EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

Section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by adding ''and'' at the end; and

(3) by adding after subparagraph (C) the following new subparagraph (D):

''(D) not more than a total of 20 scientific and engineering positions in the Office of the Director of Defense Research and Engineering;''.

SEC. 1107. REPEAL OF AUTHORITY FOR PAYMENT OF UNIFORM ALLOWANCE TO CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) REPEAL.—Section 1593 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1593.

SEC. 1108. AUTHORIZATION FOR INCREASED COMPENSATION FOR FACULTY AND STAFF OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113(f) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''so as'' and inserting ''after consideration of the compensation necessary''; and

(B) by striking ''within the vicinity of the District of Columbia'' and inserting ''identified by the Secretary for purposes of this paragraph''; and

(2) in paragraph (4)—

(A) by striking ''section 5373'' and inserting ''sections 5307 and 5373''; and

(B) by adding at the end the following new sentence: ''In no case may the total amount of compensation paid under paragraph (1) in any year exceed the total amount of annual compensation (excluding expenses) specified in section 102 of title 3.''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. AUTHORITY TO EQUIP AND TRAIN FOREIGN PERSONNEL TO ASSIST IN ACCOUNTING FOR MISSING UNITED STATES PERSONNEL.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 408. Equipment and training of foreign personnel to assist in Department of Defense accounting for missing United States personnel

''(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance to any foreign nation to assist the Department of Defense with recovery of and accounting for missing United States personnel.

''(b) TYPES OF ASSISTANCE.—The assistance provided under subsection (a) may include the following:

''(1) Equipment.

''(2) Supplies.

''(3) Services.

''(4) Training of personnel.

''(c) LIMITATION.—The amount of assistance provided under this section in any fiscal year may not exceed $1,000,000.

''(d) CONSTRUCTION WITH OTHER ASSISTANCE.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations under law.

''(e) ANNUAL REPORTS.—(1) Not later than December 31 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the assistance provided under this section during the fiscal year ending in such year.

''(2) Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

''(A) A statement of each foreign nation provided assistance under this section.

''(B) For each nation so provided assistance, a description of the type and amount of such assistance.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 20 of such title is amended 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 personnel.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1202. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) INCREASE IN AMOUNT OF AUTHORIZED ASSISTANCE.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended by striking ''$100,000,000'' and inserting ''$200,000,000''.

(b) PROGRAM FOR ASSISTANCE.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsection (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) FORMULATION AND IMPLEMENTATION OF PROGRAM FOR ASSISTANCE.—The Secretary of State shall coordinate with the Secretary of Defense in the formulation and implementation of a program of reconstruction, security, or stabilization assistance to a foreign country that involves the provision of services or transfer of defense articles or funds under subsection (a).''.

(c) ONE-YEAR EXTENSION.—Subsection (g) of such section, as redesignated by subsection (b) of this section, is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

SEC. 1203. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEAR 2008.—During fiscal year 2008, from funds made available to the Department of Defense for operation and maintenance for such fiscal year, not to exceed $977,441,000 may be used by the Secretary of Defense in such fiscal year to provide funds—

(1) for the Commanders' Emergency Response Program in Iraq for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(2) for a similar program to assist the people of Afghanistan.

(b) WAIVER AUTHORITY.—For purposes of exercising the authority provided by this section or any other provision of law making funds available for the Commanders' Emergency Response Program in Iraq or any similar program to assist the people of Afghanistan, the Secretary may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(c) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal-year quarter of fiscal year 2008, the Secretary shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs referred to in subsection (a).

(d) SUBMITTAL OF MODIFICATIONS OF GUIDANCE.—In the event any modification is made after the date of the enactment of this Act in the guidance issued to the Armed Forces by the Under Secretary of Defense (Comptroller) on February 18, 2005, concerning the allocation of funds through the Commanders' Emergency Response Program in Iraq and any similar program to assist the people of Afghanistan, the Secretary shall submit to the congressional defense committees a copy of such modification not later than 15 days after the date of such modification.

SEC. 1204. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON GLOBAL PEACE OPERATIONS INITIATIVE.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Comptroller General of the United States shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the Global Peace Operations Initiative.

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

(1) An assessment of whether, and to what extent, the Global Peace Operations Initiative has met the goals set by the President at the inception of the program in 2004.

(2) Which goals, if any, remain unfulfilled.

(3) A description of activities conducted by each member state of the Group of Eight (G–8), including the approximate cost of the activities, and the approximate percentage of the total monetary value of the activities conducted by each G–8 member, including the United States, as well as efforts by the President to seek contributions or participation by other G–8 members.

(4) A description of any activities conducted by non-G–8 members, or other organizations and institutions, as well as any efforts by the President to solicit contributions or participation.

(5) A description of the extent to which the Global Peace Operations Initiative has had global participation.

(6) A description of the administration of the program by the Department of State and Department of Defense, including—

(A) whether each Department should concentrate administration in one office or bureau, and if so, which one;

(B) the extent to which the two Departments coordinate and the quality of their coordination; and

(C) the extent to which contractors are used and an assessment of the quality and timeliness of the results achieved by the contractors, and whether the United States Government might have achieved similar or better results without contracting out functions.

(7) A description of the metrics, if any, that are used by the President and the G–8 to measure progress in implementation of the Global Peace Operations Initiative, including—

(A) assessments of the quality and sustainability of the training of individual soldiers and units;

(B) the extent to which the G–8 and participating countries maintain records or databases of trained individuals and units and conduct inspections to measure and monitor the continued readiness of such individuals and units;

(C) the extent to which the individuals and units are equipped and remain equipped to deploy in peace operations; and

(D) the extent to which, the timeline by which, and how individuals and units can be mobilized for peace operations.

(8) The extent to which, the timeline by which, and how individuals and units can be and are being deployed to peace operations.

(9) An assessment of whether individuals and units trained under the Global Peace Operations Initiative have been utilized in peace operations subsequent to receiving training under the Initiative, whether they will be deployed to upcoming operations in Africa and elsewhere, and the extent to which such individuals and units would be prepared to deploy and participate in such peace operations.

(10) Recommendations as to whether participation in the Global Peace Operations Initiative should require reciprocal participation by countries in peace operations.

(11) Any additional measures that could be taken to enhance the effectiveness of the Global Peace Operations Initiative in terms of—

(A) achieving its stated goals; and

(B) ensuring that individuals and units trained as part of the Initiative are regularly participating in peace operations.

SEC. 1205. REPEAL OF LIMITATIONS ON MILITARY ASSISTANCE UNDER THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002.

(a) REPEAL OF LIMITATIONS.—Section 2007 of the American Servicemembers' Protection Act of 2002 (22 U.S.C. 7426) is repealed.

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 2003 (22 U.S.C. 7422)—

(A) in subsection (a)—

(i) in the heading, by striking ''SECTIONS 5 AND 7'' and inserting ''SECTION 2005''; and

(ii) by striking ''sections 2005 and 2007'' and inserting ''section 2005'';

(B) in subsection (b)—

(i) in the heading, by striking ''SECTIONS 5 AND 7'' and inserting ''SECTION 2005''; and

(ii) by striking ''sections 2005 and 2007'' and inserting ''section 2005'';

(C) in subsection (c)(2)(A), by striking ''sections 2005 and 2007'' and inserting ''section 2005'';

(D) in subsection (d), by striking ''sections 2005 and 2007'' and inserting ''section 2005''; and

(E) in subsection (e), by striking ''2006, and 2007'' and inserting ''and 2006''; and

(2) in section 2013 (22 U.S.C. 7432), by striking paragraph (13).

Subtitle B—Other Authorities and Limitations

SEC. 1211. COOPERATIVE OPPORTUNITIES DOCUMENTS UNDER COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS WITH NATO ORGANIZATIONS AND OTHER ALLIED AND FRIENDLY FOREIGN COUNTRIES.

Section 2350a(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''(A)'';

(B) by striking ''an arms cooperation opportunities document'' and inserting ''a cooperative opportunities document before the first milestone or decision point''; and

(C) by striking subparagraph (B); and

(2) in paragraph (2), by striking ''An arms cooperation opportunities document'' and inserting ''A cooperative opportunities document''.

SEC. 1212. EXTENSION AND EXPANSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) EXPANSION TO NATIONS ENGAGED IN CERTAIN PEACEKEEPING OPERATIONS.—Subsection (a) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412) is amended—

(1) in paragraph (1), by inserting ''or participating in combined operations with the United States as part of a peacekeeping operation under the Charter of the United Nations or another international agreement'' after ''Iraq or Afghanistan''; and

(2) in paragraph (3) by inserting '', or in a peacekeeping operation described in paragraph (1), as applicable,'' after ''Iraq or Afghanistan''.

(b) ONE-YEAR EXTENSION.—Subsection (e) of such section is amended by striking ''September 30, 2008'' and inserting ''September 30, 2009''.

*(c) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''**FOREIGN FORCES IN IRAQ AND AFGHANISTAN**'' and inserting ''**CERTAIN FOREIGN FORCES**''.*

SEC. 1213. ACCEPTANCE OF FUNDS FROM THE GOVERNMENT OF PALAU FOR COSTS OF MILITARY CIVIC ACTION TEAMS.

Section 104(a) of Public Law 99–658 (48 U.S.C. 1933(a)) is amended—

(1) by inserting ''(1)'' before ''In recognition''; and

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

''(2) The Secretary of Defense may accept from the Government of Palau the amount available for the use of the Government of Palau under paragraph (1). Any amount so accepted by the Secretary under this paragraph shall be credited to the appropriation or account available to the Department of Defense for the Civic Action Team with respect to which such amount is so accepted. Amounts so credited shall be merged with the appropriation or account to which credited, and shall be available to the Civic Action Team for the same purposes, and subject to the same conditions and limitations, as the appropriation or account with which merged.''.

SEC. 1214. EXTENSION OF PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) EXTENSION OF PARTICIPATION.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416) is amended—

(1) in subsection (a), by striking ''fiscal year 2007'' and inserting ''during fiscal years 2007 and 2008''; and

(2) in subsection (e)(2), by inserting ''or 2008'' after ''in fiscal year 2007''.

(b) REPORTING REQUIREMENTS.—Subsection (g) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''October 31, 2007,'' and inserting ''October 31 of each of 2007 and 2008,''; and

(B) by striking ''fiscal year 2007'' and inserting ''fiscal year 2007 or 2008, as applicable''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''The report'' and inserting ''Each report''; and

(ii) by inserting '', for the fiscal year covered by such report,'' after ''shall include''; and

(B) in subparagraph (A), by striking ''fiscal year 2007''.

SEC. 1215. LIMITATION ON ASSISTANCE TO THE GOVERNMENT OF THAILAND.

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

(1) Thailand is an important strategic ally and economic partner of the United States.

(2) The United States strongly supports the prompt restoration of democratic rule in Thailand.

(3) While it is in the interest of the United States to have a robust defense relationship with Thailand, it is appropriate that the United States has curtailed certain military-to-military cooperation and assistance programs until democratic rule has been restored in Thailand.

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

(1) Thailand should continue on the path to restore democratic rule as quickly as possible, and should hold free and fair national elections as soon as possible and no later than December 2007; and

(2) once Thailand has fully reestablished democratic rule, it will be both possible and desirable for the United States to reinstate a full program of military assistance to the Government of Thailand, including programs such as International Military Education and Training (IMET) and Foreign Military Financing (FMF) that were appropriately suspended following the military coup in Thailand in September 2006.

(c) LIMITATION.—No funds authorized to be appropriated by this Act may be obligated or expended to provide direct assistance to the Government of Thailand to initiate new military assistance activities until 15 days after the Secretary of Defense notifies the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives of the intent of the Secretary to carry out such new types of military assistance activities with Thailand.

(d) EXCEPTION.—The limitation in subsection (c) shall not apply with respect to funds as follows:

(1) Amounts authorized to be appropriated for Overseas Humanitarian, Disaster, and Civic Aid.

(2) Amounts otherwise authorized to be appropriated by this Act and available for humanitarian or emergency assistance for other nations.

(e) NEW MILITARY ASSISTANCE ACTIVITIES DEFINED.—In this section, the term ''new military assistance activities'' means military assistance activities that have not been undertaken between the United States and Thailand during fiscal year 2007.

SEC. 1216. PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.

Not more than 75 percent of the amount authorized to be appropriated by this Act and available for the Office of the Under Secretary of Defense for Policy may be obligated or expended for that purpose until the President submits to Congress the report required by section 1213(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2422).

SEC. 1217. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING IMPLEMENTATION OF REQUIREMENTS REGARDING NORTH KOREA.

Notwithstanding any other provision of law, no funds authorized to be appropriated for the Department of Defense by this Act or any other Act for the provision of security and stabilization assistance as authorized by section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (as amended by section 1202 of this Act) may be obligated or expended for that purpose until the President certifies to Congress that all the provisions of section 1211 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–163; 120 Stat. 2420) have been or are being carried out.

SEC. 1218. POLICY OF THE UNITED STATES ON PROTECTION OF THE UNITED STATES AND ITS ALLIES AGAINST IRANIAN BALLISTIC MISSILES.

(a) FINDING.—Congress finds that Iran maintains a nuclear program in continued defiance of the international community while developing ballistic missiles of increasing sophistication and range that pose a threat to both the forward-deployed forces of the United States and to its North Atlantic Treaty Organization (NATO) allies in Europe; and which eventually could pose a threat to the United States homeland.

(b) POLICY OF THE UNITED STATES.—It is the policy of the United States—

(1) to develop and deploy, as soon as technologically possible, in conjunction with its allies and other nations whenever possible, an effective defense against the threat from Iran described in subsection (a)(1) that will provide protection for the United States, its friends, and its North Atlantic Treaty Organization allies; and

(2) to proceed in the development of such response in a manner such that any missile defenses fielded by the United States in Europe are integrated with or complementary to missile defense capabilities that might be fielded by the North Atlantic Treaty Organization in Europe.

SEC. 1219. JUSTICE FOR OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA.

(a) ENHANCED REWARD FOR CAPTURE OF OSAMA BIN LADEN.—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708e)(1)) is amended by adding at the end the following new sentence: ''The Secretary shall authorize a reward of $50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.''.

(b) STATUS OF EFFORTS TO BRING OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA TO JUSTICE.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Defense shall, in coordination with the Director of National Intelligence, jointly submit to Congress a report on the progress made in bringing Osama bin Laden and other leaders of al Qaeda to justice.

(2) ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) An assessment of the likely current location of terrorist leaders, including Osama bin Laden, Ayman al-Zawahiri, and other key leaders of al Qaeda.

(B) A description of ongoing efforts to bring to justice such terrorist leaders, particularly those who have been directly implicated in attacks in the United States and its embassies.

(C) An assessment of whether the government of each country assessed as a likely location of top leaders of al Qaeda has fully cooperated in efforts to bring those leaders to justice.

(D) A description of diplomatic efforts currently being made to improve the cooperation of the governments described in subparagraph (C).

(E) A description of the current status of the top leadership of al Qaeda and the strategy for locating them and bringing them to justice.

(F) An assessment of whether al Qaeda remains the terrorist organization that poses the greatest threat to United States interests, including the greatest threat to the territorial United States.

(3) FORM OF REPORT.—Each report submitted to Congress under paragraph (1) shall be submitted in a classified form, and shall be accompanied by a report in unclassified form that redacts the classified information in the report.

Subtitle C—Reports

SEC. 1231. REPORTS ON UNITED STATES POLICY AND MILITARY OPERATIONS IN AFGHANISTAN.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act and every 180 days thereafter through the end of fiscal year 2009, the President shall submit to the congressional defense committees a report on United States policy and military operations in Afghanistan.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following:

(1) A comprehensive strategy, coordinated between and among the departments and agencies of the United States Government, for achieving the objectives of United States policy and military operations in Afghanistan.

(2) A description of current and proposed efforts to assist the Government of Afghanistan in increasing the size and capability of the Afghan Security Forces, including key criteria for measuring the capabilities and readiness of the Afghan National Army, the Afghan National Police, and other Afghan security forces.

(3) A description of current and proposed efforts of the United States Government to work with coalition partners to strengthen the International Security Assistance Force (ISAF) led by the North Atlantic Treaty Organization (NATO) in Afghanistan, including efforts—

(A) to encourage North Atlantic Treaty Organization members to make or fulfill commitments to meet North Atlantic Treaty Organization mission requirements with respect to the International Security Assistance Force; and

(B) to remove national restrictions on the use of forces of members of the North Atlantic Treaty Organization deployed as part of the International Security Assistance Force mission.

(4) A description of current and proposed efforts to improve provincial governance and expand economic development in the provinces of Afghanistan, including—

(A) a statement of the mission and objectives of the Provincial Reconstruction Teams in Afghanistan;

(B) a description of the number, funding (including the sources of funding), staffing requirements, and current staffing levels of the Provincial Reconstruction Teams, set forth by United States Government agency;

(C) an evaluation of the effectiveness of each Provincial Reconstruction Team, including each team under the command of the United States and each team under the command of the International Security Assistance Force, in achieving its mission and objectives; and

(D) a description of the collaboration, if any, between the United States Agency for International Development and Special Operations Forces in such efforts, and an assessment of the results of such collaboration.

(5) With respect to current counternarcotics efforts in Afghanistan—

(A) a description of the counternarcotics plan of the United States Government in Afghanistan, including a statement of priorities among United States counterdrug activities (including interdiction, eradication, and alternative livelihood programs) within that plan, and a description of the specific resources allocated for each such activity;

(B) a description of the counternarcotics roles and missions assumed by the local and provincial governments of Afghanistan, the Government of Afghanistan, particular departments and agencies of the United States Government, the International Security Assistance Force, and other governments;

(C) a description of the extent, if any, to which counternarcotics operations in or with respect to Afghanistan have been determined to constitute a United States military mission, and the justification for that determination;

(D) a description of United States efforts to destroy drug manufacturing facilities; and

(E) a description of United States efforts to apprehend or eliminate major drug traffickers in Afghanistan, and a description of the extent to which such drug traffickers are currently assisting United States counterterrorist efforts.

(6) A description of current and proposed efforts to help the Government of Afghanistan fight public corruption and strengthen the rule of law.

(7) A description of current and proposed diplomatic and other efforts to encourage and assist the Government of Pakistan to eliminate safe havens for Taliban, Al Qaeda, and other extremists within the territory of Pakistan

which threaten the stability of Afghanistan, and an evaluation of the cooperation of the Government of Pakistan in eliminating such safe havens.

(c) FORM.—Each report required by subsection (a) shall be submitted in unclassified form to the maximum extent practicable, but may include a classified annex.

SEC. 1232. STRATEGY FOR ENHANCING SECURITY IN AFGHANISTAN BY ELIMINATING SAFE HAVENS FOR VIOLENT EXTREMISTS IN PAKISTAN.

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

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime from Afghanistan.

(2) In early September 2006, the Government of Pakistan signed a peace agreement with pro-Taliban militants in Miramshah, North Waziristan, Pakistan. Under the agreement, local tribesmen in North Waziristan agreed to halt cross-border movement of pro-Taliban insurgents from the North Waziristan area to Afghanistan and to remove all foreigners who do not respect the peace and abide by the agreement.

(3) In late September 2006, United States military officials in Kabul, Afghanistan, reported two-fold, and in cases three-fold, increases in the number of cross-border attacks along the Afghanistan border with Pakistan in the weeks following the signing of the agreement referred to in paragraph (2).

(4) On February 13, 2007, Lieutenant General Karl W. Eikenberry, the former commanding general of Combined Forces Command—Afghanistan, stated in a written statement to the Committee on Armed Services of the House of Representatives that ''Al Qaeda and Taliban leadership presence inside Pakistan remains a significant problem that must be satisfactorily addressed if we are to prevail in Afghanistan and if we are to defeat the global threat posed by international terrorism''.

(5) On February 27, 2007, John McConnell, the Director of National Intelligence, stated in a written statement to the Committee on Armed Services of the Senate that ''[e]liminating the safehaven that the Taliban and other extremists have found in Pakistan's tribal areas is not sufficient to end the insurgency in Afghanistan but it is necessary''.

(b) STRATEGY RELATING TO PAKISTAN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a report describing the long-term strategy of the United States to engage with the Government of Pakistan—

(A) to prevent the movement of Taliban, Al Qaeda, and other violent extremist forces across the border of Pakistan into Afghanistan; and

(B) to eliminate safe havens for such forces on the national territory of Pakistan.

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

(c) LIMITATION ON AVAILABILITY OF DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—

(1) LIMITATION.—For fiscal years 2008 and 2009, the Government of Pakistan may not be reimbursed in any fiscal year quarter for the provision to the United States of logistical, military, or other support utilizing funds appropriated or otherwise made available by an Act making supplemental appropriations for fiscal year 2007 for operations in Iraq and Afghanistan, or any other Act, for the purpose of making payments to reimburse key cooperating nations for the provision to the United States of such support unless the President certifies to the congressional defense committees for such fiscal year quarter that the Government of Pakistan is making substantial and sustained efforts to eliminate safe havens for the Taliban, Al Qaeda and other violent extremists in areas under its sovereign control, including in the cities of Quetta and Chaman and in the Northwest Frontier Province and the Federally Administered Tribal Areas.

(2) CONTENT OF CERTIFICATION.—Each certification submitted under paragraph (1) shall include a detailed description of the efforts made by the Government of Pakistan to eliminate safe havens for the Taliban, Al Qaeda, and other violent extremists in areas under its sovereign control.

(3) FORM.—Each certification submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) WAIVER.—The President may waive the limitation on reimbursements under paragraph (1) for a fiscal year quarter if the President determines and certifies to the congressional defense committees that it is important to the national security interest of the United States to do so.

SEC. 1233. ONE-YEAR EXTENSION OF UPDATE ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 1225(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465) is amended by striking ''Not later than one year after enactment of this Act,'' and inserting ''Not later than each of January 6, 2007, and January 7, 2008,''.

SEC. 1234. REPORT ON PLANNING AND IMPLEMENTATION OF UNITED STATES ENGAGEMENT AND POLICY TOWARD DARFUR.

(a) REQUIREMENT FOR REPORTS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report on the policy of the United States to address the crisis in Darfur, in eastern Chad, and in north-eastern Central African Republic, and on the contributions of the Department of Defense and the Department of State to the North Atlantic Treaty Organization (NATO), the United Nations, and the African Union in support of the current African Union Mission in Sudan (AMIS) or any covered United Nations mission.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) An assessment of the extent to which the Government of Sudan is in compliance with its obligations under international law and as a member of the United Nations, including under United Nations Security Council Resolutions 1706 (2006) and 1591 (2005), and a description of any violations of such obligations, including violations relating to the denial of or delay in facilitating access by AMIS and United Nations peacekeepers to conflict areas, failure to implement responsibilities to demobilize and disarm the Janjaweed militias, obstruction of the voluntary safe return of internally displaced persons and refugees, and degradation of security of and access to humanitarian supply routes.

(2) A comprehensive explanation of the policy of the United States to address the crisis in Darfur, including the activities of the Department of Defense and the Department of State.

(3) A comprehensive assessment of the impact of a no-fly zone for Darfur, including an assessment of the impact of such a no-fly zone on humanitarian efforts in Darfur and the region and a plan to minimize any negative impact on such humanitarian efforts during the implementation of such a no-fly zone.

(4) A description of contributions made by the Department of Defense and the Department of State in support of NATO assistance to AMIS and any covered United Nations mission.

(5) An assessment of the extent to which additional resources are necessary to meet the obligations of the United States to AMIS and any covered United Nations mission.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—Each report submitted under this section shall be in an unclassified form, but may include a classified annex.

(2) AVAILABILITY.—The unclassified portion of any report submitted under this section shall be made available to the public.

(d) REPEAL OF SUPERSEDED REPORT REQUIREMENT.—Section 1227 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2426) is repealed.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED UNITED NATIONS MISSION.—The term ''covered United Nations mission'' means any United Nations-African Union hybrid peacekeeping operation in Darfur, and any United Nations peacekeeping operating in Darfur, eastern Chad, or northern Central African Republic, that is deployed on or after the date of the enactment of this Act.

SEC. 1235. REPORT ON THE AIRFIELD IN ABECHE, CHAD, AND OTHER RESOURCES NEEDED TO PROVIDE STABILITY IN THE DARFUR REGION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the airfield located in Abeche, Republic of Chad, could play a significant role in potential United Nations, African Union, or North Atlantic Treaty Organization humanitarian, peacekeeping, or other military operations in Darfur, Sudan, or the surrounding region; and

(2) the capacity of that airfield to serve as a substantial link in such operations should be assessed, along with the projected costs and specific upgrades that would be necessary for its expanded use, should the Government of Chad agree to its improvement and use for such purposes.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the matters as follows:

(1) The current capacity of the existing airfield in Abeche, Republic of Chad, including the scope of its current use by the international community in response to the crisis in the Darfur region.

(2) The upgrades, and their associated costs, necessary to enable the airfield in Abeche, Republic of Chad, to be improved to be fully capable of accommodating a humanitarian, peacekeeping, or other force deployment of the size foreseen by the recent United Nations resolutions calling for a United Nations deployment to Chad and a hybrid force of the United Nations and African Union operating under Chapter VII of the United Nations Charter for Sudan.

(3) The force size and composition of an international effort estimated to be necessary to provide protection to those Darfur civilian populations currently displaced in the Darfur region.

(4) The force size and composition of an international effort estimated to be necessary to provide broader stability within the Darfur region.

SEC. 1236. INCLUSION OF INFORMATION ON ASYMMETRIC CAPABILITIES IN ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 113 note) is amended by adding at the end the following new paragraph:

''(9) Developments in asymmetric capabilities, including cyberwarfare, including—

''(A) detailed analyses of the countries targeted;

''(B) the specific vulnerabilities targeted in these countries;

''(C) the tactical and strategic effects sought by developing threats to such targets; and

''(D) an appendix detailing specific examples of tests and development of these asymmetric capabilities.''.

SEC. 1237. APPLICATION OF THE UNIFORM CODE OF MILITARY JUSTICE TO MILITARY CONTRACTORS DURING A TIME OF WAR.

The Secretary of Defense shall report within 60 days of enactment of this Act to House Armed Service Committee and the Senate Armed Services Committee on the status of implementing section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) related to the application of the Uniform Code of Military Justice to military contractors during a time of war or a contingency operation.

SEC. 1238. REPORT ON FAMILY REUNIONS BETWEEN UNITED STATES CITIZENS AND THEIR RELATIVES IN NORTH KOREA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on family reunions between United States citizens and their relatives in the Democratic People's Republic of Korea.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An estimate of the current number of United States citizens with relatives in North Korea, and an estimate of the current number of such United States citizens who are more than 70 years of age.

(2) An estimate of the number of United States citizens who have traveled to North Korea for family reunions.

(3) An estimate of the amounts of money and aid that went from the Korean-American community to North Korea in 2007.

(4) A summary of any allegations of fraud by third-party brokers in arranging family reunions between United States citizens and their relatives in North Korea.

(5) A description of the efforts, if any, of the President to facilitate reunions between the United States citizens and their relatives in North Korea, including the following:

(A) Negotiating with the Democratic People's Republic of Korea to permit family reunions between United States citizens and their relatives in North Korea.

(B) Planning, in the event of a normalization of relations between the United States and the Democratic People's Republic of Korea, to dedicate personnel and resources at the United States embassy in Pyongyang, Democratic People's Republic of Korea, to facilitate reunions between United States citizens and their relatives in North Korea.

(C) Informing Korean-American families of fraudulent practices by certain third-party brokers who arrange reunions between United States citizens and their relatives in North Korea, and seeking an end to such practices.

(D) Developing standards for safe and transparent family reunions overseas involving United States citizens and their relatives in North Korea.

(6) What additional efforts in the areas described in paragraph (5), if any, the President would consider desirable and feasible.

SEC. 1239. REPORTS ON PREVENTION OF MASS ATROCITIES.

(a) DEPARTMENT OF STATE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of State to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of State to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the role played by the United States in developing the ''responsibility to protect'' doctrine described in paragraphs 138 through 140 of the outcome document of the High-level Plenary Meeting of the General Assembly adopted by the United Nations in September 2005, and an update on actions taken by the United States Mission to the United Nations to discuss, promote, and implement such doctrine.

(C) An assessment of the potential capability of the Department of State and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the ''responsibility to protect'' doctrine.

(D) Recommendations as to the steps necessary to allow the Secretary of State to provide more effective training and guidance to an international intervention force.

(b) DEPARTMENT OF DEFENSE REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report assessing the capability of the Department of Defense to provide training and guidance to the command of an international intervention force that seeks to prevent mass atrocities.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An evaluation of any doctrine currently used by the Secretary of Defense to prepare for the training and guidance of the command of an international intervention force.

(B) An assessment of the potential capability of the Department of Defense and other Federal departments and agencies to support the development of new doctrines for the training and guidance of an international intervention force in keeping with the ''responsibility to protect'' doctrine.

(C) Recommendations as to the steps necessary to allow the Secretary of Defense to provide more effective training and guidance to an international intervention force.

(D) A summary of any assessments or studies of the Department of Defense or other Federal departments or agencies relating to ''Operation Artemis'', the 2004 French military deployment and intervention in the eastern region of the Democratic Republic of Congo to protect civilians from local warring factions.

(c) INTERNATIONAL INTERVENTION FORCE.—For the purposes of this section, ''international intervention force'' means a military force that—

(1) is authorized by the United Nations; and

(2) has a mission that is narrowly focused on the protection of civilian life and the prevention of mass atrocities such as genocide.

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

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note), as amended by section 1303 of this Act.

(b) FISCAL YEAR 2008 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2008 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $428,048,000 authorized to be appropriated to the Department of Defense for fiscal year 2008 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $102,885,000.

(2) For nuclear weapons storage security in Russia, $22,988,000.

(3) For nuclear weapons transportation security in Russia, $37,700,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $51,986,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $194,489,000.

(6) For chemical weapons destruction in Russia, $1,000,000.

(7) For threat reduction outside the former Soviet Union, $10,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $19,000,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2008 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2008 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2008 for a purpose listed in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (9) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS IN STATES OUTSIDE THE FORMER SOVIET UNION.

Section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note) is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and

(2) by adding at the end the following new subsection:

''(c) SPECIFIED PROGRAMS WITH RESPECT TO STATES OUTSIDE THE FORMER SOVIET UNION.—The programs referred to in subsection (a) are the following programs with respect to states that are not states of the former Soviet Union:

''(1) Programs to facilitate the elimination, and safe and secure transportation and storage, of biological, or chemical weapons, materials, weapons components, or weapons-related materials.

''(2) Programs to prevent the proliferation of nuclear, chemical, or biological weapons, weapons components, and weapons-related military technology and expertise.

''(3) Programs to facilitate detection and reporting of highly pathogenic diseases or other diseases that are associated with or that could be utilized as an early warning mechanism for disease outbreaks that could impact the Armed Forces of the United States or allies of the United States.''.

SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) in subsection (a), by striking ''the President'' the second place it appears and inserting ''the Secretary of Defense, with the concurrence of the Secretary of State,''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''the President'' the second place it appears and inserting ''the Secretary of Defense, with the concurrence of the Secretary of State,''; and

(B) in paragraph (2), by striking ''the President'' and inserting ''the Secretary of Defense and the Secretary of State''.

SEC. 1305. REPEAL OF RESTRICTIONS ON ASSISTANCE TO STATES OF THE FORMER SOVIET UNION FOR COOPERATIVE THREAT REDUCTION.

(a) IN GENERAL.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—The Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is amended—

(A) by striking section 211; and

(B) in section 212, by striking '', consistent with the findings stated in section 211,''.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952) is amended by striking subsection (d).

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(4) CONFORMING REPEAL.—Section 1303 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SEC. 1306. NATIONAL ACADEMY OF SCIENCES STUDY OF PREVENTION OF PROLIFERATION OF BIOLOGICAL WEAPONS.

(a) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to identify areas for cooperation with states other than states of the former Soviet Union under the Cooperative Threat Reduction program of the Department of Defense in the prevention of proliferation of biological weapons.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall provide for the study under subsection (a) to include the following:

(1) An assessment of trends in the biological sciences and biotechnology that will affect the capabilities of governments of developing countries to control the containment and use of dual-use technologies of potential interest to terrorist organizations or individuals with hostile intentions.

(2) An assessment of the approaches to cooperative threat reduction used by the states of the former Soviet Union that are of special relevance in preventing the proliferation of biological weapons in other areas of the world.

(3) A review of programs of the United States Government and other governments, international organizations, foundations, and other private sector entities used in developing countries that are not states of the former Soviet Union that may contribute to the prevention of the proliferation of biological weapons.

(4) Recommendations on steps for integrating activities of the Cooperative Threat Reduction program relating to the prevention of the proliferation of biological weapons with activities of other departments and agencies of the United States addressing problems and opportunities in developing countries that are not states of the former Soviet Union.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study carried out under subsection (a).

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) The results of the study carried out under subsection (a), including any report received by the Secretary from the National Academy of Sciences on the study.

(B) An assessment by the Secretary of the study.

(C) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the study.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(18) for Cooperative Threat Reduction programs, not more than $2,500,000 may be obligated or expended to carry out this section.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $102,446,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,250,300,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the National Defense Sealift Fund in the amount of $1,044,194,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $22,543,124,000, of which—

(1) $22,044,381,000 is for Operation and Maintenance;

(2) $136,482,000 is for Research, Development, Test, and Evaluation; and

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

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,491,724,000, of which—

(1) $1,186,452,000 is for Operation and Maintenance;

(2) $274,846,000 is for Research, Development, Test, and Evaluation; and

(3) $30,426,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

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

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $959,322,000.

SEC. 1405A. ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES WITH RESPECT TO AFGHANISTAN.

(a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—The amount authorized to be appropriated by section 1405 for Drug Interdiction and Counter-Drug Activities, Defense-wide, is hereby increased by $162,800,000.

(b) AVAILABILITY.—Of the amount authorized to be appropriated by section 1405 for Drug Interdiction and Counter-Drug Activities, Defense-wide, as increased by subsection (a), $162,800,000 may be available for drug interdiction and counterdrug activities with respect to Afghanistan.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(d) OFFSET.—The amount authorized to be appropriated by section 1509 for Drug Interdiction and Counter-Drug Activities, Defense-wide, for Operation Iraqi Freedom and Operation Enduring Freedom is hereby decreased by $162,800,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2008 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $225,995,000, of which—

(1) $224,995,000 is for Operation and Maintenance; and

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

SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by this division is the amount equal to the sum of all the amounts authorized to be appropriated by the provisions of this division reduced by $1,627,000,000, to be allocated as follows:

(1) PROCUREMENT.—The aggregate amount authorized to be appropriated by title I is hereby reduced by $601,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The aggregate amount authorized to be appropriated by title II is hereby reduced by $451,000,000.

(3) OPERATION AND MAINTENANCE.—The aggregate amount authorized to be appropriated by title III is hereby reduced by $554,000,000.

(4) OTHER AUTHORIZATIONS.—The aggregate amount authorized to be appropriated by title XIV is hereby reduced by $21,000,000.

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the difference between the inflation assumptions used in the Concurrent Resolution on the Budget for Fiscal Year 2008 when compared with the inflation assumptions used in the budget of the President for fiscal year 2008, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate the reductions required by this section among the amounts authorized to be appropriated for accounts in titles I, II, III, and XIV to reflect the extent to which net savings from lower-than-expected inflations are allocable to amounts authorized to be appropriated to such accounts.

Subtitle B—National Defense Stockpile

SEC. 1411. DISPOSAL OF FERROMANGANESE.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 50,000 tons of ferromanganese from the National Defense Stockpile during fiscal year 2008.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—

(1) IN GENERAL.—If the Secretary of Defense completes the disposal of the total quantity of ferromanganese authorized for disposal by subsection (a) before September 30, 2008, the Secretary of Defense may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(2) ADDITIONAL AMOUNTS.—If the Secretary completes the disposal of the total quantity of additional ferromanganese authorized for disposal by paragraph (1) before September 30, 2008, the Secretary may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may dispose of ferromanganese under the authority of paragraph (1) or (2) of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal under the applicable paragraph, that—

(1) the disposal of the additional ferromanganese from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional ferromanganese will not cause disruption to the usual markets of producers and processors of ferromanganese in the United States; and

(3) the disposal of the additional ferromanganese is consistent with the requirements and purpose of the National Defense Stockpile.

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 1412. DISPOSAL OF CHROME METAL.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 500 short tons of chrome metal from the National Defense Stockpile during fiscal year 2008.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—

(1) IN GENERAL.—If the Secretary of Defense completes the disposal of the total quantity of chrome metal authorized for disposal by subsection (a) before September 30, 2008, the Secretary of Defense may dispose of up to an additional 250 short tons of chrome metal from the National Defense Stockpile before that date.

(2) ADDITIONAL AMOUNTS.—If the Secretary completes the disposal of the total quantity of additional chrome metal authorized for disposal by paragraph (1) before September 30, 2008, the Secretary may dispose of up to an additional 250 short tons of chrome metal from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may dispose of chrome metal under the authority of paragraph (1) or (2) of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal under the applicable paragraph, that—

(1) the disposal of the additional chrome metal from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional chrome metal will not cause disruption to the usual markets of producers and processors of chrome metal in the United States; and

(3) the disposal of the additional chrome metal is consistent with the requirements and purpose of the National Defense Stockpile.

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 1413. MODIFICATION OF RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

(a) FISCAL YEAR 2000 DISPOSAL AUTHORITY.—Paragraph (5) of section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 50 U.S.C. 98d note), as amended by section 3302(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3546), is further amended by striking ''$600,000,000 before'' and inserting ''$729,000,000 by''.

(b) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Paragraph (7) of section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as amended by section 3302(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2513), is further amended to read as follows:

''(7) $1,469,102,000 by the end of fiscal year 2015.''.

Subtitle C—Civil Programs

SEC. 1421. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2008 from the Armed Forces Retirement Home Trust Fund the sum of $61,624,000 for the operation of the Armed Forces Retirement Home.

SEC. 1422. ADMINISTRATION AND OVERSIGHT OF THE ARMED FORCES RETIREMENT HOME.

(a) INDEPENDENCE AND PURPOSE OF RETIREMENT HOME.—Section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended—

(1) in subsection (a), by adding at the end the following: ''However, for the purpose of entering into contracts, agreements, or transactions regarding real property and facilities under the control of the Board, the Retirement Home shall be treated as a military facility of the Department of Defense. The administration of the Retirement Home (including administration for the provision of health care and medical care for residents) shall remain under the direct authority, control, and administration of the Secretary of Defense.''; and

(2) by striking subsection (g) and inserting the following new subsection (g):

''(g) ACCREDITATION.—The Chief Operating Officer shall secure and maintain accreditation by a nationally recognized civilian accrediting organization for each aspect of each facility of the Retirement Home, including medical and dental care, pharmacy, independent living, and assisted living and nursing care.''.

(b) SPECTRUM OF CARE.—Section 1513(b) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 413(b)) is amended by inserting after the first sentence the following new sentence: ''The services provided residents of the Retirement Home shall include appropriate nonacute medical and dental services, pharmaceutical services, and transportation of residents, at no cost to residents, to acute medical and dental services and after-hours routine medical care''.

(c) CHIEF MEDICAL OFFICER.—The Armed Forces Retirement Home Act of 1991 is further amended by inserting after section 1515 the following new section:

''SEC. 1515A. CHIEF MEDICAL OFFICER.

''(a) APPOINTMENT.—(1) The Secretary of Defense shall appoint the Chief Medical Officer of the Retirement Home. The Secretary of Defense shall make the appointment in consultation with the Secretary of Homeland Security.

''(2) The Chief Medical Officer shall serve a term of two years, but is removable from office during such term at the pleasure of the Secretary.

''(3) The Secretary (or the designee of the Secretary) shall evaluate the performance of the Chief Medical Officer not less frequently than once each year. The Secretary shall carry out such evaluation in consultation with the Chief Operating Officer and the Local Board for each facility of the Retirement Home.

''(4) An officer appointed as Chief Medical Officer of the Retirement Home shall serve as Chief Medical Officer without vacating any other military duties and responsibilities assigned to that officer whether at the time of appointment or afterward.

''(b) QUALIFICATIONS.—(1) To qualify for appointment as the Chief Medical Officer, a person shall be a member of the Medical, Dental, Nurse, or Medical Services Corps of the Armed Forces, including the Health and Safety Directorate of the Coast Guard, serving on active duty in the grade of brigadier general, or in the case of the Navy or the Coast Guard rear admiral (lower half), or higher.

''(2) In making appointments of the Chief Medical Officer, the Secretary of Defense shall, to the extent practicable, provide for the rotation of the appointments among the various Armed Forces and the Health and Safety Directorate of the Coast Guard.

''(c) RESPONSIBILITIES.—(1) The Chief Medical Officer shall be responsible to the Secretary, the Under Secretary of Defense for Personnel and Readiness, and the Chief Operating Officer for the direction and oversight of the provision of medical, mental health, and dental care at each facility of the Retirement Home.

''(2) The Chief Medical Officer shall advise the Secretary, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for each facility of the Retirement Home on all medical and medical administrative matters of the Retirement Home.

''(d) DUTIES.—In carrying out the responsibilities set forth in subsection (c), the Chief Medical Officer shall perform the following duties:

''(1) Ensure the timely availability to residents of the Retirement Home, at locations other than the Retirement Home, of such acute medical, mental health, and dental care as such resident may require that is not available at the applicable facility of the Retirement Home.

''(2) Ensure compliance by the facilities of the Retirement Home with accreditation standards, applicable health care standards of the Department of Veterans Affairs, and any other applicable health care standards and requirements (including requirements identified in applicable reports of the Inspector General of the Department of Defense).

''(3) Periodically visit and inspect the medical facilities and medical operations of each facility of the Retirement Home.

''(4) Periodically examine and audit the medical records and administration of the Retirement Home.

''(5) Consult with the Local Board for each facility of the Retirement Home not less frequently than once each year.

''(e) ADVISORY BODIES.—In carrying out the responsibilities set forth in subsection (c) and the duties set forth in subsection (d), the Chief Medical Officer may establish and seek the advice of such advisory bodies as the Chief Medical Officer considers appropriate.''.

(d) LOCAL BOARDS OF TRUSTEES.—

(1) DUTIES.—Subsection (b) of section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416) is amended to read as follows:

''(b) DUTIES.—(1) The Local Board for a facility shall serve in an advisory capacity to the Director of the facility and to the Chief Operating Officer.

''(2) The Local Board for a facility shall provide to the Chief Operating Officer and the Director of the facility such guidance and recommendations on the administration of the facility as the Local Board considers appropriate.

''(3) The Local Board for a facility shall provide to the Under Secretary of Defense for Personnel and Readiness not less often than annually an assessment of all aspects of the facility, including the quality of care at the facility.

''(4) Not less frequently than once each year, the Local Board for a facility shall submit to Congress a report that includes an assessment of all aspects of the facility, including the quality of care at the facility.''.

(2) COMPOSITION.—Subparagraph (K) of subsection (c) of such section is amended to read as follows:

''(K) One senior representative of one of the chief personnel officers of the Armed Forces, who shall be a member of the Armed Forces serving on active duty in the grade of brigadier general, or in the case of the Navy or Coast Guard, rear admiral (lower half).''.

(e) INSPECTION OF RETIREMENT HOME.—Section 1518 of such Act (24 U.S.C. 418) is amended to read as follows:

''SEC. 1518. INSPECTION OF RETIREMENT HOME.

''(a) INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.—(1) The Inspector General of the Department of Defense shall have the duty to inspect the Retirement Home.

''(2) The Inspector General shall advise the Secretary of Defense and the Director of each facility of the Retirement Home on matters relating to waste, fraud, abuse, and mismanagement of the Retirement Home.

''(b) INSPECTIONS BY INSPECTOR GENERAL.—(1) Every two years, the Inspector General of the Department of Defense shall perform a comprehensive inspection of all aspects of each facility of the Retirement Home, including independent living, assisted living, medical and dental care, pharmacy, financial and contracting records, and any aspect of either facility on which the Local Board for the facility or the resident advisory committee or council of the facility recommends inspection.

''(2) The Inspector General may be assisted in inspections under this subsection by a medical inspector general of a military department designated for purposes of this subsection by the Secretary of Defense.

''(3) In conducting the inspection of a facility of the Retirement Home under this subsection, the Inspector General shall solicit concerns, observations, and recommendations from the Local Board for the facility, the resident advisory committee or council of the facility, and the residents of the facility. Any concerns, observations, and recommendations solicited from residents shall be solicited on a not-for-attribution basis.

''(4) The Chief Operating Officer and the Director of each facility of the Retirement Home shall make all staff, other personnel, and records of each facility available to the Inspector General in a timely manner for purposes of inspections under this subsection.

''(c) REPORTS ON INSPECTIONS BY INSPECTOR GENERAL.—(1) Not later than 45 days after completing an inspection of a facility of the Retirement Home under subsection (b), the Inspector General shall submit to the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, the Director of the facility, and the Local Board for the facility, and to Congress, a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate in light of the inspection.

''(2) Not later than 45 days after receiving a report of the Inspector General under paragraph (1), the Director of the facility concerned shall submit the Secretary of Defense, the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility, and to Congress, a plan to address the recommendations and other matters set forth in the report.

''(d) ADDITIONAL INSPECTIONS.—(1) Every two years, in a year in which the Inspector General does not perform an inspection under subsection (b), the Chief Operating Officer shall request the inspection of each facility of the Retirement Home by a nationally recognized civilian accrediting organization in accordance with section 1422(a)(2)(g).

''(2) The Chief Operating Officer and the Director of a facility being inspected under this subsection shall make all staff, other personnel, and records of the facility available to the civilian accrediting organization in a timely manner for purposes of inspections under this subsection.

''(e) REPORTS ON ADDITIONAL INSPECTIONS.—(1) Not later than 45 days after receiving a report of an inspection from the civilian accrediting organization under subsection (d), the Director of the facility concerned shall submit to the Under Secretary of Defense for Personnel and Readiness, the Chief Operating Officer, and the Local Board for the facility a report containing—

''(A) the results of the inspection; and

''(B) a plan to address any recommendations and other matters set forth in the report.

''(2) Not later than 45 days after receiving a report and plan under paragraph (1), the Secretary of Defense shall submit the report and plan to Congress.''.

(f) ARMED FORCES RETIREMENT HOME TRUST FUND.—Section 1519 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 419) is amended by adding at the end the following new subsection:

''(d) REPORTING REQUIREMENTS.—The Chief Financial Officer of the Armed Forces Retirement Home shall comply with the reporting requirements of subchapter II of chapter 35 of title 31, United States Code.''.

Subtitle D—Chemical Demilitarization Matters

SEC. 1431. MODIFICATION OF TERMINATION REQUIREMENT FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.

(a) MODIFICATION.—Subsection (h) of section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended by striking ''after the stockpile located in that commission's State has been destroyed'' and inserting ''upon the earlier of—

''(1) the completion of closure activities for the chemical agent destruction facility in the commission's State as required pursuant to regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); or

''(2) the request of the Governor of the commission's State.''.

(b) TECHNICAL AMENDMENTS.—Subsections (b), (f), and (g) of such section are each amended by striking ''Assistant Secretary of the Army (Research, Development, and Acquisition)'' and inserting ''Assistant Secretary of the Army (Acquisition, Logistics, and Technology)''.

SEC. 1432. REPEAL OF CERTAIN QUALIFICATIONS REQUIREMENT FOR DIRECTOR OF CHEMICAL DEMILITARIZATION MANAGEMENT ORGANIZATION.

Section 1412(e)(3) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(e)(3)) is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 1433. SENSE OF CONGRESS ON COMPLETION OF DESTRUCTION OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

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

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the ''Chemical Weapons Convention''), requires that destruction of the entire United States chemical weapons stockpile be completed by not later than April 29, 2007.

(2) In 2006, under the terms of the Chemical Weapons Convention, the United States requested and received a one-time, 5-year extension of its chemical weapons destruction deadline to April 29, 2012.

(3) On April 10, 2006, the Secretary of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of the United States chemical weapons stockpile, but would ''continue working diligently to minimize the time to complete destruction without sacrificing safety and security'' and would also ''continue requesting resources needed to complete destruction as close to April 2012 as practicable''.

(4) Destroying the remaining stockpile of United States chemical weapons is imperative for public safety and homeland security, and doing so by April 2012, in accordance with the current destruction deadline provided under the Chemical Weapons Convention, is required by United States law.

(5) The elimination of chemical weapons anywhere they exist in the world, and the prevention of their proliferation, is of utmost importance to the national security of the United States.

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

(1) the United States is, and must remain, committed to making every effort to safely dispose of its entire chemical weapons stockpile by April 2012, the current destruction deadline provided under the Chemical Weapons Convention, or as soon thereafter as possible, and must carry out all of its other obligations under the Convention; and

(2) the Secretary of Defense should make every effort to plan for, and to request in the annual budget of the President submitted to Congress adequate funding to complete, the elimination of the United States chemical weapons stockpile in accordance with United States obligations under the Chemical Weapons Convention and in a manner that will protect public health, safety, and the environment, as required by law.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than March 15, 2008, and every 180 days thereafter until the year in which the United States completes the destruction of its entire stockpile of chemical weapons under the terms of the Chemical Weapons Convention, the Secretary of Defense shall submit to the members and committees of Congress referred to in paragraph (3) a report on

the implementation by the United States of its chemical weapons destruction obligations under the Chemical Weapons Convention.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) The anticipated schedule at the time of such report for the completion of destruction of chemical agents, munitions, and materiel at each chemical weapons demilitarization facility in the United States.

(B) A description of the options and alternatives for accelerating the completion of chemical weapons destruction at each such facility, particularly in time to meet the destruction deadline of April 29, 2012, currently provided by the Chemical Weapons Convention.

(C) A description of the funding required to achieve each of the options for destruction described under subparagraph (B).

(D) A description of all actions being taken by the United States to accelerate the destruction of its entire stockpile of chemical weapons, agents, and materiel in order to meet the current destruction deadline under the Chemical Weapons Convention of April 29, 2012, or as soon thereafter as possible.

(3) MEMBERS AND COMMITTEES OF CONGRESS.—The members and committees of Congress referred to in this paragraph are—

(A) the majority leader of the Senate, the minority leader of the Senate, and the Committees on Armed Services and Appropriations of the Senate; and

(B) the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committees on Armed Services and Appropriations of the House of Representatives.

SEC. 1434. MODIFICATION OF TERMINATION OF ASSISTANCE TO STATE AND LOCAL GOVERNMENTS AFTER COMPLETION OF THE DESTRUCTION OF THE UNITED STATES CHEMICAL WEAPONS STOCKPILE.

Subparagraph (B) of section 1412(c)(5) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(5)) is amended to read as follows:

''(B) Assistance may be provided under this paragraph for capabilities to respond to emergencies involving an installation or facility as described in subparagraph (A) until the earlier of the following:

''(i) The date of the completion of all grants and cooperative agreements with respect to the installation or facility for purposes of this paragraph between the Federal Emergency Management Agency and the State and local governments concerned.

''(ii) The date that is 180 days after the date of the completion of the destruction of lethal chemical agents and munitions at the installation or facility.''.

TITLE XV—OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Subtitle A—Authorization of Additional War-Related Appropriations

SEC. 1501. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $890,786,000.

(2) For missiles, $492,734,000.

(3) For weapons and tracked combat vehicles procurement, $1,249,177,000.

(4) For ammunition, $303,000,000.

(5) For other procurement, $10,310,055,000.

SEC. 1502. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $2,263,018,000.

(2) For weapons procurement, $251,281,000.

(3) For other procurement, $814,311,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for the Marine Corps in the amount of $4,236,140,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $590,090,000.

SEC. 1503. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $2,069,009,000.

(2) For ammunition, $74,005,000.

(3) For missile procurement, $1,800,000.

(4) For other procurement, $4,163,450,000.

SEC. 1504. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the procurement account for Defense-wide in the amount of $593,768,000.

SEC. 1505. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

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

(1) For the Army, $121,653,000.

(2) For the Navy, $370,798,000.

(3) For the Air Force, $922,791,000.

(4) For Defense-wide activities, $535,087,000.

SEC. 1506. OPERATION AND MAINTENANCE.

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

(1) For the Army, $45,519,264,000.

(2) For the Navy, $5,190,000,000.

(3) For the Marine Corps, $4,013,093,000.

(4) For the Air Force, $10,532,630,000.

(5) For Defense-wide activities, $5,976,216,000.

(6) For the Army Reserve, $158,410,000.

(7) For the Navy Reserve, $69,598,000.

(8) For the Marine Corps Reserve, $68,000,000.

(9) For the Army National Guard, $466,150,000.

(10) For the Air National Guard, $31,168,000.

SEC. 1507. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $9,140,516,000.

(2) For the Navy, $752,089,000.

(3) For the Marine Corps, $817,475,000.

(4) For the Air Force, $1,411,890,000.

(5) For the Army Reserve, $235,000,000.

(6) For the Navy Reserve, $70,000,000.

(7) For the Marine Corps Reserve, $15,420,000.

(8) For the Air Force Reserve, $3,000,000.

(9) For the Army National Guard, $476,584,000.

SEC. 1508. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $1,022,842,000, for operation and maintenance.

SEC. 1509. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $257,618,000.

SEC. 1510. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATION.—Funds are hereby authorized for fiscal year 2008 for the Joint Improvised Explosive Device Defeat Fund in the amount of $4,500,000,000.

(b) USE OF FUNDS.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop, and provide equipment, supplies, services, training, facilities, personnel, and funds to assist United States forces in the defeat of improvised explosive devices.

(c) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Amounts authorized to be appropriated by subsection (a) may be transferred from the Joint Improvised Explosive Device Defeat Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(2) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Joint Improvised Explosive Device Defeat Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Joint Improvised Explosive Device Defeat Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—Funds may not be obligated from the Joint Improvised Explosive Device Defeat Fund, or transferred under the authority provided in subsection (c)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(e) MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the intended management and use of the Joint Improvised Explosive Device Defeat Fund.

(2) MATTER TO BE INCLUDED.—The plan required by paragraph (1) shall include an update of the plan required in the paragraph under the heading ''Joint Improvised Explosive Device Defeat Fund'' in chapter 2 of title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 424), including identification of—

(A) year-to-date transfers and obligations;

(B) projected transfers and obligations through September 30, 2008; and

(C) activities for the coordination of research technology development and concepts of operations on improvised explosive defeat with the military departments, the Defense Agencies, the combatant commands, the Department of Homeland Security, and other appropriate departments and agencies of the Federal Government.

(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the detail of any obligation or transfer of funds from the Joint Improvised Explosive Device Defeat Fund plan required by subsection (e).

(g) DURATION OF AUTHORITY.—Amounts appropriated to the Joint Improvised Explosive Device Defeat Fund are available for obligation or transfer from the Fund until September 30, 2009.

SEC. 1511. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated

for fiscal year 2008 for the Iraq Security Forces Fund in the amount of $2,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funding.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) NOTICE TO CONGRESS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees in writing upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Fund during fiscal year 2008 are available for obligation or transfer from the Iraq Security Forces Fund in accordance with this section until September 30, 2009.

SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Afghanistan Security Forces Fund in the amount of $2,700,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Office of Security Cooperation–Afghanistan, to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR TRANSFER.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided in subsection (b) from any person, foreign government, or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees in writing upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) DURATION OF AUTHORITY.—Amounts authorized to be appropriated or contributed to the Fund during fiscal year 2008 are available for obligation or transfer from the Afghanistan Security Forces Fund in accordance with this section until September 30, 2009.

SEC. 1513. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Iraq Freedom Fund in the amount of $107,500,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1514. DEFENSE WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Working Capital Funds in the amount of $1,676,275,000.

SEC. 1515. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the National Defense Sealift Fund in the amount of $5,100,000.

SEC. 1516. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for expenses, not otherwise provided for, for the Office of Inspector General of the Department of Defense in the amount of $4,394,000, for Operation and Maintenance.

SEC. 1517. REPORTS ON MITIGATION OF EFFECTS OF EXPLOSIVELY FORMED PROJECTILES AND MINES.

(a) REPORT ON EXPLOSIVELY FORMED PROJECTILES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 60 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report, in both classified and unclassified forms, on explosively formed projectiles.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) A comprehensive plan of action for improving capabilities to mitigate the effects of explosively formed projectiles (EFPs), including the development of technologies, training programs, tactics, techniques, and procedures, and an estimate of the funding required to execute the plan.

(B) Detailed descriptions of the effectiveness of any fielded EFP mitigation technologies, training programs, tactics, techniques, and procedures, and ways in which they could be improved.

(C) A description of the individual projects that comprise the plan of action.

(D) A schedule for completing and fielding each project.

(E) The contract delivery dates, progress towards completion, and forecast completion date for each project.

(F) A comprehensive description of any deviation from contract terms and an explanation of any cost and schedule variance and how such variance affects fielding deliverables, and a plan for addressing such deviations and variances.

(G) Recommendations for additional authorities, which if provided to the Secretary, would improve the ability of the Department of Defense to rapidly field counter EFP capabilities and protection against the effects of EFPs.

(H) An analysis of any industrial base issues affecting the plan outlined under subparagraph (A).

(I) Mechanisms for sharing counter EFP capabilities with appropriate coalition partners.

(J) The most current available data on the effects of EFPs on United States, coalition, and allied forces in Iraq and Afghanistan.

(b) REPORT ON MINE RESISTANT AMBUSH PROTECTED VEHICLES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on Mine Resistant Ambush Protected (MRAP) vehicles.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following:

(A) The total requirement of all military services for MRAP vehicles, including MRAP I, spiral upgrades, and MRAP II variants.

(B) A comprehensive plan for transporting and fielding all variants to the United States Central Command (CENTCOM) area of operations.

(C) An assessment of completed production, transportation, and fielding of MRAP vehicles and a forecast of future production, transportation, and fielding functions.

(D) An explanation of any deviation between the planned and actual numbers of vehicles fielded for the reporting period.

(E) Funding required to execute production, transportation, and fielding, and an analysis of any industrial base issues affecting such functions.

(F) The required delivery schedule for each contract to procure MRAP vehicles.

(G) A comprehensive description and explanation of cost and schedule variance, and any deviation from contract terms, how that variance or deviation affects overall program performance, and corrective actions planned to address such variance and deviation.

(H) Recommendations for additional authorities, which if provided to the Secretary, would improve the ability of the Department of Defense to rapidly field MRAP vehicles.

(I) Plans for armor upgrades, and their impact on automotive performance and sustainment.

(J) An explanation of any safety issues or limitations on the vehicles.

(K) Anticipated short and long term sustainment issues, including an explanation of the maintenance concept for sustainment after the initial contractor logistic support period and the projected annual funding required.

(L) A detailed description of MRAP program costs, including research and development, procurement, maintenance, logistics, and end to end transportation costs.

(c) REPORT ON TACTICAL WHEELED VEHICLES STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the near and long term tactical wheeled vehicle fleet modernization strategies of the Army and Marine Corps.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) A description of the impact of the Mine Resistant Ambush Protected vehicle program on the current acquisition strategies and procurement plans of the Army and Marine Corps for the tactical wheeled vehicle fleet, including inventory mix, overall sustainment cost, and logistical and industrial base issues.

(B) Plans for the Joint Light Tactical Vehicle program, including an assessment of the continued validity of previously adopted Key Performance Parameters.

(C) A science and technology investment strategy, including a description of current technical barriers, near and long term technology objectives, coordination of activities of the various military departments, Defense Agencies, and commercial industry entities, and technology demonstration and transition plans to support the Long Term Armoring Strategy (LTAS).

(D) A strategy to fund and execute sufficient developmental and operational test and evaluation to ensure that deployed systems are operationally effective, including a description of the role of the Director of Operational Test and Evaluation in the development and execution of the Long Term Armoring Strategy.

(E) Plans to utilize the Army reset and recapitalization process to maintain the legacy tactical wheeled vehicle fleet.

(d) REPORT ON LONG TERM ARMORING STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms, on the Long Term Armoring Strategy of the Army and Marine Corps.

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An estimate of the funding required to execute the strategy.

(B) Specific plans for balancing force protection, payload, performance, and deployability requirements across the range of wheeled vehicle variants.

(C) A science and technology investment strategy, including a description of current technical barriers, near and long term technology objectives, coordination of activities of the various military departments, Defense Agencies, and commercial industry entities, and technology demonstration and transition plans.

(D) A test and evaluation master plan, including a description of the role of the Director of Operational Test and Evaluation in the development and execution of LTAS.

(E) An analysis of industrial base or manufacturing issues related to achieving sufficient and sustainable production rates.

Subtitle B—General Provisions Relating to Authorizations

SEC. 1521. PURPOSE.

The purpose of this title is to authorize additional appropriations for the Department of Defense for fiscal year 2008 for the incremental costs of Operation Iraqi Freedom and Operation Enduring Freedom.

SEC. 1522. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1523. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2008 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Other Matters

SEC. 1531. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1532. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by section 1506 for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) AMOUNTS OF REIMBURSEMENT.—

(1) IN GENERAL.—Reimbursement authorized by subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided.

(2) STANDARDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe standards for determining the kinds of logistical and military support to the United States that shall be considered reimbursable under the authority in subsection (a). Such standards may not take effect until 15 days after the date on which the Secretary submits to the congressional defense committees a report setting forth such standards.

(c) LIMITATIONS.—

(1) LIMITATION ON AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2008 may not exceed $1,200,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual obligation to make a reimbursement under the authority in subsection (a).

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall—

(1) notify the congressional defense committees not less than 15 days before making any reimbursement under the authority in subsection (a); and

(2) submit to the congressional defense committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a) during such quarter.

SEC. 1533. LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AVAILABILITY OF FUNDS FOR LOGISTICAL SUPPORT.—Subject to the provisions of this section, amounts available to the Department of Defense for fiscal year 2008 for operation and maintenance may be used to provide supplies, services, transportation (including airlift and sealift), and other logistical support to coalition forces supporting United States military and stabilization operations in Iraq and Afghanistan.

(b) REQUIRED DETERMINATION.—The Secretary may provide logistical support under the authority in subsection (a) only if the Secretary determines that the coalition forces to be provided the logistical support—

(1) are essential to the success of a United States military or stabilization operation; and

(2) would not be able to participate in such operation without the provision of the logistical support.

(c) COORDINATION WITH EXPORT CONTROL LAWS.—Logistical support may be provided under the authority in subsection (a) only in accordance with applicable provisions of the Arms Export Control Act and other export control laws of the United States.

(d) LIMITATION ON VALUE.—The total amount of logistical support provided under the authority in subsection (a) in fiscal year 2008 may not exceed $400,000,000.

(e) QUARTERLY REPORTS.—

(1) REPORTS REQUIRED.—Not later than 15 days after the end of each fiscal-year quarter of fiscal year 2008, the Secretary shall submit to the congressional defense committees a report on the provision of logistical support under the authority in subsection (a) during such fiscal-year quarter.

(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal-year quarter covered by such report, the following:

(A) Each nation provided logistical support under the authority in subsection (a).

(B) For each such nation, a description of the type and value of logistical support so provided.

SEC. 1534. COMPETITION FOR PROCUREMENT OF SMALL ARMS SUPPLIED TO IRAQ AND AFGHANISTAN.

(a) COMPETITION REQUIREMENT.—For the procurement of pistols and other weapons described in subsection (b), the Secretary of Defense shall ensure, consistent with the provisions of section 2304 of title 10, United States Code, that—

(1) full and open competition is obtained to the maximum extent practicable;

(2) no responsible United States manufacturer is excluded from competing for such procurements; and

(3) products manufactured in the United States are not excluded from the competition.

(b) PROCUREMENTS COVERED.—This section applies to the procurement of the following:

(1) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Iraq, the Iraqi Police Forces, and other Iraqi security organizations.

(2) Pistols and other weapons less than 0.50 caliber for assistance to the Army of Afghanistan, the Afghani Police Forces, and other Afghani security organizations.

SEC. 1535. REPORT ON SUPPORT FROM IRAN FOR ATTACKS AGAINST COALITION FORCES IN IRAQ.

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

(1) Since January 19, 1984, the Secretary of State has designated the Islamic Republic of Iran as a ''state sponsor of terrorism,'' one of only five countries in the world at present so designated.

(2) The Department of State, in its most recent ''Country Reports on Terrorism,'' stated that ''Iran remained the most active state sponsor of terrorism'' in 2006.

(3) The most recent Country Reports on Terrorism report further stated, ''Iran continued [in 2006] to play a destabilizing role in Iraq... Iran provided guidance and training to select Iraqi Shia political groups, and weapons and training to Shia militant groups to enable anti-Coalition attacks. Iranian government forces have been responsible for at least some of the increasing lethality of anti-Coalition attacks by providing Shia militants with the capability to build IEDs with explosively formed projectiles similar to those developed by Iran and Lebanese Hezbollah. The Iranian Revolutionary Guard was linked to armor-piercing explosives that resulted in the deaths of Coalition Forces.''

(4) In an interview published on June 7, 2006, Zalmay Khalilzad, then-United States ambassador to Iraq, said of Iranian support for extremist activity in Iraq, ''We can say with certainty that they support groups that are attacking coalition troops. These groups are using the same ammunition to destroy armored vehicles that the Iranians are supplying to Hezbollah in Lebanon. They pay money to Shiite militias and they train some of the groups. We can't say whether Teheran is supporting Al Qaeda, but we do know that Al Qaeda people come here from Pakistan through Iran. And Ansar al Sunna, a partner organization of Zarqawi's network, has a base in northwest Iran.''

(5) On April 26, 2007, General David Petraeus, commander of Multi-National Force-Iraq, said of Iranian support for extremist activity in Iraq, ''The level of financing, the level of training on Iranian soil, the level of equipping some sophisticated technologies... even advice in some cases, has been very, very substantial and very harmful.''

(6) On April 26, 2007, General Petraeus also said of Iranian support for extremist activity in Iraq, ''We know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force.... We believe that he works directly for the supreme leader of the country.''

(7) On May 27, 2007, then-Major General William Caldwell, spokesperson for Multi-National Force-Iraq, said, ''What we do know is that the Iranian intelligence services, the Qods Force, is in fact both training, equipping, and funding Shia extremist groups... both in Iraq and also in Iran.... We have in detention now people that we have captured that, in fact, are Sunni extremist-related that have, in fact, received both some funding and training from the Iranian intelligence services, the Qods Force.''

(8) On February 27, 2007, in testimony before the Committee on Armed Services of the Senate, Lieutenant General Michael Maples, director of the Defense Intelligence Agency, said of Iranian support for extremist activity in Iraq, ''We believe Hezbollah is involved in the training as well.''

(9) On July 2, 2007, Brigadier General Kevin Bergner, spokesperson for Multi-National Force-Iraq, stated, ''The Iranian Qods Force is using Lebanese Hezbollah essentially as a proxy, as a surrogate in Iraq.''

(10) On July 2, 2007, Brigadier General Bergner detailed the capture in southern Iraq by coalition forces of Ali Musa Daqdaq, whom the United States military believes to be a 24-year veteran of Lebanese Hezbollah involved in the training of Iraqi extremists in Iraq and Iran.

(11) The Department of State designates Hezbollah a foreign terrorist organization.

(12) On July 2, 2007, Brigadier General Bergner stated that the Iranian Qods Force operates three camps near Teheran where it trains Iraqi extremists in cooperation with Lebanese Hezbollah, stating, ''The Qods Force, along with Hezbollah instructors, train approximately 20 to 60 Iraqis at a time, sending them back to Iraq organized into these special groups. They are being taught how to use EPFs [explosively formed penetrators], mortars, rockets, as well as intelligence, sniper, and kidnapping operations.''

(13) On July 2, 2007, Brigadier General Bergner stated that Iraqi extremists receive between $750,000 and $3,000,000 every month from Iranian sources.

(14) On July 2, 2007, Brigadier General Bergner stated that ''[o]ur intelligence reveals that senior leadership in Iran is aware of this activity'' and that it would be ''hard to imagine'' that Ayatollah Ali Khamenei, the Supreme Leader of Iran, is unaware of it.

(15) On July 2, 2007, Brigadier General Bergner stated, ''There does not seem to be any follow-through on the commitments that Iran has made to work with Iraq in addressing the destabilizing security issues here in Iraq.''

(16) On February 11, 2007, the United States military held a briefing in Baghdad at which its representatives stated that at least 170 members of the United States Armed Forces have been killed, and at least 620 wounded, by weapons tied to Iran.

(17) On January 20, 2007, a sophisticated attack was launched by insurgents at the Karbala Provincial Joint Coordination Center in Iraq, resulting in the murder of five American soldiers, four of whom were first abducted.

(18) On April 26, 2007, General Petraeus stated that the so-called Qazali network was responsible for the attack on the Karbala Provincial Joint Coordination Center and that ''there's no question that the Qazali network is directly connected to the Iranian Qods force [and has] received money, training, arms, ammunition, and at some points in time even advice and assistance and direction''.

(19) On July 2, 2007, Brigadier General Bergner stated that the United States Armed Forces possesses documentary evidence that the Qods Force had developed detailed information on the United States position at the Karbala Provincial Joint Coordination Center ''regarding our soldiers' activities, shift changes, and defenses, and this information was shared with the attackers''.

(20) On July 2, 2007, Brigadier General Bergner stated of the January 20 Karbala attackers, ''[They] could not have conducted this complex operation without the support and direction of the Qods Force.''

(21) On May 28, 2007, the United States Ambassador to Iraq, Ryan Crocker, met in Baghdad with representatives of the government of the Islamic Republic of Iran to express United States concern about Iranian anti-coalition activity in Iraq;

(22) Section 1213(a) of the fiscal year 2007 John Warner National Defense Authorization Act (Public Law 109–364) required that the intelligence community produce an updated National Intelligence Estimate (NIE) on Iran.

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

(1) the murder of members of the United States Armed Forces by a foreign government or its agents is an intolerable and unacceptable act against the United States by the foreign government in question; and

(2) the Government of the Islamic Republic of Iran must take immediate action to end any training, arming, equipping, funding, advising, and any other forms of support that it or its agents are providing, and have provided, to Iraqi militias and insurgents, who are contributing to the destabilization of Iraq and are responsible for the murder of members of the United States Armed Forces.

(3) It is imperative for the executive and legislative branches of the Federal government to have accurate intelligence on Iran and therefore the intelligence community should produce the NIE on Iran without further delay;

(4) Congress supports United States diplomacy with the representatives of the government of Islamic Republic of Iran in order to stop any actions by the Iranian government or its agents against United States service members in Iraq;

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces Iraq and the United States Ambassador to Iraq in coordination with the Director of National Intelligence shall jointly submit to Congress a report describing and assessing in detail—

(A) any external support or direction provided to anti-coalition forces by the Government of the Islamic Republic of Iran or its agents;

(B) the strategy and ambitions in Iraq of the Government of the Islamic Republic of Iran; and

(C) any counter-strategy or efforts by the United States Government to counter the activities of agents of the Government of the Islamic Republic of Iran in Iraq.

(2) FORM.—Each report required under paragraph (1) shall be in unclassified form to the extent practical consistent with the need to protect national security, but may contain a classified annex.

(d) Nothing in this section shall be construed to authorize or otherwise speak to the use of Armed Forces against Iran.

SEC. 1536. SENSE OF THE SENATE ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

(2) The Iraq Study Group report found that ''[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally''.

(3) The Iraq Study Group noted that ''Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world''.

(4) A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—

(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq;

(B) neighboring countries would consider actively intervening in Iraq; and

(C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

(5) The Iraq Study Group found that ''a premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions.... The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory.''

(6) A failed state in Iraq could lead to broader regional conflict, possibly involving Syria, Iran, Saudi Arabia, and Turkey.

(7) The Iraq Study group noted that ''Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence''.

(8) The Iraq Study Group noted that ''Iran could send troops to restore stability in southern Iraq and perhaps gain control of oil fields. The regional influence of Iran could rise at a time when that country is on a path to producing nuclear weapons.''

(9) A failed state in Iraq would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted Coalition forces.

(10) A recent editorial in the New York Times stated, ''Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs.''

(11) The Iraq Study Group found that ''[i]f we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return''.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should commit itself to a strategy that will not leave a failed state in Iraq; and

(2) the Senate should not pass legislation that will undermine our military's ability to prevent a failed state in Iraq.

SEC. 1537. SENSE OF CONGRESS ON FEDERALISM IN IRAQ.

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

(1) Iraq continues to experience a self-sustaining cycle of sectarian violence.

(2) The ongoing sectarian violence presents a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors.

(3) A central focus of al Qaeda in Iraq has been to turn sectarian divisions in Iraq into sectarian violence through a concentrated series of attacks, the most significant being the destruction of the Golden Dome of the Shia al-Askariyah Mosque in Samarra in February 2006.

(4) Iraqis must reach a comprehensive and sustainable political settlement in order to achieve stability, and the failure of the Iraqis to reach such a settlement is a primary cause of violence in Iraq.

(5) Article One of the Constitution of Iraq declares Iraq to be a ''single, independent federal state''.

(6) Section Five of the Constitution of Iraq declares that the ''federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, and local administrations'' and enumerates the expansive powers of regions and the limited powers of the central government and establishes the mechanisms for the creation of new federal regions.

(7) The federal system created by the Constitution of Iraq would give Iraqis local control over their police and certain laws, including those related to employment, education, religion, and marriage.

(8) The Constitution of Iraq recognizes the administrative role of the Kurdistan Regional Government in 3 northern Iraqi provinces, known also as the Kurdistan Region.

(9) The Kurdistan region, recognized by the Constitution of Iraq, is largely stable and peaceful.

(10) The Iraqi Parliament approved a federalism law on October 11th, 2006, which establishes procedures for the creation of new federal regions and will go into effect 18 months after approval.

(11) Iraqis recognize Baghdad as the capital of Iraq, and the Constitution of Iraq stipulates that Baghdad may not merge with any federal region.

(12) Despite their differences, Iraq's sectarian and ethnic groups support the unity and territorial integrity of Iraq.

(13) Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006, ''[t]he crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians''.

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

(1) the United States should actively support a political settlement in Iraq based on the final provisions of the Constitution of Iraq that create a federal system of government and allow for the creation of federal regions, consistent with the wishes of the Iraqi people and their elected leaders;

(2) the active support referred to in paragraph (1) should include—

(A) calling on the international community, including countries with troops in Iraq, the permanent 5 members of the United Nations Security Council, members of the Gulf Cooperation Council, and Iraq's neighbors—

(i) to support an Iraqi political settlement based on federalism;

(ii) to acknowledge the sovereignty and territorial integrity of Iraq; and

(iii) to fulfill commitments for the urgent delivery of significant assistance and debt relief to Iraq, especially those made by the member states of the Gulf Cooperation Council;

(B) further calling on Iraq's neighbors to pledge not to intervene in or destabilize Iraq and to agree to related verification mechanisms; and

(C) convening a conference for Iraqis to reach an agreement on a comprehensive political settlement based on the federalism law approved by the Iraqi Parliament on October 11, 2006;

(3) the United States should urge the Government of Iraq to quickly agree upon and implement a law providing for the equitable distribution of oil revenues, which is a critical component of a comprehensive political settlement based upon federalism;

(4) the steps described in paragraphs (1), (2), and (3) could lead to an Iraq that is stable, not a haven for terrorists, and not a threat to its neighbors; and

(5) nothing in this Act should be construed in any way to infringe on the sovereign rights of the nation of Iraq.

SEC. 1538. SENSE OF SENATE ON IRAN.

(a) FINDINGS.—The Senate makes the following findings:

(1) General David Petraeus, commander of the Multi-National Force Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that ''[i]t is increasingly apparent to both coalition and Iraqi leaders that Iran, through the use of the Iranian Republican Guard Corps Qods Force, seeks to turn the Shi'a militia extremists into a Hezbollah-like force to serve its interests and fight a proxy war against the Iraqi state and coalition forces in Iraq''.

(2) Ambassador Ryan Crocker, United States Ambassador to Iraq, stated in testimony before a joint session of the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives on September 10, 2007, that ''Iran plays a harmful role in Iraq. While claiming to support Iraq in its transition, Iran has actively undermined it by providing lethal capabilities to the enemies of the Iraqi state''.

(3) The most recent National Intelligence Estimate on Iraq, published in August 2007, states that ''Iran has been intensifying aspects of its lethal support for select groups of Iraqi Shia militants, particularly the JAM [Jaysh al-Mahdi], since at least the beginning of 2006. Explosively formed penetrator (EFP) attacks have risen dramatically''.

(4) The Report of the Independent Commission on the Security Forces of Iraq, released on September 6, 2007, states that ''[t]he Commission concludes that the evidence of Iran's increasing activism in the southeastern part of the country, including Basra and Diyala provinces, is compelling... It is an accepted fact that most of the sophisticated weapons being used to 'defeat' our armor protection comes across the border from Iran with relative impunity''.

(5) General (Ret.) James Jones, chairman of the Independent Commission on the Security

Forces of Iraq, stated in testimony before the Committee on Armed Services of the Senate on September 6, 2007, that ''[w]e judge that the goings-on across the Iranian border in particular are of extreme severity and have the potential of at least delaying our efforts inside the country. Many of the arms and weapons that kill and maim our soldiers are coming from across the Iranian border''.

(6) Ambassador Crocker further testified before Congress on September 11, 2007, with respect to talks with Iran, That ''I think that it's an option that we want to preserve. Our first couple of rounds did not produce anything. I don't think that we should either, therefore, be in a big hurry to have another round, nor do I think we should say we're not going to talk anymore... I do believe it's important to keep the option for further discussions on the table.''

(7) Secretary of Defense Robert Gates stated on September 16, 2007, That ''I think that the administration believes at this point that continuing to try and deal with the Iranian threat, the Iranian challenge, through diplomatic and economic means is by far the preferable approach. That's the one we are using ... we always say all options are on the table, but clearly, the diplomatic and economic approach is the one that we are pursuing.''

(8) General Petraeus said of Iranian support for extremist activity in Iraq on April 26, 2007, that ''[w]e know that it goes as high as [Brig. Gen. Qassem] Suleimani, who is the head of the Qods Force... We believe that he works directly for the supreme leader of the country''.

(9) Mahmoud Ahmedinejad, the president of Iran, stated on August 28, 2007, with respect to the United States presence in Iraq, that ''[t]he political power of the occupiers is collapsing rapidly. Soon we will see a huge power vacuum in the region. Of course we are prepared to fill the gap''.

(10) Ambassador Crocker testified to Congress, with respect to President Ahmedinejad's statement, on September 11, 2007, that ''[t]he Iranian involvement in Iraq—its support for extremist militias, training, connections to Lebanese Hezbollah, provision of munitions that are used against our force as well as the Iraqis—are all, in my view, a pretty clear demonstration that Ahmedinejad means what he says, and is already trying to implement it to the best of his ability''.

(11) General Petraeus stated on September 12, 2007, with respect to evidence of the complicity of Iran in the murder of members of the Armed Forces of the United States in Iraq, that ''[t]e evidence is very, very clear. We captured it when we captured Qais Khazali, the Lebanese Hezbollah deputy commander, and others, and it's in black and white... We interrogated these individuals. We have on tape... Qais Khazali himself. When asked, could you have done what you have done without Iranian support, he literally throws up his hands and laughs and says, of course not... So they told us about the amounts of money that they have received. They told us about the training that they received. They told us about the ammunition and sophisticated weaponry and all of that that they received''.

(12) General Petraeus further stated on September 14, 2007, that ''[w]hat we have got is evidence. This is not intelligence. This is evidence, off computers that we captured, documents and so forth... In one case, a 22-page document that lays out the planning, reconnaissance, rehearsal, conduct, and aftermath of the operation conducted that resulted in the death of five of our soldiers in Karbala back in January''.

(13) The Department of Defense report to Congress entitled ''Measuring Stability and Security in Iraq'' and released on September 18, 2007, consistent with section 9010 of Public Law 109–289, states that ''[t]here has been no decrease in Iranian training and funding of illegal Shi'a militias in Iraq that attack Iraqi and Coalition forces and civilians... Tehran's support for these groups is one of the greatest impediments to progress on reconciliation''.

(14) The Department of Defense report further states, with respect to Iranian support for Shi'a extremist groups in Iraq, that ''[m]ost of the explosives and ammunition used by these groups are provided by the Iranian Islamic Revolutionary Guard Corps-Qods Force... For the period of June through the end of August, [explosively formed penetrator] events are projected to rise by 39 percent over the period of March through May''.

(15) Since May 2007, Ambassador Crocker has held three rounds of talks in Baghdad on Iraq security with representatives of the Government of the Islamic Republic of Iran.

(16) Ambassador Crocker testified before Congress on September 10, 2007, with respect to these talks, stating that ''I laid out the concerns we had over Iranian activity that was damaging to Iraq's security, but found no readiness on Iranians' side at all to engage seriously on these issues. The impression I came with after a couple rounds is that the Iranians were interested simply in the appearance of discussions, of being seen to be at the table with the U.S. as an arbiter of Iraq's present and future, rather than actually doing serious business. . . Right now, I haven't seen any sign of earnest or seriousness on the Iranian side''.

(17) Ambassador Crocker testified before Congress on September 11, 2007, stating that ''[w]e have seen nothing on the ground that would suggest that the Iranians are altering what they're doing in support of extremist elements that are going after our forces as well as the Iraqis''.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) that the manner in which the United States transitions and structures its military presence in Iraq will have critical long-term consequences for the future of the Persian Gulf and the Middle East, in particular with regard to the capability of the Government of the Islamic Republic of Iran to pose a threat to the security of the region, the prospects for democracy for the people of the region, and the health of the global economy;

(2) that it is a critical national interest of the United States to prevent the Government of the Islamic Republic of Iran from turning Shi'a militia extremists in Iraq into a Hezbollah-like force that could serve its interests inside Iraq, including by overwhelming, subverting, or co-opting institutions of the legitimate Government of Iraq;

(3) that the United States should designate Iran's Islamic Revolutionary Guards Corps as a foreign terrorist organization under section 219 of the Immigration and Nationality Act and place the Islamic Revolutionary Guards Corps on the list of Specially Designated Global Terrorists, as established under the International Emergency Economic Powers Act and initiated under Executive Order 13224; and

(4) that the Department of the Treasury should act with all possible expediency to complete the listing of those entities targeted under United Nations Security Council Resolutions 1737 and 1747 adopted unanimously on December 23, 2006 and March 24, 2007, respectively.

SEC. 1539. STUDY AND INVESTIGATION OF WARTIME CONTRACTS AND CONTRACTING PROCESSES IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) COMMISSION ON WARTIME CONTRACTING.—

(1) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Wartime Contracting'' (in this subsection referred to as the ''Commission'').

(2) MEMBERSHIP MATTERS.—

(A) MEMBERSHIP.—The Commission shall be composed of 8 members, as follows:

(i) 2 members shall be appointed by the Majority Leader of the Senate, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(ii) 2 members shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairmen of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(iii) 1 member shall be appointed by the Minority Leader of the Senate, in consultation with the Ranking Minority Members of the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(iv) 1 member shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Ranking Minority Member of the Committee on Armed Services and the Committee on Oversight and Government Reform of the House of Representatives.

(v) 1 member shall be appointed by the Secretary of Defense.

(vi) 1 member shall be appointed by the Secretary of State.

(B) DEADLINE FOR APPOINTMENTS.—All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(C) CHAIRMAN AND VICE CHAIRMAN.—

(i) CHAIRMAN.—The chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (i) and (ii) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(ii) VICE CHAIRMAN.—The vice chairman of the Commission shall be a member of the Commission selected by the members appointed under clauses (iii) and (iv) of subparagraph (A), but only if approved by the vote of a majority of the members of the Commission.

(D) VACANCY.—In the event of a vacancy in the Commission, the individual appointed to fill the membership shall be of the same political party as the individual vacating the membership.

(3) DUTIES.—

(A) GENERAL DUTIES.—The Commission shall study and investigate the following matters:

(i) Federal agency contracting for the reconstruction of Iraq and Afghanistan.

(ii) Federal agency contracting for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(iii) Federal agency contracting for the performance of security and intelligence functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(B) SCOPE OF CONTRACTING COVERED.—The Federal agency contracting covered by this paragraph includes contracts entered into both in the United States and abroad for the performance of activities described in subparagraph (A), whether performed in the United States or abroad.

(C) PARTICULAR DUTIES.—In carrying out the study under this paragraph, the Commission shall assess—

(i) the extent and impact of the reliance of the Federal Government on contractors to perform functions (including security, intelligence, and management functions) in Operation Iraqi Freedom and Operation Enduring Freedom;

(ii) the performance of the contracts under review, and the mechanisms used to manage the performance of the contracts under review;

(iii) the extent of waste, fraud, abuse, or mismanagement under such contracts;

(iv) the extent to which those responsible for such waste, fraud, abuse, or mismanagement have been held financially or legally accountable;

(v) the appropriateness of the organizational structure, policies, practices, and resources of the Department of Defense and the Department of State for handling contingency contract management and support; and

(vi) the extent of the misuse of force and violations of the laws of war or Federal law by contractors.

(4) REPORTS.—

(A) INTERIM REPORT.—On January 15, 2009, the Commission shall submit to Congress an interim report on the study carried out under paragraph (3), including the results and findings of the study as of that date.

(B) OTHER REPORTS.—The Commission may from time to time submit to Congress such other reports on the study carried out under paragraph (3) as the Commission considers appropriate.

(C) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under paragraph (2), the Commission shall submit to Congress a report on the study carried out under paragraph (3). The report shall—

(i) include the findings of the Commission;

(ii) identify lessons learned on the contracting covered by the study; and

(iii) include specific recommendations for improvements to be made in—

(I) the process for developing contract requirements for wartime contracts and contracts for contingency operations;

(II) the process for awarding contracts and task orders for wartime contracts and contracts for contingency operations;

(III) the process for managing and providing oversight for the performance of wartime contracts and contracts for contingency operations;

(IV) the process for holding contractors and their employees accountable for waste, fraud, abuse, or mismanagement under wartime contracts and contracts for contingency operations;

(V) the process for determining which functions are inherently governmental and which functions are appropriate for performance by contractors in an area of combat operations (including an area of a contingency operation), including a determination whether the use of civilian contractors to provide security in an area of combat operations is a function that is inherently governmental;

(VI) the organizational structure, resources, policies, and practices of the Department of Defense and the Department of State handling contract management and support for wartime contracts and contracts for contingency operations; and

(VII) the process by which roles and responsibilities with respect to wartime contracts and contracts for contingency operations are distributed among the various departments and agencies of the Federal Government, and interagency coordination and communication mechanisms associated with wartime contracts and contracts for contingency operations.

(5) OTHER POWERS AND AUTHORITIES.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subsection—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths (provided that the quorum for a hearing shall be three members of the Commission); and

(ii) provide for the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(B) INABILITY TO OBTAIN DOCUMENTS OR TESTIMONY.—In the event the Commission is unable to obtain testimony or documents needed to conduct its work, the Commission shall notify the committees of Congress of jurisdiction and appropriate investigative authorities.

(C) ACCESS TO INFORMATION.—The Commission may secure directly from the Department of Defense and any other department or agency of the Federal Government any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this subsection. Upon request of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(D) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this subsection.

(E) DETAILEES.—Any employee of the Federal Government may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(F) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(G) VIOLATIONS OF LAW.—

(i) REFERRAL TO ATTORNEY GENERAL.—The Commission may refer to the Attorney General any violation or potential violation of law identified by the Commission in carrying out its duties under this subsection.

(ii) REPORTS ON RESULTS OF REFERRAL.—The Attorney General shall submit to Congress a report on each prosecution, conviction, resolution, or other disposition that results from a referral made under this subparagraph.

(6) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date of the submittal of its final report under paragraph (4)(C).

(7) CONTINGENCY OPERATION DEFINED.—In this subsection, the term ''contingency operation'' has the meaning given that term in section 101 of title 10, United States Code.

(b) INVESTIGATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT.—

(1) IN GENERAL.—The Special Inspector General for Iraq Reconstruction shall, in collaboration with the Inspector General of the Department of Defense, the Inspector General of the Department of State, and the Inspector General of the United States Agency for International Development, conduct a series of audits to identify potential waste, fraud, abuse, or mismanagement in the performance of—

(A) Department of Defense contracts and subcontracts for the logistical support of coalition forces in Operation Iraqi Freedom and Operation Enduring Freedom; and

(B) Federal agency contracts and subcontracts for the performance of security and reconstruction functions in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) SCOPE OF AUDITS OF CONTRACTS.—Each audit conducted pursuant to paragraph (1)(A) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which requirements were developed.

(B) The procedures under which the contract or task order was awarded.

(C) The terms and conditions of the contract or task order.

(D) The contractor's staffing and method of performance, including cost controls.

(E) The efficacy of Department of Defense management and oversight, Department of State management and oversight, and United States Agency for International Development management and oversight, including the adequacy of staffing and training of officials responsible for such management and oversight.

(F) The flow of information from the contractor to officials responsible for contract management and oversight.

(3) SCOPE OF AUDITS OF OTHER CONTRACTS.—Each audit conducted pursuant to paragraph (1)(B) shall focus on a specific contract, task order, or site of performance under a contract or task order and shall examine, at a minimum, one or more of the following issues:

(A) The manner in which the requirements were developed and the contract or task order was awarded.

(B) The manner in which the Federal agency exercised control over the contractor's performance.

(C) The extent to which operational field commanders are able to coordinate or direct the contractor's performance in an area of combat operations.

(D) The extent to which the functions performed were appropriate for performance by a contractor.

(E) The degree to which contractor employees were properly screened, selected, trained, and equipped for the functions to be performed.

(F) The nature and extent of any incidents of misconduct or unlawful activity by contractor employees.

(G) The extent to which any incidents of misconduct or unlawful activity were reported, documented, investigated, and (where appropriate) prosecuted.

(4) CONTINUATION OF SPECIAL INSPECTOR GENERAL.—

(A) IN GENERAL.—Notwithstanding section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 5 U.S.C. App. 8G note), the Office of the Special Inspector General for Iraq Reconstruction shall not terminate until the date that is 60 days after the date of the submittal under paragraph (4)(C) of subsection (a) of the final report of the Commission on Wartime Contracting established by subsection (a).

(B) REAFFIRMATION OF CERTAIN DUTIES AND RESPONSIBILITIES.—Congress reaffirms that the Special Inspector General for Iraq Reconstruction retains the duties and responsibilities in sections 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4; relating to reports of criminal violations to the Attorney General) and section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5; relating to reports to Congress) as expressly provided in subsections (f)(3) and (i)(3), respectively, of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be required to carry out the provisions of this section.

SEC. 1540. MODIFICATION OF AUTHORITIES RELATED TO THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.

(a) TERMINATION DATE.—Subsection (o)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397), section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), and section 3801 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 147) is amended to read as follows:

''(1) The Office of the Inspector General shall terminate 90 days after the balance of funds appropriated or otherwise made available for the reconstruction of Iraq is less than $250,000,000.''.

(b) JURISDICTION OVER RECONSTRUCTION FUNDS.—Such section is further amended by adding at the end the following new subsection:

''(p) RULE OF CONSTRUCTION.—For purposes of carrying out the duties of the Special Inspector General for Iraq Reconstruction, any United States funds appropriated or otherwise made available for fiscal years 2006 through 2008 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.''.

(c) HIRING AUTHORITY.—Subsection (h)(1) of such section is amended by inserting after ''pay rates'' the following: '', and may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of such section)''.

SEC. 1541. TRACKING AND MONITORING OF DEFENSE ARTICLES PROVIDED TO THE GOVERNMENT OF IRAQ AND OTHER INDIVIDUALS AND GROUPS IN IRAQ.

(a) EXPORT AND TRANSFER CONTROL POLICY.—The President, in coordination with the Secretary of State and the Secretary of Defense, shall implement a policy to control the export and transfer of defense articles into Iraq, including implementation of the registration and monitoring system under subsection (c).

(b) REQUIREMENT TO IMPLEMENT CONTROL SYSTEM.—Notwithstanding any other provision of law, no defense articles may be provided to the Government of Iraq or any other group, organization, citizen, or resident of Iraq until the Secretary of State certifies that a registration and monitoring system meeting the requirements set forth in subsection (c) has been established.

(c) REGISTRATION AND MONITORING SYSTEM.—The registration and monitoring system required under this section shall include—

(1) the registration of the serial numbers of all small arms provided to the Government of Iraq or to other groups, organizations, citizens, or residents of Iraq;

(2) a program of enhanced end-use monitoring of all lethal defense articles provided to such entities or individuals; and

(3) a detailed record of the origin, shipping, and distribution of all defense articles transferred under the Iraq Security Forces Fund or any other security assistance program to such entities or individuals in Iraq.

(d) REVIEW.—The President shall periodically review the items subject to the registration and monitoring requirements under subsection (c) to determine what items, if any, no longer warrant export controls under such subsection. The results of such reviews shall be reported to the Speaker of the House of Representatives and to the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Banking, Housing, and Urban Affairs of the Senate. The President may not exempt any item from such requirements until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations and the Committee on Armed Services of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1). Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.

(e) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term ''defense article'' has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403)(d)).

(2) SMALL ARMS.—The term ''small arms'' means—

(A) handguns;

(B) shoulder-fired weapons;

(C) light automatic weapons up to and including .50 caliber machine guns;

(D) recoilless rifles up to and including 106mm;

(E) mortars up to and including 81mm;

(F) rocket launchers, man-portable;

(G) grenade launchers, rifle and shoulder fired; and

(H) individually operated weapons which are portable or can be fired without special mounts or firing devices and which have potential use in civil disturbances and are vulnerable to theft.

(f) EFFECTIVE DATE.—This section shall take effect 90 days after the date of the enactment of this Act, unless the President certifies in writing to Congress that it is in the vital interest of the United States to delay the effective date of this section by an additional period of up to 90 days, including an explanation of such vital interest, in which case the section shall take effect on such later effective date.

SEC. 1542. SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

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

(1) A democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism.

(2) Since the fall of the Taliban, the United States has provided Afghanistan with over $20,000,000,000 in reconstruction and security assistance. However, repeated and documented incidents of waste, fraud, and abuse in the utilization of these funds have undermined reconstruction efforts.

(3) There is a stronger need for vigorous oversight of spending by the United States on reconstruction programs and projects in Afghanistan.

(4) The Government Accountability Office (GAO) and departmental Inspectors General provide valuable information on such activities.

(5) The congressional oversight process requires more timely reporting of reconstruction activities in Afghanistan that encompasses the efforts of the Department of State, the Department of Defense, and the United States Agency for International Development and highlights specific acts of waste, fraud, and abuse.

(6) One example of such successful reporting is provided by the Special Inspector General for Iraq Reconstruction (SIGIR), which has met this objective in the case of Iraq.

(7) The establishment of a Special Inspector General for Afghanistan Reconstruction (SIGAR) position using SIGIR as a model will help achieve this objective in Afghanistan. This position will help Congress and the American people to better understand the challenges facing United States programs and projects in that crucial country.

(8) It is a priority for Congress to establish a Special Inspector General for Afghanistan position with similar responsibilities and duties as the Special Inspector General for Iraq Reconstruction. This new position will monitor United States assistance to Afghanistan in the civilian and security sectors, undertaking efforts similar to those of the Special Inspector General for Iraq Reconstruction.

(b) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for Afghanistan Reconstruction.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) APPOINTMENT.—The head of the Office of the Special Inspector General for Afghanistan Reconstruction is the Special Inspector General for Afghanistan Reconstruction (in this section referred to as the ''Inspector General''), who shall be appointed by the President. The President may appoint the Special Inspector General for Iraq Reconstruction to serve as the Special Inspector General for Afghanistan Reconstruction, in which case the Special Inspector General for Iraq Reconstruction shall have all of the duties, responsibilities, and authorities set forth under this section with respect to such appointed position for the purpose of carrying out this section.

(2) QUALIFICATIONS.—The appointment of the Inspector General shall be made solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) DEADLINE FOR APPOINTMENT.—The nomination of an individual as Inspector General shall be made not later than 30 days after the date of the enactment of this Act.

(4) REMOVAL.—The Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) PROHIBITION ON POLITICAL ACTIVITIES.—For purposes of section 7324 of title 5, United States Code, the Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) COMPENSATION.—The annual rate of basic pay of the Inspector General shall be the annual rate of basic pay provided for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) SUPERVISION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(e) DUTIES.—

(1) OVERSIGHT OF AFGHANISTAN RECONSTRUCTION.—It shall be the duty of the Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of appropriated funds by the United States Government, and of the programs, operations, and contracts carried out utilizing such funds in Afghanistan in order to prevent and detect waste, fraud, and abuse, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of reconstruction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among the departments, agencies, and entities of the United States Government, and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds;

(F) the monitoring and review of the effectiveness of United States coordination with the Government of Afghanistan and other donor countries in the implementation of the Afghanistan Compact and the Afghanistan National Development Strategy and the efficient utilization of funds for economic reconstruction, social and political development, and security assistance; and

(G) the investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Inspector General considers appropriate to discharge the duties under paragraph (1).

(3) DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In addition to

the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(4) COORDINATION OF EFFORTS.—In carrying out the duties, and responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

(A) The Inspector General of the Department of State.

(B) The Inspector General of the Department of Defense.

(C) The Inspector General of the United States Agency for International Development.

(f) POWERS AND AUTHORITIES.—

(1) AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.—In carrying out the duties specified in subsection (e), the Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) AUDIT STANDARDS.—The Inspector General shall carry out the duties specified in subsection (e)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(g) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4) RESOURCES.—The Secretary of State shall provide the Inspector General with appropriate and adequate office space at appropriate United States Government locations in Afghanistan, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein. The Secretary of State shall not charge the Inspector General or employees of the Office of the Inspector General for Afghanistan Reconstruction for International Cooperative Administrative Support Services.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Inspector General, or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Inspector General is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary of Defense and the Secretary of State and the appropriate committees of Congress without delay.

(h) REPORTS.—

(1) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate congressional committees a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General, including a summary of lessons learned, and summarizing the activities under programs and operations funded with amounts appropriated or otherwise made available for the reconstruction of Afghanistan. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues of the United States Government associated with reconstruction and rehabilitation activities in Afghanistan, including the following information:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for the reconstruction of Afghanistan, together with the estimate of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects funded by the United States Government, and any obligations or expenditures of such revenues.

(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the reconstruction of Afghanistan.

(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the United States Government entity or entities involved in the contract or grant identified, and solicited offers from, potential contractors or grantees to perform the contract or grant, together with a list of the potential contractors or grantees that were issued solicitations for the offers;

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition; and

(v) a description of any previous instances of wasteful and fraudulent activities in Afghanistan by current or potential contractors, subcontractors, or grantees and whether and how they were held accountable.

(G) A description of any potential unethical or illegal actions taken by Federal employees, contractors, or affiliated entities in the course of reconstruction efforts.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by the United States Government with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Afghanistan.

(B) To establish or reestablish a political or societal institution of Afghanistan.

(C) To provide products or services to the people of Afghanistan.

(3) SEMIANNUAL REPORT.—Not later than December 31, 2007, and semiannually thereafter, the Inspector General shall submit to the appropriate congressional committees a report meeting the requirements of section 5 of the Inspector General Act of 1978.

(4) PUBLIC TRANSPARENCY.—The Inspector General shall post each report required under this subsection on a public and searchable website not later than 7 days after the Inspector General submits the report to the appropriate congressional committees.

(5) LANGUAGES.—The Inspector General shall publish on a publicly available Internet website each report under this subsection in English and other languages that the Inspector General determines are widely used and understood in Afghanistan.

(6) FORM.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex as the Inspector General determines necessary.

(7) LIMITATION ON PUBLIC DISCLOSURE OF CERTAIN INFORMATION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(i) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (3) of subsection (h) for the inclusion in a report under such paragraph of any element otherwise provided for under such paragraph if the President determines that the waiver is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register not later than the date on which the report required under paragraph (1) or (3) of subsection (h) is submitted to the appropriate congressional committees. The report shall specify whether waivers under this subsection were made and with respect to which elements.

(j) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE RECONSTRUCTION OF AFGHANISTAN.—The term ''amounts appropriated or otherwise made available for the reconstruction of Afghanistan'' means—

(A) amounts appropriated or otherwise made available for any fiscal year—

(i) to the Afghanistan Security Forces Fund;

(ii) to the program to assist the people of Afghanistan established under section 1202(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455); and

(iii) to the Department of Defense for assistance for the reconstruction of Afghanistan under any other provision of law; and

(B) amounts appropriated or otherwise made available for any fiscal year for Afghanistan reconstruction under the following headings or for the following purposes:

(i) Operating Expenses of the United States Agency for International Development.

(ii) Economic Support Fund.

(iii) International Narcotics Control and Law Enforcement.

(iv) International Affairs Technical Assistance.

(v) Peacekeeping Operations.

(vi) Diplomatic and Consular Programs.

(vii) Embassy Security, Construction, and Maintenance.

(viii) Child Survival and Health.

(ix) Development Assistance.

(x) International Military Education and Training.

(xi) Nonproliferation, Anti-terrorism, Demining and Related Programs.

(xii) Public Law 480 Title II Grants.

(xiii) International Disaster and Famine Assistance.

(xiv) Migration and Refugee Assistance.

(xv) Operations of the Drug Enforcement Agency.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committees on Appropriations, Armed Services, Foreign Relations, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, Foreign Affairs, and Homeland Security of the House of Representatives.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(k) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated $20,000,000 for fiscal year 2008 to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by section 1512 for the Afghanistan Security Forces Fund is hereby reduced by $20,000,000.

(l) TERMINATION.—

(1) IN GENERAL.—The Office of the Special Inspector General for Afghanistan Reconstruction shall terminate on September 30, 2010, with transition operations authorized to continue until December 31, 2010.

(2) FINAL ACCOUNTABILITY REPORT.—The Inspector General shall, prior to the termination of the Office of the Special Inspector General for Afghanistan Reconstruction under paragraph (1), prepare and submit to the appropriate congressional committees a final accountability report on all referrals for the investigation of any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities made to the Department of Justice or any other United States law enforcement entity to ensure further investigations, prosecutions, or remedies.

SEC. 1543. IMPROVISED EXPLOSIVE DEVICE PROTECTION FOR MILITARY VEHICLES.

Procurement of Additional Mine Resistant Ambush Protected Vehicles.—

(1) ADDITIONAL AMOUNT FOR ARMY OTHER PROCUREMENT.—The amount authorized to be appropriated by section 1501(5) for other procurement for the Army is hereby increased by $23,600,000,000.

(2) AVAILABILITY FOR PROCUREMENT OF ADDITIONAL MRAP VEHICLES.—Of the amount authorized to be appropriated by section 1501(5) for other procurement for the Army, as increased by paragraph (1), $23,600,000,000 may be available for the procurement of 15,200 Mine Resistant Ambush Protected (MRAP) Vehicles.

SEC. 1544. SENSE OF CONGRESS ON THE CAPTURE OF OSAMA BIN LADEN AND THE AL QAEDA LEADERSHIP.

It is the Sense of Congress that it should be the policy of the United States Government that the foremost objective of United States counterterrorist operations is to protect United States persons and property from terrorist attacks by capturing or killing Osama bin Laden, Ayman al-Zawahiri, and other leaders of al Qaeda and destroying the al Qaeda network.

Subtitle D—Iraq Refugee Crisis

SEC. 1571. SHORT TITLE.

This subtitle may be cited as the ''Refugee Crisis in Iraq Act''.

SEC. 1572. PROCESSING MECHANISMS.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Homeland Security, shall establish or use existing refugee processing mechanisms in Iraq and in countries, where appropriate, in the region in which—

(1) aliens described in section 1573 may apply and interview for admission to the United States as refugees; and

(2) aliens described in section 1574(b) may apply and interview for admission to United States as special immigrants.

(b) SUSPENSION.—The Secretary of State, in consultation with the Secretary of Homeland Security, may suspend in-country processing for a period not to exceed 90 days. Such suspension may be extended by the Secretary of State upon notification to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives. The Secretary of State shall submit a report to the Committees of jurisdiction outlining the basis of such suspension and any extensions.

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report that contains the plans and assessment described in paragraph (2) to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) describe the Secretary's plans to establish the processing mechanisms described in subsection (a);

(B) contain an assessment of in-country processing that makes use of videoconferencing; and

(C) describe the Secretary of State's diplomatic efforts to improve issuance of entry and exit visas or permits to United States personnel and refugees.

SEC. 1573. UNITED STATES REFUGEE PROGRAM PROCESSING PRIORITIES.

(a) IN GENERAL.—Refugees of special humanitarian concern eligible for Priority 2 processing under the refugee resettlement priority system who may apply directly to the United States Admission Program shall include—

(1) Iraqis who were or are employed by, or worked for the United States Government, in Iraq;

(2) Iraqis who establish to the satisfaction of the Secretary of State in coordination with the Secretary of Homeland Security that they are or were employed in Iraq by—

(A) a media or nongovernmental organization headquartered in the United States; or

(B) an organization or entity closely associated with the United States mission in Iraq that has received United States Government funding through an official and documented contract, award, grant, or cooperative agreement; and

(3) spouses, children, and parents who are not accompanying or following to join and sons, daughters, and siblings of aliens described in paragraph (1) or section 1574(b)(1); and

(4) Iraqis who are members of a religious or minority community, have been identified by the Department of State with the concurrence of the Department of Homeland Security as a persecuted group, and have close family members (as described in section 201(b)(2)(A)(i) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i) and 1153(a))) in the United States.

(b) IDENTIFICATION OF OTHER PERSECUTED GROUPS.—The Secretary of State and the Secretary of Homeland Security are authorized to identify other Priority 2 groups in Iraq.

(c) INELIGIBLE ORGANIZATIONS AND ENTITIES.—Organizations and entities described in section 1573 shall not include any that appear on the Department of the Treasury's list of Specially Designated Nationals or any entity specifically excluded by the Secretary of Homeland Security, after consultation with the Department of State and relevant intelligence agencies.

(d) Aliens under this section who qualify for Priority 2 processing must meet the requirements of section 207 of the Immigration and Nationality Act.

SEC. 1574. SPECIAL IMMIGRANT STATUS FOR CERTAIN IRAQIS.

(a) IN GENERAL.—Subject to subsection (c)(1) and notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) or an agent acting on behalf of the alien, submits to the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(6)(4));

(2) is otherwise eligible to receive an immigrant visa;

(3) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(4) cleared a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if the alien—

(A) is a national of Iraq;

(B) was or is employed by, or worked for the United States Government in Iraq, in or after 2003, for a period of not less than 1 year;

(C) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation from the employee's senior supervisor. Such evaluation or recommendation must be accompanied by approval from the Chief of Mission or his designee who shall conduct a risk assessment of the alien and an independent review of records maintained by the hiring organization or entity to confirm employment and faithful and valuable service prior to approval of a petition under this section; and

(D) has experienced or is experiencing an ongoing serious threat as a consequence of their employment by the United States Government.

(2) SPOUSES AND CHILDREN.—An alien is described in this subsection if the alien is—

(A) the spouse or child of a principal alien described in paragraph (1); and

(B) is accompanying or following to join the principal alien in the United States.

(3) TREATMENT OF SURVIVING SPOUSE OR CHILD.—An alien shall also fall within subsection (b) of section 1574 of this Act, if—

(1) the alien was the spouse or child of a principal alien who had an approved petition with the Secretary of Homeland Security or the Secretary of State pursuant to section 1574 of this Act or section 1059 of the National Defense Authorization Act for the Fiscal Year 2006, Public Law 109–163, as amended by Public Law 110–36, which included the alien as an accompanying spouse or child; and

(2) due to the death of the petitioning alien, such petition was revoked or terminated (or otherwise rendered null) after its approval.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed 5,000 per year for each of the 5 fiscal years beginning after the date of the enactment of this Act. The authority provided by subsection (a) of this section shall expire on September 30 of the fiscal year that is the fifth fiscal year beginning after the date of enactment of this Act.

(2) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this section shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(3) CARRY FORWARD.—If the numerical limitation under paragraph (1) is not reached during a given fiscal year, the numerical limitation under paragraph for the following fiscal year shall be increased by a number equal to the difference between—

(A) the number of visas authorized under paragraph (1) for the given fiscal year; and

(B) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(d) VISA AND PASSPORT ISSUANCE AND FEES.—Neither the Secretary of State nor the Secretary of Homeland Security may charge an alien described in subsection (b) any fee in connection with an application for, or issuance of, a special immigrant visa. The Secretary of State shall make a reasonable effort to ensure that aliens described in this section who are issued special immigrant visas are provided with the appropriate series Iraqi passport necessary to enter the United States.

(e) PROTECTION OF ALIENS.—The Secretary of State, in consultation with other relevant Federal agencies, shall make a reasonable effort to provide an alien described in this section who is applying for a special immigrant visa with protection or the immediate removal from Iraq, if possible, of such alien if the Secretary determines after consultation that such alien is in imminent danger.

(f) DEFINITIONS.—The terms defined in this Act shall have the same meaning as those terms in the Immigration and Nationality Act.

(g) SAVINGS PROVISION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

SEC. 1575. MINISTER COUNSELORS FOR IRAQI REFUGEES AND INTERNALLY DISPLACED PERSONS.

(a) IN GENERAL.—The Secretary of State shall establish in the embassy of the United States located in Baghdad, Iraq, a Minister Counselor for Iraqi Refugees and Internally Displaced Persons (referred to in this section as the ''Minister Counselor for Iraq'').

(b) DUTIES.—The Minister Counselor for Iraq shall be responsible for the oversight of processing for resettlement of persons considered Priority 2 refugees of special humanitarian concern, special immigrant visa programs in Iraq, and the development and implementation of other appropriate policies and programs concerning Iraqi refugees and internally displaced persons. The Minister Counselor for Iraq shall have the authority to refer persons to the United States refugee resettlement program.

(c) DESIGNATION OF MINISTER COUNSELORS.—The Secretary of State shall designate in the embassies of the United States located in Cairo, Egypt; Amman, Jordan; Damascus, Syria; and Beirut, Lebanon a Minister Counselor to oversee resettlement to the United States of persons considered Priority 2 refugees of special humanitarian concern in those countries to ensure their applications to the United States refugee resettlement program are processed in an orderly manner and without delay.

SEC. 1576. COUNTRIES WITH SIGNIFICANT POPULATIONS OF DISPLACED IRAQIS.

(a) IN GENERAL.—With respect to each country with a significant population of displaced Iraqis, including Iraq, Jordan, Egypt, Syria, Turkey, and Lebanon, the Secretary of State shall—

(1) as appropriate, consult with other countries regarding resettlement of the most vulnerable members of such refugee populations; and

(2) as appropriate, except where otherwise prohibited by the laws of the United States, develop mechanisms in and provide assistance to countries with a significant population of displaced Iraqis to ensure the well-being and safety of such populations in their host environments.

(b) NUMERICAL LIMITATIONS.—In determining the number of Iraqi refugees who should be resettled in the United States under sections (a) and (b) of section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the President shall consult nongovernmental organizations that have a presence in Iraq or experience in assessing the problems faced by Iraqi refugees.

(c) ELIGIBILITY FOR ADMISSION AS REFUGEE.—No alien shall be denied the opportunity to apply for admission under this section solely because such alien qualifies as an immediate relative or is eligible for classification as a special immigrant.

SEC. 1577. DENIAL OR TERMINATION OF ASYLUM.

(a) MOTION TO REOPEN.—Section 208(b) of the Immigration and Nationality Act is amended by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—An applicant for asylum or withholding of removal, whose claim was denied by an immigration judge solely on the basis of changed country conditions on or after March 1, 2003, may file a motion to reopen his or her claim not later than 6 months after the date of the enactment of the Refugee Crisis in Iraq Act if the applicant—

''(A) is a national of Iraq; and

''(B) remained in the United States on such date of enactment.''.

(b) PROCEDURE.—A motion filed under this section shall be made in accordance with section 240(c)(7)(A) and (B) of the Immigration and Nationality Act.

SEC. 1578. REPORTS.

(a) SECRETARY OF HOMELAND SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report containing plans to expedite the processing of Iraqi refugees for resettlement to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on the Judiciary of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) detail the plans of the Secretary for expediting the processing of Iraqi refugees for resettlement including through temporary expansion of the Refugee Corps of United States Citizenship and Immigration Services;

(B) describe the plans of the Secretary for increasing the number of Department of Homeland Security personnel devoted to refugee processing in the noted regions;

(C) describe the plans of the Secretary for enhancing existing systems for conducting background and security checks of persons applying for Special Immigrant Visas and of persons considered Priority 2 refugees of special humanitarian concern under this subtitle, which enhancements shall support immigration security and provide for the orderly processing of such applications without delay; and

(D) detail the projections of the Secretary, per country and per month, for the number of refugee interviews that will be conducted in fiscal year 2008 and fiscal year 2009.

(b) PRESIDENT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress an unclassified report, with a classified annex if necessary, which includes—

(1) an assessment of the financial, security, and personnel considerations and resources necessary to carry out the provisions of this subtitle;

(2) the number of aliens described in section 1573(1);

(3) the number of such aliens who have applied for special immigrant visas;

(4) the date of such applications; and

(5) in the case of applications pending for more than 6 months, the reasons that visas have not been expeditiously processed.

(c) REPORT ON IRAQI NATIONALS EMPLOYED BY THE UNITED STATES GOVERNMENT AND FEDERAL CONTRACTORS IN IRAQ.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security shall—

(A) review internal records and databases of their respective agencies for information that can be used to verify employment of Iraqi nationals by the United States Government; and

(B) solicit from each prime contractor or grantee that has performed work in Iraq since March 2003 under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of $25,000 information that can be used to verify the employment of Iraqi nationals by such contractor or grantee.

(2) INFORMATION REQUIRED.—To the extent data is available, the information referred to in paragraph (1) shall include the name and dates of employment of, biometric data for, and other data that can be used to verify the employment of, each Iraqi national that has performed work in Iraq since March 2003 under a contract, grant, or cooperative agreement with an executive agency.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term ''executive agency'' has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(d) REPORT ON ESTABLISHMENT OF DATABASE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of the Treasury, and the Secretary of Homeland Security, shall submit to Congress a report examining the options for establishing a unified, classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Iraq since March 2003, including the information described and collected under subsection (c), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(e) NONCOMPLIANCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit a report to Congress that describes—

(1) the inability or unwillingness of any contractors or grantees to provide the information requested under subsection (c); and

(2) the reasons for failing to provide such information.

SEC. 1579. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

TITLE XVI—WOUNDED WARRIOR MATTERS

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Dignified Treatment of Wounded Warriors Act''.

SEC. 1602. GENERAL DEFINITIONS.

In this title:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and Veterans' Affairs of the Senate; and

(B) the Committees on Armed Services and Veterans' Affairs of the House of Representatives.

(2) The term ''covered member of the Armed Forces'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list for a serious injury or illness.

(3) The term ''family member'', with respect to a member of the Armed Forces or a veteran, has the meaning given that term in section 411h(b) of title 37, United States Code.

(4) The term ''medical hold or medical holdover status'' means—

(A) the status of a member of the Armed Forces, including a member of the National Guard or Reserve, assigned or attached to a military hospital for medical care; and

(B) the status of a member of a reserve component of the Armed Forces who is separated,

whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

(5) The term ''serious injury or illness'', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

(6) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

Subtitle A—Policy on Care, Management, and Transition of Servicemembers With Serious Injuries or Illnesses

SEC. 1611. COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF MEMBERS OF THE ARMED FORCES WITH SERIOUS INJURIES OR ILLNESSES.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent feasible, jointly develop and implement a comprehensive policy on the care and management of members of the Armed Forces who are undergoing medical treatment, recuperation, or therapy, are otherwise in medical hold or medical holdover status, or are otherwise on the temporary disability retired list for a serious injury or illness (hereafter in this section referred to as a ''covered servicemembers'').

(2) SCOPE OF POLICY.—The policy shall cover each of the following:

(A) The care and management of covered servicemembers while in medical hold or medical holdover status or on the temporary disability retired list.

(B) The medical evaluation and disability evaluation of covered servicemembers.

(C) The return of covered servicemembers to active duty when appropriate.

(D) The transition of covered servicemembers from receipt of care and services through the Department of Defense to receipt of care and services through the Department of Veterans Affairs.

(3) CONSULTATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall develop the policy in consultation with the heads of other appropriate departments and agencies of the Federal Government and with appropriate non-governmental organizations having an expertise in matters relating to the policy.

(4) UPDATE.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly update the policy on a periodic basis, but not less often than annually, in order to incorporate in the policy, as appropriate, the results of the reviews under subsections (b) and (c) and the best practices identified through pilot programs under section 1654.

(b) REVIEW OF CURRENT POLICIES AND PROCEDURES.—

(1) REVIEW REQUIRED.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent necessary, jointly and separately conduct a review of all policies and procedures of the Department of Defense and the Department of Veterans Affairs that apply to, or shall be covered by, the policy.

(2) PURPOSE.—The purpose of the review shall be to identify the most effective and patient-oriented approaches to care and management of covered servicemembers for purposes of—

(A) incorporating such approaches into the policy; and

(B) extending such approaches, where applicable, to care and management of other injured or ill members of the Armed Forces and veterans.

(3) ELEMENTS.—In conducting the review, the Secretary of Defense and the Secretary of Veterans Affairs shall—

(A) identify among the policies and procedures described in paragraph (1) best practices in approaches to the care and management described in that paragraph;

(B) identify among such policies and procedures existing and potential shortfalls in such care and management (including care and management of covered servicemembers on the temporary disability retired list), and determine means of addressing any shortfalls so identified;

(C) determine potential modifications of such policies and procedures in order to ensure consistency and uniformity among the military departments and the regions of the Department of Veterans Affairs in their application and discharge; and

(D) develop recommendations for legislative and administrative action necessary to implement the results of the review.

(4) DEADLINE FOR COMPLETION.—The review shall be completed not later than 90 days after the date of the enactment of this Act.

(c) CONSIDERATION OF FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the policy required by this section, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account the following:

(1) The findings and recommendations of applicable studies, reviews, reports, and evaluations that address matters relating to the policy, including, but not limited, to the following:

(A) The Independent Review Group on Rehabilitative Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center appointed by the Secretary of Defense.

(B) The Secretary of Veterans Affairs Task Force on Returning Global War on Terror Heroes appointed by the President.

(C) The President's Commission on Care for America's Returning Wounded Warriors.

(D) The Veterans' Disability Benefits Commission established by title XV of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1676; 38 U.S.C. 1101 note).

(E) The President's Commission on Veterans' Pensions, of 1956, chaired by General Omar N. Bradley.

(F) The Report of the Congressional Commission on Servicemembers and Veterans Transition Assistance, of 1999, chaired by Anthony J. Principi.

(G) The President's Task Force to Improve Health Care Delivery for Our Nation's Veterans, of March 2003.

(2) The experience and best practices of the Department of Defense and the military departments on matters relating to the policy.

(3) The experience and best practices of the Department of Veterans Affairs on matters relating to the policy.

(4) Such other matters as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(d) PARTICULAR ELEMENTS OF POLICY.—The policy required by this section shall provide, in particular, the following:

(1) RESPONSIBILITY FOR COVERED SERVICEMEMBERS IN MEDICAL HOLD OR MEDICAL HOLDOVER STATUS OR ON TEMPORARY DISABILITY RETIRED LIST.—Mechanisms to ensure responsibility for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including the following:

(A) Uniform standards for access of covered servicemembers to non-urgent health care services from the Department of Defense or other providers under the TRICARE program, with such access to be—

(i) for follow-up care, within 2 days of request of care;

(ii) for specialty care, within 3 days of request of care;

(iii) for diagnostic referrals and studies, within 5 days of request; and

(iv) for surgery based on a physician's determination of medical necessity, within 14 days of request.

(B) Requirements for the assignment of adequate numbers of personnel for the purpose of responsibility for and administration of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(C) Requirements for the assignment of adequate numbers of medical personnel and nonmedical personnel to roles and responsibilities for caring for and administering covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, and a description of the roles and responsibilities of personnel so assigned.

(D) Guidelines for the location of care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, which guidelines shall address the assignment of such servicemembers to care and residential facilities closest to their duty station or home of record or the location of their designated caregiver at the earliest possible time.

(E) Criteria for work and duty assignments of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including a prohibition on the assignment of duty to a servicemember which is incompatible with the servicemember's medical condition.

(F) Guidelines for the provision of care and counseling for eligible family members of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(G) Requirements for case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, including qualifications for personnel providing such case management.

(H) Requirements for uniform quality of care and administration for all covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether members of the regular components of the Armed Forces or members of the reserve components of the Armed Forces.

(I) Standards for the conditions and accessibility of residential facilities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list who are in outpatient status, and for their immediate family members.

(J) Requirements on the provision of transportation and subsistence for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list, whether in inpatient status or outpatient status, to facilitate obtaining needed medical care and services.

(K) Requirements on the provision of educational and vocational training and rehabilitation opportunities for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list.

(L) Procedures for tracking and informing covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list about medical evaluation board and physical disability evaluation board processing.

(M) Requirements for integrated case management of covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list during their transition from care and treatment through the Department of Defense to care and treatment through the Department of Veterans Affairs.

(N) Requirements and standards for advising and training, as appropriate, family members with respect to care for covered servicemembers in medical hold or medical holdover status or on the temporary disability retired list with serious medical conditions, particularly traumatic brain injury (TBI), burns, and post-traumatic stress disorder (PTSD).

(O) Requirements for periodic reassessments of covered servicemembers, and limits on the length of time such servicemembers may be retained in

medical hold or medical holdover status or on the temporary disability retired list.

(P) Requirements to inform covered servicemembers and their family members of their rights and responsibilities while in medical hold or medical holdover status or on the temporary disability retired list.

(Q) The requirement to establish a Department of Defense-wide Ombudsman Office within the Office of the Secretary of Defense to provide oversight of the ombudsman offices in the military departments and policy guidance to such offices with respect to providing assistance to, and answering questions from, covered servicemembers and their families.

(2) MEDICAL EVALUATION AND PHYSICAL DISABILITY EVALUATION FOR COVERED SERVICEMEMBERS.—

(A) MEDICAL EVALUATIONS.—Processes, procedures, and standards for medical evaluations of covered servicemembers, including the following:

(i) Processes for medical evaluations of covered servicemembers that are—

(I) applicable uniformly throughout the military departments; and

(II) applicable uniformly with respect to such servicemembers who are members of the regular components of the Armed Forces and such servicemembers who are members of the National Guard and Reserve.

(ii) Standard criteria and definitions for determining the achievement for covered servicemembers of the maximum medical benefit from treatment and rehabilitation.

(iii) Standard timelines for each of the following:

(I) Determinations of fitness for duty of covered servicemembers.

(II) Specialty consultations for covered servicemembers.

(III) Preparation of medical documents for covered servicemembers.

(IV) Appeals by covered servicemembers of medical evaluation determinations, including determinations of fitness for duty.

(iv) Uniform standards for qualifications and training of medical evaluation board personnel, including physicians, case workers, and physical disability evaluation board liaison officers, in conducting medical evaluations of covered servicemembers.

(v) Standards for the maximum number of medical evaluation cases of covered servicemembers that are pending before a medical evaluation board at any one time, and requirements for the establishment of additional medical evaluation boards in the event such number is exceeded.

(vi) Uniform standards for information for covered servicemembers, and their families, on the medical evaluation board process and the rights and responsibilities of such servicemembers under that process, including a standard handbook on such information.

(B) PHYSICAL DISABILITY EVALUATIONS.—Processes, procedures, and standards for physical disability evaluations of covered servicemembers, including the following:

(i) A non-adversarial process of the Department of Defense and the Department of Veterans Affairs for disability determinations of covered servicemembers.

(ii) To the extent feasible, procedures to eliminate unacceptable discrepancies among disability ratings assigned by the military departments and the Department of Veterans Affairs, particularly in the disability evaluation of covered servicemembers, which procedures shall be subject to the following requirements and limitations:

(I) Such procedures shall apply uniformly with respect to covered servicemembers who are members of the regular components of the Armed Forces and covered servicemembers who are members of the National Guard and Reserve.

(II) Under such procedures, each Secretary of a military department shall, to the extent feasible, utilize the standard schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of such schedule by the United States Court of Appeals for Veterans Claims, in making any determination of disability of a covered servicemember.

(iii) Standard timelines for appeals of determinations of disability of covered servicemembers, including timelines for presentation, consideration, and disposition of appeals.

(iv) Uniform standards for qualifications and training of physical disability evaluation board personnel in conducting physical disability evaluations of covered servicemembers.

(v) Standards for the maximum number of physical disability evaluation cases of covered servicemembers that are pending before a physical disability evaluation board at any one time, and requirements for the establishment of additional physical disability evaluation boards in the event such number is exceeded.

(vi) Procedures for the provision of legal counsel to covered servicemembers while undergoing evaluation by a physical disability evaluation board.

(vii) Uniform standards on the roles and responsibilities of case managers, servicemember advocates, and judge advocates assigned to covered servicemembers undergoing evaluation by a physical disability board, and uniform standards on the maximum number of cases involving such servicemembers that are to be assigned to such managers and advocates.

(C) RETURN OF COVERED SERVICEMEMBERS TO ACTIVE DUTY.—Standards for determinations by the military departments on the return of covered servicemembers to active duty in the Armed Forces.

(D) TRANSITION OF COVERED SERVICEMEMBERS FROM DOD TO VA.—Processes, procedures, and standards for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs before, during, and after separation from the Armed Forces, including the following:

(i) A uniform, patient-focused policy to ensure that the transition occurs without gaps in medical care and the quality of medical care, benefits, and services.

(ii) Procedures for the identification and tracking of covered servicemembers during the transition, and for the coordination of care and treatment of such servicemembers during the transition, including a system of cooperative case management of such servicemembers by the Department of Defense and the Department of Veterans Affairs during the transition.

(iii) Procedures for the notification of Department of Veterans Affairs liaison personnel of the commencement by covered servicemembers of the medical evaluation process and the physical disability evaluation process.

(iv) Procedures and timelines for the enrollment of covered servicemembers in applicable enrollment or application systems of the Department of Veterans with respect to health care, disability, education, vocational rehabilitation, or other benefits.

(v) Procedures to ensure the access of covered servicemembers during the transition to vocational, educational, and rehabilitation benefits available through the Department of Veterans Affairs.

(vi) Standards for the optimal location of Department of Defense and Department of Veterans Affairs liaison and case management personnel at military medical treatment facilities, medical centers, and other medical facilities of the Department of Defense.

(vii) Standards and procedures for integrated medical care and management for covered servicemembers during the transition, including procedures for the assignment of medical personnel of the Department of Veterans Affairs to Department of Defense facilities to participate in the needs assessments of such servicemembers before, during, and after their separation from military service.

(viii) Standards for the preparation of detailed plans for the transition of covered servicemembers from care and treatment by the Department of Defense to care and treatment by the Department of Veterans Affairs, which plans shall be based on standardized elements with respect to care and treatment requirements and other applicable requirements.

(E) OTHER MATTERS.—The following additional matters with respect to covered servicemembers:

(i) Access by the Department of Veterans Affairs to the military health records of covered servicemembers who are receiving care and treatment, or are anticipating receipt of care and treatment, in Department of Veterans Affairs health care facilities.

(ii) Requirements for utilizing, in appropriate cases, a single physical examination that meets requirements of both the Department of Defense and the Department of Veterans Affairs for covered servicemembers who are being retired, separated, or released from military service.

(iii) Surveys and other mechanisms to measure patient and family satisfaction with the provision by the Department of Defense and the Department of Veterans Affairs of care and services for covered servicemembers, and to facilitate appropriate oversight by supervisory personnel of the provision of such care and services.

(3) REPORT ON REDUCTION IN DISABILITY RATINGS BY THE DEPARTMENT OF DEFENSE.—The Secretary of Defense shall submit a report to the committees on Armed Services of the Senate and House of Representatives on the numbers of instances in which a disability rating assigned to a member of the Armed Forces by an informal physical evaluation board of the Department of Defense was reduced upon appeal, and the reasons for such reduction. Such report shall cover the period beginning October 7, 2001 and ending September 30, 2006, and shall be submitted to the appropriate committees of Congress by February 1, 2008.

(e) REPORTS.—

(1) REPORT ON POLICY.—Upon the development of the policy required by this section but not later than January 1, 2008, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the policy, including a comprehensive and detailed description of the policy and of the manner in which the policy addresses the findings and recommendations of the reviews under subsections (b) and (c).

(2) REPORTS ON UPDATE.—Upon updating the policy under subsection (a)(4), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the update of the policy, including a comprehensive and detailed description of such update and of the reasons for such update.

(f) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every year thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Secretary of Defense and the Secretary of Veterans Affairs in developing and implementing the policy required by this section.

SEC. 1612. CONSIDERATION OF NEEDS OF WOMEN MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) IN GENERAL.—In developing and implementing the policy required by section 1611, and in otherwise carrying out any other provision of this title or any amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall take into account and fully address any unique specific needs of women members of the Armed Forces and women veterans under such policy or other provision.

(b) REPORTS.—In submitting any report required by this title or an amendment made by this title, the Secretary of Defense and the Secretary of Veterans Affairs shall, to the extent applicable, include a description of the manner in which the matters covered by such report address the unique specific needs of women members of the Armed Forces and women veterans.

Subtitle B—Health Care

PART I—ENHANCED AVAILABILITY OF CARE FOR SERVICEMEMBERS

SEC. 1621. MEDICAL CARE AND OTHER BENEFITS FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

(a) MEDICAL AND DENTAL CARE FOR MEMBERS AND FORMER MEMBERS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act and subject to regulations prescribed by the Secretary of Defense, any covered member of the Armed Forces, and any former member of the Armed Forces, with a severe injury or illness is entitled to medical and dental care in any facility of the uniformed services under section 1074(a) of title 10, United States Code, or through any civilian health care provider authorized by the Secretary to provide health and mental health services to members of the uniformed services, including traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD), as if such member or former member were a member of the uniformed services described in paragraph (2) of such section who is entitled to medical and dental care under such section.

(2) PERIOD OF AUTHORIZED CARE.—(A) Except as provided in subparagraph (B), a member or former member described in paragraph (1) is entitled to care under that paragraph—

(i) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated during the period beginning on October 7, 2001, and ending on the date of the enactment of this Act, during the three-year period beginning on the date of the enactment of this Act, except that no compensation is payable by reason of this subsection for any period before the date of the enactment of this Act; or

(ii) in the case of a member or former member whose severe injury or illness concerned is incurred or aggravated on or after the date of the enactment of this Act, during the three-year period beginning on the date on which such injury or illness is so incurred or aggravated.

(B) The period of care authorized for a member or former member under this paragraph may be extended by the Secretary concerned for an additional period of up to two years if the Secretary concerned determines that such extension is necessary to assure the maximum feasible recovery and rehabilitation of the member or former member. Any such determination shall be made on a case-by-case basis.

(3) INTEGRATED CARE MANAGEMENT.—The Secretary of Defense shall provide for a program of integrated care management in the provision of care and services under this subsection, which management shall be provided by appropriate medical and case management personnel of the Department of Defense and the Department of Veterans Affairs (as approved by the Secretary of Veterans Affairs) and with appropriate support from the Department of Defense regional health care support contractors.

(4) WAIVER OF LIMITATIONS TO MAXIMIZE CARE.—The Secretary of Defense may, in providing medical and dental care to a member or former member under this subsection during the period referred to in paragraph (2), waive any limitation otherwise applicable under chapter 55 of title 10, United States Code, to the provision of such care to the member or former member if the Secretary considers the waiver appropriate to assure the maximum feasible recovery and rehabilitation of the member or former member.

(5) CONSTRUCTION WITH ELIGIBILITY FOR VETERANS BENEFITS.—Nothing in this subsection shall be construed to reduce, alter, or otherwise affect the eligibility or entitlement of a member or former member of the Armed Forces to any health care, disability, or other benefits to which the member of former member would otherwise be eligible or entitled as a veteran under the laws administered by the Secretary of Veterans Affairs.

(6) SUNSET.—The Secretary of Defense may not provide medical or dental care to a member or former member of the Armed Forces under this subsection after December 31, 2012, if the Secretary has not provided medical or dental care to the member or former member under this subsection before that date.

(b) REHABILITATION AND VOCATIONAL BENEFITS.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, a member of the Armed Forces with a severe injury or illness is entitled to such benefits (including rehabilitation and vocational benefits, but not including compensation) from the Secretary of Veterans Affairs to facilitate the recovery and rehabilitation of such member as the Secretary otherwise provides to members of the Armed Forces receiving medical care in medical facilities of the Department of Veterans Affairs facilities in order to facilitate the recovery and rehabilitation of such members.

(2) LIMITATIONS.—The provisions of paragraphs (2) through (6) of subsection (a) shall apply to the provision of benefits under this subsection as if the benefits provided under this subsection were provided under subsection (a).

(3) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of Veterans Affairs for the cost of any benefits provided under this subsection in accordance with applicable mechanisms for the reimbursement of the Secretary of Veterans Affairs for the provision of medical care to members of the Armed Forces.

(c) RECOVERY OF CERTAIN EXPENSES OF MEDICAL CARE AND RELATED TRAVEL.—

(1) IN GENERAL.—Commencing not later than 60 days after the date of the enactment of this Act, the Secretary of the military department concerned may reimburse covered members of the Armed Forces, and former members of the Armed Forces, with a severe injury or illness for covered expenses incurred by such members or former members, or their family members, in connection with the receipt by such members or former members of medical care that is required for such injury or illness.

(2) COVERED EXPENSES.—Expenses for which reimbursement may be made under paragraph (1) include the following:

(A) Expenses for health care services for which coverage would be provided under section 1074(c) of title 10, United States Code, for members of the uniformed services on active duty.

(B) Expenses of travel of a non-medical attendant who accompanies a member or former member of the Armed Forces for required medical care that is not available to such member or former member locally, if such attendant is appointed for that purpose by a competent medical authority (as determined under regulations prescribed by the Secretary of Defense for purposes of this subsection).

(C) Such other expenses for medical care as the Secretary may prescribe for purposes of this subsection.

(3) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement under paragraph (1) for expenses covered by paragraph (2) shall be determined in accordance with regulations prescribed by the Secretary of Defense for purposes of this subsection.

(d) SEVERE INJURY OR ILLNESS DEFINED.—In this section, the term ''severe injury or illness'' means any serious injury or illness that is assigned a disability rating of 30 percent or higher under the schedule for rating disabilities in use by the Department of Defense.

SEC. 1622. REIMBURSEMENT OF CERTAIN FORMER MEMBERS OF THE UNIFORMED SERVICES WITH SERVICE-CONNECTED DISABILITIES FOR TRAVEL FOR FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.

(a) TRAVEL.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

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

''(b) FOLLOW-ON SPECIALTY CARE AND RELATED SERVICES.—In any case in which a former member of a uniformed service who incurred a disability while on active duty in a combat zone or during performance of duty in combat related operations (as designated by the Secretary of Defense), and is entitled to retired or retainer pay, or equivalent pay, requires follow-on specialty care, services, or supplies related to such disability at a specific military treatment facility more than 100 miles from the location in which the former member resides, the Secretary shall provide reimbursement for reasonable travel expenses comparable to those provided under subsection (a) for the former member, and when accompaniment by an adult is determined by competent medical authority to be necessary, for a spouse, parent, or guardian of the former member, or another member of the former member's family who is at least 21 years of age.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect January 1, 2008, and shall apply with respect to travel that occurs on or after that date.

PART II—CARE AND SERVICES FOR DEPENDENTS

SEC. 1626. MEDICAL CARE AND SERVICES AND SUPPORT SERVICES FOR FAMILIES OF MEMBERS OF THE ARMED FORCES RECOVERING FROM SERIOUS INJURIES OR ILLNESSES.

(a) MEDICAL CARE.—

(1) IN GENERAL.—A family member of a covered member of the Armed Forces who is not otherwise eligible for medical care at a military medical treatment facility or at medical facilities of the Department of Veterans Affairs shall be eligible for such care at such facilities, on a space-available basis, if the family member is—

(A) on invitational orders while caring for the covered member of the Armed Forces;

(B) a non-medical attendee caring for the covered member of the Armed Forces; or

(C) receiving per diem payments from the Department of Defense while caring for the covered member of the Armed Forces.

(2) SPECIFICATION OF FAMILY MEMBERS.—Notwithstanding section 1602(3), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly prescribe in regulations the family members of covered members of the Armed Forces who shall be considered to be a family member of a covered member of the Armed Forces for purposes of paragraph (1).

(3) SPECIFICATION OF CARE.—(A) The Secretary of Defense shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at military medical treatment facilities.

(B) The Secretary of Veterans Affairs shall prescribe in regulations the medical care and counseling that shall be available to family members under paragraph (1) at medical facilities of the Department of Veterans Affairs.

(4) RECOVERY OF COSTS.—The United States may recover the costs of the provision of medical care and counseling under paragraph (1) as follows (as applicable):

(A) From third-party payers, in the same manner as the United States may collect costs of the charges of health care provided to covered beneficiaries from third-party payers under section 1095 of title 10, United States Code.

(B) As if such care and counseling was provided under the authority of section 1784 of title 38, United States Code.

(b) JOB PLACEMENT SERVICES.—A family member who is on invitational orders or is a nonmedical attendee while caring for a covered member of the Armed Forces for more than 45 days during a one-year period shall be eligible for job placement services otherwise offered by the Department of Defense.

(c) REPORT ON NEED FOR ADDITIONAL SERVICES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the assessment of the Secretary of the need for additional employment services, and of the need for employment protection, of family members described in subsection (b) who are placed on leave from employment or otherwise displaced from employment while caring for a covered member of the Armed Forces as described in that subsection.

SEC. 1627. EXTENDED BENEFITS UNDER TRICARE FOR PRIMARY CAREGIVERS OF MEMBERS OF THE UNIFORMED SERVICES WHO INCUR A SERIOUS INJURY OR ILLNESS ON ACTIVE DUTY.

(a) IN GENERAL.—Section 1079(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) Subject to such terms, conditions, and exceptions as the Secretary of Defense considers appropriate, the program of extended benefits for eligible dependents under this subsection shall include extended benefits for the primary caregivers of members of the uniformed services who incur a serious injury or illness on active duty.

''(B) The Secretary of Defense shall prescribe in regulations the individuals who shall be treated as the primary caregivers of a member of the uniformed services for purposes of this paragraph.

''(C) For purposes of this section, a serious injury or illness, with respect to a member of the uniformed services, is an injury or illness that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating, and that renders a member of the uniformed services dependent upon a caregiver.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2008.

PART III—TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER

SEC. 1631. COMPREHENSIVE PLANS ON PREVENTION, DIAGNOSIS, MITIGATION, AND TREATMENT OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER IN MEMBERS OF THE ARMED FORCES.

(a) PLANS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, submit to the congressional defense committees one or more comprehensive plans for programs and activities of the Department of Defense to prevent, diagnose, mitigate, treat, and otherwise respond to traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) in members of the Armed Forces.

(b) ELEMENTS.—Each plan submitted under subsection (a) shall include comprehensive proposals of the Department on the following:

(1) The designation by the Secretary of Defense of a lead agent or executive agent for the Department to coordinate development and implementation of the plan.

(2) The improvement of personnel protective equipment for members of the Armed Forces in order to prevent traumatic brain injury.

(3) The improvement of methods and mechanisms for the detection and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces in the field.

(4) The requirements for research on traumatic brain injury and post-traumatic stress disorder, including (in particular) research on pharmacological approaches to treatment for traumatic brain injury or post-traumatic stress disorder, as applicable, and the allocation of priorities among such research.

(5) The development, adoption, and deployment of diagnostic criteria for the detection and evaluation of the range of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, which criteria shall be employed uniformly across the military departments in all applicable circumstances, including provision of clinical care and assessment of future deployability of members of the Armed Forces.

(6) The development and deployment of effective means of assessing traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including a system of pre-deployment and post-deployment screenings of cognitive ability in members for the detection of cognitive impairment, as required by the amendments made by section 222.

(7) The development and deployment of effective means of managing and monitoring members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder in the receipt of care for traumatic brain injury or post-traumatic stress disorder, as applicable, including the monitoring and assessment of treatment and outcomes.

(8) The development and deployment of an education and awareness training initiative designed to reduce the negative stigma associated with traumatic brain injury, post-traumatic stress disorder, and mental health treatment.

(9) The provision of education and outreach to families of members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder on a range of matters relating to traumatic brain injury or post-traumatic stress disorder, as applicable, including detection, mitigation, and treatment.

(10) The assessment of the current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(11) The identification of gaps in current capabilities of the Department for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces.

(12) The identification of the resources required for the Department in fiscal years 2009 thru 2013 to address the gaps in capabilities identified under paragraph (11).

(13) The development of joint planning among the Department of Defense, the military departments, and the Department of Veterans Affairs for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, including planning for the seamless transition of such members from care through the Department of Defense care through the Department of Veterans Affairs.

(14) A requirement that exposure to a blast or blasts be recorded in the records of members of the Armed Forces.

(15) The development of clinical practice guidelines for the diagnosis and treatment of blast injuries in members of the Armed Forces, including, but not limited to, traumatic brain injury.

(16) A program under which each member of the Armed Forces who incurs a traumatic brain injury or post-traumatic stress disorder during service in the Armed Forces—

(A) is enrolled in the program; and

(B) receives, under the program, treatment and rehabilitation meeting a standard of care such that each individual who is a member of the Armed Forces who qualifies for care under the program shall—

(i) be provided the highest quality of care possible based on the medical judgment of qualified medical professionals in facilities that most appropriately meet the specific needs of the individual; and

(ii) be rehabilitated to the fullest extent possible using the most up-to-date medical technology, medical rehabilitation practices, and medical expertise available.

(17) A requirement that if a member of the Armed Forces participating in a program established in accordance with paragraph (16) believes that care provided to such participant does not meet the standard of care specified in subparagraph (B) of such paragraph, the Secretary of Defense shall, upon request of the participant, provide to such participant a referral to another Department of Defense or Department of Veterans Affairs provider of medical or rehabilitative care for a second opinion regarding the care that would meet the standard of care specified in such subparagraph.

(18) The provision of information by the Secretary of Defense to members of the Armed Forces with traumatic brain injury or post-traumatic stress disorder and their families about their rights with respect to the following:

(A) The receipt of medical and mental health care from the Department of Defense and the Department of Veterans Affairs.

(B) The options available to such members for treatment of traumatic brain injury and post-traumatic stress disorder.

(C) The options available to such members for rehabilitation.

(D) The options available to such members for a referral to a public or private provider of medical or rehabilitative care.

(E) The right to administrative review of any decision with respect to the provision of care by the Department of Defense for such members.

(c) COORDINATION IN DEVELOPMENT.—Each plan submitted under subsection (a) shall be developed in coordination with the Secretary of the Army (who was designated by the Secretary of Defense as executive agent for the prevention, mitigation, and treatment of blast injuries under section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3181; 10 U.S.C. 1071 note)).

(d) ADDITIONAL ACTIVITIES.—In carrying out programs and activities for the prevention, diagnosis, mitigation, and treatment of traumatic brain injury and post-traumatic stress disorder in members of the Armed Forces, the Secretary of Defense shall—

(1) examine the results of the recently completed Phase 2 study, funded by the National Institutes of Health, on the use of progesterone for acute traumatic brain injury;

(2) determine if Department of Defense funding for a Phase 3 clinical trial on the use of progesterone for acute traumatic brain injury, or for further research regarding the use of progesterone or its metabolites for treatment of traumatic brain injury, is warranted; and

(3) provide for the collaboration of the Department of Defense, as appropriate, in clinical trials and research on pharmacological approaches to treatment for traumatic brain injury and post-traumatic stress disorder that is conducted by other departments and agencies of the Federal Government.

SEC. 1632. IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) PROTOCOL FOR ASSESSMENT OF COGNITIVE FUNCTIONING.—

(1) PROTOCOL REQUIRED.—Subsection (b) of section 1074f of title 10, United States Code, is amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

''(C) An assessment of post-traumatic stress disorder.''; and

(B) by adding at the end the following new paragraph:

''(3)(A) The Secretary shall establish for purposes of subparagraphs (B) and (C) of paragraph (2) a protocol for the predeployment assessment and documentation of the cognitive (including memory) functioning of a member who is deployed outside the United States in order to facilitate the assessment of the postdeployment cognitive (including memory) functioning of the member.

''(B) The protocol under subparagraph (A) shall include appropriate mechanisms to permit the differential diagnosis of traumatic brain injury in members returning from deployment in a combat zone.''.

(2) PILOT PROJECTS.—(A) In developing the protocol required by paragraph (3) of section 1074f(b) of title 10, United States Code (as amended by paragraph (1) of this subsection), for purposes of assessments for traumatic brain injury, the Secretary of Defense shall conduct up to three pilot projects to evaluate various mechanisms for use in the protocol for such purposes. One of the mechanisms to be so evaluated shall be a computer-based assessment tool.

(B) Not later than 60 days after the completion of the pilot projects conducted under this paragraph, the Secretary shall submit to the appropriate committees of Congress a report on the pilot projects. The report shall include—

(i) a description of the pilot projects so conducted;

(ii) an assessment of the results of each such pilot project; and

(iii) a description of any mechanisms evaluated under each such pilot project that will incorporated into the protocol.

(C) Not later than 180 days after completion of the pilot projects conducted under this paragraph, the Secretary shall establish a mechanism for implementing any mechanism evaluated under such a pilot project that is selected for incorporation in the protocol.

(D) There is hereby authorized to be appropriated to the Department of Defense, $3,000,000 for the pilot projects authorized by this paragraph. Of the amount so authorized to be appropriated, not more than $1,000,000 shall be available for any particular pilot project.

(b) QUALITY ASSURANCE.—Subsection (d)(2) of section 1074f of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(F) The diagnosis and treatment of traumatic brain injury and post-traumatic stress disorder.''.

(c) STANDARDS FOR DEPLOYMENT.—Subsection (f) of such section is amended—

(1) in the subsection heading, by striking ''MENTAL HEALTH''; and

(2) in paragraph (2)(B), by striking ''or'' and inserting '', traumatic brain injury, or''.

SEC. 1633. CENTERS OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) CENTER OF EXCELLENCE ON TRAUMATIC BRAIN INJURY.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

''§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury (TBI), including mild, moderate, and severe traumatic brain injury, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury'.

''(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

''(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

''(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of traumatic brain injury.

''(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of traumatic brain injury.

''(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with traumatic brain injury.

''(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of traumatic brain injury.

''(5) To facilitate advancements in the study of the short-term and long-term psychological effects of traumatic brain injury.

''(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to traumatic brain injury.

''(7) To conduct basic science and translational research on traumatic brain injury for the purposes of understanding the etiology of traumatic brain injury and developing preventive interventions and new treatments.

''(8) To develop outreach strategies and treatments for families of members of the armed forces with traumatic brain injury in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from traumatic brain injury.

''(9) To conduct research on the unique mental health needs of women members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

''(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

''(11) To conduct research on the mental health needs of families of members of the armed forces with traumatic brain injury and develop treatments to meet any needs identified through such research.

''(12) To conduct longitudinal studies (using imaging technology and other proven research methods) on members of the armed forces with traumatic brain injury to identify early signs of Alzheimer's disease, Parkinson's disease, or other manifestations of neurodegeneration in such members, which studies should be conducted in coordination with the studies authorized by section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294) and other studies of the Department of Defense and the Department of Veterans Affairs that address the connection between exposure to combat and the development of Alzheimer's disease, Parkinson's disease, and other neurodegenerative disorders.

''(13) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with traumatic brain injury until their transition to care and treatment from the Department of Veterans Affairs.

''(14) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

''(15) Such other responsibilities as the Secretary shall specify.''.

(b) CENTER OF EXCELLENCE ON POST-TRAUMATIC STRESS DISORDER.—Chapter 55 of such title is further amended by inserting after section 1105a, as added by subsection (a), the following new section:

''§ 1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder (PTSD), including mild, moderate, and severe post-traumatic stress disorder, to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder'.

''(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the National Center for Post-Traumatic Stress Disorder of the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

''(c) RESPONSIBILITIES.—The Center shall have responsibilities as follows:

''(1) To direct and oversee, based on expert research, the development and implementation of a long-term, comprehensive plan and strategy for the Department of Defense for the prevention, diagnosis, mitigation, treatment, and rehabilitation of post-traumatic stress disorder.

''(2) To provide for the development, testing, and dissemination within the Department of best practices for the treatment of post-traumatic stress disorder.

''(3) To provide guidance for the mental health system of the Department in determining the mental health and neurological health personnel required to provide quality mental health care for members of the armed forces with post-traumatic stress disorder.

''(4) To establish, implement, and oversee a comprehensive program to train mental health and neurological health professionals of the Department in the treatment of post-traumatic stress disorder.

''(5) To facilitate advancements in the study of the short-term and long-term psychological effects of post-traumatic stress disorder.

''(6) To disseminate within the military medical treatment facilities of the Department best practices for training mental health professionals, including neurological health professionals, with respect to post-traumatic stress disorder.

''(7) To conduct basic science and translational research on post-traumatic stress disorder for the purposes of understanding the etiology of post-traumatic stress disorder and developing preventive interventions and new treatments.

''(8) To develop outreach strategies and treatments for families of members of the armed forces with post-traumatic stress disorder in order to mitigate the negative impacts of traumatic brain injury on such family members and to support the recovery of such members from post-traumatic stress disorder.

''(9) To conduct research on the unique mental health needs of women members of the armed forces, including victims of sexual assault, with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

''(10) To conduct research on the unique mental health needs of ethnic minority members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

''(11) To conduct research on the mental health needs of families of members of the armed forces with post-traumatic stress disorder and develop treatments to meet any needs identified through such research.

''(12) To develop and oversee a long-term plan to increase the number of mental health and neurological health professionals within the Department in order to facilitate the meeting by the Department of the needs of members of the armed forces with post-traumatic stress disorder until their transition to care and treatment from the Department of Veterans Affairs.

''(13) To develop a program on comprehensive pain management, including management of acute and chronic pain, to utilize current and develop new treatments for pain, and to identify and disseminate best practices on pain management.

''(14) Such other responsibilities as the Secretary shall specify.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new items:

''1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury.

''1105b. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder.''.Q

(d) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code (as added by subsection (a)), and the establishment of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code (as added by subsection (b)). The report shall, for each such Center—

(1) describe in detail the activities and proposed activities of such Center; and

(2) assess the progress of such Center in discharging the responsibilities of such Center.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program, $10,000,000, of which—

(1) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Traumatic Brain Injury required by section 1105a of title 10, United States Code; and

(2) $5,000,000 shall be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Post-Traumatic Stress Disorder required by section 1105b of title 10, United States Code.

SEC. 1634. REVIEW OF MENTAL HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) COMPREHENSIVE REVIEW.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a comprehensive review of—

(1) the need for mental health treatment and services for female members of the Armed Forces and veterans; and

(2) the efficacy and adequacy of existing mental health treatment programs and services for female members of the Armed Forces and veterans.

(b) ELEMENTS.—The review required by subsection (a) shall include, but not be limited to, an assessment of the following:

(1) The need for mental health outreach, prevention, and treatment services specifically for female members of the Armed Forces and veterans.

(2) The access to and efficacy of existing mental health outreach, prevention, and treatment services and programs (including substance abuse programs) for female veterans who served in a combat zone.

(3) The access to and efficacy of services and treatment for female members of the Armed Forces and veterans who experience post-traumatic stress disorder (PTSD).

(4) The availability of services and treatment for female members of the Armed Forces and veterans who experienced sexual assault or abuse.

(5) The access to and need for treatment facilities focusing on the mental health care needs of female members of the Armed Forces and veterans.

(6) The need for further clinical research on the unique needs of female veterans who served in a combat zone.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the review required by subsection (a).

(d) POLICY REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a comprehensive policy to address the treatment and care needs of female members of the Armed Forces and veterans who experience mental health problems and conditions, including post-traumatic stress disorder. The policy shall take into account and reflect the results of the review required by subsection (a).

SEC. 1635. FUNDING FOR IMPROVED DIAGNOSIS, TREATMENT, AND REHABILITATION OF MEMBERS OF THE ARMED FORCES WITH TRAUMATIC BRAIN INJURY OR POST-TRAUMATIC STRESS DISORDER.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2008 for the Department of Defense for Defense Health Program in the amount of $50,000,000, with such amount to be available for activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by paragraph (1), $17,000,000 shall be available for the Defense and Veterans Brain Injury Center of the Department of Defense.

(b) SUPPLEMENT NOT SUPPLANT.—The amount authorized to be appropriated by subsection (a) for Defense Health Program is in addition to any other amounts authorized to be appropriated by this Act for Defense Health Program.

SEC. 1636. REPORTS.

(a) REPORTS ON IMPLEMENTATION OF CERTAIN REQUIREMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress in implementing the requirements as follows:

(1) The requirements of section 721 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2294), relating to a longitudinal study on traumatic brain injury incurred by members of the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The requirements arising from the amendments made by section 738 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2303), relating to enhanced mental health screening and services for members of the Armed Forces.

(3) The requirements of section 741 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2304), relating to pilot projects on early diagnosis and treatment of post-traumatic stress disorder and other mental health conditions.

(b) ANNUAL REPORTS ON EXPENDITURES FOR ACTIVITIES ON TBI AND PTSD.—

(1) REPORTS REQUIRED.—Not later than March 1, 2008, and each year thereafter through 2013, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the amounts expended by the Department of Defense during the preceding calendar year on activities described in paragraph (2), including the amount allocated during such calendar year to the Defense and Veterans Brain Injury Center of the Department.

(2) COVERED ACTIVITIES.—The activities described in this paragraph are activities as follows:

(A) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with traumatic brain injury (TBI).

(B) Activities relating to the improved diagnosis, treatment, and rehabilitation of members of the Armed Forces with post-traumatic stress disorder (PTSD).

(3) ELEMENTS.—Each report under paragraph (1) shall include—

(A) a description of the amounts expended as described in that paragraph, including a description of the activities for which expended;

(B) a description and assessment of the outcome of such activities;

(C) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of traumatic brain injury in members of the Armed Forces during the year in which such report is submitted and in future calendar years;

(D) a statement of priorities of the Department in activities relating to the prevention, diagnosis, research, treatment, and rehabilitation of post-traumatic stress disorder in members of the Armed Forces during the year in which such report is submitted and in future calendar years; and

(E) an assessment of the progress made toward achieving the priorities stated in subparagraphs (C) and (D) in the report under paragraph (1) in the previous year, and a description of any actions planned during the year in which such report is submitted to achieve any unfulfilled priorities during such year.

PART IV—OTHER MATTERS

SEC. 1641. JOINT ELECTRONIC HEALTH RECORD FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly—

(1) develop and implement a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs; and

(2) accelerate the exchange of health care information between the Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(b) DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS INTERAGENCY PROGRAM OFFICE FOR A JOINT ELECTRONIC HEALTH RECORD.—

(1) IN GENERAL.—There is hereby established a joint element of the Department of Defense and the Department of Veterans Affairs to be known as the ''Department of Defense-Department of

Veterans Affairs Interagency Program Office for a Joint Electronic Health Record'' (in this section referred to as the ''Office'').

(2) PURPOSES.—The purposes of the Office shall be as follows:

(A) To act as a single point of accountability for the Department of Defense and the Department of Veterans Affairs in the rapid development, test, and implementation of a joint electronic health record for use by the Department of Defense and the Department of Veterans Affairs.

(B) To accelerate the exchange of health care information between Department of Defense and the Department of Veterans Affairs in order to support the delivery of health care by both Departments.

(c) LEADERSHIP.—

(1) DIRECTOR.—The Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the head of the Office.

(2) DEPUTY DIRECTOR.—The Deputy Director of the Department of Defense-Department of Veterans Affairs Interagency Program Office for a Joint Electronic Health Record shall be the deputy head of the office and shall assist the Director in carrying out the duties of the Director.

(3) APPOINTMENTS.—(A) The Director shall be appointed by the Secretary of Defense, with the concurrence of the Secretary of Veterans Affairs, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(B) The Deputy Director shall be appointed by the Secretary of Veterans Affairs, with the concurrence of the Secretary of Defense, from among employees of the Department of Defense and the Department of Veterans Affairs in the Senior Executive Service who are qualified to direct the development and acquisition of major information technology capabilities.

(4) ADDITIONAL GUIDANCE.—In addition to the direction, supervision, and control provided by the Secretary of Defense and the Secretary of Veterans Affairs, the Office shall also receive guidance from the Department of Veterans Affairs-Department of Defense Joint Executive Committee under section 320 of title 38, United States Code, in the discharge of the functions of the Office under this section.

(5) TESTIMONY.—Upon request by any of the appropriate committees of Congress, the Director and the Deputy Director shall testify before such committee regarding the discharge of the functions of the Office under this section.

(d) FUNCTION.—The function of the Office shall be to develop and prepare for deployment, by not later than September 30, 2010, a joint electronic health record to be utilized by both the Department of Defense and the Department of Veterans Affairs in the provision of medical care and treatment to members of the Armed Forces and veterans, which health record shall comply with applicable interoperability standards, implementation specifications, and certification criteria (including for the reporting of quality measures) of the Federal Government.

(e) SCHEDULES AND BENCHMARKS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a schedule and benchmarks for the discharge by the Office of its function under this section, including each of the following:

(1) A schedule for the establishment of the Office.

(2) A schedule and deadline for the establishment of the requirements for the joint electronic health record described in subsection (d), including coordination with the Office of the National Coordinator for Health Information Technology in the development of a nationwide interoperable health information technology infrastructure.

(3) A schedule and associated deadlines for any acquisition and testing required in the development and deployment of the joint electronic health record.

(4) A schedule and associated deadlines and requirements for the deployment of the joint electronic health record.

(5) Proposed funding for the Office for each of fiscal years 2009 through 2013 for the discharge of its function.

(f) PILOT PROJECTS.—

(1) AUTHORITY.—In order to assist the Office in the discharge of its function under this section, the Secretary of Defense and the Secretary of Veterans Affairs may, acting jointly, carry out one or more pilot projects to assess the feasability and advisability of various technological approaches to the achievement of the joint electronic health record described in subsection (d).

(2) TREATMENT AS SINGLE HEALTH CARE SYSTEM.—For purposes of each pilot project carried out under this subsection, the health care system of the Department of Defense and the health care system of the Department of Veterans Affairs shall be treated as a single health care system for purposes of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

(g) STAFF AND OTHER RESOURCES.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall assign to the Office such personnel and other resources of the Department of Defense and the Department of Veterans Affairs as are required for the discharge of its function under this section.

(2) ADDITIONAL SERVICES.—Subject to the approval of the Secretary of Defense and the Secretary of Veterans Affairs, the Director may utilize the services of private individuals and entities as consultants to the Office in the discharge of its function under this section. Amounts available to the Office shall be available for payment for such services.

(h) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than January 1, 2009, and each year thereafter through 2014, the Director shall submit to the Secretary of Defense and the Secretary of Veterans Affairs, and to the appropriate committees of Congress, a report on the activities of the Office during the preceding calendar year. Each report shall include, for the year covered by such report, the following:

(A) A detailed description of the activities of the Office, including a detailed description of the amounts expended and the purposes for which expended.

(B) An assessment of the progress made by the Department of Defense and the Department of Veterans Affairs in the development and implementation of the joint electronic health record described in subsection (d).

(2) AVAILABILITY TO PUBLIC.—The Secretary of Defense and the Secretary of Veterans Affairs shall make available to the public each report submitted under paragraph (1), including by posting such report on the Internet website of the Department of Defense and the Department of Veterans Affairs, respectively, that is available to the public.

(i) COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION.—Not later than six months after the date of the enactment of this Act and every six months thereafter until the completion of the implementation of the joint electronic health record described in subsection (d), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report setting forth the assessment of the Comptroller General of the progress of the Department of Defense and the Department of Veterans Affairs in developing and implementing the joint electronic health record.

(j) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall each contribute equally to the costs of the Office in fiscal year 2008 and fiscal years thereafter. The amount so contributed by each Secretary in fiscal year 2008 shall be up to $10,000,000.

(2) SOURCE OF FUNDS.—(A) Amounts contributed by the Secretary of Defense under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Defense for the Defense Health Program and available for program management and technology resources.

(B) Amounts contributed by the Secretary of Veterans Affairs under paragraph (1) shall be derived from amounts authorized to be appropriated for the Department of Veterans Affairs for Medical Care and available for program management and technology resources.

(k) JOINT ELECTRONIC HEALTH RECORD DEFINED.—In this section, the term ''joint electronic health record'' means a single system that includes patient information across the continuum of medical care, including inpatient care, outpatient care, pharmacy care, patient safety, and rehabilitative care.

SEC. 1642. ENHANCED PERSONNEL AUTHORITIES FOR THE DEPARTMENT OF DEFENSE FOR HEALTH CARE PROFESSIONALS FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1599c of title 10, United States Code, is amended to read as follows:

''§ 1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces

''(a) IN GENERAL.—The Secretary of Defense may, in the discretion of the Secretary, exercise any authority for the appointment and pay of health care personnel under chapter 74 of title 38 for purposes of the recruitment, employment, and retention of civilian health care professionals for the Department of Defense if the Secretary determines that the exercise of such authority is necessary in order to provide or enhance the capacity of the Department to provide care and treatment for members of the armed forces who are wounded or injured on active duty in the armed forces and to support the ongoing patient care and medical readiness, education, and training requirements of the Department of Defense.

''(b) RECRUITMENT OF PERSONNEL.—(1) The Secretaries of the military departments shall each develop and implement a strategy to disseminate among appropriate personnel of the military departments authorities and best practices for the recruitment of medical and health professionals, including the authorities under subsection (a).

''(2) Each strategy under paragraph (1) shall—

''(A) assess current recruitment policies, procedures, and practices of the military department concerned to assure that such strategy facilitates the implementation of efficiencies which reduce the time required to fill vacant positions for medical and health professionals; and

''(B) clearly identify processes and actions that will be used to inform and educate military and civilian personnel responsible for the recruitment of medical and health professionals.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 1599c and inserting the following new item:

''1599c. Health care professionals: enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the armed forces.''.

(c) REPORTS ON STRATEGIES ON RECRUITMENT OF MEDICAL AND HEALTH PROFESSIONALS.—Not

later than six months after the date of the enactment of this Act, each Secretary of a military department shall submit to the congressional defense committees a report setting forth the strategy developed by such Secretary under section 1599c(b) of title 10, United States Code, as added by subsection (a).

SEC. 1643. PERSONNEL SHORTAGES IN THE MENTAL HEALTH WORKFORCE OF THE DEPARTMENT OF DEFENSE, INCLUDING PERSONNEL IN THE MENTAL HEALTH WORKFORCE.

(a) RECOMMENDATIONS ON MEANS OF ADDRESSING SHORTAGES.—

(1) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the recommendations of the Secretary for such legislative or administrative actions as the Secretary considers appropriate to address shortages in health care professionals within the Department of Defense, including personnel in the mental health workforce.

(2) ELEMENTS.—The report required by paragraph (1) shall address the following:

(A) Enhancements or improvements of financial incentives for health care professionals, including personnel in the mental health workforce, of the Department of Defense in order to enhance the recruitment and retention of such personnel, including recruitment, accession, or retention bonuses and scholarship, tuition, and other financial assistance.

(B) Modifications of service obligations of health care professionals, including personnel in the mental health workforce.

(C) Such other matters as the Secretary considers appropriate.

(b) RECRUITMENT.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall implement programs to recruit qualified individuals in health care fields (including mental health) to serve in the Armed Forces as health care and mental health personnel of the Armed Forces.

Subtitle C—Disability Matters

PART I—DISABILITY EVALUATIONS

SEC. 1651. UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Clause (i) of section 1201(b)(3)(B) of title 10, United States Code, is amended to read as follows:

''(i) the member has six months or more of active military service and the disability was not noted at the time of the member's entrance on active duty (unless compelling evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty);''.

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended by striking ''and the member has at least eight years of service computed under section 1208 of this title'' and inserting '', the member has six months or more of active military service, and the disability was not noted at the time of the member's entrance on active duty (unless evidence or medical judgment is such to warrant a finding that the disability existed before the member's entrance on active duty)''.

SEC. 1652. REQUIREMENTS AND LIMITATIONS ON DEPARTMENT OF DEFENSE DETERMINATIONS OF DISABILITY WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1216 the following new section:

''§ 1216a. Determinations of disability: requirements and limitations on determinations

''(a) UTILIZATION OF VA SCHEDULE FOR RATING DISABILITIES IN DETERMINATIONS OF DISABILITY.—(1) In making a determination of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned—

''(A) shall, to the extent feasible, utilize the schedule for rating disabilities in use by the Department of Veterans Affairs, including any applicable interpretation of the schedule by the United States Court of Appeals for Veterans Claims; and

''(B) except as provided in paragraph (2), may not deviate from the schedule or any such interpretation of the schedule.

''(2) In making a determination described in paragraph (1), the Secretary concerned may utilize in lieu of the schedule described in that paragraph such criteria as the Secretary of Defense and the Secretary of Veterans Affairs may jointly prescribe for purposes of this subsection if the utilization of such criteria will result in a determination of a greater percentage of disability than would be otherwise determined through the utilization of the schedule.

''(b) CONSIDERATION OF ALL MEDICAL CONDITIONS.—In making a determination of the rating of disability of a member of the armed forces for purposes of this chapter, the Secretary concerned shall take into account all medical conditions, whether individually or collectively, that render the member unfit to perform the duties of the member's office, grade, rank, or rating.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1216 the following new item:

''1216a. Determinations of disability: requirements and limitations on determinations.''.

SEC. 1653. REVIEW OF SEPARATION OF MEMBERS OF THE ARMED FORCES SEPARATED FROM SERVICE WITH A DISABILITY RATING OF 20 PERCENT DISABLED OR LESS.

(a) BOARD REQUIRED.—

(1) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by inserting after section 1554 adding the following new section:

''§ 1554a. Review of separation with disability rating of 20 percent disabled or less

''(a) IN GENERAL.—(1) The Secretary of Defense shall establish within the Office of the Secretary of Defense a board of review to review the disability determinations of covered individuals by Physical Evaluation Boards. The board shall be known as the 'Physical Disability Board of Review'.

''(2) The Board shall consist of not less than three members appointed by the Secretary.

''(b) COVERED INDIVIDUALS.—For purposes of this section, covered individuals are members and former members of the armed forces who, during the period beginning on September 11, 2001, and ending on December 31, 2009—

''(1) are separated from the armed forces due to unfitness for duty due to a medical condition with a disability rating of 20 percent disabled or less; and

''(2) are found to be not eligible for retirement.

''(c) REVIEW.—(1) Upon its own motion, or upon the request of a covered individual, or a surviving spouse, next of kin, or legal representative of a covered individual, the Board shall review the findings and decisions of the Physical Evaluation Board with respect to such covered individual.

''(2) The review by the Board under paragraph (1) shall be based on the records of the armed force concerned and such other evidence as may be presented to the Board. A witness may present evidence to the Board by affidavit or by any other means considered acceptable by the Secretary of Defense.

''(d) AUTHORIZED RECOMMENDATIONS.—The Board may, as a result of its findings under a review under subsection (c), recommend to the Secretary concerned the following (as applicable) with respect to a covered individual:

''(1) No recharacterization of the separation of such individual or modification of the disability rating previously assigned such individual.

''(2) The recharacterization of the separation of such individual to retirement for disability.

''(3) The modification of the disability rating previously assigned such individual by the Physical Evaluation Board concerned, which modified disability rating may not be a reduction of the disability rating previously assigned such individual by that Physical Evaluation Board.

''(4) The issuance of a new disability rating for such individual.

''(e) CORRECTION OF MILITARY RECORDS.—(1) The Secretary concerned may correct the military records of a covered individual in accordance with a recommendation made by the Board under subsection (d). Any such correction may be made effective as of the effective date of the action taken on the report of the Physical Evaluation Board to which such recommendation relates.

''(2) In the case of a member previously separated pursuant to the findings and decision of a Physical Evaluation Board together with a lump-sum or other payment of back pay and allowances at separation, the amount of pay or other monetary benefits to which such member would be entitled based on the member's military record as corrected shall be reduced to take into account receipt of such lump-sum or other payment in such manner as the Secretary of Defense considers appropriate.

''(3) If the Board makes a recommendation not to correct the military records of a covered individual, the action taken on the report of the Physical Evaluation Board to which such recommendation relates shall be treated as final as of the date of such action.

''(f) REGULATIONS.—(1) This section shall be carried out in accordance with regulations prescribed by the Secretary of Defense.

''(2) The regulations under paragraph (1) shall specify reasonable deadlines for the performance of reviews required by this section.

''(3) The regulations under paragraph (1) shall specify the effect of a determination or pending determination of a Physical Evaluation Board on considerations by boards for correction of military records under section 1552 of this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 79 of such title is amended by inserting after the item relating to section 1554 the following new item:

''1554a. Review of separation with disability rating of 20 percent disabled or less.''.

(b) IMPLEMENTATION.—The Secretary of Defense shall establish the board of review required by section 1554a of title 10, United States Code (as added by subsection (a)), and prescribe the regulations required by such section, not later than 90 days after the date of the enactment of this Act.

SEC. 1654. PILOT PROGRAMS ON REVISED AND IMPROVED DISABILITY EVALUATION SYSTEM FOR MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, carry out pilot programs with respect to the disability evaluation system of the Department of Defense for the purpose set forth in subsection (d).

(2) REQUIRED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense shall carry out the pilot programs described in paragraphs (1) through (3) of subsection (c). Each such pilot program shall be implemented not later than 90 days after the date of the enactment of this Act.

(3) AUTHORIZED PILOT PROGRAMS.—In carrying out this section, the Secretary of Defense

may carry out such other pilot programs as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, considers appropriate.

(b) DISABILITY EVALUATION SYSTEM OF THE DEPARTMENT OF DEFENSE.—For purposes of this section, the disability evaluation system of the Department of Defense is the system of the Department for the evaluation of the disabilities of members of the Armed Forces who are being separated or retired from the Armed Forces for disability under chapter 61 of title 10, United States Code.

(c) SCOPE OF PILOT PROGRAMS.—

(1) DISABILITY DETERMINATIONS BY DOD UTILIZING VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), for purposes of making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, upon a determination by the Secretary of the military department concerned that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) the Secretary of Veterans Affairs shall—

(i) conduct an evaluation of the member for physical disability; and

(ii) assign the member a rating of disability in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) the Secretary of the military department concerned shall make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A)(ii).

(2) DISABILITY DETERMINATIONS UTILIZING JOINT DOD/VA ASSIGNED DISABILITY RATING.—Under one of the pilot programs under subsection (a), in making a determination of disability of a member of the Armed Forces under section 1201(b) of title 10, United States Code, for the retirement, separation, or placement of the member on the temporary disability retired list under chapter 61 of such title, the Secretary of the military department concerned shall, upon determining that the member is unfit to perform the duties of the member's office, grade, rank, or rating because of a physical disability as described in section 1201(a) of such title—

(A) provide for the joint evaluation of the member for disability by the Secretary of the military department concerned and the Secretary of Veterans Affairs, including the assignment of a rating of disability for the member in accordance with the schedule for rating disabilities utilized by the Secretary of Veterans Affairs based on all medical conditions (whether individually or collectively) that render the member unfit for duty; and

(B) make the determination of disability regarding the member utilizing the rating of disability assigned under subparagraph (A).

(3) ELECTRONIC CLEARING HOUSE.—Under one of the pilot programs, the Secretary of Defense shall establish and operate a single Internet website for the disability evaluation system of the Department of Defense that enables participating members of the Armed Forces to fully utilize such system through the Internet, with such Internet website to include the following:

(A) The availability of any forms required for the utilization of the disability evaluation system by members of the Armed Forces under the system.

(B) Secure mechanisms for the submission of such forms by members of the Armed Forces under the system, and for the tracking of the acceptance and review of any forms so submitted.

(C) Secure mechanisms for advising members of the Armed Forces under the system of any additional information, forms, or other items that are required for the acceptance and review of any forms so submitted.

(D) The continuous availability of assistance to members of the Armed Forces under the system (including assistance through the caseworkers assigned to such members of the Armed Forces) in submitting and tracking such forms, including assistance in obtaining information, forms, or other items described by subparagraph (C).

(E) Secure mechanisms to request and receive personnel files or other personnel records of members of the Armed Forces under the system that are required for submission under the disability evaluation system, including the capability to track requests for such files or records and to determine the status of such requests and of responses to such requests.

(4) OTHER PILOT PROGRAMS.—Under any pilot program carried out by the Secretary of Defense under subsection (a)(3), the Secretary shall provide for the development, evaluation, and identification of such practices and procedures under the disability evaluation system of the Department of Defense as the Secretary considers appropriate for purpose set forth in subsection (d).

(d) PURPOSE.—The purpose of each pilot program under subsection (a) shall be—

(1) to provide for the development, evaluation, and identification of revised and improved practices and procedures under the disability evaluation system of the Department of Defense in order to—

(A) reduce the processing time under the disability evaluation system of members of the Armed Forces who are likely to be retired or separated for disability, and who have not requested continuation on active duty, including, in particular, members who are severely wounded;

(B) identify and implement or seek the modification of statutory or administrative policies and requirements applicable to the disability evaluation system that—

(i) are unnecessary or contrary to applicable best practices of civilian employers and civilian healthcare systems; or

(ii) otherwise result in hardship, arbitrary, or inconsistent outcomes for members of the Armed Forces, or unwarranted inefficiencies and delays;

(C) eliminate material variations in policies, interpretations, and overall performance standards among the military departments under the disability evaluation system; and

(D) determine whether it enhances the capability of the Department of Veterans Affairs to receive and determine claims from members of the Armed Forces for compensation, pension, hospitalization, or other veterans benefits; and

(2) in conjunction with the findings and recommendations of applicable Presidential and Department of Defense study groups, to provide for the eventual development of revised and improved practices and procedures for the disability evaluation system in order to achieve the objectives set forth in paragraph (1).

(e) UTILIZATION OF RESULTS IN UPDATES OF COMPREHENSIVE POLICY ON CARE, MANAGEMENT, AND TRANSITION OF COVERED SERVICEMEMBERS.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly incorporate responses to any findings and recommendations arising under the pilot programs required by subsection (a) in updating the comprehensive policy on the care and management of covered servicemembers under section 1611.

(f) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) IN GENERAL.—Subject to paragraph (2), in carrying out a pilot program under subsection (a)—

(A) the rules and regulations of the Department of Defense and the Department of Veterans Affairs relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces shall apply to the pilot program only to the extent provided in the report on the pilot program under subsection (h)(1); and

(B) the Secretary of Defense and the Secretary of Veterans Affairs may waive any provision of title 10, 37, or 38, United States Code, relating to methods of determining fitness or unfitness for duty and disability ratings for members of the Armed Forces if the Secretaries determine in writing that the application of such provision would be inconsistent with the purpose of the pilot program.

(2) LIMITATION.—Nothing in paragraph (1) shall be construed to authorize the waiver of any provision of section 1216a of title 10, United States Code, as added by section 1652 of this Act.

(g) DURATION.—Each pilot program under subsection (a) shall be completed not later than one year after the date of the commencement of such pilot program under that subsection.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the pilot programs under subsection (a). The report shall include—

(A) a description of the scope and objectives of each pilot program;

(B) a description of the methodology to be used under such pilot program to ensure rapid identification under such pilot program of revised or improved practices under the disability evaluation system of the Department of Defense in order to achieve the objectives set forth in subsection (d)(1); and

(C) a statement of any provision described in subsection (f)(1)(B) that shall not apply to the pilot program by reason of a waiver under that subsection.

(2) INTERIM REPORT.—Not later than 150 days after the date of the submittal of the report required by paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report describing the current status of such pilot program.

(3) FINAL REPORT.—Not later than 90 days after the completion of all the pilot programs described in paragraphs (1) through (3) of subsection (c), the Secretary shall submit to the appropriate committees of Congress a report setting forth a final evaluation and assessment of such pilot programs. The report shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of such pilot programs.

SEC. 1655. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IN THE ARMY PHYSICAL DISABILITY EVALUATION SYSTEM.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of corrective measures by the Department of Defense with respect to the Physical Disability Evaluation System (PDES) in response to the following:

(1) The report of the Inspector General of the Army on that system of March 6, 2007.

(2) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(3) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The total number of cases, and the number of cases involving combat disabled servicemembers, pending resolution before the Medical and Physical Disability Evaluation

Boards of the Army, including information on the number of members of the Army who have been in a medical hold or holdover status for more than each of 100, 200, and 300 days.

(2) The status of the implementation of modifications to disability evaluation processes of the Department of Defense in response to the following:

(A) The report of the Inspector General on such processes dated March 6, 2007.

(B) The report of the Independent Review Group on Rehabilitation Care and Administrative Processes at Walter Reed Army Medical Center and National Naval Medical Center.

(C) The report of the Department of Veterans Affairs Task Force on Returning Global War on Terror Heroes.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

PART II—OTHER DISABILITY MATTERS

SEC. 1661. ENHANCEMENT OF DISABILITY SEVERANCE PAY FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1212 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ''his years of service, but not more than 12, computed under section 1208 of this title'' in the matter preceding subparagraph (A) and inserting ''the member's years of service computed under section 1208 of this title (subject to the minimum and maximum years of service provided for in subsection (c))'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

''(c)(1) The minimum years of service of a member for purposes of subsection (a)(1) shall be as follows:

''(A) Six years in the case of a member separated from the armed forces for a disability incurred in line of duty in a combat zone (as designated by the Secretary of Defense for purposes of this subsection) or incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.

''(B) Three years in the case of any other member.

''(2) The maximum years of service of a member for purposes of subsection (a)(1) shall be 19 years.''.

(b) NO DEDUCTION FROM COMPENSATION OF SEVERANCE PAY FOR DISABILITIES INCURRED IN COMBAT ZONES.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is further amended—

(1) by inserting ''(1)'' after ''(d)'';

(2) by striking the second sentence; and

(3) by adding at the end the following new paragraphs:

''(2) No deduction may be made under paragraph (1) in the case of disability severance pay received by a member for a disability incurred in line of duty in a combat zone or incurred during performance of duty in combat-related operations as designated by the Secretary of Defense.

''(3) No deduction may be made under paragraph (1) from any death compensation to which a member's dependents become entitled after the member's death.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to members of the Armed Forces separated from the Armed Forces under chapter 61 of title 10, United States Code, on or after that date.

SEC. 1662. ELECTRONIC TRANSFER FROM THE DEPARTMENT OF DEFENSE TO THE DEPARTMENT OF VETERANS AFFAIRS OF DOCUMENTS SUPPORTING ELIGIBILITY FOR BENEFITS.

The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop and implement a mechanism to provide for the electronic transfer from the Department of Defense to the Department of Veterans Affairs of any Department of Defense documents (including Department of Defense form DD–214) necessary to establish or support the eligibility of a member of the Armed Forces for benefits under the laws administered by the Secretary of Veterans Affairs at the time of the retirement, separation, or release of the member from the Armed Forces.

SEC. 1663. ASSESSMENTS OF TEMPORARY DISABILITY RETIRED LIST.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Comptroller General of the United States shall each submit to the congressional defense committees a report assessing the continuing utility of the temporary disability retired list in satisfying the purposes for which the temporary disability retired list was established. Each report shall include such recommendations for the modification or improvement of the temporary disability retired list as the Secretary or the Comptroller General, as applicable, considers appropriate in light of the assessment in such report.

Subtitle D—Improvement of Facilities Housing Patients

SEC. 1671. STANDARDS FOR MILITARY MEDICAL TREATMENT FACILITIES, SPECIALTY MEDICAL CARE FACILITIES, AND MILITARY QUARTERS HOUSING PATIENTS.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense shall establish for the military facilities referred to in subsection (b) standards with respect to the matters set forth in subsection (c). The standards shall, to the maximum extent practicable—

(1) be uniform and consistent across such facilities; and

(2) be uniform and consistent across the Department of Defense and the military departments.

(b) COVERED MILITARY FACILITIES.—The military facilities referred to in this subsection are the military facilities of the Department of Defense and the military departments as follows:

(1) Military medical treatment facilities.

(2) Specialty medical care facilities.

(3) Military quarters or leased housing for patients.

(c) SCOPE OF STANDARDS.—The standards required by subsection (a) shall include the following:

(1) Generally accepted standards for the accreditation of medical facilities, or for facilities used to quarter individuals that may require medical supervision, as applicable, in the United States.

(2) To the extent not inconsistent with the standards described in paragraph (1), minimally acceptable conditions for the following:

(A) Appearance and maintenance of facilities generally, including the structure and roofs of facilities.

(B) Size, appearance, and maintenance of rooms housing or utilized by patients, including furniture and amenities in such rooms.

(C) Operation and maintenance of primary and back-up facility utility systems and other systems required for patient care, including electrical systems, plumbing systems, heating, ventilation, and air conditioning systems, communications systems, fire protection systems, energy management systems, and other systems required for patient care.

(D) Compliance with Federal Government standards for hospital facilities and operations.

(E) Compliance of facilities, rooms, and grounds, to the maximum extent practicable, with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(F) Such other matters relating to the appearance, size, operation, and maintenance of facilities and rooms as the Secretary considers appropriate.

(d) COMPLIANCE WITH STANDARDS.—

(1) DEADLINE.—In establishing standards under subsection (a), the Secretary shall specify a deadline for compliance with such standards by each facility referred to in subsection (b). The deadline shall be at the earliest date practicable after the date of the enactment of this Act, and shall, to the maximum extent practicable, be uniform across the facilities referred to in subsection (b).

(2) INVESTMENT.—In carrying out this section, the Secretary shall also establish guidelines for investment to be utilized by the Department of Defense and the military departments in determining the allocation of financial resources to facilities referred to in subsection (b) in order to meet the deadline specified under paragraph (1).

(e) REPORT.—

(1) IN GENERAL.—Not later than December 30, 2007, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out this section.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) The standards established under subsection (a).

(B) An assessment of the appearance, condition, and maintenance of each facility referred to in subsection (a), including—

(i) an assessment of the compliance of such facility with the standards established under subsection (a); and

(ii) a description of any deficiency or noncompliance in each facility with the standards.

(C) A description of the investment to be allocated to address each deficiency or noncompliance identified under subparagraph (B)(ii).

SEC. 1672. REPORTS ON ARMY ACTION PLAN IN RESPONSE TO DEFICIENCIES IDENTIFIED AT WALTER REED ARMY MEDICAL CENTER.

(a) REPORTS REQUIRED.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter until March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the action plan of the Army to correct deficiencies identified in the condition of facilities, and in the administration of outpatients in medical hold or medical holdover status, at Walter Reed Army Medical Center (WRAMC) and at other applicable Army installations at which covered members of the Armed Forces are assigned.

(b) ELEMENTS OF REPORT.—Each report under subsection (a) shall include current information on the following:

(1) The number of inpatients at Walter Reed Army Medical Center, and the number of outpatients on medical hold or in a medical holdover status at Walter Reed Army Medical Center, as a result of serious injuries or illnesses.

(2) A description of the lodging facilities and other forms of housing at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, including—

(A) an assessment of the conditions of such facilities and housing; and

(B) a description of any plans to correct inadequacies in such conditions.

(3) The status, estimated completion date, and estimated cost of any proposed or ongoing actions to correct any inadequacies in conditions as described under paragraph (2).

(4) The number of case managers, platoon sergeants, patient advocates, and physical evaluation board liaison officers stationed at Walter Reed Army Medical Center, and at each other Army facility, to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses, and the ratio of case workers and platoon sergeants to outpatients for whom they are responsible at each such facility.

(5) The number of telephone calls received during the preceding 60 days on the Wounded

Soldier and Family hotline (as established on March 19, 2007), a summary of the complaints or communications received through such calls, and a description of the actions taken in response to such calls.

(6) A summary of the activities, findings, and recommendations of the Army tiger team of medical and installation professionals who visited the major medical treatment facilities and community-based health care organizations of the Army pursuant to March 2007 orders, and a description of the status of corrective actions being taken with to address deficiencies noted by that team.

(7) The status of the ombudsman programs at Walter Reed Army Medical Center and at other major Army installations to which are assigned personnel in medical hold or medical holdover status as a result of serious injuries or illnesses.

(c) POSTING ON INTERNET.—Not later than 24 hours after submitting a report under subsection (a), the Secretary shall post such report on the Internet website of the Department of Defense that is available to the public.

SEC. 1673. CONSTRUCTION OF FACILITIES REQUIRED FOR THE CLOSURE OF WALTER REED ARMY MEDICAL CENTER, DISTRICT OF COLUMBIA.

(a) ASSESSMENT OF ACCELERATION OF CONSTRUCTION OF FACILITIES.—The Secretary of Defense shall carry out an assessment of the feasibility (including the cost-effectiveness) of accelerating the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center, District of Columbia, as required as a result of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; U.S.C. 2687 note).

(b) DEVELOPMENT AND IMPLEMENTATION OF PLAN FOR CONSTRUCTION OF FACILITIES.—

(1) IN GENERAL.—The Secretary shall develop and carry out a plan for the construction and completion of any new facilities required to facilitate the closure of Walter Reed Army Medical Center as required as described in subsection (a). If the Secretary determines as a result of the assessment under subsection (a) that accelerating the construction and completion of such facilities is feasible, the plan shall provide for the accelerated construction and completion of such facilities in a manner consistent with that determination.

(2) SUBMITTAL OF PLAN.—The Secretary shall submit to the congressional defense committees the plan required by paragraph (1) not later than September 30, 2007.

(c) CERTIFICATIONS.—Not later than September 30, 2007, the Secretary shall submit to the congressional defense committees a certification of each of the following:

(1) That a transition plan has been developed, and resources have been committed, to ensure that patient care services, medical operations, and facilities are sustained at the highest possible level at Walter Reed Army Medical Center until facilities to replace Walter Reed Army Medical Center are staffed and ready to assume at least the same level of care previously provided at Walter Reed Army Medical Center.

(2) That the closure of Walter Reed Army Medical Center will not result in a net loss of capacity in the major military medical centers in the National Capitol Region in terms of total bed capacity or staffed bed capacity.

(3) That the capacity and types of medical hold and out-patient lodging facilities currently operating at Walter Reed Army Medical Center will be available at the facilities to replace Walter Reed Army Medical Center by the date of the closure of Walter Reed Army Medical Center.

(4) That adequate funds have been provided to complete fully all facilities identified in the Base Realignment and Closure Business Plan for Walter Reed Army Medical Center submitted to the congressional defense committees as part of the budget justification materials submitted to Congress together with the budget of the President for fiscal year 2008 as contemplated in that business plan.

(d) ENVIRONMENTAL LAWS.—Nothing in this section shall require the Secretary or any designated representative to waive or ignore responsibilities and actions required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the regulations implementing such Act.

Subtitle E—Outreach and Related Information on Benefits

SEC. 1681. HANDBOOK FOR MEMBERS OF THE ARMED FORCES ON COMPENSATION AND BENEFITS AVAILABLE FOR SERIOUS INJURIES AND ILLNESSES.

(a) INFORMATION ON AVAILABLE COMPENSATION AND BENEFITS.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, and the Commissioner of Social Security, develop and maintain in handbook and electronic form a comprehensive description of the compensation and other benefits to which a member of the Armed Forces, and the family of such member, would be entitled upon the member's separation or retirement from the Armed Forces as a result of a serious injury or illness. The handbook shall set forth the range of such compensation and benefits based on grade, length of service, degree of disability at separation or retirement, and such other factors affecting such compensation and benefits as the Secretary of Defense considers appropriate.

(b) UPDATE.—The Secretary of Defense shall update the comprehensive description required by subsection (a), including the handbook and electronic form of the description, on a periodic basis, but not less often than annually.

(c) PROVISION TO MEMBERS.—The Secretary of the military department concerned shall provide the descriptive handbook under subsection (a) to each member of the Armed Forces described in that subsection as soon as practicable following the injury or illness qualifying the member for coverage under that subsection.

(d) PROVISION TO REPRESENTATIVES.—If a member is incapacitated or otherwise unable to receive the descriptive handbook to be provided under subsection (a), the handbook shall be provided to the next of kin or a legal representative of the member (as determined in accordance with regulations prescribed by the Secretary of the military department concerned for purposes of this section).

Subtitle F—Other Matters

SEC. 1691. STUDY ON PHYSICAL AND MENTAL HEALTH AND OTHER READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.

(a) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, enter into an agreement with the National Academy of Sciences for a study on the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(b) PHASES.—The study required under subsection (a) shall consist of two phases:

(1) A preliminary phase, to be completed not later than 180 days after the date of the enactment of this Act—

(A) to identify preliminary findings on the physical and mental health and other readjustment needs described in subsection (a) and on gaps in care for the members, former members, and families described in that subsection; and

(B) to determine the parameters of the second phase of the study under paragraph (2).

(2) A second phase, to be completed not later than three years after the date of the enactment of this Act, to carry out a comprehensive assessment, in accordance with the parameters identified under the preliminary report required by paragraph (1), of the physical and mental health and other readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment, including, at a minimum—

(A) an assessment of the psychological, social, and economic impacts of such deployment on such members and former members and their families;

(B) an assessment of the particular impacts of multiple deployments in Operation Iraqi Freedom or Operation Enduring Freedom on such members and former members and their families;

(C) an assessment of the full scope of the neurological, psychiatric, and psychological effects of traumatic brain injury (TBI) on members and former members of the Armed Forces, including the effects of such effects on the family members of such members and former members, and an assessment of the efficacy of current treatment approaches for traumatic brain injury in the United States and the efficacy of screenings and treatment approaches for traumatic brain injury within the Department of Defense and the Department of Veterans Affairs;

(D) an assessment of the effects of undiagnosed injuries such as post-traumatic stress disorder (PTSD) and traumatic brain injury, an estimate of the long-term costs associated with such injuries, and an assessment of the efficacy of screenings and treatment approaches for post-traumatic stress disorder and other mental health conditions within the Department of Defense and Department of Veterans Affairs;

(E) an assessment of the particular needs and concerns of female members of the Armed Forces and female veterans;

(F) an assessment of the particular needs and concerns of children of members of the Armed Forces, taking into account differing age groups, impacts on development and education, and the mental and emotional well being of children;

(G) an assessment of the particular needs and concerns of minority members of the Armed Forces and minority veterans;

(H) an assessment of the particular educational and vocational needs of such members and former members and their families, and an assessment of the efficacy of existing educational and vocational programs to address such needs;

(I) an assessment of the impacts on communities with high populations of military families, including military housing communities and townships with deployed members of the National Guard and Reserve, of deployments associated with Operation Iraqi Freedom and Operation Enduring Freedom, and an assessment of the efficacy of programs that address community outreach and education concerning military deployments of community residents;

(J) an assessment of the impacts of increasing numbers of older and married members of the Armed Forces on readjustment requirements;

(K) the development, based on such assessments, of recommendations for programs, treatments, or policy remedies targeted at preventing, minimizing or addressing the impacts, gaps and needs identified; and

(L) the development, based on such assessments, of recommendations for additional research on such needs.

(c) POPULATIONS TO BE STUDIED.—The study required under subsection (a) shall consider the readjustment needs of each population of individuals as follows:

(1) Members of the regular components of the Armed Forces who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(2) Members of the National Guard and Reserve who are returning, or have returned, to the United States from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

(3) Veterans of Operation Iraqi Freedom or Operation Enduring Freedom.

(4) Family members of the members and veterans described in paragraphs (1) through (3).

(d) ACCESS TO INFORMATION.—The National Academy of Sciences shall have access to such personnel, information, records, and systems of the Department of Defense and the Department of Veterans Affairs as the National Academy of Sciences requires in order to carry out the study required under subsection (a).

(e) PRIVACY OF INFORMATION.—The National Academy of Sciences shall maintain any personally identifiable information accessed by the Academy in carrying out the study required under subsection (a) in accordance with all applicable laws, protections, and best practices regarding the privacy of such information, and may not permit access to such information by any persons or entities not engaged in work under the study.

(f) REPORTS BY NATIONAL ACADEMY OF SCIENCES.—Upon the completion of each phase of the study required under subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the Secretary of Veterans Affairs a report on such phase of the study.

(g) DOD AND VA RESPONSE TO NAS REPORTS.—

(1) PRELIMINARY RESPONSE.—Not later than 45 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a preliminary joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The preliminary plan shall provide preliminary proposals on the matters set forth in paragraph (3).

(2) FINAL RESPONSE.—Not later than 90 days after the receipt of a report under subsection (f) on each phase of the study required under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop a final joint Department of Defense-Department of Veterans Affairs plan to address the findings and recommendations of the National Academy of Sciences contained in such report. The final plan shall provide final proposals on the matters set forth in paragraph (3).

(3) COVERED MATTERS.—The matters set forth in this paragraph with respect to a phase of the study required under subsection (a) are as follows:

(A) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address gaps in care or services as identified by the National Academy of Sciences under such phase of the study.

(B) Modifications of policy or practice within the Department of Defense and the Department of Veterans Affairs that are necessary to address recommendations made by the National Academy of Sciences under such phase of the study.

(C) An estimate of the costs of implementing the modifications set forth under subparagraphs (A) and (B), set forth by fiscal year for at least the first five fiscal years beginning after the date of the plan concerned.

(4) REPORTS ON RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth each joint plan developed under paragraphs (1) and (2).

(5) PUBLIC AVAILABILITY OF RESPONSES.—The Secretary of Defense and the Secretary of Veterans Affairs shall each make available to the public each report submitted to Congress under paragraph (4), including by posting an electronic copy of such report on the Internet website of the Department of Defense or the Department of Veterans Affairs, as applicable, that is available to the public.

(6) GAO AUDIT.—Not later than 45 days after the submittal to Congress of the report under paragraph (4) on the final joint Department of Defense-Department of Veterans Affairs plan under paragraph (2), the Comptroller General of the United States shall submit to Congress a report assessing the contents of such report under paragraph (4). The report of the Comptroller General under this paragraph shall include—

(A) an assessment of the adequacy and sufficiency of the final joint Department of Defense-Department of Veterans Affairs plan in addressing the findings and recommendations of the National Academy of Sciences as a result of the study required under subsection (a);

(B) an assessment of the feasibility and advisability of the modifications of policy and practice proposed in the final joint Department of Defense-Department of Veterans Affairs plan;

(C) an assessment of the sufficiency and accuracy of the cost estimates in the final joint Department of Defense-Department of Veterans Affairs plan; and

(D) the comments, if any, of the National Academy of Sciences on the final joint Department of Defense-Department of Veterans Affairs plan.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense such sums as may be necessary to carry out this section.

TITLE XVII—VETERANS MATTERS

SEC. 1701. SENSE OF CONGRESS ON DEPARTMENT OF VETERANS AFFAIRS EFFORTS IN THE REHABILITATION AND REINTEGRATION OF VETERANS WITH TRAUMATIC BRAIN INJURY.

It is the sense of Congress that—

(1) the Department of Veterans Affairs is a leader in the field of traumatic brain injury care and coordination of such care;

(2) the Department of Veterans Affairs should have the capacity and expertise to provide veterans who have a traumatic brain injury with patient-centered health care, rehabilitation, and community integration services that are comparable to or exceed similar care and services available to persons with such injuries in the academic and private sector;

(3) rehabilitation for veterans who have a traumatic brain injury should be individualized, comprehensive, and interdisciplinary with the goals of optimizing the independence of such veterans and reintegrating them into their communities;

(4) family support is integral to the rehabilitation and community reintegration of veterans who have sustained a traumatic brain injury, and the Department should provide the families of such veterans with education and support;

(5) the Department of Defense and Department of Veterans Affairs have made efforts to provide a smooth transition of medical care and rehabilitative services to individuals as they transition from the health care system of the Department of Defense to that of the Department of Veterans Affairs, but more can be done to assist veterans and their families in the continuum of the rehabilitation, recovery, and reintegration of wounded or injured veterans into their communities;

(6) in planning for rehabilitation and community reintegration of veterans who have a traumatic brain injury, it is necessary for the Department of Veterans Affairs to provide a system for life-long case management for such veterans; and

(7) in such system for life-long case management, it is necessary to conduct outreach and to tailor specialized traumatic brain injury case management and outreach for the unique needs of veterans with traumatic brain injury who reside in urban and non-urban settings.

SEC. 1702. INDIVIDUAL REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR VETERANS AND OTHERS WITH TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710B the following new section:

"§ 1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community

''(a) PLAN REQUIRED.—The Secretary shall, for each veteran or member of the Armed Forces who receives inpatient or outpatient rehabilitation care from the Department for a traumatic brain injury—

''(1) develop an individualized plan for the rehabilitation and reintegration of such individual into the community; and

''(2) provide such plan in writing to such individual before such individual is discharged from inpatient care, following transition from active duty to the Department for outpatient care, or as soon as practicable following diagnosis.

''(b) CONTENTS OF PLAN.—Each plan developed under subsection (a) shall include, for the individual covered by such plan, the following:

''(1) Rehabilitation objectives for improving the physical, cognitive, and vocational functioning of such individual with the goal of maximizing the independence and reintegration of such individual into the community.

''(2) Access, as warranted, to all appropriate rehabilitative components of the traumatic brain injury continuum of care.

''(3) A description of specific rehabilitative treatments and other services to achieve the objectives described in paragraph (1), which description shall set forth the type, frequency, duration, and location of such treatments and services.

''(4) The name of the case manager designated in accordance with subsection (d) to be responsible for the implementation of such plan.

''(5) Dates on which the effectiveness of the plan will be reviewed in accordance with subsection (f).

''(c) COMPREHENSIVE ASSESSMENT.—

''(1) IN GENERAL.—Each plan developed under subsection (a) shall be based upon a comprehensive assessment, developed in accordance with paragraph (2), of—

''(A) the physical, cognitive, vocational, and neuropsychological and social impairments of such individual; and

''(B) the family education and family support needs of such individual after discharge from inpatient care.

''(2) FORMATION.—The comprehensive assessment required under paragraph (1) with respect to an individual is a comprehensive assessment of the matters set forth in that paragraph by a team, composed by the Secretary for purposes of the assessment from among, but not limited to, individuals with expertise in traumatic brain injury, including the following:

''(A) A neurologist.

''(B) A rehabilitation physician.

''(C) A social worker.

''(D) A neuropsychologist.

''(E) A physical therapist.

''(F) A vocational rehabilitation specialist.

''(G) An occupational therapist.

''(H) A speech language pathologist.

''(I) A rehabilitation nurse.

''(J) An educational therapist.

''(K) An audiologist.

''(L) A blind rehabilitation specialist.

''(M) A recreational therapist.

''(N) A low vision optometrist.

''(O) An orthotist or prostetist.

''(P) An assistive technologist or rehabilitation engineer.

''(Q) An otolaryngology physician.

''(R) A dietician.

''(S) An opthamologist.

''(T) A psychiatrist.

''(d) CASE MANAGER.—(1) The Secretary shall designate a case manager for each individual

described in subsection (a) to be responsible for the implementation of the plan, and coordination of such care, required by such subsection for such individual.

''(2) The Secretary shall ensure that such case manager has specific expertise in the care required by the individual to whom such case manager is designated, regardless of whether such case manager obtains such expertise through experience, education, or training.

''(e) PARTICIPATION AND COLLABORATION IN DEVELOPMENT OF PLANS.—(1) The Secretary shall involve each individual described in subsection (a), and the family or legal guardian of such individual, in the development of the plan for such individual under that subsection to the maximum extent practicable.

''(2) The Secretary shall collaborate in the development of a plan for an individual under subsection (a) with a State protection and advocacy system if—

''(A) the individual covered by such plan requests such collaboration; or

''(B) in the case such individual is incapacitated, the family or guardian of such individual requests such collaboration.

''(3) In the case of a plan required by subsection (a) for a member of the Armed Forces who is on active duty, the Secretary shall collaborate with the Secretary of Defense in the development of such plan.

''(4) In developing vocational rehabilitation objectives required under subsection (b)(1) and in conducting the assessment required under subsection (c), the Secretary shall act through the Under Secretary for Health in coordination with the Vocational Rehabilitation and Employment Service of the Department of Veterans Affairs.

''(f) EVALUATION.—

''(1) PERIODIC REVIEW BY SECRETARY.—The Secretary shall periodically review the effectiveness of each plan developed under subsection (a). The Secretary shall refine each such plan as the Secretary considers appropriate in light of such review.

''(2) REQUEST FOR REVIEW BY VETERANS.—In addition to the periodic review required by paragraph (1), the Secretary shall conduct a review of the plan of a veteran under paragraph (1) at the request of such veteran, or in the case that such veteran is incapacitated, at the request of the guardian or the designee of such veteran.

''(g) STATE DESIGNATED PROTECTION AND ADVOCACY SYSTEM DEFINED.—In this section, the term 'State protection and advocacy system' means a system established in a State under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) to protect and advocate for the rights of persons with development disabilities.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710B the following new item:

''1710C. Traumatic brain injury: plans for rehabilitation and reintegration into the community.''.

SEC. 1703. USE OF NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES FOR IMPLEMENTATION OF REHABILITATION AND COMMUNITY REINTEGRATION PLANS FOR TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1710C, as added by section 1602 of this Act, the following new section:

''§ 1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation

''(a) IN GENERAL.—Subject to section 1710(a)(4) of this title and subsection (b) of this section, the Secretary shall provide rehabilitative treatment or services to implement a plan developed under section 1710C of this title at a non-Department facility with which the Secretary has entered into an agreement for such purpose, to an individual—

''(1) who is described in section 1710C(a) of this title; and

''(2)(A) to whom the Secretary is unable to provide such treatment or services at the frequency or for the duration prescribed in such plan; or

''(B) for whom the Secretary determines that it is optimal with respect to the recovery and rehabilitation of such individual .

''(b) STANDARDS.—The Secretary may not provide treatment or services as described in subsection (a) at a non-Department facility under such subsection unless such facility maintains standards for the provision of such treatment or services established by an independent, peer-reviewed organization that accredits specialized rehabilitation programs for adults with traumatic brain injury.

''(c) AUTHORITIES OF STATE PROTECTION AND ADVOCACY SYSTEMS.—With respect to the provision of rehabilitative treatment or services described in subsection (a) in a non-Department facility, a State designated protection and advocacy system established under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.) shall have the authorities described under such subtitle.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1710C, as added by section 1602 of this Act, the following new item:

''1710D. Traumatic brain injury: use of non-Department facilities for rehabilitation.''.

(c) CONFORMING AMENDMENT.—Section 1710(a)(4) of such title is amended by inserting ''the requirement in section 1710D of this title that the Secretary provide certain rehabilitative treatment or services,'' after ''extended care services,''.

SEC. 1704. RESEARCH, EDUCATION, AND CLINICAL CARE PROGRAM ON SEVERE TRAUMATIC BRAIN INJURY.

(a) PROGRAM REQUIRED.—Subchapter II of chapter 73 of title 38, United States Code, is amended by inserting after section 7330 the following new section:

''§ 7330A. Severe traumatic brain injury research, education, and clinical care program

''(a) PROGRAM REQUIRED.—The Secretary shall establish a program on research, education, and clinical care to provide intensive neuro-rehabilitation to veterans with a severe traumatic brain injury, including veterans in a minimally conscious state who would otherwise receive only long-term residential care.

''(b) COLLABORATION REQUIRED.—The Secretary shall establish the program required by subsection (a) in collaboration with the Defense and Veterans Brain Injury Center and other relevant programs of the Federal Government (including other Centers of Excellence).

''(c) EDUCATION REQUIRED.—As part of the program required by subsection (a), the Secretary shall, in collaboration with the Defense and Veterans Brain Injury Center and any other relevant programs of the Federal Government (including other Centers of Excellence), conduct educational programs on recognizing and diagnosing mild and moderate cases of traumatic brain injury.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012, $10,000,000 to carry out the program required by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7330 the following new item:

''7330A. Severe traumatic brain injury research, education, and clinical care program.''.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the research to be conducted under the program required by section 7330A of title 38, United States Code, as added by subsection (a).

SEC. 1705. PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) PILOT PROGRAM.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall, in collaboration with the Defense and Veterans Brain Injury Center, carry out a pilot program to assess the effectiveness of providing assisted living services to eligible veterans to enhance the rehabilitation, quality of life, and community integration of such veterans.

(b) DURATION OF PROGRAM.—The pilot program shall be carried out during the five-year period beginning on the date of the commencement of the pilot program.

(c) PROGRAM LOCATIONS.—

(1) IN GENERAL.—The pilot program shall be carried out at locations selected by the Secretary for purposes of the pilot program. Of the locations so selected—

(A) at least one shall be in each health care region of the Veterans Health Administration that contains a polytrauma center of the Department of Veterans Affairs; and

(B) any other locations shall be in areas that contain high concentrations of veterans with traumatic brain injury, as determined by the Secretary.

(2) SPECIAL CONSIDERATION FOR VETERANS IN RURAL AREAS.—Special consideration shall be given to provide veterans in rural areas with an opportunity to participate in the pilot program.

(d) PROVISION OF ASSISTED LIVING SERVICES.—

(1) AGREEMENTS.—In carrying out the pilot program, the Secretary may enter into agreements for the provision of assisted living services on behalf of eligible veterans with a provider participating under a State plan or waiver under title XIX of such Act (42 U.S.C. 1396 et seq.).

(2) STANDARDS.—The Secretary may not place, transfer, or admit a veteran to any facility for assisted living services under this program unless the Secretary determines that the facility meets such standards as the Secretary may prescribe for purposes of the pilot program. Such standards shall, to the extent practicable, be consistent with the standards of Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such facilities.

(e) CONTINUATION OF CASE MANAGEMENT AND REHABILITATION SERVICES.—In carrying the pilot program under subsection (a), the Secretary shall continue to provide each veteran who is receiving assisted living services under the pilot program with rehabilitative services and shall designate Department health-care employees to furnish case management services for veterans participating in the pilot program.

(f) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the completion of the pilot program, the Secretary shall submit to the congressional veterans affairs committees a report on the pilot program.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the pilot program.

(B) An assessment of the utility of the activities under the pilot program in enhancing the rehabilitation, quality of life, and community reintegration of veterans with traumatic brain injury.

(C) Such recommendations as the Secretary considers appropriate regarding the extension or expansion of the pilot program.

(g) DEFINITIONS.—In this section:

(1) The term ''assisted living services'' means services of a facility in providing room, board, and personal care for and supervision of residents for their health, safety, and welfare.

(2) The term ''case management services'' includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(3) The term ''congressional veterans affairs committees'' means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(4) The term ''eligible veteran'' means a veteran who—

(A) is enrolled in the Department of Veterans Affairs health care system;

(B) has received treatment for traumatic brain injury from the Department of Veterans Affairs;

(C) is unable to manage routine activities of daily living without supervision and assistance; and

(D) could reasonably be expected to receive ongoing services after the end of the pilot program under this section under another government program or through other means.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs to carry out this section, $8,000,000 for each of fiscal years 2008 through 2013.

SEC. 1706. RESEARCH ON TRAUMATIC BRAIN INJURY.

(a) INCLUSION OF RESEARCH ON TRAUMATIC BRAIN INJURY UNDER ONGOING RESEARCH PROGRAMS.—The Secretary of Veterans Affairs shall, in carrying out research programs and activities under the provisions of law referred to in subsection (b), ensure that such programs and activities include research on the sequelae of mild to severe forms of traumatic brain injury, including—

(1) research on visually-related neurological conditions;

(2) research on seizure disorders;

(3) research on means of improving the diagnosis, rehabilitative treatment, and prevention of such sequelae;

(4) research to determine the most effective cognitive and physical therapies for the sequelae of traumatic brain injury; and

(5) research on dual diagnosis of post-traumatic stress disorder and traumatic brain injury.

(b) RESEARCH AUTHORITIES.—The provisions of law referred to in this subsection are the following:

(1) Section 3119 of title 38, United States Code, relating to rehabilitation research and special projects.

(2) Section 7303 of such title, relating to research programs of the Veterans Health Administration.

(3) Section 7327 of such title, relating to research, education, and clinical activities on complex multi-trauma associated with combat injuries.

(c) COLLABORATION.—In carrying out the research required by subsection (a), the Secretary shall collaborate with facilities that—

(1) conduct research on rehabilitation for individuals with traumatic brain injury; and

(2) receive grants for such research from the National Institute on Disability and Rehabilitation Research of the Department of Education.

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report describing in comprehensive detail the research to be carried out pursuant to subsection (a).

SEC. 1707. AGE-APPROPRIATE NURSING HOME CARE.

(a) FINDING.—Congress finds that young veterans who are injured or disabled through military service and require long-term care should have access to age-appropriate nursing home care.

(b) REQUIREMENT TO PROVIDE AGE-APPROPRIATE NURSING HOME CARE.—Section 1710A of title 38, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) The Secretary shall ensure that nursing home care provided under subsection (a) is provided in an age-appropriate manner.''.

SEC. 1708. EXTENSION OF PERIOD OF ELIGIBILITY FOR HEALTH CARE FOR COMBAT SERVICE IN THE PERSIAN GULF WAR OR FUTURE HOSTILITIES.

Section 1710(e)(3)(C) of title 38, United States Code, is amended by striking ''2 years'' and inserting ''5 years''.

SEC. 1709. MENTAL HEALTH: SERVICE-CONNECTION STATUS AND EVALUATIONS FOR CERTAIN VETERANS.

(a) PRESUMPTION OF SERVICE-CONNECTION OF MENTAL ILLNESS FOR CERTAIN VETERANS.—Section 1702 of title 38, United States Code, is amended—

(1) by striking ''psychosis'' and inserting ''mental illness''; and

*(2) in the heading, by striking ''**psychosis**'' and inserting ''**mental illness**''.*

(b) PROVISION OF MENTAL HEALTH EVALUATIONS FOR CERTAIN VETERANS.—Upon the request of a veteran described in section 1710(e)(3)(C) of title 38, United States Code, the Secretary shall provide to such veteran a preliminary mental health evaluation as soon as practicable, but not later than 30 days after such request.

SEC. 1710. MODIFICATION OF REQUIREMENTS FOR FURNISHING OUTPATIENT DENTAL SERVICES TO VETERANS WITH A SERVICE-CONNECTED DENTAL CONDITION OR DISABILITY.

Section 1712(a)(1)(B)(iv) of title 38, United States Code, is amended by striking ''90-day'' and inserting ''180-day''.

SEC. 1711. DEMONSTRATION PROGRAM ON PREVENTING VETERANS AT-RISK OF HOMELESSNESS FROM BECOMING HOMELESS.

(a) DEMONSTRATION PROGRAM.—The Secretary of Veterans Affairs shall carry out a demonstration program for the purpose of—

(1) identifying members of the Armed Forces on active duty who are at risk of becoming homeless after they are discharged or released from active duty; and

(2) providing referral, counseling, and supportive services, as appropriate, to help prevent such members, upon becoming veterans, from becoming homeless.

(b) PROGRAM LOCATIONS.—The Secretary shall carry out the demonstration program in at least three locations.

(c) IDENTIFICATION CRITERIA.—In developing and implementing the criteria to identify members of the Armed Forces, who upon becoming veterans, are at-risk of becoming homeless, the Secretary of Veterans Affairs shall consult with the Secretary of Defense and such other officials and experts as the Secretary considers appropriate.

(d) CONTRACTS.—The Secretary of Veterans Affairs may enter into contracts to provide the referral, counseling, and supportive services required under the demonstration program with entities or organizations that meet such requirements as the Secretary may establish.

(e) SUNSET.—The authority of the Secretary under subsection (a) shall expire on September 30, 2011.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 for the purpose of carrying out the provisions of this section.

SEC. 1712. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 of title 38, United States Code, is amended by inserting '', or from the National Guard or Reserve,'' after ''active military, naval, or air service''.

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

''(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;''.

TITLE XVIII—NATIONAL GUARD BUREAU MATTERS AND RELATED MATTERS

SEC. 1801. SHORT TITLE.

This title may be cited as the ''National Guard Empowerment Act of 2007''.

SEC. 1802. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking ''joint bureau of the Department of the Army and the Department of the Air Force'' and inserting ''joint activity of the Department of Defense''.

(2) PURPOSE.—Subsection (b) of such section is amended by striking ''between'' and all that follows and inserting ''between—

''(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands of the United States, and (B) the Department of the Army and the Department of the Air Force; and

''(2) the several States.''.

(b) ENHANCEMENTS OF POSITION OF CHIEF OF NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting ''to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff,'' after ''principal adviser''.

(2) GRADE.—Subsection (d) of such section is amended by striking ''lieutenant general'' and inserting ''general''.

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

''(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

''(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

''(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.''.

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) ADDITIONAL GENERAL FUNCTIONS.—Section 10503 of title 10, United States Code, is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

''(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.''.

(2) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

''§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

''(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

''(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.''.

(3) BUDGETING FOR TRAINING AND EQUIPMENT FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations

''(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for training and equipment for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year.

''(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

''(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

''(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.''.

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of title 10, United States Code, is amended to read as follows:

''§ 10503. Functions of National Guard Bureau: charter''.

(2) CLERICAL AMENDMENTS.—(A) The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

''10503. Functions of National Guard Bureau: charter.

''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.Q

(B) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

''10544. National Guard training and equipment: budget for military assistance to civil authorities and for other domestic operations.''.

SEC. 1803. PROMOTION OF ELIGIBLE RESERVE OFFICERS TO LIEUTENANT GENERAL AND VICE ADMIRAL GRADES ON THE ACTIVE-DUTY LIST.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, whenever officers are considered for promotion to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active duty list, officers of the reserve components of the Armed Forces who are eligible for promotion to such grade should be considered for promotion to such grade.

(b) PROPOSAL.—The Secretary of Defense shall submit to Congress a proposal for mechanisms to achieve the objective specified in subsection (a). The proposal shall include such recommendations for legislative or administrative action as the Secretary considers appropriate in order to achieve that objective.

(c) NOTICE ACCOMPANYING NOMINATIONS.—The President shall include with each nomination of an officer to the grade of lieutenant general, or vice admiral in the case of the Navy, on the active-duty list that is submitted to the Senate for consideration a certification that all reserve officers who were eligible for consideration for promotion to such grade were considered in the making of such nomination.

SEC. 1804. PROMOTION OF RESERVE OFFICERS TO LIEUTENANT GENERAL GRADE.

(a) TREATMENT OF SERVICE AS ADJUTANT GENERAL AS JOINT DUTY EXPERIENCE.—

(1) DIRECTORS OF ARMY AND AIR NATIONAL GUARD.—Section 10506(a)(3) of title 10, United States Code, is amended—

(A) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Service of an officer as adjutant general shall be treated as joint duty experience for purposes of subparagraph (B)(ii).''.

(2) OTHER OFFICERS.—The service of an officer of the Armed Forces as adjutant general, or as an officer (other than adjutant general) of the National Guard of a State who performs the duties of adjutant general under the laws of such State, shall be treated as joint duty or joint duty experience for purposes of any provisions of law required such duty or experience as a condition of promotion.

(b) REPORTS ON PROMOTION OF RESERVE MAJOR GENERALS TO LIEUTENANT GENERAL GRADE.—

(1) REVIEW REQUIRED.—The Secretary of the Army and the Secretary of the Air Force shall each conduct a review of the promotion practices of the military department concerned in order to identify and assess the practices of such military department in the promotion of reserve officers from major general grade to lieutenant general grade.

(2) REPORTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the review conducted by such official under paragraph (1). Each report shall set forth—

(A) the results of such review; and

(B) a description of the actions intended to be taken by such official to encourage and facilitate the promotion of additional reserve officers from major general grade to lieutenant general grade.

SEC. 1805. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—A position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

SEC. 1806. REQUIREMENT FOR SECRETARY OF DEFENSE TO PREPARE ANNUAL PLAN FOR RESPONSE TO NATURAL DISASTERS AND TERRORIST EVENTS.

(a) REQUIREMENT FOR ANNUAL PLAN.—Not later than March 1, 2008, and each March 1 thereafter, the Secretary of Defense, in consultation with the commander of the United States Northern Command and the Chief of the National Guard Bureau, shall prepare and submit to Congress a plan for coordinating the use of the National Guard and members of the Armed Forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters as identified in the national planning scenarios described in subsection (e).

(b) INFORMATION TO BE PROVIDED TO SECRETARY.—To assist the Secretary of Defense in preparing the plan, the National Guard Bureau, pursuant to its purpose as channel of communications as set forth in section 10501(b) of title 10, United States Code, shall provide to the Secretary information gathered from Governors, adjutants general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

(c) TWO VERSIONS.—The plan shall set forth two versions of response, one using only members of the National Guard, and one using both members of the National Guard and members of the regular components of the Armed Forces.

(d) MATTERS COVERED.—The plan shall cover, at a minimum, the following:

(1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective States and communities.

(2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies.

(3) An identification of the training and equipment needed for both National Guard personnel and members of the Armed Forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

(e) NATIONAL PLANNING SCENARIOS.—The plan shall provide for response to the following hazards:

(1) Nuclear detonation, biological attack, biological disease outbreak/pandemic flu, the plague, chemical attack-blister agent, chemical attack-toxic industrial chemicals, chemical attack-nerve agent, chemical attack-chlorine tank explosion, major hurricane, major earthquake, radiological attack-radiological dispersal device, explosives attack-bombing using improvised explosive device, biological attack-food contamination, biological attack-foreign animal disease and cyber attack.

(2) Any other hazards identified in a national planning scenario developed by the Homeland Security Council.

SEC. 1807. ADDITIONAL REPORTING REQUIREMENTS RELATING TO NATIONAL GUARD EQUIPMENT.

Section 10541 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) Each report under this section concerning equipment of the National Guard shall also include the following:

''(1) A statement of the accuracy of the projections required by subsection (b)(5)(D) contained in earlier reports under this section, and an explanation, if the projection was not met, of why the projection was not met.

''(2) A certification from the Chief of the National Guard Bureau setting forth an inventory for the preceding fiscal year of each item of equipment—

''(A) for which funds were appropriated;

''(B) which was due to be procured for the National Guard during that fiscal year; and

''(C) which has not been received by a National Guard unit as of the close of that fiscal year.''.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2008''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot.	$26,000,000
	Redstone Arsenal	$20,000,000
Alaska	Fort Richardson	$92,800,000
	Fort Wainwright	$114,500,000
Arizona	Fort Huachuca	$129,600,000
California	Fort Irwin	$24,000,000
	Presidio, Monterey.	$28,000,000
Colorado	Fort Carson	$156,200,000
Delaware	Dover Air Force Base.	$17,500,000
Florida	Eglin Air Force Base.	$66,000,000
	Miami Doral	$237,000,000
Georgia	Fort Benning	$185,800,000
	Fort Stewart/Hunter Army Air Field.	$123,500,000
Hawaii	Fort Shafter	$31,000,000
	Schofield Barracks.	$88,000,000
	Wheeler Army Air Field.	$51,000,000
Illinois	Rock Island Arsenal.	$3,350,000
Kansas	Fort Leavenworth.	$90,800,000
	Fort Riley	$138,300,000
Kentucky	Fort Campbell	$105,000,000
	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.	$125,650,000
Nevada	Hawthorne Army Ammunition Plant.	$11,800,000
New Mexico	White Sands Missile Range.	$71,000,000
New York	Fort Drum	$291,000,000
North Carolina	Fort Bragg	$275,600,000
Oklahoma	Fort Sill	$6,200,000
South Carolina	Fort Jackson	$85,000,000
Texas	Camp Bullis	$1,600,000
	Fort Bliss	$111,900,000
	Fort Hood	$145,400,000
	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	$16,700,000
	Fort Myer	$20,800,000
Washington	Fort Lewis	$164,600,000
	Yakima Training Center.	$29,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Bulgaria	Nevo Selo FOS	$61,000,000
Germany	Grafenwoehr	$62,000,000
Honduras	Soto Cano Air Base.	$2,550,000
Italy	Vicenza	$173,000,000
Korea	Camp Humphreys	$57,000,000
Romania	Mihail Kogalniceanu FOS.	$12,600,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Ansbach	138	$52,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,000,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $365,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $5,218,067,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $3,254,250,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $295,150,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $333,947,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $419,400,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $742,920,000.

(6) For the construction of increment 3 of a barracks complex at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485), $47,400,000.

(7) For the construction of increment 2 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), $102,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $204,000,000 (the balance of the amount authorized under section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289) (as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)), for construction of a brigade complex for Fort Lewis, Washington).

(3) $37,000,000 (the balance of the amount authorized under section 2101(b) for construction of a brigade complex operations support facility at Vicenza, Italy).

(4) $36,000,000 (the balance of the amount authorized under section 2101(b) for construction of a brigade complex barracks and community support facility at Vicenza, Italy).

SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 ARMY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), is further amended—

(1) by striking the item relating to Redstone Arsenal, Alabama;

(2) by striking the item relating to Fort Wainwright, Alaska;

(3) in the item relating to Fort Irwin, California, by striking ''$18,200,000'' in the amount column and inserting ''$10,000,000'';

(4) in the item relating to Fort Carson, Colorado, by striking ''$30,800,000'' in the amount column and inserting ''$24,000,000'';

(5) in the item relating to Fort Leavenworth, Kansas, by striking ''$23,200,000'' in the amount column and inserting ''$15,000,000'';

(6) in the item relating to Fort Riley, Kansas, by striking ''$47,400,000'' in the amount column and inserting ''$37,200,000'';

(7) in the item relating to Fort Campbell, Kentucky, by striking ''$135,300,000'' in the amount column and inserting ''$115,400,000'';

(8) by striking the item relating to Fort Polk, Louisiana;

(9) by striking the item relating to Aberdeen Proving Ground, Maryland;

(10) by striking the item relating to Fort Detrick, Maryland;

(11) by striking the item relating to Detroit Arsenal, Michigan;

(12) in the item relating to Fort Leonard Wood, Missouri, by striking ''$34,500,000'' in the amount column and inserting ''$17,000,000'';

(13) by striking the item relating to Picatinny Arsenal, New Jersey;

(14) in the item relating to Fort Drum, New York, by striking ''$218,600,000'' in the amount column and inserting ''$209,200,000'';

(15) in the item relating to Fort Bragg, North Carolina, by striking ''$96,900,000'' in the amount column and inserting ''$89,000,000'';

(16) by striking the item relating to Letterkenny Depot, Pennsylvania;

(17) by striking the item relating to Corpus Christi Army Depot, Texas;

(18) by striking the item relating to Fort Bliss, Texas;

(19) in the item relating to Fort Hood, Texas, by striking ''$93,000,000'' in the amount column and inserting ''$75,000,000'';

(20) by striking the item relating to Red River Depot, Texas; and

(21) by striking the item relating to Fort Lee, Virginia.

(b) CONFORMING AMENDMENTS.—Section 2104(a) of such Act (120 Stat. 2447) is amended—

(1) in the matter preceding paragraph (1), by striking ''$3,518,450,000'' and inserting ''$3,275,700,000''; and

(2) in paragraph (1), by striking ''$1,362,200,000'' and inserting ''$1,119,450,000''.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3485) is amended in the item relating to Fort Bragg, North Carolina, by striking ''$301,250,000'' in the amount column and inserting ''$308,250,000''.

(b) CONFORMING AMENDMENTS.—Section 2104(b)(5) of that Act (119 Stat. 3488) is amended by striking ''$77,400,000'' and inserting ''$84,400,000''.

SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECT.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

Installation or Location	Project	Amount
Schofield Barracks, Hawaii.	Training facility ..	$35,542,000

SEC. 2108. TECHNICAL AMENDMENTS TO THE MILITARY CONSTRUCTION AUTHORIZATION ACT FOR 2007.

(a) TECHNICAL AMENDMENT TO SPECIFY LOCATION OF PROJECT IN ROMANIA.—The table in section 2101(b) of the Military Construction Authorization Act for 2007 (division B of Public Law 109–364; 120 Stat. 2446) is amended by striking ''Babadag Range'' and inserting ''Mihail Kogalniceanu Air Base''.

(b) TECHNICAL AMENDMENT TO CORRECT PRINTING ERROR RELATING TO ARMY FAMILY HOUSING.—The table in section 2102(a) of the Military Construction Authorization Act for 2007 (division B of Public Law 109–364; 120 Stat. 2446) is amended by striking ''Fort McCoyine'' and inserting ''Fort McCoy''.

SEC. 2109. GROUND LEASE, SOUTHCOM HEADQUARTERS FACILITY, MIAMI-DORAL, FLORIDA.

(a) GROUND LEASE AUTHORIZED.—The Secretary of the Army may utilize the State of Florida property as described in sublease number 4489–01, entered into between the State of Florida and the United States (in this section referred to as the ''ground lease''), for the purpose of constructing a consolidated headquarters facility for the United States Southern Command (SOUTHCOM).

(b) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may carry out the project to construct a new headquarters on property leased from the State of Florida when the following conditions have been met regarding the lease for the property:

(1) The United States Government shall have the right to use the property without interruption until at least December 31, 2055.

(2) The United States Government shall have the right to use the property for general administrative purposes in the event the United States Southern Command relocates or vacates the property.

(c) AUTHORITY TO OBTAIN GROUND LEASE OF ADJACENT PROPERTY.—The Secretary may obtain the ground lease of additional real property owned by the State of Florida that is adjacent to the real property leased under the ground lease for purposes of completing the construction of the SOUTHCOM headquarters facility, as long as the additional terms of the ground lease required by subsection (b) apply to such adjacent property.

(d) LIMITATION.—The Secretary may not obligate or expend funds appropriated pursuant to the authorization of appropriations in section 2104(a)(1) for the construction of the SOUTHCOM headquarters facility authorized under section 2101(a) until the Secretary transmits to the congressional defense committees a modification to the ground lease signed by the United States Government and the State of Florida in accordance with subsection (b).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Alabama	Outlying Field Evergreen	$9,560,000
Arizona	Marine Corps Air Station, Yuma	$33,720,000
California	Marine Corps Base, Camp Pendleton	$366,394,000
	Marine Corps Air Station, Miramar	$26,760,000
	Naval Station, San Diego	$23,630,000
	Marine Corps Base, Twentynine Palms	$147,059,000
Connecticut	Naval Submarine Base, New London	$11,900,000
Florida	Marine Corps Logistics Base, Blount Island	$7,570,000
	Cape Canaveral	$9,900,000
	Naval Surface Warfare Center, Panama City	$13,870,000
Hawaii	Marine Corps Air Station, Kaneohe	$37,961,000
	Naval Base, Pearl Harbor	$99,860,000
	Naval Shipyard, Pearl Harbor	$30,200,000
	Naval Station Pearl Harbor, Wahiawa	$65,410,000
Illinois	Naval Training Center, Great Lakes	$10,221,000
Indiana	Naval Support Activity, Crane	$12,000,000
Maryland	Naval Air Warfare Center, Patuxent River	$38,360,000
Maine	Naval Shipyard, Portsmouth	$9,700,000
Mississippi	Naval Air Station, Meridian	$6,770,000
Nevada	Naval Air Station, Fallon	$11,460,000
New Jersey	Naval Air Station, Lakehurst	$4,100,000
North Carolina	Marine Corps Air Station, Cherry Point	$28,610,000
	Marine Corps Air Station, New River	$54,430,000
	Marine Corps Base, Camp Lejeune	$278,070,000
Rhode Island	Naval Station, Newport	$9,990,000
South Carolina	Marine Corps Air Station, Beaufort	$6,800,000

***Navy: Inside the United States*—Continued**

State	Installation or Location	Amount
	Marine Corps Recruit Depot, Parris Island	$55,282,000
Texas	Naval Air Station, Corpus Christi	$14,290,000
Virginia	Naval Support Activity, Chesapeake	$8,450,000
	Naval Station, Norfolk	$79,560,000
	Marine Corps Base, Quantico	$50,519,000
Washington	Naval Station, Bremerton	$190,960,000
	Naval Station, Everett	$10,940,000
	Naval Air Station, Whidbey Island	$23,910,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Naval Support Activity, Bahrain	$35,500,000
Diego Garcia	Naval Support Facility, Diego Garcia	$7,150,000
Djibouti	Camp Lemonier	$22,390,000
Guam	Naval Activities, Guam	$273,518,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Wharf Utilities Upgrade	$8,900,000
	Host Nation Infrastructure	$2,700,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation	Units	Amount
Mariana Islands	Naval Activities, Guam	73	$47,167,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $3,172,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $237,990,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,032,790,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,717,016,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $338,558,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $11,600,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $119,658,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $300,095,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $371,404,000.

(7) For the construction of increment 2 of the construction of an addition to the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $52,069,000.

(8) For the construction of increment 3 of recruit training barracks infrastructure upgrade at Recruit Training Command, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $16,650,000.

(9) For the construction of increment 3 of wharf upgrades at Yokosuka, Japan, authorized by section 2201(b) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $8,750,000.

(10) For the construction of increment 2 of the Bachelor Enlisted Quarters Homeport Ashore Program at Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), $47,240,000.

(11) For the construction of increment 4 of the limited area production and storage complex at Naval Submarine Base Kitsap, Silverdale, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493), $39,750,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(2) $71,200,000 (the balance of the amount authorized under section 2201(a) for a nuclear aircraft carrier maintenance pier at Naval Station Bremerton, Washington).

SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 NAVY PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2449) is amended—

(1) in the item relating to Marine Corps Base, Twentynine Palms, California, by striking ''$27,217,000'' in the amount column and inserting ''$8,217,000'';

(2) by striking the item relating to Naval Support Activity, Monterey, California;

(3) by striking the item relating to Naval Submarine Base, New London, Connecticut;

(4) by striking the item relating to Cape Canaveral, Florida;

(5) in the item relating to Marine Corps Logistics Base, Albany, Georgia, by striking ''$70,540,000'' in the amount column and inserting ''$62,000,000'';

(6) by striking the item relating to Naval Magazine, Pearl Harbor, Hawaii;

(7) by striking the item relating to Naval Shipyard, Pearl Harbor, Hawaii;

(8) by striking the item relating to Naval Support Activity, Crane, Indiana;

(9) by striking the item relating to Portsmouth Naval Shipyard, Maine;

(10) by striking the item relating to Naval Air Station, Meridian, Mississippi;

(11) by striking the item relating to Naval Air Station, Fallon, Nevada;

(12) by striking the item relating to Marine Corps Air Station, Cherry Point, North Carolina;

(13) by striking the item relating to Naval Station, Newport, Rhode Island;

(14) in the item relating to Marine Corps Air Station, Beaufort, South Carolina, by striking ''$25,575,000'' in the amount column and inserting ''$22,225,000'';

(15) by striking the item relating to Naval Special Weapons Center, Dahlgren, Virginia;

(16) in the item relating to Naval Support Activity, Norfolk, Virginia, by striking ''$41,712,000'' in the amount column and inserting ''$28,462,000'';

(17) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$67,303,000'' in the amount column and inserting ''$57,653,000''; and

(18) in the item relating to Naval Base, Kitsap, Washington, by striking ''$17,617,000'' in the amount column and inserting ''$13,507,000''.

(b) TERMINATION OF MILITARY FAMILY HOUSING PROJECTS.—Section 2204(a)(6)(A) of such Act (120 Stat. 2450) is amended by striking ''$308,956,000'' and inserting ''$305,256,000''.

(c) CONFORMING AMENDMENTS.—Section 2204(a) of such Act, as amended by subsection (b), is further amended—

(1) in the matter preceding paragraph (1), by striking ''$2,109,367,000'' and inserting ''$1,946,867,000''; and

(2) in paragraph (1), by striking ''$832,982,000'' and inserting ''$674,182,000''.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2205 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452) is amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$147,760,000'' in the amount column and inserting ''$295,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$972,719,000''.

(b) CONFORMING AMENDMENT.—Section 2204 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2107), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2205 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2453) is amended in subsection (b)(6), by striking ''$95,320,000'' and inserting ''$259,320,000''.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

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
Arkansas	Little Rock Air Force Base	$9,800,000
California	Travis Air Force Base	$26,600,000
Colorado	Fort Carson	$13,500,000
	Schriever Air Force Base	$24,500,000
	United States Air Force Academy	$15,000,000
District of Columbia	Bolling Air Force Base	$2,500,000
Florida	Eglin Air Force Base	$158,300,000
	MacDill Air Force Base	$57,000,000
	Patrick Air Force Base	$11,854,000
	Tyndall Air Force Base	$44,114,000
Georgia	Robins Air Force Base	$14,700,000
Hawaii	Hickam Air Force Base	$31,971,000
Illinois	Scott Air Force Base	$24,900,000
Kansas	Fort Riley	$12,515,000
Massachusetts	Hanscom Air Force Base	$12,800,000
Montana	Malmstrom Air Force Base	$7,000,000
Nebraska	Offutt Air Force Base	$16,952,000
New Mexico	Cannon Air Force Base	$1,688,000
	Kirtland Air Force Base	$11,400,000
Nevada	Nellis Air Force Base	$4,950,000
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
South Dakota	Ellsworth Air Force Base	$16,600,000
Texas	Lackland Air Force Base	$14,000,000
Utah	Hill Air Force Base	$25,999,000
Wyoming	Francis E. Warren Air Force Base	$14,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$48,209,000
Guam	Andersen Air Force Base	$10,000,000
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

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	$1,500,000

***Air Force: Unspecified Worldwide*—Continued**

Location	Installation or Location	Amount
	Classified-Special Evaluation Program	$13,940,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, in the number of units, and in the amount set forth in the following table:

Air Force: Family Housing

State or Country	Installation or Location	Units	Amount
Germany	Ramstein Air Base	117	$56,275,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,210,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $294,262,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,097,357,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $754,123,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $140,609,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $15,440,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $61,103,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $362,747,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $688,335,000.

(7) For the construction of increment 3 of the main base runway at Edwards Air Force Base, California, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), $35,000,000.

(8) For the construction of increment 3 of the CENTCOM Joint Intelligence Center at MacDill Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), as amended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), $25,000,000.

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 AIR FORCE PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2453) is amended—

(1) in the item relating to Elmendorf, Alaska, by striking ''$68,100,000'' in the amount column and inserting ''$56,100,000'';

(2) in the item relating to Davis-Monthan Air Force Base, Arizona, by striking ''$11,800,000'' in the amount column and inserting ''$4,600,000'';

(3) by striking the item relating to Little Rock Air Force Base, Arkansas;

(4) in the item relating to Travis Air Force Base, California, by striking ''$85,800,000'' in the amount column and inserting ''$73,900,000'';

(5) by striking the item relating to Peterson Air Force Base, Colorado;

(6) in the item relating to Dover Air Force, Delaware, by striking ''$30,400,000'' in the amount column and inserting ''$26,400,000'';

(7) in the item relating to Eglin Air Force Base, Florida, by striking ''$30,350,000'' in the amount column and inserting ''$19,350,000'';

(8) in the item relating to Tyndall Air Force Base, Florida, by striking ''$8,200,000'' in the amount column and inserting ''$1,800,000'';

(9) in the item relating to Robins Air Force Base, Georgia, by striking ''$59,600,000'' in the amount column and inserting ''$38,600,000'';

(10) in the item relating to Scott Air Force, Illinois, by striking ''$28,200,000'' in the amount column and inserting ''$20,000,000'';

(11) by striking the item relating to McConnell Air Force Base, Kansas;

(12) by striking the item relating to Hanscom Air Force Base, Massachusetts;

(13) by striking the item relating to Whiteman Air Force Base, Missouri;

(14) by striking the item relating to Malmstrom Air Force Base, Montana;

(15) in the item relating to McGuire Air Force Base, New Jersey, by striking ''$28,500,000'' in the amount column and inserting ''$15,500,000'';

(16) by striking the item relating to Kirtland Air Force Base, New Mexico;

(17) by striking the item relating to Minot Air Force Base, North Dakota;

(18) in the item relating to Altus Air Force Base, Oklahoma, by striking ''$9,500,000'' in the amount column and inserting ''$1,500,000'';

(19) by striking the item relating to Tinker Air Force Base, Oklahoma;

(20) by striking the item relating to Charleston Air Force Base, South Carolina;

(21) in the item relating to Shaw Air Force Base, South Carolina, by striking ''$31,500,000'' in the amount column and inserting ''$22,200,000'';

(22) by striking the item relating to Ellsworth Air Force Base, South Dakota;

(23) by striking the item relating to Laughlin Air Force Base, Texas;

(24) by striking the item relating to Sheppard Air Force Base, Texas;

(25) in the item relating to Hill Air Force Base, Utah, by striking ''$63,400,000'' in the amount column and inserting ''$53,400,000''; and

(26) by striking the item relating to Fairchild Air Force Base, Washington.

(b) CONFORMING AMENDMENTS.—Section 2304(a) of such Act (120 Stat. 2455) is amended—

(1) in the matter preceding paragraph (1), by striking ''$3,231,442,000'' and inserting ''$3,005,817,000''; and

(2) in paragraph (1), by striking ''$962,286,000'' and inserting ''$736,661,000''.

SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3494), as amended by section 2305(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2456), is further amended in the item relating to MacDill Air Force Base, Florida, by striking ''$101,500,000'' in the amount column and inserting ''$126,500,000''.

(b) CONFORMING AMENDMENT.—Section 2304(b)(4) of the Military Construction Authorization Act for Fiscal Year 2006 (119 Stat. 3496), as amended by section 2305(b) of the Military Construction Authorization Act for Fiscal Year 2007 (120 Stat. 2456), is further amended by striking ''$23,300,000'' and inserting ''$48,300,000''.

SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) 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
MacDill Air Force Base, Florida	Housing maintenance facility	$1,250,000
Columbus Air Force Base, Mississippi	Housing management facility	$711,000

Air Force: Extension of 2005 Project Authorizations—Continued

Installation or Location	Project	Amount
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

SEC. 2308. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) 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

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
North Carolina	Marine Corps Base, Camp Lejeune	$2,014,000

Defense Intelligence Agency

State	Installation or Location	Amount
District of Columbia	Bolling Air Force Base	$1,012,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Port Loma Annex	$140,000,000
Florida	Naval Air Station, Key West	$1,874,000
Hawaii	Hickam Air Force Base	$26,000,000
New Mexico	Kirtland Air Force Base	$1,800,000
Ohio	Defense Supply Center Columbus	$4,000,000
Pennsylvania	Defense Distribution Depot, New Cumberland	$21,000,000
Virginia	Fort Belvoir	$5,000,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$11,901,000

Special Operations Command

State	Installation or Location	Amount
California	Marine Corps Base, Camp Pendleton	$20,030,000
	Naval Amphibious Base, Coronado	$12,000,000
Florida	Hurlburt Field	$29,111,000
	MacDill Air Force Base	$47,700,000
Georgia	Fort Benning	$35,000,000
	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	$108,500,000
	Naval Amphibious Base, Little Creek	$99,000,000
Washington	Fort Lewis	$77,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Florida	MacDill Air Force Base	$5,000,000
Illinois	Naval Hospital, Great Lakes	$99,000,000
New York	Fort Drum	$41,000,000
Texas	Camp Bullis	$7,400,000
Virginia	Naval Station, Norfolk	$6,450,000
Washington	Fort Lewis	$21,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following 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 Air Base	$52,852,000

TRICARE Management Activity

Country	Installation or Location	Amount
Germany	Spangdahlem Air Base	$30,100,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	$1,887,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(7), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $70,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,944,529,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $969,152,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $133,809,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $1,887,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $23,711,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $154,728,000.

(7) For energy conservation projects authorized by section 2402 of this Act, $70,000,000.

(8) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $48,848,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $500,000.

(9) For the construction of increment 3 of the regional security operations center at Kunia, Hawaii, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7017 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $136,318,000.

(10) For the construction of increment 3 of the regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $100,000,000.

(11) For the construction of increment 2 of the health clinic replacement at MacDill Air Force Base, Florida, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $41,400,000.

(12) For the construction of increment 2 of the replacement of the Army Medical Research Institute of Infectious Diseases at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $150,000,000.

(13) For the construction of increment 9 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $35,159,000.

(14) For the construction of increment 8 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $69,017,000.

SEC. 2404. TERMINATION OR MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 DEFENSE AGENCIES PROJECTS.

(a) TERMINATION OF INSIDE THE UNITED STATES PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.—The table relating to Special Operations Command in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457) is amended—

(1) by striking the item relating to Stennis Space Center, Mississippi; and

(2) in the item relating to Fort Bragg, North Carolina, by striking ''$51,768,000'' in the amount column and inserting ''$44,868,000''.

(b) MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN BASE CLOSURE AND REALIGNMENT ACTIVITIES.—Section 2405(a)(7) of that Act (120 Stat. 2460) is amended by striking ''$191,220,000'' and inserting ''$252,279,000''.

(c) MODIFICATION OF CERTAIN INSIDE THE UNITED STATES PROJECT.—Section 2405(a)(15) of that Act (120 Stat. 2461) is amended by striking ''$99,157,000'' and inserting ''$89,157,000''.

(d) CONFORMING AMENDMENTS.—Section 2405(a) of that Act, as amended by subsections (a) through (c), is further amended—

(1) in the matter preceding paragraph (1), by striking ''$7,163,431,000'' and inserting ''$7,197,390,000''; and

(2) in paragraph (1), by striking ''$533,099,000'' and inserting ''$515,999,000''.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Wide: Extension of 2005 Project Authorizations

Installation or Location	Agency and Project	Amount
Naval Air Station, Oceana, Virginia	DLA bulk fuel storage tank	$3,589,000
Naval Air Station, Jacksonville, Florida	TMA hospital project	$28,438,000

SEC. 2406. MUNITIONS DEMILITARIZATION FACILITIES, BLUE GRASS ARMY DEPOT, KENTUCKY, AND PUEBLO CHEMICAL ACTIVITY, COLORADO.

(a) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION OF MUNITIONS DEMILITARIZATION FACILITY, BLUE GRASS ARMY DEPOT, KENTUCKY.—Pursuant to the authority granted for this project by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), the amount authorized to be appropriated by section 2403(14) of this Act for the construction of increment 8 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, may, subject to the approval of the Secretary of Defense, be increased by up to $17,300,000 using funds from the amounts authorized to be appropriated by section 2403(1) of this Act.

(b) AUTHORITY TO INCREASE AMOUNT FOR CONSTRUCTION OF MUNITIONS DEMILITARIZATION FACILITY, PUEBLO CHEMICAL ACTIVITY, COLORADO.—Pursuant to the authority granted for this project by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), the amount authorized to be appropriated by section 2403(14) of this Act for the construction of increment 9 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado may, subject to the approval of the Secretary of Defense, be increased by up to $32,000,000 using funds from the amounts authorized to be appropriated by section 2403(1) of this Act.

(c) CERTIFICATION REQUIREMENT.—Prior to exercising the authority provided in subsection (a) or (b), the Secretary of Defense shall provide to the congressional defense committees the following:

(1) Certification that the increase in the amount authorized to be appropriated—

(A) is in the best interest of national security; and

(B) will facilitate compliance with the deadline set forth in subsection (d)(1).

(2) A statement that the increased amount authorized to be appropriated will be used to carry out authorized military construction activities.

(3) A notification of the action in accordance with section 2811.

(d) DEADLINE FOR DESTRUCTION OF CHEMICAL AGENTS AND MUNITIONS STOCKPILE.—

(1) DEADLINE.—Notwithstanding any other provision of law, the Department of Defense shall complete work on the destruction of the entire United States stockpile of lethal chemical agents and munitions, including those stored at Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado, by the deadline established by the Chemical Weapons Convention, and in no circumstances later than December 31, 2017.

(2) REPORT.—

(A) IN GENERAL.—Not later than December 31, 2007, and every 180 days thereafter, the Secretary of Defense shall submit to the parties described in paragraph (2) a report on the progress of the Department of Defense toward compliance with this subsection.

(B) PARTIES RECEIVING REPORT.—The parties referred to in paragraph (1) are the Speaker of the House of the Representatives, the Majority and Minority Leaders of the House of Representatives, the Majority and Minority Leaders of the Senate, and the congressional defense committees.

(C) CONTENT.—Each report submitted under subparagraph (A) shall include the updated and projected annual funding levels necessary to achieve full compliance with this subsection. The projected funding levels for each report shall include a detailed accounting of the complete life-cycle costs for each of the chemical disposal projects.

(3) CHEMICAL WEAPONS CONVENTION DEFINED.—In this subsection, the term ''Chemical Weapons Convention'' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

(4) APPLICABILITY; RULE OF CONSTRUCTION.—This subsection shall apply to fiscal year 2008 and each fiscal year thereafter, and shall not be modified or repealed by implication.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $201,400,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Springville	$3,300,000
Arkansas	Camp Robinson	$23,923,000
Arizona	Florence	$10,870,000
California	Sacramento Army Depot	$21,000,000
	Camp Roberts	$2,850,000
Connecticut	Niantic	$13,600,000
Florida	Jacksonville	$12,200,000
Idaho	Gowen Field	$7,615,000
	Orchard Training Area	$1,700,000
Illinois	St. Clair County	$8,100,000
Iowa	Iowa City	$13,186,000
Michigan	Camp Grayling	$2,450,000
	Lansing	$4,239,000
Minnesota	Camp Ripley	$4,850,000
Mississippi	Camp Shelby	$4,000,000
Missouri	Whiteman Air Force Base	$30,000,000
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
Rhode Island	East Greenwich	$8,200,000

***Army National Guard*—Continued**

State	Location	Amount
	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	$4,500,000
Wyoming	Camp Guernsey	$2,650,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$7,035,000
	Garden Grove	$25,440,000
Montana	Butte	$7,629,000
New Jersey	Fort Dix	$17,000,000
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

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Miramar	$5,580,000
Michigan	Selfridge	$4,030,000
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	$22,514,000
Virginia	Quantico	$2,410,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Colorado	Buckley Air National Guard Base	$7,300,000
Delaware	New Castle	$10,800,000
Georgia	Savannah International Airport	$9,000,000
Indiana	Hulman Regional Airport	$7,700,000
Kansas	Smoky Hill Air National Guard Range	$9,000,000
Louisiana	Camp Beauregard	$1,800,000
Massachusetts	Otis Air National Guard Base	$1,800,000
New Hampshire	Pease Air National Guard Base	$8,900,000
Nebraska	Lincoln	$8,900,000
Nevada	Reno-Tahoe International Airport	$5,200,000
New York	Gabreski Airport	$8,400,000
Pennsylvania	Fort Indiantown Gap	$12,700,000
Rhode Island	Quonset State Airport	$5,000,000
South Dakota	Joe Foss Field	$7,900,000
Tennessee	McGhee-Tyson Airport	$3,200,000
	Memphis International Airport	$11,376,000
Vermont	Burlington	$6,600,000
West Virginia	Eastern West Virginia Regional Airport-Shepherd Field	$50,776,000
	Yeager	$17,300,000
Wisconsin	Truax Field	$7,300,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Alaska	Elmendorf Air Force Base	$14,950,000
Utah	Hill Air Force Base	$3,200,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $458,515,000; and

(B) for the Army Reserve, $134,684,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $59,150,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $216,417,000; and

(B) for the Air Force Reserve, $26,559,000.

SEC. 2607. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2007 GUARD AND RESERVE PROJECTS FOR WHICH FUNDS WERE NOT APPROPRIATED.

Section 2601 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''$561,375,000'' and inserting ''$476,697,000''; and

(B) in subparagraph (B), by striking ''$190,617,000'' and inserting ''$167,987,000'';

(2) in paragraph (2), by striking ''49,998,000'' and inserting ''$43,498,000''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''$294,283,000'' and inserting ''$133,983,000''; and

(B) in subparagraph (B), by striking ''$56,836,000'' and inserting ''$47,436,000''.

SEC. 2608. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2006 AIR FORCE RESERVE CONSTRUCTION AND ACQUISITION PROJECTS.

Section 2601(3)(B) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501) is amended by striking ''$105,883,000'' and inserting ''$102,783,000''.

SEC. 2609. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the tables in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) 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

SEC. 2610. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2464), shall remain in effect until October 1, 2008, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2004 Project Authorizations

Installation or Location	Project	Amount
Albuquerque, New Mexico	Readiness center	$2,533,000
Fort Indiantown Gap, Pennsylvania	Multipurpose training range	$15,338,000

SEC. 2611. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.

For the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center for which funds are authorized to be appropriated in this Act in Baton Rouge, Louisiana, the Secretary of the Army may use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana at a location determined by the Secretary to be in the best interest of national security and in the public interest.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $220,689,000, as follows:

(1) For the Department of the Army, $73,716,000.

(2) For the Department of the Air Force, $143,260,000.

(3) For the Defense Agencies, $3,713,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $8,718,988,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $8,174,315,000, as follows:

(1) For the Department of the Army, $4,015,746,000.

(2) For the Department of the Navy, $733,695,000.

(3) For the Department of the Air Force, $1,183,812,000.

(4) For the Defense Agencies, $2,241,062,000.

SEC. 2704. AUTHORIZED COST AND SCOPE OF WORK VARIATIONS.

For military construction projects carried out using amounts appropriated pursuant to the authorization of appropriations in sections 2701

and 2703 of this title and section 2405(a)(8) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2460), section 2853 of title 10, United States Code, shall apply for variations to the cost and scope of work for each military construction project requested to the congressional defense committees as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2007 and 2008 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Effective Date and Expiration of Authorizations

SEC. 2801. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2007; or

(2) the date of the enactment of this Act.

SEC. 2802. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2010; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2010; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2011 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

Subtitle B—Military Construction Program and Military Family Housing Changes

SEC. 2811. GENERAL MILITARY CONSTRUCTION TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon a determination by the Secretary of a military department, or with respect to the Defense Agencies, the Secretary of Defense, that such action is necessary in the national interest, the Secretary concerned may transfer amounts of authorizations made available to that military department or Defense Agency in this division for fiscal year 2008 between any such authorizations for that military department or Defense Agency for that fiscal year. Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) AGGREGATE LIMIT.—The aggregate amount of authorizations that the Secretaries concerned may transfer under the authority of this section may not exceed $200,000,000.

(b) LIMITATION.—The authority provided by this section to transfer authorizations may only be used to fund increases in the cost or scope of military construction projects that have been authorized by law.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary concerned shall promptly notify Congress of each transfer made by that Secretary under subsection (a).

SEC. 2812. MODIFICATIONS OF AUTHORITY TO LEASE MILITARY FAMILY HOUSING.

(a) INCREASED MAXIMUM LEASE AMOUNT APPLICABLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING LEASES.—Subsection (b) of section 2828 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (3), (4), and (7)'';

(2) in paragraph (5), by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2), (3), and (7)''; and

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

''(7)(A) Not more than 600 housing units may be leased by the Secretary of the Army under subsection (a) for which the expenditure for the rental of such units (including the cost of utilities, maintenance, and operation) exceeds the maximum amount per unit per year in effect under paragraph (2) but does not exceed $18,620 per unit per year, as adjusted from time to time under paragraph (5).

''(B) The maximum lease amount provided in subparagraph (A) shall apply only to Army family housing in areas designated by the Secretary of the Army.

''(C) The term of a lease under subparagraph (A) may not exceed 2 years.''.

(b) INCREASED MAXIMUM LEASE AMOUNT APPLICABLE TO FOREIGN MILITARY FAMILY HOUSING LEASES.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''(1)'' and inserting ''(1)(A)'';

(B) by striking the second sentence; and

(C) by adding at the end the following new subparagraph:

''(B)(i) Subject to clause (ii), the maximum lease amounts in subparagraph (A) may be waived and increased up to a maximum of $100,000 per unit per year.

''(ii) The Secretary concerned may not exercise the waiver authority under clause (i) until the Secretary has notified the congressional defense committees of such proposed waiver and the reasons therefor and a period of 21 days has elapsed or, if over sooner, 14 days after such notice is provided in an electronic medium pursuant to section 480 of this title.'';

(2) in paragraph (2), by striking ''the Secretary of the Navy may lease not more than 2,800 units of family housing in Italy, and the Secretary of the Army may lease not more than 500 units of family housing in Italy'' and inserting ''the Secretaries of the military departments may lease not more than 3,300 units of family housing in Italy''; and

(3) in paragraph (4), by striking ''$35,000'' and inserting ''$35,050''.

(c) INCREASED THRESHOLD FOR CONGRESSIONAL NOTIFICATION FOR FOREIGN MILITARY FAMILY HOUSING LEASES.—Subsection (f) of such section is amended by striking ''$500,000'' and inserting ''$1,000,000''.

SEC. 2813. INCREASE IN THRESHOLDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) INCREASE.—Section 2805(a)(1) of title 10, United States Code, is amended—

(1) by striking ''$1,500,000'' and inserting ''$2,500,000''; and

(2) by striking ''$3,000,000'' and inserting ''$4,000,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 2814. MODIFICATION AND EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), and section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), is further amended—

(1) in subsection (a), by striking ''2007'' and inserting ''2008''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''(1) The total'' and inserting ''The total''; and

(B) by striking paragraphs (2) and (3).

SEC. 2815. TEMPORARY AUTHORITY TO SUPPORT REVITALIZATION OF DEPARTMENT OF DEFENSE LABORATORIES THROUGH UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

(a) LABORATORY REVITALIZATION.—For the revitalization and recapitalization of laboratories owned by the United States and under the jurisdiction of the Secretary concerned, the Secretary concerned may obligate and expend—

(1) from appropriations available to the Secretary concerned for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than $1,000,000; or

(2) from appropriations available to the Secretary concerned for military construction not otherwise authorized by law, amounts necessary to carry out an unspecified minor military construction project costing not more than $2,500,000.

(b) FISCAL YEAR LIMITATION APPLICABLE TO INDIVIDUAL LABORATORIES.—For purposes of this section, the total amount allowed to be applied in any one fiscal year to projects at any one laboratory shall be limited to the larger of the amounts applicable under subsection (a).

(c) LABORATORY DEFINED.—In this section, the term ''laboratory'' includes—

(1) a research, engineering, and development center;

(2) a test and evaluation activity; and

(3) any buildings, structures, or facilities located at and supporting such center or activity.

(d) SUNSET.—The authority to carry out a project under this section expires on September 30, 2012.

SEC. 2816. TWO-YEAR EXTENSION OF TEMPORARY PROGRAM TO USE MINOR MILITARY CONSTRUCTION AUTHORITY FOR CONSTRUCTION OF CHILD DEVELOPMENT CENTERS.

(a) EXTENSION.—Subsection (e) of section 2810 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3510) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2009''.

(b) REPORT REQUIRED.—Subsection (d) of such section is amended to read as follows:

''(d) REPORTS REQUIRED.—Not later than March 1, 2007, and March 1, 2009, the Secretary of Defense shall submit to the congressional committees reports on the program authorized by this section. Each report shall include a list and description of the construction projects carried out under the program, including the location and cost of each project.''.

SEC. 2817. EXTENSION OF AUTHORITY TO ACCEPT EQUALIZATION PAYMENTS FOR FACILITY EXCHANGES.

Section 2809(c)(5) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2127) is

amended by striking ''September 30, 2007'' and inserting ''September 30, 2010''.

SEC. 2818. CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION OF MILITARY CONSTRUCTION.

(a) CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION.—Section 2802(a) of title 10, United States Code, is amended by inserting after ''military construction projects'' the following: '', land acquisitions, and defense access road projects (as described under section 210 of title 23)''.

(b) CLARIFICATION OF DEFINITION.—Section 2801(a) of such title is amended by inserting after ''permanent requirements'' the following: '', or any acquisition of land or construction of a defense access road (as described in section 210 of title 23)''.

Subtitle C—Real Property and Facilities Administration

SEC. 2831. REQUIREMENT TO REPORT TRANSACTIONS RESULTING IN ANNUAL COSTS OF MORE THAN $750,000.

Section 2662(a)(1) of title 10, United States Code, is amended—

(1) by striking ''or his designee'' and inserting ''or the Secretary's designee, or with respect to a Defense Agency, the Secretary of Defense or the Secretary's designee''; and

(2) by adding at the end the following new subparagraph:

''(G) Any transaction or contract action that results in, or includes, the acquisition or use by, or the lease or license to, the United States of real property, if the estimated annual rental or cost for the use of the real property is more than $750,000.''.

SEC. 2832. MODIFICATION OF AUTHORITY TO LEASE NON-EXCESS PROPERTY.

(a) INCREASED USE OF COMPETITIVE PROCEDURES FOR SELECTION OF CERTAIN LESSEES.—Section 2667(h)(1) of title 10, United States Code, is amended by striking ''exceeds one year, and the fair market value of the lease'' and inserting ''exceeds one year, or the fair market value of the lease''.

(b) MODIFICATION OF AUTHORITIES RELATED TO FACILITIES OPERATION SUPPORT.—

(1) ELIMINATION OF AUTHORITY TO ACCEPT FACILITIES OPERATION SUPPORT AS IN-KIND CONSIDERATION.—Section 2667(c)(1) of title 10, United States Code, is amended—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraph (E) as subparagraph (D).

(2) ELIMINATION OF AUTHORITY TO USE RENTAL AND CERTAIN OTHER PROCEEDS FOR FACILITIES OPERATION SUPPORT.—Section 2667(e)(1)(C) of title 10, United States Code, is amended by striking clause (iv).

(c) TECHNICAL AMENDMENTS.—Section 2667(e) of title 10, United States Code, is further amended—

(1) in paragraph (1)(B)(ii), by striking ''paragraph (4), (5), or (6)'' and inserting ''paragraph (3), (4), or (5)''; and

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5).

SEC. 2833. ENHANCED FLEXIBILITY TO CREATE OR EXPAND BUFFER ZONES.

Section 2684a(d) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(2) by inserting after paragraph (2) the following new paragraph:

''(3) Subject to the availability of appropriations for such purpose, an agreement with an eligible entity under subsection (a)(2) may provide for the management of natural resources and the contribution by the United States towards natural resource management costs on any real property in which a military department has acquired any right title or interest in accordance with paragraph (1)(A) where there is a demonstrated need to preserve or restore habitat for purposes of subsection (a)(2).''; and

(3) in paragraph (4)(C), as redesignated by paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (5), unless the Secretary concerned certifies in writing to the Committees on Armed Services of the Senate and the House of Representatives that the military value to the United States as a result of the acquisition of such property or interest in property justifies the payment of costs in excess of the fair market value of such property or interest. Such certification shall include a detailed description of the military value to be obtained in each such case. The Secretary concerned may not acquire such property or interest until 14 days after the date on which the certification is provided to the Committees or, if earlier, 10 days after the date on which a copy of such certification is provided in an electronic medium pursuant to section 480 of this title''.

SEC. 2834. REPORTS ON ARMY AND MARINE CORPS OPERATIONAL RANGES.

(a) REPORT ON UTILIZATION AND POTENTIAL EXPANSION OF ARMY OPERATIONAL RANGES.—Section 2827(c) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2479) is amended—

(1) in paragraph (1), by striking ''February 1, 2007'' and inserting ''December 31, 2007''; and

(2) in paragraph (2)—

(A) in subparagraph (B), by amending clauses (iv) and (v) to read as follows:

''(iv) the proposal contained in the budget justification materials submitted in support of the Department of Defense budget for fiscal year 2008 to increase the size of the active component of the Army to 547,400 personnel by the end of fiscal year 2012; or

''(v) high operational tempos or surge requirements.''; and

(B) by adding at the end the following new subparagraphs:

''(F) An analysis of the cost of, potential military value of, and potential legal or practical impediments to, the expansion of the Joint Readiness Training Center at Fort Polk, Louisiana, through the acquisition of additional land adjacent to or in the vicinity of the installation that is under the control of the United States Forest Service.

''(G) An analysis of the impact of the proposal described in subparagraph (B)(iv) on the plan developed prior to such proposal to relocate forces from Germany to the United States and vacate installations in Germany as part of the Integrated Global Presence and Basing Strategy, including a comparative analysis of—

''(i) the projected utilization of the Army's three combat training centers if all of the six light infantry brigades proposed to be added to the active component of the Army would be based in the United States; and

''(ii) the projected utilization of such ranges if at least one of those six brigades would be based in Germany.

''(H) If the analysis required by subparagraph (G) indicates that the Joint Multi-National Readiness Center in Hohenfels, Germany, or the Army's training complex at Grafenwoehr, Germany, would not be fully utilized under the basing scenarios analyzed, an estimate of the cost to replicate the training capability at that center in another location.''.

(b) REPORT ON POTENTIAL EXPANSION OF MARINE CORPS OPERATIONAL RANGES.—

(1) REPORT REQUIRED.—Not later than December 31, 2007, the Secretary of the Navy shall submit to the congressional defense committees a report containing an assessment of the operational ranges used to support training and range activities of the Marine Corps.

(2) CONTENT.—The report required under paragraph (1) shall include the following information:

(A) The size, description, and mission-essential tasks supported by each major Marine Corps operational range during fiscal year 2003.

(B) A description of the projected changes in Marine Corps operational range requirements, including the size, characteristics, and attributes for mission-essential activities at each range and the extent to which any changes in requirements are a result of the proposal contained in the fiscal year 2008 budget request to increase the size of the active component of the Marine Corps to 202,000 personnel by the end of fiscal year 2012.

(C) The projected deficit or surplus of land at each major Marine Corps operational range, and a description of the Secretary's plan to address that projected deficit or surplus of land as well as the upgrade of range attributes at each existing Marine Corps operational range.

(D) A description of the Secretary's prioritization process and investment strategy to address the potential expansion or upgrade of Marine Corps operational ranges.

(E) An analysis of alternatives to the expansion of Marine Corps operational ranges, including an assessment of the joint use of operational ranges under the jurisdiction, custody, or control of the Secretary of another military department.

(F) An analysis of the cost of, potential military value of, and potential legal or practical impediments to, the expansion of Marine Corps Base, Twentynine Palms, California, through the acquisition of additional land adjacent to or in the vicinity of that installation that is under the control of the Bureau of Land Management.

(3) DEFINITIONS.—In this subsection:

(A) The term ''Marine Corps operational range'' has the meaning given the term ''operational range'' in section 101(e)(3) of title 10, United States Code, except that the term is limited to operational ranges under the jurisdiction, custody, or control of the Secretary of the Navy that are used by or available to the United States Marine Corps.

(B) The term ''range activities'' has the meaning given that term in section 101(e)(2) of such title.

SEC. 2835. CONSOLIDATION OF REAL PROPERTY PROVISIONS WITHOUT SUBSTANTIVE CHANGE.

(a) CONSOLIDATION.—Section 2663 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) OPTIONS FOR MILITARY CONSTRUCTION PROJECTS.—

''(1) AUTHORITY.—The Secretary of a military department may acquire an option on a parcel of real property before or after its acquisition is authorized by law, if the Secretary considers it suitable and likely to be needed for a military project of the department.

''(2) CONSIDERATION.—As consideration for an option acquired under paragraph (1), the Secretary may pay, from funds available to the department for real property activities, an amount that is not more than 12 percent of the appraised fair market value of the property.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2677 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2677.

Subtitle D—Base Closure and Realignment

SEC. 2841. NIAGARA AIR RESERVE BASE, NEW YORK, BASING REPORT.

Not later than December 1, 2007, the Secretary of the Air Force shall submit to the congressional defense committees a report containing a detailed plan of the current and future aviation assets that the Secretary expects will be based at Niagara Air Reserve Base, New York. The report shall include a description of all of the aviation assets that will be impacted by the series of relocations to be made to or from Niagara Air Reserve Base and the timeline for such relocations.

SEC. 2842. COMPREHENSIVE ACCOUNTING OF FUNDING REQUIRED TO ENSURE TIMELY IMPLEMENTATION OF 2005 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION RECOMMENDATIONS.

The Secretary of Defense shall submit to Congress with the budget materials for fiscal year 2009 a comprehensive accounting of the funding required to ensure that the plan for implementing the final recommendations of the 2005 Defense Base Closure and Realignment Commission remains on schedule.

SEC. 2843. AUTHORITY TO RELOCATE THE JOINT SPECTRUM CENTER TO FORT MEADE, MARYLAND.

(a) AUTHORITY TO CARRY OUT RELOCATION AGREEMENT.—If deemed to be in the best interest of national security and to the physical protection of personnel and missions of the Department of Defense, the Secretary of Defense may carry out an agreement to relocate the Joint Spectrum Center, a geographically separated unit of the Defense Information Systems Agency, from Annapolis, Maryland to Fort Meade, Maryland or another military installation, subject to an agreement between the lease holder and the Department of Defense for equitable and appropriate terms to facilitate the relocation.

(b) AUTHORIZATION.—Any facility, road or infrastructure constructed or altered on a military installation as a result of the agreement must be authorized in accordance with section 2802 of title 10, United States Code.

(c) TERMINATION OF EXISTING LEASE.—Upon completion of the relocation of the Joint Spectrum Center, all right, title, and interest of the United States in and to the existing lease for the Joint Spectrum Center shall be terminated, as contemplated under Condition 29.B of the lease.

Subtitle E—Land Conveyances

SEC. 2851. LAND CONVEYANCE, LYNN HAVEN FUEL DEPOT, LYNN HAVEN, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Florida State University (in this section referred to as the ''University'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres located at the Lynn Haven Fuel Depot in Lynn Haven, Florida, as a public benefit conveyance for the purpose of permitting the University to develop the property as a new satellite campus.

(b) CONSIDERATION.—

(1) IN GENERAL.—For the conveyance of the property under subsection (a), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, or a combination thereof.

(2) REDUCED TUITION RATES.—The Secretary may accept as in-kind consideration under paragraph (1) reduced tuition rates or scholarships for military personnel at the University.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the University to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the University in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the University.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to all or any portion of the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsections (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. MODIFICATION TO LAND CONVEYANCE AUTHORITY, FORT BRAGG, NORTH CAROLINA.

(a) REQUIREMENT TO CONVEY TRACT NO. 404–1 PROPERTY WITHOUT CONSIDERATION.—Section 2836 of the Military Construction Authorization Act for Fiscal Year 1998 (111 Stat. 2005) is amended—

(1) in subsection (a)(3), by striking ''at fair market value'' and inserting ''without consideration'';

(2) by amending subsection (b)(2) to read as follows:

''(2) The conveyances under paragraphs (2) and (3) of subsection (a) shall be subject to the condition that the County develop and use the conveyed properties for educational purposes and the construction of public school structures.''; and

(3) by amending subsection (c)(2) to read as follows:

''(2) If the Secretary determines at any time that the real property conveyed under paragraph (2) or paragraph (3) of subsection (a) is not being used in accordance with subsection (b)(2), all right, title, and interest in and to the property conveyed under such paragraph, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.''.

(b) PAYMENT OF COSTS OF CONVEYANCE.—Such section is further amended by inserting at the end the following new subsection:

''(f) PAYMENT OF COSTS OF CONVEYANCE OF TRACT NO. 404–1 PROPERTY.—

''(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a)(3), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

''(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.''.

SEC. 2853. TRANSFER OF ADMINISTRATIVE JURISDICTION, GSA PROPERTY, SPRINGFIELD, VIRGINIA.

(a) TRANSFER AUTHORIZED.—The Administrator of General Services (in this section referred to as ''the Administrator'') may transfer to the administrative jurisdiction of the Secretary of the Army a parcel of real property consisting of approximately 69.5 acres and containing warehouse facilities in Springfield, Virginia, known as the ''GSA Property'' for the purpose of permitting the Secretary to construct facilities on the property to support administrative functions to be located at Fort Belvoir, Virginia.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the property to be transferred by the Administrator, the Secretary of the Army shall—

(A) pay all reasonable costs to move furnishings, equipment, and other material related to the relocation of functions identified by the Administrator;

(B) if deemed necessary by the Administrator, transfer to the administrative jurisdiction of the Administrator a parcel of property in the National Capital Region determined to be suitable to the Administrator;

(C) if deemed necessary by the Administrator, design and construct storage facilities, utilities, security measures, and access to a road infrastructure on the parcel to meet the requirements of the Administrator; and

(D) if deemed necessary by the Administrator, enter into a memorandum of agreement with the Administrator for support services and security at the new facilities constructed pursuant to subsection (a).

(2) FAIR MARKET VALUE LIMITATION.—The consideration provided by the Secretary under paragraph (1) may not exceed the fair market value of the property transferred by the Administrator under subsection (a).

(c) ADMINISTRATION OF TRANSFERRED PROPERTY.—Upon completion of the transfer under subsection (a), the transferred property shall be administered by the Secretary as a part of Fort Belvoir, Virginia.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property or properties to be conveyed under this section shall be determined by surveys satisfactory to the Administrator and the Secretary.

(e) STATUS REPORT.—Not later than November 30, 2007, the Administrator and the Secretary shall jointly submit to the congressional defense committees a report on the status and estimated costs of the transfer under subsection (a).

SEC. 2854. LAND CONVEYANCE, LEWIS AND CLARK UNITED STATES ARMY RESERVE CENTER, BISMARCK, NORTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the United Tribes Technical College all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 2 acres located at the Lewis and Clark United States Army Reserve Center, 3319 University Drive, Bismarck, North Dakota, for the purpose of supporting Native American education and training.

(b) REVERSIONARY INTEREST.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) EXPIRATION.—The reversionary interest under paragraph (1) shall expire upon satisfaction of the following conditions:

(A) The real property conveyed under subsection (a) is used in accordance with the purposes of the conveyance specified in such subsection for a period of not less than 30 years following the date of the conveyance.

(B) The United Tribes Technical College applies to the Secretary for the release of the reversionary interest.

(C) The Secretary certifies, in a manner that can be filed with the appropriate land recordation office, that the condition under subparagraph (A) has been satisfied.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the United Tribes Technical College to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the United Tribes Technical College in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the United Tribes Technical College.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LAND EXCHANGE, DETROIT, MICHIGAN.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) CITY.—The term ''City'' means the city of Detroit, Michigan.

(3) CITY LAND.—The term ''City land'' means the approximately 0.741 acres of real property, including any improvement thereon, as depicted on the exchange maps, that is commonly identified as 110 Mount Elliott Street, Detroit, Michigan.

(4) COMMANDANT.—The term ''Commandant'' means the Commandant of the United States Coast Guard.

(5) EDC.—The term ''EDC'' means the Economic Development Corporation of the City of Detroit.

(6) EXCHANGE MAPS.—The term ''exchange maps'' means the maps entitled ''Atwater Street Land Exchange Maps'' prepared pursuant to subsection (h).

(7) FEDERAL LAND.—The term ''Federal land'' means approximately 1.26 acres of real property, including any improvements thereon, as depicted on the exchange maps, that is commonly identified as 2660 Atwater Street, Detroit, Michigan, and under the administrative control of the United States Coast Guard.

(8) SECTOR DETROIT.—The term ''Sector Detroit'' means Coast Guard Sector Detroit of the Ninth Coast Guard District.

(b) CONVEYANCE AUTHORIZED.—The Commandant of the Coast Guard, in coordination with the Administrator, may convey to the EDC all right, title, and interest in and to the Federal land.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (b)—

(A) the City shall convey to the United States all right, title, and interest in and to the City land; and

(B) the EDC shall construct a facility and parking lot acceptable to the Commandant of the Coast Guard.

(2) EQUALIZATION PAYMENT OPTION.—

(A) IN GENERAL.—The Commandant of the Coast Guard may, upon the agreement of the City and the EDC, waive the requirement to construct a facility and parking lot under paragraph (1)(B) and accept in lieu thereof an equalization payment from the City equal to the difference between the value, as determined by the Administrator at the time of transfer, of the Federal land and the City land.

(B) AVAILABILITY OF FUNDS.—Any amounts received pursuant to subparagraph (A) shall be available without further appropriation and shall remain available until expended to construct, expand, or improve facilities related to Sector Detroit's aids to navigation or vessel maintenance.

(d) CONDITIONS OF EXCHANGE.—

(1) COVENANTS.—All conditions placed within the deeds of title shall be construed as covenants running with the land.

(2) AUTHORITY TO ACCEPT QUITCLAIM DEED.—The Commandant may accept a quitclaim deed for the City land and may convey the Federal land by quitclaim deed.

(3) ENVIRONMENTAL REMEDIATION.—Prior to the time of the exchange, the Coast Guard and the City shall remediate any and all contaminants existing on their respective properties to levels required by applicable state and Federal law.

(e) AUTHORITY TO ENTER INTO LICENSE OR LEASE.—The Commandant may enter into a license or lease agreement with the Detroit Riverfront Conservancy for the use of a portion of the Federal land for the Detroit Riverfront Walk. Such license or lease shall be at no cost to the City and upon such other terms that are acceptable to the Commandant, and shall terminate upon the exchange authorized by this section, or the date specified in subsection (h), whichever occurs earlier.

(f) MAP AND LEGAL DESCRIPTIONS OF LAND.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall file with the Committee on Commerce, Science and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives maps, entitled ''Atwater Street Land Exchange Maps,'' which depict the Federal land and the City lands and provide a legal description of each property to be exchanged.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Commandant may correct typographical errors in the maps and each legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Coast Guard and the City of Detroit.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the exchange under this section as the Commandant considers appropriate to protect the interests of the United States.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to enter into an exchange authorized by this section shall expire 3 years after the date of enactment of this Act.

SEC. 2856. TRANSFER OF JURISDICTION, FORMER NIKE MISSILE SITE, GROSSE ILE, MICHIGAN.

(a) TRANSFER.—Administrative jurisdiction over the property described in subsection (b) is hereby transferred from the Administrator of the Environmental Protection Agency to the Secretary of the Interior.

(b) PROPERTY DESCRIBED.—The property referred to in subsection (a) is the former Nike missile site, consisting of approximately 50 acres located at the southern end of Grosse Ile, Michigan, as depicted on the map entitled ''07–CE'' on file with the Environmental Protection Agency and dated May 16, 1984.

(c) ADMINISTRATION OF PROPERTY.—Subject to subsection (d), the Secretary of the Interior shall administer the property described in subsection (b)—

(1) acting through the United States Fish and Wildlife Service;

(2) as part of the Detroit River International Wildlife Refuge; and

(3) for use as a habitat for fish and wildlife and as a recreational property for outdoor education and environmental appreciation.

(d) MANAGEMENT RESPONSE.—The Secretary of Defense shall manage and carry out environmental response activities with respect to the property described in subsection (b) as expeditiously as possible, consistent with the Department's prioritization of formerly used Defense sites based on risk and the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and the Solid Waste Disposal Act, using amounts made available from the account established by section 2703(a)(5) of title 10, United States Code.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 2857. MODIFICATION OF LEASE OF PROPERTY, NATIONAL FLIGHT ACADEMY AT THE NATIONAL MUSEUM OF NAVAL AVIATION, NAVAL AIR STATION, PENSACOLA, FLORIDA.

Section 2850(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–428)) is amended—

(1) by striking ''naval aviation and'' and inserting ''naval aviation,''; and

(2) by inserting before the period at the end the following: '', and, as of January 1, 2008, to teach the science, technology, engineering, and mathematics disciplines that have an impact on and relate to aviation''.

Subtitle F—Other Matters

SEC. 2861. REPORT ON CONDITION OF SCHOOLS UNDER JURISDICTION OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY.

(a) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the conditions of schools under the jurisdiction of the Department of Defense Education Activity.

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

(1) A description of each school under the control of the Secretary, including the location, year constructed, grades of attending children, maximum capacity, and current capacity of the school.

(2) A description of the standards and processes used by the Secretary to assess the adequacy of the size of school facilities, the ability of facilities to support school programs, and the current condition of facilities.

(3) A description of the conditions of the facility or facilities at each school, including the level of compliance with the standards described in paragraph (2), any existing or projected facility deficiencies or inadequate conditions at each facility, and whether any of the facilities listed are temporary structures.

(4) An investment strategy planned for each school to correct deficiencies identified in paragraph (3), including a description of each project to correct such deficiencies, cost estimates, and timelines to complete each project.

(5) A description of requirements for new schools to be constructed over the next 10 years as a result of changes to the population of military personnel.

(c) USE OF REPORT AS MASTER PLAN FOR REPAIR, UPGRADE, AND CONSTRUCTION OF SCHOOLS.—The Secretary shall use the report required under subsection (a) as a master plan for the repair, upgrade, and construction of schools in the Department of Defense system that support dependants of members of the Armed Forces and civilian employees of the Department of Defense.

SEC. 2862. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking ''that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath'' and inserting ''that are beneath''; and

(2) by adding at the end the following new subsection:

''(e) SUNSET DATE.—This section shall expire on October 1, 2013.''.

SEC. 2863. ADDITIONAL PROJECT IN RHODE ISLAND.

In carrying out section 2866 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2499), the Secretary of the Army, acting through the Chief of Engineers, shall assume responsibility for the annual operation and maintenance of the Woonsocket local protection project authorized by section 10 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 892, chapter 665), including by acquiring any interest of the State of Rhode Island in and to land and structures required for the continued operation and maintenance, repair, replacement, rehabilitation, and structural integrity of the project, as identified by the State, in coordination with the Secretary.

SEC. 2864. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE ACTIONS TO ADDRESS ENCROACHMENT OF MILITARY INSTALLATIONS.

(a) FINDINGS.—In light of the initial report of the Department of Defense submitted pursuant to section 2684a(g) of title 10, United States Code, and of the RAND Corporation report entitled ''The Thin Green Line: An Assessment of DoD's Readiness and Environmental Protection Initiative to Buffer Installation Encroachment'', Congress makes the following findings:

(1) Development and loss of habitat in the vicinity of, or in areas ecologically related to, military installations, ranges, and airspace pose a continuing and significant threat to the readiness of the Armed Forces.

(2) The Range Sustainability Program (RSP) of the Department of Defense, and in particular the Readiness and Environmental Protection Initiative (REPI) involving agreements pursuant to section 2684a of title 10, United States Code, have been effective in addressing this threat to readiness with regard to a number of important installations, ranges, and airspace.

(3) The opportunities to take effective action to protect installations, ranges, and airspace from encroachment is in many cases transient, and delay in taking action will result in either higher costs or permanent loss of the opportunity effectively to address encroachment.

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

(1) develop additional policy guidance on the further implementation of the Range and Environmental Protection Initiative (REPI), to include additional emphasis on protecting biodiversity and on further refining procedures;

(2) give greater emphasis to effective cooperation and collaboration on matters of mutual concern with other Federal agencies charged with managing Federal land;

(3) ensure that each military department takes full advantage of the authorities provided by section 2684a of title 10, United States Code, in addressing encroachment adversely affecting, or threatening to adversely affect, the installations, ranges, and military airspace of the department; and

(4) provide significant additional resources to the program, to include dedicated staffing at the installation level and additional emphasis on outreach programs at all levels.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall review Chapter 6 of the initial report submitted to Congress under section 2684a(g) of title 10, United States Code, and report to the congressional defense committees on the specific steps, if any, that the Secretary plans to take, or recommends that Congress take, to address the issues raised in such chapter.

SEC. 2865. REPORT ON WATER CONSERVATION PROJECTS.

(a) REPORT REQUIRED.—Not later than April 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the funding and effectiveness of water conservation projects at Department of Defense facilities.

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

(1) a description, by type, of the amounts invested or budgeted for water conservation projects by the Department of Defense in fiscal years 2006, 2007, and 2008;

(2) an assessment of the investment levels required to meet the water conservation requirements of the Department of Defense under Executive Order No. 13423 (January 24, 2007);

(3) an assessment of whether water conservation projects should continue to be funded within the Energy Conservation Investment Program or whether the water conservation efforts of the Department would be more effective if a separate water conservation investment program were established;

(4) an assessment of the demonstrated or potential reductions in water usage and return on investment of various types of water conservation projects, including the use of metering or control systems, xeriscaping, waterless urinals, utility system upgrades, and water efficiency standards for appliances used in Department of Defense facilities; and

(5) recommendations for any legislation, including any changes to the authority provided under section 2866 of title 10, United States Code, that would facilitate the water conservation goals of the Department, including the water conservation requirements of Executive Order No. 13423 and DoD Instruction 4170.11.

SEC. 2866. REPORT ON HOUSING PRIVATIZATION INITIATIVES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

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

(1) A list of current housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(2) In each case in which a transaction is behind schedule or in default, a description of—

(A) the reasons for schedule delays, cost overruns, or default;

(B) how solicitations and competitions were conducted for the project;

(C) how financing, partnerships, legal arrangements, leases, or contracts in relation to the project were structured;

(D) which entities, including Federal entities, are bearing financial risk for the project, and to what extent;

(E) the remedies available to the Federal Government to restore the transaction to schedule or ensure completion of the terms of the transaction in question at the earliest possible time;

(F) the extent to which the Federal Government has the ability to affect the performance of various parties involved in the project;

(G) remedies available to subcontractors to recoup liens in the case of default, non-payment by the developer or other party to the transaction or lease agreement, or re-structuring;

(H) remedies available to the Federal Government to affect receivership actions or transfer of ownership of the project; and

(I) names of the developers for the project and any history of previous defaults or bankruptcies by these developers or their affiliates.

(3) In each case in which a project is behind schedule or in default, recommendations regarding the opportunities for the Federal Government to ensure that all terms of the transaction are completed according to the original schedule and budget.

SEC. 2867. REPORT ON THE PINON CANYON MANEUVER SITE, COLORADO.

(a) REPORT ON THE PINON CANYON MANEUVER SITE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Pinon Canyon Maneuver Site (referred to in this section as ''the Site'').

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An analysis of whether existing training facilities at Fort Carson, Colorado, and the Site are sufficient to support the training needs of units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of any new training requirements or significant developments affecting training requirements for units stationed or planned to be stationed at Fort Carson since the 2005 Defense Base Closure and Realignment Commission found that the base has ''sufficient capacity'' to support four brigade combat teams and associated support units at Fort Carson.

(ii) A study of alternatives for enhancing training facilities at Fort Carson and the Site within their current geographic footprint, including whether these additional investments or measures could support additional training activities.

(iii) A description of the current training calendar and training load at the Site, including—

(I) the number of brigade-sized and battalion-sized military exercises held at the Site since its establishment;

(II) an analysis of the maximum annual training load at the Site, without expanding the Site; and

(III) an analysis of the training load and projected training calendar at the Site when all brigades stationed or planned to be stationed at Fort Carson are at home station.

(B) A report of need for any proposed addition of training land to support units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of additional training activities, and their benefits to operational readiness, which would be conducted by units stationed at Fort Carson if, through leases or acquisition from consenting landowners, the Site were expanded to include—

(I) the parcel of land identified as ''Area A'' in the Potential PCMS Land expansion map;

(II) the parcel of land identified as ''Area B'' in the Potential PCMS Land expansion map;

(III) the parcels of land identified as ''Area A'' and ''Area B'' in the Potential PCMS Land expansion map;

(IV) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a heavy infantry brigade at the Site;

(V) acreage sufficient to allow simultaneous exercises of two heavy infantry brigades at the Site;

(VI) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a battalion at the Site; and

(VII) acreage sufficient to allow simultaneous exercises of a heavy infantry brigade and a battalion at the Site.

(ii) An analysis of alternatives for acquiring or utilizing training land at other installations in the United States to support training activities of units stationed at Fort Carson.

(iii) An analysis of alternatives for utilizing other federally owned land to support training activities of units stationed at Fort Carson.

(C) An analysis of alternatives for enhancing economic development opportunities in southeastern Colorado at the current Site or through any proposed expansion, including the consideration of the following alternatives:

(i) The leasing of land on the Site or any expansion of the Site to ranchers for grazing.

(ii) The leasing of land from private landowners for training.

(iii) The procurement of additional services and goods, including biofuels and beef, from local businesses.

(iv) The creation of an economic development fund to benefit communities, local governments, and businesses in southeastern Colorado.

(v) The establishment of an outreach office to provide technical assistance to local businesses that wish to bid on Department of Defense contracts.

(vi) The establishment of partnerships with local governments and organizations to expand regional tourism through expanded access to sites of historic, cultural, and environmental interest on the Site.

(vii) An acquisition policy that allows willing sellers to minimize the tax impact of a sale.

(viii) Additional investments in Army missions and personnel, such as stationing an active duty unit at the Site, including—

(I) an analysis of anticipated operational benefits; and

(II) an analysis of economic impacts to surrounding communities.

(3) POTENTIAL PCMS LAND EXPANSION MAP DEFINED.—In this subsection, the term ''Potential PCMS Land expansion map'' means the June 2007 map entitled ''Potential PCMS Land expansion''.

(b) COMPTROLLER GENERAL REVIEW OF REPORT.—Not later than 180 days after the Secretary of Defense submits the report required under subsection (a), the Comptroller General of the United States shall submit to Congress a review of the report and of the justification of the Army for expansion at the Site.

(c) PUBLIC COMMENT.—After the report required under subsection (b) is submitted to Congress, the Army shall solicit public comment on the report for a period of not less than 90 days. Not later than 30 days after the public comment period has closed, the Secretary shall submit to Congress a written summary of comments received.

SEC. 2868. REPEAL OF MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–355) is repealed.

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2901. AUTHORIZED WAR-RELATED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2902(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$116,800,000
Iraq	Camp Adder	$80,650,000
	Al Asad	$86,100,000
	Camp Anaconda	$88,200,000
	Fallujah	$880,000
	Camp Marez	$880,000
	Mosul	$43,000,000
	Q-West	$26,000,000
	Camp Ramadi	$880,000
	Scania	$5,000,000
	Camp Speicher	$103,700,000
	Camp Taqqadum	$880,000
	Tikrit	$43,000,000
	Camp Victory	$34,400,000
	Camp Warrior	$880,000
	Various Locations	$102,000,000

SEC. 2902. AUTHORIZATION OF WAR-RELATED MILITARY CONSTRUCTION APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $752,650,000 as follows:

(1) For military construction projects outside the United States authorized by section 2901(a), $733,250,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $19,400,000.

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.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,539,693,000, to be allocated as follows:

(1) For weapons activities, $6,472,172,000.

(2) For defense nuclear nonproliferation activities, $1,809,646,000.

(3) For naval reactors, $808,219,000.

(4) For the Office of the Administrator for Nuclear Security, $399,656,000.

(5) For the International Atomic Energy Agency Nuclear Fuel Bank, $50,000,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 08–D–801, High pressure fire loop, Pantex Plant, Amarillo, Texas, $7,000,000.

Project 08–D–802, High explosive pressing facility, Pantex Plant, Amarillo, Texas, $25,300,000.

Project 08–D–804, Technical Area 55 reinvestment project, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,000,000.

(2) For facilities and infrastructure recapitalization, the following new plant projects:

Project 08–D–601, Mercury highway, Nevada Test Site, Nevada, $7,800,000.

Project 08–D–602, Potable water system upgrades, Y–12 Plant, Oak Ridge, Tennessee, $22,500,000.

(3) For safeguards and security, the following new plant project:

Project 08–D–701, Nuclear materials safeguards and security upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, $49,496,000.

(4) For naval reactors, the following new plant projects:

Project 08–D–901, Shipping and receiving and warehouse complex, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $9,000,000.

Project 08–D–190, Project engineering and design, Expended Core Facility M–290 Recovering Discharge Station, Naval Reactors Facility, Idaho Falls, Idaho, $550,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,410,905,000.

(b) AUTHORIZATION FOR NEW PLANT PROJECT.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant project:

Project 08–D–414, Project engineering and design, Plutonium Vitrification Facility, various locations, $15,000,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for other defense activities in carrying out programs necessary for national security in the amount of $663,074,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $242,046,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. RELIABLE REPLACEMENT WARHEAD PROGRAM.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated under section 3101(a)(1) for weapons activities for fiscal year 2008, not more than $195,069,000 may be obligated or expended for the Reliable Replacement Warhead program under section 4204a of the Atomic Energy Defense Act (50 U.S.C. 2524a).

(b) PROHIBITION ON AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES.—No funds referred to in subsection (a) may be obligated or expended for activities under the Reliable Replacement Warhead program beyond phase 2A activities.

SEC. 3112. LIMITATION ON AVAILABILITY OF FUNDS FOR FISSILE MATERIALS DISPOSITION PROGRAM.

(a) LIMITATION PENDING REPORT ON USE OF PRIOR FISCAL YEAR FUNDS.—No fiscal year 2008 Fissile Materials Disposition program funds may be obligated or expended for the Fissile Materials Disposition program until the Secretary of Energy, in consultation with the Administrator for Nuclear Security, submits to the congressional defense committees a report setting forth a plan for obligating and expending funds made available for that program in fiscal years before fiscal year 2008 that remain available for obligation or expenditure as of October 1, 2007.

(b) LIMITATION PENDING CERTIFICATION ON USE OF CURRENT FISCAL YEAR FUNDS.—

(1) IN GENERAL.—Within fiscal year 2008 Fissile Materials Disposition program funds, the aggregate amount that may be obligated for the Fissile Materials Disposition program may not exceed such amount as the Secretary, in consultation with the Administrator, certifies to the congressional defense committees will be obligated for that program in fiscal years 2008 and 2009.

(2) AVAILABILITY OF UNUTILIZED FUNDS ABSENT CERTIFICATION.—If the Secretary does not make a certification under paragraph (1), fiscal year 2008 Fissile Materials Disposition program funds shall not be available for the Fissile Materials Disposition program, but shall be available instead for any defense nuclear nonproliferation activities (other than the Fissile Materials Disposition program) for which amounts are authorized to be appropriated by section 3101(a)(2).

(3) AVAILABILITY OF UNUTILIZED FUNDS UNDER CERTIFICATION OF PARTIAL USE.—If the aggregate amount of funds certified under paragraph (1) as to be obligated for the Fissile Materials Disposition program in fiscal years 2008 and 2009 is less than the amount of the fiscal year 2008 Fissile Materials Disposition program funds, an amount within fiscal year 2008 Fissile Materials Disposition program funds that is equal to the difference between the amount of fiscal year 2008 Fissile Materials Disposition program funds and such aggregate amount shall not be available for the Fissile Materials Disposition program, but shall be available instead for any defense nuclear nonproliferation activities (other than the Fissile Materials Disposition program) for which amounts are authorized to be appropriated by section 3101(a)(2).

(c) FISCAL YEAR 2008 FISSILE MATERIALS DISPOSITION PROGRAM FUNDS DEFINED.—In this section, the term ''fiscal year 2008 Fissile Materials Disposition program funds'' means amounts authorized to be appropriated by section 3101(a)(2) and available for the Fissile Materials Disposition program.

SEC. 3113. MODIFICATION OF LIMITATIONS ON AVAILABILITY OF FUNDS FOR WASTE TREATMENT AND IMMOBILIZATION PLANT.

Paragraph (2) of section 3120(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2510) is amended—

(1) by striking ''the Defense Contract Management Agency has recommended for acceptance'' and inserting ''an independent entity has reviewed''; and

(2) by inserting ''and that the system has been certified by the Secretary for use by a construction contractor at the Waste Treatment and Immobilization Plant'' after ''Waste Treatment and Immobilization Plant''.

Subtitle C—Other Matters

SEC. 3121. NUCLEAR TEST READINESS.

(a) REPEAL OF REQUIREMENTS ON READINESS POSTURE.—Section 3113 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1743; 50 U.S.C. 2528a) is repealed.

(b) REPORTS ON NUCLEAR TEST READINESS POSTURES.—

(1) IN GENERAL.—Section 4208 of the Atomic Energy Defense Act (50 U.S.C. 2528) is amended to read as follows:

''SEC. 4208. REPORTS ON NUCLEAR TEST READINESS.

''(a) IN GENERAL.—Not later than March 1, 2009, and every odd-numbered year thereafter, the Secretary of Energy shall submit to the congressional defense committees a report on the nuclear test readiness of the United States.

''(b) ELEMENTS.—Each report under subsection (a) shall include, current as of the date of such report, the following:

''(1) An estimate of the period of time that would be necessary for the Secretary of Energy to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test.

''(2) A description of the level of test readiness that the Secretary of Energy, in consultation with the Secretary of Defense, determines to be appropriate.

''(3) A list and description of the workforce skills and capabilities that are essential to carrying out an underground nuclear test at the Nevada Test Site.

''(4) A list and description of the infrastructure and physical plant that are essential to carrying out an underground nuclear test at the Nevada Test Site.

''(5) An assessment of the readiness status of the skills and capabilities described in paragraph (3) and the infrastructure and physical plant described in paragraph (4).

''(c) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.''.

(2) CLERICAL AMENDMENT.—The item relating to section 4208 in the table of contents for such Act is amended to read as follows:

''Sec. 4208. Reports on nuclear test readiness.''.

SEC. 3122. SENSE OF CONGRESS ON THE NUCLEAR NONPROLIFERATION POLICY OF THE UNITED STATES AND THE RELIABLE REPLACEMENT WARHEAD PROGRAM.

It is the sense of Congress that—

(1) the United States should reaffirm its commitment to Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (in this section referred to as the ''Nuclear Non-Proliferation Treaty'');

(2) the United States should initiate talks with Russia to reduce the number of nonstrategic nuclear weapons and further reduce the number of strategic nuclear weapons in the respective nuclear weapons stockpiles of the United States and Russia in a transparent and verifiable fashion and in a manner consistent with the security of the United States;

(3) the United States and other declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty, together with weapons states that are not parties to the treaty, should work to reduce the total number of nuclear weapons in the respective stockpiles and related delivery systems of such states;

(4) the United States, Russia, and other states should work to negotiate, and then sign and ratify, a treaty setting forth a date for the cessation of the production of fissile material;

(5) the Senate should ratify the Comprehensive Nuclear-Test-Ban Treaty, opened for signature at New York September 10, 1996;

(6) the United States should commit to dismantle as soon as possible all retired warheads or warheads that are planned to be retired from the United States nuclear weapons stockpile;

(7) the United States, along with the other declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty, should participate in transparent discussions regarding their nuclear weapons programs and plans, and how such programs and plans, including plans for any new weapons or warheads, relate to their obligations as nuclear weapons state parties under the Treaty;

(8) the United States and the declared nuclear weapons state parties to the Nuclear Non-Proliferation Treaty should work to decrease reliance on, and the importance of, nuclear weapons; and

(9) the United States should formulate any decision on whether to manufacture or deploy a reliable replacement warhead within the broader context of the progress made by the United States toward achieving each of the goals described in paragraphs (1) through (8).

SEC. 3123. REPORT ON STATUS OF ENVIRONMENTAL MANAGEMENT INITIATIVES TO ACCELERATE THE REDUCTION OF ENVIRONMENTAL RISKS AND CHALLENGES POSED BY THE LEGACY OF THE COLD WAR.

(a) IN GENERAL.—On the date described in subsection (d), the Secretary of Energy shall submit to the congressional defense committees and the Comptroller General of the United States a report on the status of the environmental management initiatives described in subsection (c) undertaken to accelerate the reduction of the environmental risks and challenges that, as a result of the legacy of the Cold War, are faced by the Department of Energy, contractors of the Department, and applicable Federal and State agencies with regulatory jurisdiction.

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

(1) A discussion of the progress made in reducing the environmental risks and challenges described in subsection (a) in each of the following areas:

(A) Acquisition strategy and contract management.

(B) Regulatory agreements.

(C) Interim storage and final disposal of high-level waste, spent nuclear fuel, transuranic waste, and low-level waste.

(D) Closure and transfer of environmental remediation sites.

(E) Achievements in innovation by contractors of the Department with respect to accelerated risk reduction and cleanup.

(F) Consolidation of special nuclear materials and improvements in safeguards and security.

(2) An assessment of the progress made in streamlining risk reduction processes of the environmental management program of the Department.

(3) An assessment of the progress made in improving the responsiveness and effectiveness of the environmental management program of the Department.

(4) Any proposals for legislation that the Secretary considers necessary to carry out the environmental management initiatives described in subsection (c) and the justification for each such proposal.

(5) A list of the mandatory milestones and commitments set forth in each enforceable cleanup agreement or other type of agreement covering or applicable to environmental management and cleanup activities at any site of the Department, the status of the efforts of the Department to meet such milestones and commitments, and if the Secretary determines that the Department will be unable to achieve any such milestone or commitment, a statement setting forth the reasons the Department will be unable to achieve such milestone or commitment.

(6) An estimate of the life cycle cost of the environmental management program, including the following:

(A) A list of the environmental projects being reviewed for potential inclusion in the environmental management program as of October 1, 2007, and an estimated date by which a determination will be made to include or exclude each such project.

(B) A list of environmental projects not being considered for potential inclusion in the environmental management program as of October 1, 2007, but that are likely to be included in the next five years, and an estimated date by which a determination will be made to include or exclude each such project.

(C) A list of projects in the environmental management program as of October 1, 2007, for which an audit of the cost estimate of the project has been completed, and the estimated date by which such an audit will be completed for each such project for which such an audit has not been completed.

(D) The estimated schedule for production of a revised life cycle cost estimate for the environmental management program incorporating the information described in subparagraphs (A), (B), and (C).

(c) INITIATIVES DESCRIBED.—The environmental management initiatives described in this subsection are the initiatives arising out of the report titled ''Top-to-Bottom Review of the Environmental Management Program'' and dated February 4, 2002, with respect to the environmental restoration and waste management activities of the Department in carrying out programs necessary for national security.

(d) DATE OF SUBMITTAL.—The date described in this subsection is the date on which the budget justification materials in support of the Department of Energy budget for fiscal year 2009

(as submitted with the budget of the President under section 1105(a) of title 31, United States Code) are submitted to Congress.

(e) REVIEW BY COMPTROLLER GENERAL.—Not later than 180 days after the date described in subsection (d), the Comptroller General shall submit to the congressional defense committees a report containing a review of the report required by subsection (a).

SEC. 3124. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the management of the protective forces of the Department of Energy.

(b) CONTENTS.—The report shall include the following:

(1) A description of the management and contractual structure for protective forces at each Department of Energy site with Category I nuclear materials.

(2) A statement of the number and category of protective force members at each site described in paragraph (1) and an assessment of whether the protective force at each such site is adequately staffed, trained, and equipped to comply with the requirements of the Design Basis Threat issued by the Department of Energy in November 2005.

(3) A description of the manner in which each site described in paragraph (1) is moving to a tactical response force as required by the policy of the Department of Energy and an assessment of the issues or problems, if any, involved in the moving to a tactical response force at such site.

(4) A description of the extent to which the protective force at each site described in paragraph (1) has been assigned or is responsible for law enforcement or law-enforcement related activities.

(5) An analysis comparing the management, training, pay, benefits, duties, responsibilities, and assignments of the protective force at each site described in paragraph (1) with the management, training, pay, benefits, duties, responsibilities, and assignments of the Federal transportation security force of the Department of Energy.

(6) A statement of options for managing the protective force at sites described in paragraph (1) in a more uniform manner, an analysis of the advantages and disadvantages of each option, and an assessment of the approximate cost of each option when compared with the costs associated with the existing management of the protective force at such sites.

(c) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 3125. TECHNICAL AMENDMENTS.

The Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended as follows:

(1) The heading of section 4204a (50 U.S.C. 2524a) is amended to read as follows:

"SEC. 4204A. RELIABLE REPLACEMENT WARHEAD PROGRAM.".

(2) The table of contents for that Act is amended by inserting after the item relating to section 4204 the following new item:

''Sec. 4204A. Reliable Replacement Warhead program.''.

Subtitle D—Nuclear Terrorism Prevention

SEC. 3131. DEFINITIONS.

In this subtitle:

(1) The term ''Convention on the Physical Protection of Nuclear Material'' means the Convention on the Physical Protection of Nuclear Material, signed at New York and Vienna March 3, 1980.

(2) The term ''formula quantities of strategic special nuclear material'' means uranium–235 (contained in uranium enriched to 20 percent or more in the U–235 isotope), uranium–233, or plutonium in any combination in a total quantity of 5,000 grams or more computed by the formula, grams = (grams contained U–235) + 2.5 (grams U–233 + grams plutonium), as set forth in the definitions of ''formula quantity'' and ''strategic special nuclear material'' in section 73.2 of title 10, Code of Federal Regulations.

(3) The term ''Nuclear Non-Proliferation Treaty'' means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (21 UST 483).

(4) The term ''nuclear weapon'' means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for the development of, a weapon, a weapon prototype, or a weapon test device.

SEC. 3132. FINDINGS.

Congress makes the following findings:

(1) The possibility that terrorists may acquire and use a nuclear weapon against the United States is the most horrific threat that our Nation faces.

(2) The September 2006 ''National Strategy for Combating Terrorism'' issued by the White House states, ''Weapons of mass destruction in the hands of terrorists is one of the gravest threats we face.''

(3) Former Senator and cofounder of the Nuclear Threat Initiative Sam Nunn has stated, ''Stockpiles of loosely guarded nuclear weapons material are scattered around the world, offering inviting targets for theft or sale. We are working on this, but I believe that the threat is outrunning our response.''.

(4) Existing programs intended to secure, monitor, and reduce nuclear stockpiles, redirect nuclear scientists, and interdict nuclear smuggling have made substantial progress, but additional efforts are needed to reduce the threat of nuclear terrorism as much as possible.

(5) Former United Nations Secretary-General Kofi Annan has said that a nuclear terror attack ''would not only cause widespread death and destruction, but would stagger the world economy and thrust tens of millions of people into dire poverty''.

(6) United Nations Security Council Resolution 1540 (2004) reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts, and directs all countries, in accordance with their national procedures, to adopt and enforce effective laws that prohibit any non-state actor from manufacturing, acquiring, possessing, developing, transporting, transferring, or using nuclear, chemical, or biological weapons and their means of delivery, in particular for terrorist purposes, and to prohibit attempts to engage in any of the foregoing activities, participate in them as an accomplice, or assist or finance them.

(7) The Director General of the International Atomic Energy Agency, Dr. Mohammed ElBaradei, has said that it is a ''race against time'' to prevent a terrorist attack using a nuclear weapon.

(8) The International Atomic Energy Agency plays a vital role in coordinating efforts to protect nuclear materials and to combat nuclear smuggling.

(9) Legislation sponsored by Senator Richard Lugar, Senator Pete Domenici, and former Senator Sam Nunn has resulted in groundbreaking programs to secure nuclear weapons and materials and to help ensure that such weapons and materials do not fall into the hands of terrorists.

SEC. 3133. SENSE OF CONGRESS ON THE PREVENTION OF NUCLEAR TERRORISM.

It is the sense of Congress that—

(1) the President should make the prevention of a nuclear terrorist attack on the United States of the highest priority;

(2) the President should accelerate programs, requesting additional funding as appropriate, to prevent nuclear terrorism, including combating nuclear smuggling, securing and accounting for nuclear weapons, and eliminating, removing, or securing and accounting for formula quantities of strategic special nuclear material wherever such quantities may be;

(3) the United States, together with the international community, should take a comprehensive approach to reducing the danger of nuclear terrorism, including by making additional efforts to identify and eliminate terrorist groups that aim to acquire nuclear weapons, to ensure that nuclear weapons worldwide are secure and accounted for and that formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for to a degree sufficient to defeat the threat that terrorists and criminals have shown they can pose, and to increase the ability to find and stop terrorist efforts to manufacture nuclear explosives or to transport nuclear explosives and materials anywhere in the world;

(4) within such a comprehensive approach, a high priority must be placed on ensuring that all nuclear weapons worldwide are secure and accounted for and that all formula quantities of strategic special nuclear material worldwide are eliminated, removed, or secure and accounted for; and

(5) the International Atomic Energy Agency should be funded appropriately to fulfill its role in coordinating international efforts to protect nuclear material and to combat nuclear smuggling.

SEC. 3134. MINIMUM SECURITY STANDARD FOR NUCLEAR WEAPONS AND FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL.

(a) POLICY.—It is the policy of the United States to work with the international community to take all possible steps to ensure that all nuclear weapons around the world are secure and accounted for and that all formula quantities of strategic special nuclear material are eliminated, removed, or secure and accounted for to a level sufficient to defeat the threats posed by terrorists and criminals.

(b) INTERNATIONAL NUCLEAR SECURITY STANDARD.—In furtherance of the policy described in subsection (a), and consistent with the requirement for ''appropriate effective'' physical protection contained in United Nations Security Council Resolution 1540 (2004), as well as the Nuclear Non-Proliferation Treaty and the Convention on the Physical Protection of Nuclear Material, the President, in consultation with relevant Federal departments and agencies, shall seek the broadest possible international agreement on a global standard for nuclear security that—

(1) ensures that nuclear weapons and formula quantities of strategic special nuclear material are secure and accounted for to a sufficient level to defeat the threats posed by terrorists and criminals;

(2) takes into account the limitations of equipment and human performance; and

(3) includes steps to provide confidence that the needed measures have in fact been implemented.

(c) INTERNATIONAL EFFORTS.—In furtherance of the policy described in subsection (a), the President, in consultation with relevant Federal departments and agencies, shall—

(1) work with other countries and the International Atomic Energy Agency to assist as appropriate, and if necessary, work to convince, the governments of any and all countries in possession of nuclear weapons or formula quantities of strategic special nuclear material to ensure that security is upgraded to meet the standard described in subsection (b) as rapidly as possible and in a manner that—

(A) accounts for the nature of the terrorist and criminal threat in each such country; and

(B) ensures that any measures to which the United States and any such country agree are

sustained after United States and other international assistance ends;

(2) ensure that United States financial and technical assistance is available as appropriate to countries for which the provision of such assistance would accelerate the implementation of, or improve the effectiveness of, such security upgrades; and

(3) work with the governments of other countries to ensure that effective nuclear security rules, accompanied by effective regulation and enforcement, are put in place to govern all nuclear weapons and formula quantities of strategic special nuclear material around the world.

SEC. 3135. ANNUAL REPORT.

(a) IN GENERAL.—Not later than September 1 of each year, the President, in consultation with relevant Federal departments and agencies, shall submit to Congress a report on the security of nuclear weapons, formula quantities of strategic special nuclear material, radiological materials, and related equipment worldwide.

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

(1) A section on the programs for the security and accounting of nuclear weapons and the elimination, removal, and security and accounting of formula quantities of strategic special nuclear material and radiological materials, established under section 3132(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(b)), which shall include the following:

(A) A survey of the facilities and sites worldwide that contain nuclear weapons or related equipment, formula quantities of strategic special nuclear material, or radiological materials.

(B) A list of such facilities and sites determined to be of the highest priority for security and accounting of nuclear weapons and related equipment, or the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials, taking into account risk of theft from such facilities and sites, and organized by level of priority.

(C) A prioritized diplomatic and technical plan, including measurable milestones, metrics, estimated timetables, and estimated costs of implementation, on the following:

(i) The security and accounting of nuclear weapons and related equipment and the elimination, removal, or security and accounting of formula quantities of strategic special nuclear material and radiological materials at such facilities and sites worldwide.

(ii) Ensuring that security upgrades and accounting reforms implemented at such facilities and sites worldwide using the financial and technical assistance of the United States are effectively sustained after such assistance ends.

(iii) The role that international agencies and the international community have committed to play, together with a plan for securing contributions.

(D) An assessment of the progress made in implementing the plan described in subparagraph (C), including a description of the efforts of foreign governments to secure and account for nuclear weapons and related equipment and to eliminate, remove, or secure and account for formula quantities of strategic special nuclear material and radiological materials.

(2) A section on efforts to establish and implement the international nuclear security standard described in section 3134(b) and related policies.

(c) FORM.—The report may be submitted in classified form but shall include a detailed unclassified summary.

SEC. 3136. MODIFICATION OF REPORTING REQUIREMENT.

Section 3111 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3539) is amended—

(1) in subsection (b), by striking ''March 1, 2007'' and inserting ''March 1 of 2007, 2009, 2011, and 2013'';

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following new subsection (c):

''(c) FORM.—The report required by subsection (b) to be submitted not later than March 1 of 2009, 2011, or 2013, shall be submitted in classified form, and shall include a detailed unclassified summary.''; and

(4) in subsection (e), as redesignated, by striking ''(c)'' and inserting ''(d)''.

SEC. 3137. MODIFICATION OF SUNSET DATE OF THE OFFICE OF THE OMBUDSMAN OF THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Section 3686(g) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15(g)) is amended by striking ''on the date that is 3 years after the date of the enactment of this section'' and inserting ''October 28, 2012''.

SEC. 3138. EVALUATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION STRATEGIC PLAN FOR ADVANCED COMPUTING.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) enter into an agreement with an independent entity to conduct an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration; and

(2) not later than 180 days after the date of the enactment of this Act, submit to the congressional defense committees a report containing the results of evaluation described in paragraph (1).

(b) ELEMENTS.—The evaluation described in subsection (a)(1) shall include the following:

(1) An assessment of—

(A) the role of research into, and development of, high-performance computing supported by the National Nuclear Security Administration in maintaining the leadership of the United States in high-performance computing; and

(B) any impact of reduced investment by the National Nuclear Security Administration in such research and development.

(2) An assessment of the ability of the National Nuclear Security Administration to utilize the high-performance computing capability of the Department of Energy and National Nuclear Security Administration national laboratories to support the Stockpile Stewardship Program and nonweapons modeling and calculations.

(3) An assessment of the effectiveness of the Department of Energy and the National Nuclear Security Administration in sharing high-performance computing developments with private industry and capitalizing on innovations in private industry in high-performance computing.

(4) A description of the strategy of the Department of Energy for developing an exaflop computing capability.

(5) An assessment of the efforts of the Department of Energy to—

(A) coordinate high-performance computing work within the Department, in particular among the Office of Science, the National Nuclear Security Administration, and the Office of Energy Efficiency and Renewable Energy; and

(B) develop joint strategies with other Federal Government agencies and private industry groups for the development of high-performance computing.

SEC. 3139. AGREEMENTS AND REPORTS ON NUCLEAR FORENSICS CAPABILITIES.

(a) INTERNATIONAL AGREEMENTS ON NUCLEAR WEAPONS DATA.—The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations to conduct data collection and analysis to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon.

(b) INTERNATIONAL AGREEMENTS ON INFORMATION ON RADIOACTIVE MATERIALS.—The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations—

(1) to acquire for the materials information program of the Department of Energy validated information on the physical characteristics of radioactive material produced, used, or stored at various locations, in order to facilitate the ability to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon; and

(2) to obtain access to information described in paragraph (1) in the event of—

(A) a nuclear detonation; or

(B) the interdiction or discovery of a nuclear device or weapon or nuclear material.

(c) REPORT ON AGREEMENTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall, in coordination with the Secretary of State, submit to Congress a report identifying—

(1) the countries or international organizations with which the Secretary has sought to make agreements pursuant to subsections (a) and (b);

(2) any countries or international organizations with which such agreements have been finalized and the measures included in such agreements; and

(3) any major obstacles to completing such agreements with other countries and international organizations.

(d) REPORT ON STANDARDS AND CAPABILITIES.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report—

(1) setting forth standards and procedures to be used in determining accurately and in a timely manner any country or group that knowingly or negligently provides to another country or group—

(A) a nuclear device or weapon;

(B) a major component of a nuclear device or weapon; or

(C) fissile material that could be used in a nuclear device or weapon;

(2) assessing the capability of the United States to collect and analyze nuclear material or debris in a manner consistent with the standards and procedures described in paragraph (1); and

(3) including a plan and proposed funding for rectifying any shortfalls in the nuclear forensics capabilities of the United States by September 30, 2010.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2008, $27,499,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

DIVISION D—VETERAN SMALL BUSINESSES

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007''.

SEC. 4002. DEFINITIONS.

In this division—

(1) the term ''activated'' means receiving an order placing a Reservist on active duty;

(2) the term ''active duty'' has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term ''Reservist'' means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms ''service-disabled veteran'' and ''small business concern'' have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE XLI—VETERANS BUSINESS DEVELOPMENT

SEC. 4101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008;

(2) $2,300,000 for fiscal year 2009; and

(3) $2,500,000 for fiscal year 2010.

(b) FUNDING OFFSET.—Amounts necessary to carry out subsection (a) shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).

(c) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 4102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

''(d) INTERAGENCY TASK FORCE.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting and subcontracting opportunities to, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

''(2) MEMBERSHIP.—The members of the task force shall include—

''(A) the Administrator, who shall serve as chairperson of the task force;

''(B) a representative from—

''(i) the Department of Veterans Affairs;

''(ii) the Department of Defense;

''(iii) the Administration (in addition to the Administrator);

''(iv) the Department of Labor;

''(v) the Department of the Treasury;

''(vi) the General Services Administration; and

''(vii) the Office of Management and Budget; and

''(C) 4 representatives from a veterans service organization or military organization or association, selected by the President.

''(3) DUTIES.—The task force shall coordinate administrative and regulatory activities and develop proposals relating to—

''(A) increasing capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

''(B) increasing access to Federal contracting and subcontracting for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

''(C) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

''(D) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities; and

''(E) making other improvements relating to the support for veterans business development by the Federal Government.

''(4) REPORTING.—The task force shall submit an annual report regarding its activities and proposals to—

''(A) the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate; and

''(B) the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.''.

SEC. 4103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

TITLE XLII—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

SEC. 4201. SHORT TITLE.

This title may be cited as the ''National Reservist Enterprise Transition and Sustainability Act of 2007''.

SEC. 4202. PURPOSE.

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary heads of small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to assist Reservists that own and operate small business concerns in preparing for future military activations.

SEC. 4203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by inserting ''any small business development center, women's business center, Veterans Business Outreach Center, or center operated by the National Veterans Business Development Corporation providing enterprise transition and sustainability assistance to Reservists under section 37,'' after ''any women's business center operating pursuant to section 29,''.

(b) PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 (15 U.S.C. 631 note) as section 38; and

(2) by inserting after section 36 the following:

''SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

''(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

''(b) DEFINITIONS.—In this section—

''(1) the terms 'activated' and 'activation' mean having received an order placing a Reservists on active duty, as defined by section 101(1) of title 10, United States Code;

''(2) the term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

''(3) the term 'Association' means the association established under section 21(a)(3)(A);

''(4) the term 'eligible applicant' means—

''(A) a small business development center that is accredited under section 21(k);

''(B) a women's business center;

''(C) a Veterans Business Outreach Center that receives funds from the Office of Veterans Business Development; or

''(D) an information and assistance center operated by the National Veterans Business Development Corporation under section 33;

''(5) the term 'enterprise transition and sustainability assistance' means assistance provided by an eligible applicant to a small business concern owned and operated by a Reservist, who has been activated or is likely to be activated in the next 12 months, to develop and implement a business strategy for the period while the owner is on active duty and 6 months after the date of the return of the owner;

''(6) the term 'Reservist' means any person who is—

''(A) a member of a reserve component of the Armed Forces, as defined by section 10101 of title 10, United States Code; and

''(B) on active status, as defined by section 101(d)(4) of title 10, United States Code;

''(7) the term 'small business development center' means a small business development center as described in section 21 of the Small Business Act (15 U.S.C. 648);

''(8) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

''(9) the term 'women's business center' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

''(c) AUTHORITY.—The Administrator may award grants, in accordance with the regulations developed under subsection (d), to eligible applicants to assist small business concerns owned and operated by Reservists by—

''(1) providing management, development, financing, procurement, technical, regulatory, and marketing assistance;

''(2) providing access to information and resources, including Federal and State business assistance programs;

''(3) distributing contact information provided by the Department of Defense regarding activated Reservists to corresponding State directors;

''(4) offering free, one-on-one, in-depth counseling regarding management, development, financing, procurement, regulations, and marketing;

''(5) assisting in developing a long-term plan for possible future activation; and

''(6) providing enterprise transition and sustainability assistance.

''(d) RULEMAKING.—

''(1) IN GENERAL.—The Administrator, in consultation with the Association and after notice and an opportunity for comment, shall promulgate regulations to carry out this section.

''(2) DEADLINE.—The Administrator shall promulgate final regulations not later than 180 days of the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007.

''(3) CONTENTS.—The regulations developed by the Administrator under this subsection shall establish—

''(A) procedures for identifying, in consultation with the Secretary of Defense, States that have had a recent activation of Reservists;

''(B) priorities for the types of assistance to be provided under the program authorized by this section;

''(C) standards relating to educational, technical, and support services to be provided by a grantee;

''(D) standards relating to any national service delivery and support function to be provided by a grantee;

''(E) standards relating to any work plan that the Administrator may require a grantee to develop; and

''(F) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for assistance by a grantee.

''(e) APPLICATION.—

''(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall describe—

''(A) the activities for which the applicant seeks assistance under this section; and

''(B) how the applicant plans to allocate funds within its network.

''(f) AWARD OF GRANTS.—

''(1) DEADLINE.—The Administrator shall award grants not later than 60 days after the promulgation of final rules and regulations under subsection (d).

''(2) AMOUNT.—Each eligible applicant awarded a grant under this section shall receive a grant in an amount not greater than $300,000 per fiscal year.

''(g) REPORT.—

''(1) IN GENERAL.—The Comptroller General of the United States shall—

''(A) initiate an evaluation of the program not later than 30 months after the disbursement of the first grant under this section; and

''(B) submit a report not later than 6 months after the initiation of the evaluation under paragraph (1) to—

''(i) the Administrator;

''(ii) the Committee on Small Business and Entrepreneurship of the Senate; and

''(iii) the Committee on Small Business of the House of Representatives.

''(2) CONTENTS.—The report under paragraph (1) shall—

''(A) address the results of the evaluation conducted under paragraph (1); and

''(B) recommend changes to law, if any, that it believes would be necessary or advisable to achieve the goals of this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

''(A) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007; and

''(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

''(2) FUNDING OFFSET.—Amounts necessary to carry out this section shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).''.

TITLE XLIII—RESERVIST PROGRAMS

SEC. 4301. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking ''90 days'' and inserting ''1 year''.

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term ''eligible Reservist'' means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a pre-consideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(c) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the ''program'') to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 4302. RESERVIST LOANS.

(a) IN GENERAL.—Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking ''$1,500,000'' each place such term appears and inserting ''$2,000,000''.

(b) LOAN INFORMATION.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(2) MARKETING.—The Administrator is authorized—

(A) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(B) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 4303. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

''(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

''(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

''(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

''(II) the period during which the relevant essential employee is on active duty.''.

SEC. 4304. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

''(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.''.

SEC. 4305. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

''(5) RELIEF FROM TIME LIMITATIONS.—

''(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program available to small business concerns shall be extended for a small business concern that—

''(i) is owned and controlled by—

''(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

''(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

''(ii) was subject to the time limitation during such period of active duty.

''(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.''.

SEC. 4306. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 4307. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and

(iii) whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

DIVISION E—MARITIME ADMINISTRATION

SEC. 5001. SHORT TITLE.

(a) SHORT TITLE.—This division may be cited as the ''Maritime Administration Authorities Act of 2007''.

TITLE LI—GENERAL

SEC. 5101. COMMERCIAL VESSEL CHARTERING AUTHORITY.

(a) IN GENERAL.—Subchapter III of chapter 575 of title 46, United States Code, is amended by adding at the end the following:

''§ 57533. Vessel chartering authority

''The Secretary of Transportation may enter into contracts or other agreements on behalf of the United States to purchase, charter, operate, or otherwise acquire the use of any vessels documented under chapter 121 of this title and any other related real or personal property. The Secretary is authorized to use this authority as the Secretary deems appropriate.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 575 of such title is amended by adding at the end the following:

''57533. Vessel chartering authority.''.

SEC. 5102. MARITIME ADMINISTRATION VESSEL CHARTERING AUTHORITY.

Section 50303 of title 46, United States Code, is amended by—

(1) inserting ''vessels,'' after ''piers,''; and

(2) by striking ''control;'' in subsection (a)(1) and inserting ''control, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense;''.

SEC. 5103. CHARTERING TO STATE AND LOCAL GOVERNMENTAL INSTRUMENTALITIES.

Section 11(b) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(b)), is amended—

(1) by striking ''or'' after the semicolon in paragraph (3);

(2) by striking ''Defense.'' in paragraph (4) and inserting ''Defense; or''; and

(3) by adding at the end thereof the following:

''(5) on a reimbursable basis, for charter to the government of any State, locality, or Territory of the United States, except that the prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.''.

SEC. 5104. DISPOSAL OF OBSOLETE GOVERNMENT VESSELS.

Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) by inserting ''(either by sale or purchase of disposal services)'' after ''shall dispose''; and

(2) by striking subparagraph (A) of paragraph (1) and inserting the following:

''(A) in accordance with a priority system for disposing of vessels, as determined by the Secretary, which shall include provisions requiring the Maritime Administration to—

''(i) dispose of all deteriorated high priority ships that are available for disposal, within 12 months of their designation as such; and

''(ii) give priority to the disposition of those vessels that pose the most significant danger to the environment or cost the most to maintain;''.

SEC. 5105. VESSEL TRANSFER AUTHORITY.

Section 50304 of title 46, United States Code, is amended by adding at the end thereof the following:

''(d) VESSEL CHARTERS TO OTHER DEPARTMENTS.—On a reimbursable or nonreimbursable basis, as determined by the Secretary of Transportation, the Secretary may charter or otherwise make available a vessel under the jurisdiction of the Secretary to any other department, upon the request by the Secretary of the department that receives the vessel. The prior consent of the Secretary of Defense for such use shall be required with respect to any vessel in the Ready Reserve Force or in the National Defense Reserve Fleet which is maintained in a retention status for the Department of Defense.''.

SEC. 5106. SEA TRIALS FOR READY RESERVE FORCE.

Section 11(c)(1)(B) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)(B)) is amended to read as follows:

''(B) activate and conduct sea trials on each vessel at least once every 30 months;''.

SEC. 5107. REVIEW OF APPLICATIONS FOR LOANS AND GUARANTEES.

(a) PLAN.—Within 180 days after the date of enactment of this Act, the Administrator of the Maritime Administration shall develop a comprehensive plan for the review of traditional applications and non-traditional applications.

(b) INCLUSIONS.—The comprehensive plan shall include a description of the application review process that shall not exceed 90 days for review of traditional applications.

(c) REPORT TO CONGRESS.—The Administrator shall submit a report describing the comprehensive plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Armed Forces.

(d) DEFINITIONS.—In this section:

(1) NONTRADITIONAL APPLICATION.—The term ''nontraditional application'' means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that is not a traditional application, as determined by the Administrator.

(2) TRADITIONAL APPLICATION.—The term ''traditional application'' means an application for a loan, guarantee, or a commitment to guarantee submitted pursuant to chapter 537 of title 46, United States Code, that involves a market, technology, and financial structure of a type that has been approved in such an application multiple times before the date of enactment of this Act without default or unreasonable risk to the United States, as determined by the Administrator.

TITLE LII—TECHNICAL CORRECTIONS

SEC. 5201. STATUTORY CONSTRUCTION.

The amendments made by this title make no substantive change in existing law and may not be construed as making a substantive change in existing law.

SEC. 5202. PERSONAL INJURY TO OR DEATH OF SEAMEN.

(a) AMENDMENT.—Section 30104 of title 46, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

''(a) CAUSE OF ACTION.—A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman may bring an action against the employer. In such an action, the laws of the United States regulating recovery for personal injury to, or death of, a railway employee shall apply. Such an action may be maintained in admiralty or, at the plaintiff's election, as an action at law, with the right of trial by jury.

''(b) VENUE.—When the plaintiff elects to maintain an action at law, venue shall be in the judicial district in which the employer resides or the employer's principal office is located.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of Public Law 109–304.

SEC. 5203. AMENDMENTS TO CHAPTER 537 BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 53701 is amended by—

(A) redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively;

(B) inserting after paragraph (1) the following:

''(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Maritime Administration.''; and

(C) striking paragraph (13) (as redesignated) and inserting the following:

''(13) SECRETARY.—The term 'Secretary' means the Secretary of Commerce with respect to fishing vessels and fishery facilities.''.

(2) Section 53706(c) is amended to read as follows:

''(c) PRIORITIES FOR CERTAIN VESSELS.—

''(1) VESSELS.—In guaranteeing or making a commitment to guarantee an obligation under this chapter, the Administrator shall give priority to—

''(A) a vessel that is otherwise eligible for a guarantee and is constructed with assistance under subtitle D of the Maritime Security Act of 2003 (46 U.S.C. 53101 note); and

''(B) after applying subparagraph (A), a vessel that is otherwise eligible for a guarantee and that the Secretary of Defense determines—

''(i) is suitable for service as a naval auxiliary in time of war or national emergency; and

''(ii) meets a shortfall in sealift capacity or capability.

''(2) TIME FOR DETERMINATION.—The Secretary of Defense shall determine whether a vessel satisfies paragraph (1)(B) not later than 30 days after receipt of a request from the Administrator for such a determination.''.

(3) Section 53707 is amended—

(A) by inserting ''or Administrator'' in subsections (a) and (d) after ''Secretary'' each place it appears;

(B) by striking ''Secretary of Transportation'' in subsection (b) and inserting ''Administrator'';

(C) by striking ''of Commerce'' in subsection (c); and

(D) in subsection (d)(2), by—

(i) inserting ''if the Secretary or Administrator considers necessary,'' before ''the waiver''; and

(ii) striking ''the increased'' and inserting ''any significant increase in''.

(4) Section 53708 is amended—

(A) by striking ''SECRETARY OF TRANSPORTATION'' in the heading of subsection (a) and inserting ''ADMINISTRATOR'';

(B) by striking ''Secretary'' and ''Secretary of Transportation'' each place they appear in subsection (a) and inserting ''Administrator'';

(C) by striking ''OF COMMERCE'' in the heading of subsection (b);

(D) by striking ''of Commerce'' in subsections (b) and (c);

(E) in subsection (d), by—

(i) inserting ''or Administrator'' after ''Secretary'' the first place it appears; and

(ii) striking ''financial structures, or other risk factors identified by the Secretary. Any independent analysis conducted under this subsection shall be performed by a party chosen by the Secretary.'' and inserting ''or financial structures. A third party independent analysis conducted under this subsection shall be performed by a private sector expert in assessing such risk factors who is selected by the Secretary or Administrator.''; and

(F) in subsection (e), by—

(i) inserting ''or Administrator'' after ''Secretary'' the first place it appears; and

(ii) striking ''financial structures, or other risk factors identified by the Secretary'' and inserting ''or financial structures''.

(5) Section 53710(b)(1) is amended by striking ''Secretary's'' and inserting ''Administrator's''.

(6) Section 53712(b) is amended by striking the last sentence and inserting ''If the Secretary or Administrator has waived a requirement under section 53707(d) of this title, the loan agreement shall include requirements for additional payments, collateral, or equity contributions to meet the waived requirement upon the occurrence of verifiable conditions indicating that the obligor's financial condition enables the obligor to meet the waived requirement.''.

(7) Subsections (c) and (d) of section 53717 are each amended—

(A) by striking ''OF COMMERCE'' in the subsection heading; and

(B) by striking ''of Commerce'' each place it appears.

(8) Section 53732(e)(2) is amended by inserting ''of Defense'' after ''Secretary'' the second place it appears.

(9) The following provisions are amended by striking ''Secretary'' and ''Secretary of Transportation'' and inserting ''Administrator'':

(A) Section 53710(b)(2)(A)(i).

(B) Section 53717(b) each place it appears in a heading and in text.

(C) Section 53718.

(D) Section 53731 each place it appears, except where ''Secretary'' is followed by ''of Energy''.

(E) Section 53732 (as amended by paragraph (8)) each place it appears, except where ''Secretary'' is followed by ''of the Treasury'', ''of State'', or ''of Defense''.

(F) Section 53733 each place it appears.

(10) The following provisions are amended by inserting ''or Administrator'' after ''Secretary'' each place it appears in headings and text, except where ''Secretary'' is followed by ''of Transportation'' or ''of the Treasury'':

(A) The items relating to sections 53722 and 53723 in the chapter analysis for chapter 537.

(B) Sections 53701(1), (4), and (9) (as redesignated by paragraph (1)(A)), 53702(a), 53703, 53704, 53706(a)(3)(B)(iii), 53709(a)(1), (b)(1) and (2)(A), and (d), 53710(a) and (c), 53711, 53712 (except in the last sentence of subsection (b) as amended by paragraph (6)), 53713 to 53716, 53721 to 53725, and 53734.

(11) Sections 53715(d)(1), 53716(d)(3), 53721(c), 53722(a)(1) and (b)(1)(B), and 53724(b) are amended by inserting ''or Administrator's'' after ''Secretary's''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 3507 (except subsection (c)(4)) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is repealed.

SEC. 5204. ADDITIONAL AMENDMENTS BASED ON PUBLIC LAW 109–163.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Chapters 513 and 515 are amended by striking ''Naval Reserve'' each place it appears in analyses, headings, and text and inserting ''Navy Reserve''.

(2) Section 51504(f) is amended to read as follows:

''(f) FUEL COSTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall pay to each State maritime academy the costs of fuel used by a vessel provided under this section while used for training.

''(2) MAXIMUM AMOUNTS.—The amount of the payment to a State maritime academy under paragraph (1) may not exceed—

''(A) $100,000 for fiscal year 2006;

''(B) $200,000 for fiscal year 2007; and

''(C) $300,000 for fiscal year 2008 and each fiscal year thereafter.''.

(3) Section 51505(b)(2)(B) is amended by striking ''$200,000'' and inserting ''$300,000 for fiscal year 2006, $400,000 for fiscal year 2007, and $500,000 for fiscal year 2008 and each fiscal year thereafter''.

(4) Section 51701(a) is amended by striking ''of the United States.'' and inserting ''of the United States and to perform functions to assist the United States merchant marine, as determined necessary by the Secretary.''.

(5)(A) Section 51907 is amended to read as follows:

''§ 51907. Provision of decorations, medals, and replacements

''The Secretary of Transportation may provide—

''(1) the decorations and medals authorized by this chapter and replacements for those decorations and medals; and

''(2) replacements for decorations and medals issued under a prior law.''.

(B) The item relating to section 51907 in the chapter analysis for chapter 519 is amended to read as follows:

''51907. Provision of decorations, medals, and replacements.''.

(6)(A) The following new chapter is inserted after chapter 539:

''CHAPTER 541—MISCELLANEOUS

''Sec.

''54101. Assistance for small shipyards and maritime communities.''.

(B) Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is transferred to and redesignated as section 54101 of title 46, United States Code, to appear at the end of chapter 541 of title 46, as inserted by subparagraph (A).

(C) The heading of such section, as transferred by subparagraph (B), is amended to read as follows:

''§ 54101. Assistance for small shipyards and maritime communities''.

(D) Paragraph (1) of subsection (h) of such section, as transferred by subparagraph (B), is amended by striking ''(15 U.S.C. 632);'' and inserting ''(15 U.S.C. 632));''.

(E) The table of chapters at the beginning of subtitle V is amended by inserting after the item relating to chapter 539 the following new item:

''541. Miscellaneous ..... 54101''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 515(g)(2), 3502, 3509, and 3510 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are repealed.

SEC. 5205. AMENDMENTS BASED ON PUBLIC LAW 109–171.

(a) AMENDMENTS.—Section 60301 of title 46, United States Code, is amended—

(1) by striking ''2 cents per ton (but not more than a total of 10 cents per ton per year)'' in subsection (a) and inserting ''4.5 cents per ton, not to exceed a total of 22.5 cents per ton per year, for fiscal years 2006 through 2010, and 2 cents per ton, not to exceed a total of 10 cents per ton per year, for each fiscal year thereafter,''; and

(2) by striking ''6 cents per ton (but not more than a total of 30 cents per ton per year)'' in subsection (b) and inserting ''13.5 cents per ton, not to exceed a total of 67.5 cents per ton per year, for fiscal years 2006 through 2010, and 6 cents per ton, not to exceed a total of 30 cents per ton per year, for each fiscal year thereafter,''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Section 4001 of the Deficit Reduction Act of 2005 (Public Law 109–171) is repealed.

SEC. 5206. AMENDMENTS BASED ON PUBLIC LAW 109–241.

(a) AMENDMENTS.—Title 46, United States Code, is amended as follows:

(1) Section 12111 is amended by adding at the end the following:

''(d) ACTIVITIES INVOLVING MOBILE OFFSHORE DRILLING UNITS.—

''(1) IN GENERAL.—Only a vessel for which a certificate of documentation with a registry endorsement is issued may engage in—

''(A) the setting, relocation, or recovery of the anchors or other mooring equipment of a mobile offshore drilling unit that is located over the outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a))); or

''(B) the transportation of merchandise or personnel to or from a point in the United States from or to a mobile offshore drilling unit located over the outer Continental Shelf that is not attached to the seabed.

''(2) COASTWISE TRADE NOT AUTHORIZED.—Nothing in paragraph (1) authorizes the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of this title.''.

(2) Section 12139(a) is amended by striking ''and charterers'' and inserting ''charterers, and mortgagees''.

(3) Section 51307 is amended—

(A) by striking ''and'' at the end of paragraph (2);

(B) by striking ''organizations.'' in paragraph (3) and inserting ''organizations; and''; and

(C) by adding at the end the following:

''(4) on any other vessel considered by the Secretary to be necessary or appropriate or in the national interest.''.

(4) Section 55105(b)(3) is amended by striking ''Secretary of the department in which the Coast Guard is operating'' and inserting ''Secretary of Homeland Security''.

(5) Section 70306(a) is amended by striking ''Not later than February 28 of each year, the Secretary shall submit a report'' and inserting ''The Secretary shall submit an annual report''.

(6) Section 70502(d)(2) is amended to read as follows:

''(2) RESPONSE TO CLAIM OF REGISTRY.—The response of a foreign nation to a claim of registry under paragraph (1)(A) or (C) may be made by radio, telephone, or similar oral or electronic means, and is proved conclusively by certification of the Secretary of State or the Secretary's designee.''.

(b) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 303, 307, 308, 310, 901(q), and 902(o) of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109–241) are repealed.

SEC. 5207. AMENDMENTS BASED ON PUBLIC LAW 109–364.

(a) UPDATING OF CROSS REFERENCES.—Section 1017(b)(2) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public

Law 109–364, 10 U.S.C. 2631 note) is amended by striking ''section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), section 12106 of title 46, United States Code, and section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)'' and inserting ''sections 12112, 50501, and 55102 of title 46, United States Code''.

(b) SECTION 51306(e).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is amended by adding at the end the following:

''(e) ALTERNATIVE SERVICE.—

''(1) SERVICE AS COMMISSIONED OFFICER.—An individual who, for the 5-year period following graduation from the Academy, serves as a commissioned officer on active duty in an armed force of the United States or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service shall be excused from the requirements of paragraphs (3) through (5) of subsection (a).

''(2) MODIFICATION OR WAIVER.—The Secretary may modify or waive any of the terms and conditions set forth in subsection (a) through the imposition of alternative service requirements.''.

(2) APPLICATION.—Section 51306(e) of title 46, United States Code, as added by paragraph (1), applies only to an individual who enrolls as a cadet at the United States Merchant Marine Academy, and signs an agreement under section 51306(a) of title 46, after October 17, 2006.

(c) SECTION 51306(f).—

(1) IN GENERAL.—Section 51306 of title 46, United States Code, is further amended by adding at the end the following:

''(f) SERVICE OBLIGATION PERFORMANCE REPORTING REQUIREMENT.—

''(1) IN GENERAL.—Subject to any otherwise applicable restrictions on disclosure in section 552a of title 5, the Secretary of Defense, the Secretary of the department in which the Coast Guard is operating, the Administrator of the National Oceanic and Atmospheric Administration, and the Surgeon General of the Public Health Service—

''(A) shall report the status of obligated service of an individual graduate of the Academy upon request of the Secretary; and

''(B) may, in their discretion, notify the Secretary of any failure of the graduate to perform the graduate's duties, either on active duty or in the Ready Reserve component of their respective service, or as a commissioned officer of the National Oceanic and Atmospheric Administration or the Public Health Service, respectively.

''(2) INFORMATION TO BE PROVIDED.—A report or notice under paragraph (1) shall identify any graduate determined to have failed to comply with service obligation requirements and provide all required information as to why such graduate failed to comply.

''(3) CONSIDERED AS IN DEFAULT.—Upon receipt of such a report or notice, such graduate may be considered to be in default of the graduate's service obligations by the Secretary, and subject to all remedies the Secretary may have with respect to such a default.''.

(2) APPLICATION.—Section 51306(f) of title 46, United States Code, as added by paragraph (1), does not apply with respect to an agreement entered into under section 51306(a) of title 46, United States Code, before October 17, 2006.

(d) SECTION 51509(c).—Section 51509(c) of title 46, United States Code, is amended—

(1) by striking ''MIDSHIPMAN AND'' in the subsection heading and ''midshipman and'' in the text; and

(2) inserting ''or the Coast Guard Reserve'' after ''Reserve)''.

(e) SECTION 51908(a).—Section 51908(a) of title 46, United States Code, is amended by striking ''under this chapter'' and inserting ''by this chapter or the Secretary of Transportation''.

(f) SECTION 53105(e)(2).—Section 53105(e)(2) of title 46, United States Code, is amended by striking ''section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802),'' and inserting ''section 50501 of this title''.

(g) REPEAL OF SUPERSEDED AMENDMENTS.—Sections 3505, 3506, 3508, and 3510(a) and (b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) are repealed.

SEC. 5208. MISCELLANEOUS AMENDMENTS.

(a) DELETION OF OBSOLETE REFERENCE TO CANTON ISLAND.—Section 55101(b) of title 46, United States Code, is amended—

(1) by inserting ''or'' after the semicolon at the end of paragraph (2);

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(b) IMPROVEMENT OF HEADING.—Title 46, United States Code, is amended as follows:

*(1) The heading of section 55110 is amended by inserting ''**valueless material or**'' before ''**dredged material**''.*

(2) The item for section 55110 in the analysis for chapter 551 is amended by inserting ''valueless material or'' before ''dredged material''.

(c) OCEANOGRAPHIC RESEARCH VESSELS AND SAILING SCHOOL VESSELS.—

(1) Section 10101(3) of title 46, United States Code, is amended by inserting ''on an oceanographic research vessel'' after ''scientific personnel''.

(2) Section 50503 of title 46, United States Code, is amended by striking ''An oceanographic research vessel'' and all that follows and inserting the following:

''(a) DEFINITIONS.—In this section, the terms 'oceanographic research vessel' and 'scientific personnel' have the meaning given those terms in section 2101 of this title.

''(b) NOT SEAMEN.—Scientific personnel on an oceanographic research vessel are deemed not to be seamen under part G of subtitle II, section 30104, or chapter 303 of this title.

''(c) NOT ENGAGED IN TRADE OR COMMERCE.—An oceanographic research vessel is deemed not to be engaged in trade or commerce.''.

(3) Section 50504(b)(1) of title 46, United States Code, is amended by striking ''parts B, F, and G of subtitle II'' and inserting ''part B, F, or G of subtitle II, section 30104, or chapter 303''.

SEC. 5209. APPLICATION OF SUNSET PROVISION TO CODIFIED PROVISION.

For purposes of section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27, 26 U.S.C. 1 note), the amendment made by section 301(a)(2)(E) of that Act shall be deemed to have been made to section 53511(f)(2) of title 46, United States Code.

SEC. 5210. ADDITIONAL TECHNICAL CORRECTIONS.

(a) AMENDMENTS TO TITLE 46.—Title 46, United States Code, is amended as follows:

(1) The analysis for chapter 21 is amended by striking the item relating to section 2108.

(2) Section 12113(g) is amended by inserting ''and'' after ''Conservation''.

(3) Section 12131 is amended by striking ''commmand'' and inserting ''command''.

(b) AMENDMENTS TO PUBLIC LAW 109–304.—

(1) AMENDMENTS.—Public Law 109–304 is amended as follows:

(A) Section 15(10) is amended by striking ''46 App. U.S.C.'' and inserting ''46 U.S.C. App.''.

(B) Section 15(30) is amended by striking ''Shipping Act, 1936'' and inserting ''Shipping Act, 1916''.

(C) The schedule of Statutes at Large repealed in section 19, as it relates to the Act of June 29, 1936, is amended by—

(i) striking the second section ''1111'' (relating to 46 U.S.C. App. 1279f) and inserting section ''1113''; and

(ii) striking the second section ''1112'' (relating to 46 U.S.C. App. 1279g) and inserting section ''1114''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if included in the enactment of Public Law 109–304.

(c) REPEAL OF DUPLICATIVE OR UNEXECUTABLE AMENDMENTS.—

(1) REPEAL.—Sections 9(a), 15(21) and (33)(A) through (D)(i), and 16(c)(2) of Public Law 109–304 are repealed.

(2) INTENDED EFFECT.—The provisions repealed by paragraph (1) shall be treated as if never enacted.

(d) LARGE PASSENGER VESSEL CREW REQUIREMENTS.—Section 8103(k)(3)(C)(iv) of title 46, United States Code, is amended by inserting ''and section 252 of the Immigration and Nationality Act (8 U.S.C. 1282)'' after ''of such section''.

APPOINTMENT OF CONFEREES—H.R. 2082

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. ROCKEFELLER, Mrs. FEINSTEIN, Mr. WYDEN, Mr. BAYH, Ms. MIKULSKI, Mr. FEINGOLD, Mr. NELSON of Florida, Mr. WHITEHOUSE, Mr. BOND, Mr. WARNER, Mr. HAGEL, Mr. CHAMBLISS, Mr. HATCH, Ms. SNOWE, Mr. BURR; as additional conferees, Mr. LEVIN and Mr. KYL, conferees on the part of the Senate.

NATIONAL COURAGE MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 398, S. Con. Res. 45.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 45) commending the Ed Block Courage Award Foundation for its work in aiding children and families affected by child abuse, and designating November 2007 as National Courage Month.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and that any statements be printed in the RECORD.

The concurrent resolution (S. Con. Res 45) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 45

Whereas the Ed Block Courage Award was established by Sam Lamantia in 1978 in honor of Ed Block, the head athletic trainer of the Baltimore Colts and a respected humanitarian;

Whereas each year in Baltimore, Maryland, the Foundation honors recipients from the National Football League who have been chosen by their teammates as exemplifying sportsmanship and courage;

Whereas the Ed Block Courage Award has become one of the most esteemed honors bestowed upon players in the NFL;

Whereas the Ed Block Courage Award Foundation has grown from a Baltimore-based local charity to the Courage House National Support Network for Kids operated in partnership with 17 NFL teams in their respective cities; and

Whereas Courage Houses are facilities that provide support and care for abused children and their families in these 17 locations

across the country: Baltimore, Maryland, Pittsburgh, Pennsylvania, Chicago, Illinois, Miami, Florida, Detroit, Michigan, Dallas, Texas, Westchester County, New York, Oakland, California, Seattle, Washington, Charlotte, North Carolina, Cleveland, Ohio, Atlanta, Georgia, St. Louis, Missouri, Indianapolis, Indiana, Buffalo, New York, San Francisco, California, and Minneapolis, Minnesota: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) National Courage Month provides an opportunity to educate the people of the United States about the positive role that professional athletes can play as inspirations for America's youth; and

(2) the Ed Block Courage Award Foundation should be recognized for its outstanding contributions toward helping those affected by child abuse.

PROCEDURAL FAIRNESS FOR SEPTEMBER 11 VICTIMS ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. 2106, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2106) to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, 6 years ago, just days after the terrorist attacks of September 11, Members of Congress on both sides of the aisle came together to pass comprehensive legislation entitled ''the Air Transportation Safety and System Stabilization Act,'' which provided victims of the terrorist attack the option of filing a claim with a national compensation program or seeking limited damages in one Federal district court—the United States District Court for the Southern District of New York.

This Federal cause of action was designed to give victims and their families a choice in the aftermath of September 11. I supported giving the victims and their families a Federal cause of action in court to pursue civil damages, but it has come to my attention that an important procedural protection was left out of the bipartisan legislation we passed 6 years ago.

The 9–11 victims' case currently being litigated in the Southern District of New York includes parties and witnesses from across the country. However, the existing Federal Rules of Civil Procedure restricts the reach of trial subpoenas to a 100-mile radius of the place of trial. This procedural rule effectively prevents subpoenas from being served in the very cities where the flights originated and where two of them crashed on the morning of September 11.

The bipartisan solution to the problem that Congress created is the Procedural Fairness for September 11 Victims Act, S. 2106. It provides for nationwide service of subpoenas for the September 11 victims. Congress has repeatedly provided for nationwide subpoena power in other instances such as the False Claims Act, the Veterans' Benefits Act, and the Civil RICO statute.

I call on my colleagues to pass this procedural fix that will allow the victims to have a chance to have their claims fairly and thoroughly heard in court. The heart of every American aches for those who died or were injured because of the tragic attacks in New York, Virginia, and Pennsylvania on September 11. Although no amount of compensation can replace a lost loved one, the Procedural Fairness for September 11 Victims Act offers a technical fix that is crucial to assisting the September 11 victims and their families.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2106) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 2106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Procedural Fairness for September 11 Victims Act of 2007''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The September 11th Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) establishes a Federal cause of action in the United States District Court for the Southern District of New York as the exclusive remedy for damages arising out of the hijacking and subsequent crash of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001.

(2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure effectively limit service of a subpoena to any place within, or within 100 miles of, the district of the court by which it is issued, unless a statute of the United States expressly provides that the court, upon proper application and cause shown, may authorize the service of a subpoena at any other place.

(3) Litigating a Federal cause of action under the September 11 Victims Compensation Fund of 2001 is likely to involve the testimony and the production of other documents and tangible things by a substantial number of witnesses, many of whom may not reside, be employed, or regularly transact business in, or within 100 miles of, the Southern District of New York.

SEC. 3. NATIONWIDE SUBPOENAS.

Section 408(b) of the September 11 Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following:

''(4) NATIONWIDE SUBPOENAS.—

''(A) IN GENERAL.—A subpoena requiring the attendance of a witness at trial or a hearing conducted under this section may be served at any place in the United States.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to diminish the authority of a court to quash or modify a subpoena for the reasons provided in clause (i), (iii), or (iv) of subparagraph (A) or subparagraph (B) of rule 45(c)(3) of the Federal Rules of Civil Procedure.''.

THE CALENDAR

Mr. REID. I ask unanimous consent that it be in order for the Senate to proceed en bloc to consideration of the following calendar items: Calendar No. 389, H.R. 2467; Calendar No. 390, H.R. 2587; Calendar No. 391, H.R. 2654; Calendar No. 392, H.R. 2765; Calendar No. 393, H.R. 2778; Calendar No. 394, H.R. 2825; Calendar No. 395, H.R. 3052; and Calendar No. 396, H.R. 3106.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to the consideration of the measures en bloc.

The Senate proceeded to consider the bills.

Mr. REID. I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid on the table en bloc; that consideration of these items appear separately in the RECORD, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRANK J. GUARINI POST OFFICE BUILDING

The bill (H.R. 2467) to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the ''Frank J. Guarini Post Office Building,'' was ordered to a third reading, read the third time, and passed.

KENNETH T. WHALUM, SR. POST OFFICE BUILDING

The bill (H.R. 2587) to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the ''Kenneth T. Whalum, Sr. Post Office Building,'' was ordered to a third reading, read the third time, and passed.

ELEANOR McGOVERN POST OFFICE BUILDING

The bill (H.R. 2654) to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the ''Eleanor McGovern Post Office Building,'' was ordered to a third reading, read the third time, and passed.

MASTER SERGEANT SEAN MICHAEL THOMAS POST OFFICE

The bill (H.R. 2765) to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as

the ''Master Sergeant Sean Michael Thomas Post Office,'' was ordered to a third reading, read the third time, and passed.

ROBERT MERRILL POSTAL STATION

The bill (H.R. 2778) to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the ''Robert Merrill Postal Station,'' was ordered to a third reading, read the third time, and passed.

OWEN LOVEJOY PRINCETON POST OFFICE BUILDING

The bill (H.R. 2825) to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the ''Owen Lovejoy Princeton Post Office Building,'' was ordered to a third reading, read the third time, and passed.

JOHN HERSCHEL GLENN, JR. POST OFFICE BUILDING

The bill (H.R. 3052) to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the ''John Herschel Glenn, Jr. Post Office Building,'' was ordered to a third reading, read the third time, and passed.

STAFF SERGEANT DAVID L. NORD POST OFFICE

The bill (H.R. 3106) to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the ''Staff Sergeant David L. Nord Post Office,'' was ordered to a third reading, read the third time, and passed.

MEASURE READ THE FIRST TIME—H.R. 2828

Mr. REID. Mr. President, I understand that H.R. 2828 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 2828) to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

Mr. REID. Mr. President, I ask for its second reading and then object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn to executive session to consider Executive Calendar No. 302, the nomination of Jennifer Walker Elrod to be a United States circuit court judge; that there be a time limitation of 1 hour for debate equally divided between Senators LEAHY and SPECTER or their designees; that there be an additional 10 minutes each for debate for Senators CARDIN and SPECTER; that at the conclusion or yielding back of time, the Senate vote on the nomination; that following that vote, the Senate then vote on each of the following nominations: Nos. 242, 293, and 294; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

Mr. President, also, let me say it is my intent—and I talked to Senator MCCONNELL at some length about this—we will do these tomorrow. I talked to Senator LEAHY. I am sure he has spoken with Senator SPECTER. It is time we did some of these, and we are going to do them tomorrow, the exact time of which I do not know, but they will be done tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, let me thank the majority leader for his assurances on that matter.

ORDERS FOR THURSDAY, OCTOBER 4, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. tomorrow, October 4; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the Democrats and the Republicans, with the Republicans controlling the first half; that at the close of morning business, the Senate then proceed to the consideration of H.R. 3093, the Departments of Commerce, Justice, and Science Appropriations Act.

Mr. President, I would also say to all the Members, we are going to do our best to finish this bill tomorrow.

We are going to give it the old college try. I think we should be able to do it. It is an important bill. We are going to do our very best to do that.

I would also say that the next appropriations bill we are going to move to is the Labor-HHS bill, which is extremely important. Again, I have had conversations the last several days with the Republican leader, and we are now moving through the process. The bill to go to conference has not been held up by the Republicans. The Democrats have held themselves up. We have not been able to get the 302(b) allocations and the other things we needed to work out to be able to do that. Now we are in the process of being able to do that as of yesterday, so we expect to move very expeditiously on these bills so that we can get a bill or bills to the President as soon as possible.

My goal is to finish what we need to do here by November 16. It is easy to say that and it is hard to do, but that certainly is my timetable.

Mr. MCCONNELL. Mr. President, let me just add that I couldn't agree more with what the majority leader has just indicated his goals are, and he will have great cooperation on this side of the aisle to achieve the goal of finishing these bills and wrapping up our business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:35 p.m., adjourned until Thursday, October 4, 2007, at 9 a.m.