

1 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND**  
3 **MANAGEMENT**

Subtitle A—Department of Defense Management

- Sec. 901. Repeal of limitation on major Department of Defense headquarters activities personnel and related report.
- Sec. 902. Flexibility to adjust the number of deputy chiefs and assistant chiefs.
- Sec. 903. Change in eligibility requirements for appointment to Department of Defense leadership positions.
- Sec. 904. Management of the Department of Defense.
- Sec. 905. Revision in guidance relating to combatant command acquisition authority.
- Sec. 906. Department of Defense Board of Actuaries.
- Sec. 907. Modification of background requirement of individuals appointed as Under Secretary of Defense for Acquisition, Technology, and Logistics.
- Sec. 908. Assistant Secretaries of the military departments for acquisition matters; principal military deputies.
- Sec. 909. Sense of Congress on term of Office of the Director of Operational Test and Evaluation.

Subtitle B—Space Activities

- Sec. 911. Space protection strategy.
- Sec. 912. Biennial report on management of space cadre within the Department of Defense.
- Sec. 913. Additional report on oversight of acquisition for defense space programs.

Subtitle C—Chemical Demilitarization Program

- Sec. 921. Chemical demilitarization citizens advisory commissions.
- Sec. 922. Sense of Congress on completion of destruction of United States chemical weapons stockpile.
- Sec. 923. Repeal of certain qualifications requirement for director of chemical demilitarization management organization.
- Sec. 924. Modification of termination of assistance to State and local governments after completion of the destruction of the United States chemical weapons stockpile.

Subtitle D—Intelligence-Related Matters

- Sec. 931. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.

Subtitle E—Roles and Missions Analysis

- Sec. 941. Requirement for quadrennial roles and missions review.
- Sec. 942. Joint Requirements Oversight Council additional duties relating to core mission areas.
- Sec. 943. Requirement for certification of major systems prior to technology development.
- Sec. 944. Presentation of future-years mission budget by core mission area.

Subtitle F—Other Matters

- Sec. 951. Department of Defense consideration of effect of climate change on Department facilities, capabilities, and missions.
- Sec. 952. Interagency policy coordination.
- Sec. 953. Expansion of employment creditable under service agreements under National Security Education Program.
- Sec. 954. Board of Regents for the Uniformed Services University of the Health Sciences.
- Sec. 955. Establishment of Department of Defense School of Nursing.
- Sec. 956. Inclusion of commanders of Western Hemisphere combatant commands in Board of Visitors of Western Hemisphere Institute for Security Cooperation.
- Sec. 957. Comptroller General assessment of reorganization of the Office of the Under Secretary of Defense for Policy.
- Sec. 958. Report on foreign language proficiency.

1 **Subtitle A—Department of Defense**  
2 **Management**

3 **SEC. 901. REPEAL OF LIMITATION ON MAJOR DEPARTMENT**  
4 **OF DEFENSE HEADQUARTERS ACTIVITIES**  
5 **PERSONNEL AND RELATED REPORT.**

6 (a) REPEAL OF LIMITATION.—

7 (1) REPEAL.—Section 130a of title 10, United  
8 States Code, is repealed.

9 (2) CLERICAL AMENDMENT.—The table of sec-  
10 tions at the beginning of chapter 3 of such title is  
11 amended by striking the item relating to section  
12 130a.

13 (b) REPORT REQUIRED.—The Secretary of Defense  
14 shall include a report with the defense budget materials

1 for each fiscal year that includes the following informa-  
2 tion:

3 (1) The average number of military personnel  
4 and civilian employees of the Department of Defense  
5 assigned to major Department of Defense head-  
6 quarters activities for each component of the De-  
7 partment of Defense during the preceding fiscal  
8 year.

9 (2) The total increase in personnel assigned to  
10 major headquarters activities, if any, during the pre-  
11 ceding fiscal year—

12 (A) attributable to the replacement of con-  
13 tract personnel with military personnel or civil-  
14 ian employees of the Department of Defense,  
15 including the number of positions associated  
16 with the replacement of contract personnel per-  
17 forming inherently governmental functions; and

18 (B) attributable to reasons other than the  
19 replacement of contract personnel with military  
20 personnel or civilian employees of the Depart-  
21 ment, such as workload or operational demand  
22 increases.

23 (3) An estimate of the cost savings, if any, as-  
24 sociated with the elimination of contracts for the  
25 performance of major headquarters activities.

1           (4) The number of military personnel and civil-  
2           ian employees of the Department of Defense as-  
3           signed to major headquarters activities for each  
4           component of the Department of Defense as of Octo-  
5           ber 1 of the preceding fiscal year.

6           (c) DEFINITIONS.—In this section:

7           (1) DEFENSE BUDGET MATERIALS.—The term  
8           “defense budget materials”, with respect to a fiscal  
9           year, means the materials submitted to Congress by  
10          the Secretary of Defense in support of the budget  
11          for that fiscal year that is submitted to Congress by  
12          the President under section 1105 of title 31, United  
13          States Code.

14          (2) CONTRACT PERSONNEL.—The term “con-  
15          tract personnel” means persons hired under a con-  
16          tract with the Department of Defense for the per-  
17          formance of major Department of Defense head-  
18          quarters activities.

19   **SEC. 902. FLEXIBILITY TO ADJUST THE NUMBER OF DEP-**  
20                           **UTY CHIEFS AND ASSISTANT CHIEFS.**

21          (a) ARMY.—Section 3035(b) of title 10, United  
22          States Code, is amended to read as follows:

23           “(b) The Secretary of the Army shall prescribe the  
24          number of Deputy Chiefs of Staff and Assistant Chiefs  
25          of Staff, for a total of not more than eight positions.”.

1 (b) NAVY.—

2 (1) DEPUTY CHIEFS OF NAVAL OPERATIONS.—

3 Section 5036(a) of title 10, United States Code, is  
4 amended—

5 (A) by striking “There are in the Office of  
6 the Chief of Naval Operations not more than  
7 five Deputy Chiefs of Naval Operations,” and  
8 inserting “There are Deputy Chiefs of Naval  
9 Operations in the Office of the Chief of Naval  
10 Operations,”; and

11 (B) by adding at the end the following:  
12 “The Secretary of the Navy shall prescribe the  
13 number of Deputy Chiefs of Naval Operations  
14 under this section and Assistant Chiefs of  
15 Naval Operations under section 5037 of this  
16 title, for a total of not more than eight posi-  
17 tions.”.

18 (2) ASSISTANT CHIEFS OF NAVAL OPER-  
19 ATIONS.—Section 5037(a) of such title is amend-  
20 ed—

21 (A) by striking “There are in the Office of  
22 the Chief of Naval Operations not more than  
23 three Assistant Chiefs of Naval Operations,”  
24 and inserting “There are Assistant Chiefs of

1 Naval Operations in the Office of the Chief of  
2 Naval Operations,”; and

3 (B) by adding at the end the following:

4 “The Secretary of the Navy shall prescribe the  
5 number of Assistant Chiefs of Naval Operations  
6 in accordance with section 5036(a) of this  
7 title.”.

8 (c) AIR FORCE.—Section 8035(b) of title 10, United  
9 States Code, is amended to read as follows:

10 “(b) The Secretary of the Air Force shall prescribe  
11 the number of Deputy Chiefs of Staff and Assistant Chiefs  
12 of Staff, for a total of not more than eight positions.”.

13 **SEC. 903. CHANGE IN ELIGIBILITY REQUIREMENTS FOR AP-**  
14 **POINTMENT TO DEPARTMENT OF DEFENSE**  
15 **LEADERSHIP POSITIONS.**

16 (a) SECRETARY OF DEFENSE.—Section 113(a) of  
17 title 10, United States Code, is amended by striking “10”  
18 and inserting “seven”.

19 (b) DEPUTY SECRETARY OF DEFENSE.—Section  
20 132(a) of such title is amended by striking “ten” and in-  
21 serting “seven”.

22 (c) UNDER SECRETARY OF DEFENSE FOR POLICY.—  
23 Section 134(a) of such title is amended by striking “10”  
24 and inserting “seven”.

1 **SEC. 904. MANAGEMENT OF THE DEPARTMENT OF DE-**  
2 **FENSE.**

3 (a) ASSIGNMENT OF MANAGEMENT DUTIES AND  
4 DESIGNATION OF A CHIEF MANAGEMENT OFFICER AND  
5 DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPART-  
6 MENT OF DEFENSE.—

7 (1) ESTABLISHMENT OF POSITION.—Section  
8 132 of title 10, United States Code is amended—

9 (A) by redesignating subsection (c) as sub-  
10 section (d); and

11 (B) by inserting after subsection (b) the  
12 following new subsection (c):

13 “(c) The Deputy Secretary serves as the Chief Man-  
14 agement Officer of the Department of Defense. The Dep-  
15 uty Secretary shall be assisted in this capacity by a Dep-  
16 uty Chief Management Officer, who shall be appointed  
17 from civilian life by the President, by and with the advice  
18 and consent of the Senate.”.

19 (2) ASSIGNMENT OF DUTIES.—

20 (A) The Secretary of Defense shall assign  
21 duties and authorities relating to the manage-  
22 ment of the business operations of the Depart-  
23 ment of Defense.

24 (B) The Secretary shall assign such duties  
25 and authorities to the Chief Management Offi-  
26 cer as are necessary for that official to effec-

1           tively and efficiently organize the business oper-  
2           ations of the Department of Defense.

3           (C) The Secretary shall assign such duties  
4           and authorities to the Deputy Chief Manage-  
5           ment Officer as are necessary for that official  
6           to assist the Chief Management Officer to effec-  
7           tively and efficiently organize the business oper-  
8           ations of the Department of Defense.

9           (D) The Deputy Chief Management Officer  
10          shall perform the duties and have the authori-  
11          ties assigned by the Secretary under subpara-  
12          graph (C) and perform such duties and have  
13          such authorities as are delegated by the Chief  
14          Management Officer.

15          (3) EXECUTIVE SCHEDULE LEVEL III.—Section  
16          5314 of title 5, United States Code, is amended by  
17          inserting after the item relating to the Under Sec-  
18          retary of Defense for Intelligence the following new  
19          item:

20                 “Deputy Chief Management Officer of the De-  
21                 partment of Defense.”.

22          (4) PLACEMENT IN OSD.—Section 131(b)(2) of  
23          title 10, United States Code, is amended—

1 (A) by redesignating paragraphs (3)  
2 through (8) as paragraphs (4) through (9), re-  
3 spectively; and

4 (B) by inserting after paragraph (2) the  
5 following new paragraph (3):

6 “(3) The Deputy Chief Management Officer of  
7 the Department of Defense.”.

8 (b) ASSIGNMENT OF MANAGEMENT DUTIES AND  
9 DESIGNATION OF THE CHIEF MANAGEMENT OFFICERS  
10 OF THE MILITARY DEPARTMENTS.—

11 (1) The Secretary of a military department  
12 shall assign duties and authorities relating to the  
13 management of the business operations of such mili-  
14 tary department.

15 (2) The Secretary of a military department, in  
16 assigning duties and authorities under paragraph  
17 (1) shall designate the Under Secretary of such mili-  
18 tary department to have the primary management  
19 responsibility for business operations, to be known in  
20 the performance of such duties as the Chief Manage-  
21 ment Officer

22 (3) The Secretary shall assign such duties and  
23 authorities to the Chief Management Officer as are  
24 necessary for that official to effectively and effi-

1           ciently organize the business operations of the mili-  
2           tary department concerned.

3           (4) The Chief Management Officer of each mili-  
4           tary department shall promptly provide such infor-  
5           mation relating to the business operations of such  
6           department to the Chief Management Officer and  
7           Deputy Chief Management Officer of the Depart-  
8           ment of Defense as is necessary to assist those offi-  
9           cials in the performance of their duties.

10          (c) MANAGEMENT OF DEFENSE BUSINESS TRANS-  
11          FORMATION AGENCY.—Section 192(e)(2) of title 10,  
12          United States Code, is amended by striking “that the  
13          Agency” and all that follows and inserting “that the Di-  
14          rector of the Agency shall report directly to the Deputy  
15          Chief Management Officer of the Department of De-  
16          fense.”.

17          (d) STRATEGIC MANAGEMENT PLAN REQUIRED.—

18                 (1) REQUIREMENT.—The Secretary of Defense,  
19                 acting through the Chief Management Officer of the  
20                 Department of Defense, shall develop a strategic  
21                 management plan for the Department of Defense.

22                 (2) MATTERS COVERED.—Such plan shall in-  
23                 clude, at a minimum, detailed descriptions of—

24                         (A) performance goals and measures for  
25                         improving and evaluating the overall efficiency

1 and effectiveness of the business operations of  
2 the Department of Defense and achieving an in-  
3 tegrated management system for business sup-  
4 port areas within the Department of Defense;

5 (B) key initiatives to be undertaken by the  
6 Department of Defense to achieve the perform-  
7 ance goals under subparagraph (A), together  
8 with related resource needs;

9 (C) procedures to monitor the progress of  
10 the Department of Defense in meeting perform-  
11 ance goals and measures under subparagraph  
12 (A);

13 (D) procedures to review and approve  
14 plans and budgets for changes in business oper-  
15 ations, including any proposed changes to poli-  
16 cies, procedures, processes, and systems, to en-  
17 sure the compatibility of such plans and budg-  
18 ets with the strategic management plan of the  
19 Department of Defense; and

20 (E) procedures to oversee the development  
21 of, and review and approve, all budget requests  
22 for defense business systems.

23 (3) UPDATES.—The Secretary of Defense, act-  
24 ing through the Chief Management Officer, shall up-  
25 date the strategic management plan no later than

1 July 1, 2009, and every two years thereafter and  
2 provide a copy to the Committees on Armed Services  
3 of the Senate and the House of Representatives.

4 (e) REPORT.—Not later than 180 days after the date  
5 of the enactment of this Act, the Secretary of Defense  
6 shall provide to the Committees on Armed Services of the  
7 Senate and the House of Representatives a report on the  
8 implementation of this section and a copy of the strategic  
9 management plan required by subsection (d).

10 **SEC. 905. REVISION IN GUIDANCE RELATING TO COMBAT-**  
11 **ANT COMMAND ACQUISITION AUTHORITY.**

12 Subparagraph (B) of section 905(b)(1) of the John  
13 Warner National Defense Authorization Act for Fiscal  
14 Year 2007 (Public Law 109–364; 120 Stat. 2353) is  
15 amended by striking “and mutually supportive of”.

16 **SEC. 906. DEPARTMENT OF DEFENSE BOARD OF ACTU-**  
17 **ARIES.**

18 (a) ESTABLISHMENT.—

19 (1) IN GENERAL.—Chapter 7 of title 10, United  
20 States Code, is amended by inserting after section  
21 182 the following new section:

22 **“§ 183. Department of Defense Board of Actuaries**

23 “(a) IN GENERAL.—There shall be in the Depart-  
24 ment of Defense a Department of Defense Board of Actu-

1 aries (hereinafter in this section referred to as the  
2 ‘Board’).

3 “(b) MEMBERS.—(1) The Board shall consist of  
4 three members who shall be appointed by the Secretary  
5 of Defense from among qualified professional actuaries  
6 who are members of the Society of Actuaries.

7 “(2) The members of the Board shall serve for a term  
8 of 15 years, except that a member of the Board appointed  
9 to fill a vacancy occurring before the end of the term for  
10 which the member’s predecessor was appointed shall only  
11 serve until the end of such term. A member may serve  
12 after the end of the member’s term until the member’s  
13 successor takes office.

14 “(3) A member of the Board may be removed by the  
15 Secretary of Defense only for misconduct or failure to per-  
16 form functions vested in the Board.

17 “(4) A member of the Board who is not an employee  
18 of the United States is entitled to receive pay at the daily  
19 equivalent of the annual rate of basic pay of the highest  
20 rate of basic pay then currently being paid under the Gen-  
21 eral Schedule of subchapter III of chapter 53 of title 5  
22 for each day the member is engaged in the performance  
23 of the duties of the Board and is entitled to travel ex-  
24 penses, including a per diem allowance, in accordance with  
25 section 5703 of that title in connection with such duties.

1       “(c) DUTIES.—The Board shall have the following  
2 duties:

3           “(1) To review valuations of the Department of  
4 Defense Military Retirement Fund in accordance  
5 with section 1465(c) of this title and submit to the  
6 President and Congress, not less often than once  
7 every four years, a report on the status of that  
8 Fund, including such recommendations for modifica-  
9 tions to the funding or amortization of that Fund as  
10 the Board considers appropriate and necessary to  
11 maintain that Fund on a sound actuarial basis.

12           “(2) To review valuations of the Department of  
13 Defense Education Benefits Fund in accordance  
14 with section 2006(e) of this title and make rec-  
15 ommendations to the President and Congress on  
16 such modifications to the funding or amortization of  
17 that Fund as the Board considers appropriate to  
18 maintain that Fund on a sound actuarial basis.

19           “(3) To review valuations of such other funds  
20 as the Secretary of Defense shall specify for pur-  
21 poses of this section and make recommendations to  
22 the President and Congress on such modifications to  
23 the funding or amortization of such funds as the  
24 Board considers appropriate to maintain such funds  
25 on a sound actuarial basis.

1           “(d) RECORDS.—The Secretary of Defense shall en-  
2           sure that the Board has access to such records regarding  
3           the funds referred to in subsection (c) as the Board shall  
4           require to determine the actuarial status of such funds.

5           “(e) REPORTS.—(1) The Board shall submit to the  
6           Secretary of Defense on an annual basis a report on the  
7           actuarial status of each of the following:

8                   “(A) The Department of Defense Military Re-  
9                   tirement Fund.

10                   “(B) The Department of Defense Education  
11                   Benefits Fund.

12                   “(C) Each other fund specified by Secretary  
13                   under subsection (c)(3).

14           “(2) The Board shall also furnish its advice and opin-  
15           ion on matters referred to it by the Secretary.”.

16           (2) CLERICAL AMENDMENT.—The table of sec-  
17           tions at the beginning of chapter 7 of such title is  
18           amended by inserting after the item relating to sec-  
19           tion 182 the following new item:

          “183. Department of Defense Board of Actuaries”.

20           (3) INITIAL SERVICE AS BOARD MEMBERS.—  
21           Each member of the Department of Defense Retire-  
22           ment Board of Actuaries or the Department of De-  
23           fense Education Benefits Board of Actuaries as of  
24           the date of the enactment of this Act shall serve as  
25           an initial member of the Department of Defense

1 Board of Actuaries under section 183 of title 10,  
2 United States Code (as added by paragraph (1)),  
3 from that date until the date otherwise provided for  
4 the completion of such individual's term as a mem-  
5 ber of the Department of Defense Retirement Board  
6 of Actuaries or the Department of Defense Edu-  
7 cation Benefits Board of Actuaries, as the case may  
8 be, unless earlier removed by the Secretary of De-  
9 fense.

10 (b) TERMINATION OF EXISTING BOARDS OF ACTU-  
11 ARIES.—

12 (1) DEPARTMENT OF DEFENSE RETIREMENT  
13 BOARD OF ACTUARIES.—(A) Section 1464 of title  
14 10, United States Code, is repealed.

15 (B) The table of sections at the beginning of  
16 chapter 74 of such title is amended by striking the  
17 item relating to section 1464.

18 (2) DEPARTMENT OF DEFENSE EDUCATION  
19 BENEFITS BOARD OF ACTUARIES.—Section 2006 of  
20 such title is amended—

21 (A) in subsection (c)(1), by striking “sub-  
22 section (g)” and inserting “subsection (f)”;

23 (B) by striking subsection (e);

1 (C) by redesignating subsections (f), (g),  
2 and (h) as subsections (e), (f), and (g), respec-  
3 tively;

4 (D) in subsection (e), as redesignated by  
5 subparagraph (C), by striking “subsection (g)”  
6 in paragraph (5) and inserting “subsection (f)”;  
7 and

8 (E) in subsection (f), as so redesignated—

9 (i) in paragraph (2)(A), by striking  
10 “subsection (f)(3)” and inserting “sub-  
11 section (e)(3)”; and

12 (ii) in paragraph (2)(B), by striking  
13 “subsection (f)(4)” and inserting “sub-  
14 section (e)(4)”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) Section 1175(h)(4) of title 10, United  
17 States Code, is amended by striking “Retirement”  
18 the first place it appears.

19 (2) Section 1460(b) of such title is amended by  
20 striking “Retirement”.

21 (3) Section 1466(c)(3) of such title is amended  
22 by striking “Retirement”.

23 (4) Section 12521(6) of such title is amended  
24 by striking “Department of Defense Education Ben-  
25 efits Board of Actuaries referred to in section

1 2006(e)(1) of this title” and inserting “Department  
2 of Defense Board of Actuaries under section 183 of  
3 this title”.

4 **SEC. 907. MODIFICATION OF BACKGROUND REQUIREMENT**  
5 **OF INDIVIDUALS APPOINTED AS UNDER SEC-**  
6 **RETARY OF DEFENSE FOR ACQUISITION,**  
7 **TECHNOLOGY, AND LOGISTICS.**

8 Section 133(a) of title 10, United States Code, is  
9 amended by striking “in the private sector”.

10 **SEC. 908. ASSISTANT SECRETARIES OF THE MILITARY DE-**  
11 **PARTMENTS FOR ACQUISITION MATTERS;**  
12 **PRINCIPAL MILITARY DEPUTIES.**

13 (a) DEPARTMENT OF THE ARMY.—Section 3016(b)  
14 of title 10, United States Code, is amended by adding at  
15 the end the following new paragraph:

16 “(5)(A) One of the Assistant Secretaries shall be the  
17 Assistant Secretary of the Army for Acquisition, Tech-  
18 nology, and Logistics. The principal duty of the Assistant  
19 Secretary shall be the overall supervision of acquisition,  
20 technology, and logistics matters of the Department of the  
21 Army.

22 “(B) The Assistant Secretary shall have a Principal  
23 Military Deputy, who shall be a lieutenant general of the  
24 Army on active duty. The Principal Military Deputy shall  
25 be appointed from among officers who have significant ex-

1 perience in the areas of acquisition and program manage-  
2 ment. The position of Principal Military Deputy shall be  
3 designated as a critical acquisition position under section  
4 1733 of this title.”.

5 (b) DEPARTMENT OF THE NAVY.—Section 5016(b)  
6 of such title is amended by adding at the end the following  
7 new paragraph:

8 “(4)(A) One of the Assistant Secretaries shall be the  
9 Assistant Secretary of the Navy for Research, Develop-  
10 ment, and Acquisition. The principal duty of the Assistant  
11 Secretary shall be the overall supervision of research, de-  
12 velopment, and acquisition matters of the Department of  
13 the Navy.

14 “(B) The Assistant Secretary shall have a Principal  
15 Military Deputy, who shall be a vice admiral of the Navy  
16 or a lieutenant general of the Marine Corps on active duty.  
17 The Principal Military Deputy shall be appointed from  
18 among officers who have significant experience in the  
19 areas of acquisition and program management. The posi-  
20 tion of Principal Military Deputy shall be designated as  
21 a critical acquisition position under section 1733 of this  
22 title.”.

23 (c) DEPARTMENT OF THE AIR FORCE.—Section  
24 8016(b) of such title is amended by adding at the end  
25 the following new paragraph:

1           “(4)(A) One of the Assistant Secretaries shall be the  
2 Assistant Secretary of the Air Force for Acquisition. The  
3 principal duty of the Assistant Secretary shall be the over-  
4 all supervision of acquisition matters of the Department  
5 of the Air Force.

6           “(B) The Assistant Secretary shall have a Principal  
7 Military Deputy, who shall be a lieutenant general of the  
8 Air Force on active duty. The Principal Military Deputy  
9 shall be appointed from among officers who have signifi-  
10 cant experience in the areas of acquisition and program  
11 management. The position of Principal Military Deputy  
12 shall be designated as a critical acquisition position under  
13 section 1733 of this title.”.

14           (d) DUTY OF PRINCIPAL MILITARY DEPUTIES TO IN-  
15 FORM SERVICE CHIEFS ON MAJOR DEFENSE ACQUISI-  
16 TION PROGRAMS.—Each Principal Military Deputy to a  
17 service acquisition executive shall be responsible for keep-  
18 ing the Chief of Staff of the Armed Force concerned in-  
19 formed of the progress of major defense acquisition pro-  
20 grams.

1 **SEC. 909. SENSE OF CONGRESS ON TERM OF OFFICE OF**  
2 **THE DIRECTOR OF OPERATIONAL TEST AND**  
3 **EVALUATION.**

4 It is the sense of Congress that the term of office  
5 of the Director of Operational Test and Evaluation of the  
6 Department of Defense should be not less than five years.

7 **Subtitle B—Space Activities**

8 **SEC. 911. SPACE PROTECTION STRATEGY.**

9 (a) SENSE OF CONGRESS.—It is the Sense of Con-  
10 gress that the United States should place greater priority  
11 on the protection of national security space systems.

12 (b) STRATEGY.—The Secretary of Defense, in con-  
13 junction with the Director of National Intelligence, shall  
14 develop a strategy, to be known as the Space Protection  
15 Strategy, for the development and fielding by the United  
16 States of the capabilities that are necessary to ensure free-  
17 dom of action in space for the United States.

18 (c) MATTERS INCLUDED.—The strategy required by  
19 subsection (b) shall include each of the following:

20 (1) An identification of the threats to, and the  
21 vulnerabilities of, the national security space systems  
22 of the United States.

23 (2) A description of the capabilities currently  
24 contained in the program of record of the Depart-  
25 ment of Defense and the intelligence community that  
26 ensure freedom of action in space.

1           (3) For each period covered by the strategy, a  
2 description of the capabilities that are needed for the  
3 period, including—

4                   (A) the hardware, software, and other ma-  
5 terials or services to be developed or procured;

6                   (B) the management and organizational  
7 changes to be achieved; and

8                   (C) concepts of operations, tactics, tech-  
9 niques, and procedures to be employed.

10           (4) For each period covered by the strategy, an  
11 assessment of the gaps and shortfalls between the  
12 capabilities that are needed for the period and the  
13 capabilities currently contained in the program of  
14 record.

15           (5) For each period covered by the strategy, a  
16 comprehensive plan for investment in capabilities  
17 that identifies specific program and technology in-  
18 vestments to be made in that period.

19           (6) A description of the current processes by  
20 which the systems protection requirements of the  
21 Department of Defense and the intelligence commu-  
22 nity are addressed in space acquisition programs  
23 and during key milestone decisions, an assessment of  
24 the adequacy of those processes, and an identifica-  
25 tion of the actions of the Department and the intel-

1 intelligence community for addressing any inadequacies  
2 in those processes.

3 (7) A description of the current processes by  
4 which the Department of Defense and the intel-  
5 ligence community program and budget for capabili-  
6 ties (including capabilities that are incorporated into  
7 single programs and capabilities that span multiple  
8 programs), an assessment of the adequacy of those  
9 processes, and an identification of the actions of the  
10 Department and the intelligence community for ad-  
11 dressing any inadequacies in those processes.

12 (8) A description of the organizational and  
13 management structure of the Department of De-  
14 fense and the intelligence community for addressing  
15 policy, planning, acquisition, and operations with re-  
16 spect to capabilities, a description of the roles and  
17 responsibilities of each organization, and an identi-  
18 fication of the actions of the Department and the in-  
19 telligence community for addressing any inadequa-  
20 cies in that structure.

21 (d) PERIODS COVERED.—The strategy required by  
22 subsection (b) shall cover the following periods:

- 23 (1) Fiscal years 2008 through 2013.
- 24 (2) Fiscal years 2014 through 2019.
- 25 (3) Fiscal years 2020 through 2025.

1 (e) DEFINITIONS.—In this section—

2 (1) the term “capabilities” means space, air-  
3 borne, and ground systems and capabilities for space  
4 situational awareness and for space systems protec-  
5 tion; and

6 (2) the term “intelligence community” has the  
7 meaning given such term in section 3(4) of the Na-  
8 tional Security Act of 1947 (50 U.S.C. 401a(4)).

9 (f) REPORT; BIENNIAL UPDATE.—

10 (1) REPORT.—Not later than six months after  
11 the date of the enactment of this Act, the Secretary  
12 of Defense, in conjunction with the Director of Na-  
13 tional Intelligence, shall submit to Congress a report  
14 on the strategy required by subsection (b), including  
15 each of the matters required by subsection (c).

16 (2) BIENNIAL UPDATE.—Not later than March  
17 15 of each even-numbered year after 2008, the Sec-  
18 retary of Defense, in conjunction with the Director  
19 of National Intelligence, shall submit to Congress an  
20 update to the report required by paragraph (1).

21 (3) CLASSIFICATION.—The report required by  
22 paragraph (1), and each update required by para-  
23 graph (2), shall be in unclassified form, but may in-  
24 clude a classified annex.

1 (g) CONFORMING REPEAL.—Section 911 of the Na-  
2 tional Defense Authorization Act for Fiscal Year 2006  
3 (Public Law 109-163; 119 Stat. 3405; 10 U.S.C. 2271  
4 note) is repealed.

5 **SEC. 912. BIENNIAL REPORT ON MANAGEMENT OF SPACE**  
6 **CADRE WITHIN THE DEPARTMENT OF DE-**  
7 **FENSE.**

8 (a) IN GENERAL.—Chapter 23 of title 10, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing new section:

11 **“§ 490. Space cadre management: biennial report**

12 “(a) REQUIREMENT.—The Secretary of Defense and  
13 each Secretary of a military department shall develop  
14 metrics and use these metrics to identify, track, and man-  
15 age space cadre personnel within the Department of De-  
16 fense to ensure the Department has sufficient numbers of  
17 personnel with the expertise, training, and experience to  
18 meet current and future national security space needs.

19 “(b) BIENNIAL REPORT REQUIRED.—

20 “(1) IN GENERAL.—Not later than 180 days  
21 after the date of the enactment of this section, and  
22 every even-numbered year thereafter, the Secretary  
23 of Defense shall submit to the congressional defense  
24 committees a report on the management of the space  
25 cadre.

1           “(2) MATTERS INCLUDED.—The report re-  
2           quired by paragraph (1) shall include—

3                   “(A) the number of active duty, reserve  
4                   duty, and government civilian space-coded bil-  
5                   lets that—

6                           “(i) are authorized or permitted to be  
7                           maintained for each military department  
8                           and defense agency;

9                           “(ii) are needed or required for each  
10                          military department and defense agency  
11                          for the year in which the submission of the  
12                          report is required; and

13                          “(iii) are needed or required for each  
14                          military department and defense agency  
15                          for each of the five years following the date  
16                          of the submission of the report;

17                   “(B) the actual number of active duty, re-  
18                   serve duty, and government civilian personnel  
19                   that are coded or classified as space cadre per-  
20                   sonnel within the Department of Defense, in-  
21                   cluding the military departments and defense  
22                   agencies;

23                   “(C) the number of personnel recruited or  
24                   hired as accessions to serve in billets coded or

1 classified as space cadre personnel for each  
2 military department and defense agency;

3 “(D) the number of personnel serving in  
4 billets coded or classified as space cadre per-  
5 sonnel that discontinued serving each military  
6 department and defense agency during the pre-  
7 ceding calendar year;

8 “(E) for each of the reporting require-  
9 ments in subparagraphs (A) through (D), fur-  
10 ther classification of the number of personnel  
11 by—

12 “(i) space operators, acquisition per-  
13 sonnel, engineers, scientists, program man-  
14 agers, and other space-related areas identi-  
15 fied by the Department;

16 “(ii) expertise or technical specializa-  
17 tion area—

18 “(I) such as communications,  
19 missile warning, spacelift, and any  
20 other space-related specialties identi-  
21 fied by the Department or classifica-  
22 tions used by the Department; and

23 “(II) consistent with section  
24 1721 of this title for acquisition per-  
25 sonnel;

1                   “(iii) rank for active duty and reserve  
2                   duty personnel and grade for government  
3                   civilian personnel;

4                   “(iv) qualification, expertise, or pro-  
5                   ficiency level consistent with service and  
6                   agency-defined qualification, expertise, or  
7                   proficiency levels; and

8                   “(v) any other such space-related clas-  
9                   sification categories used by the Depart-  
10                  ment or military departments; and

11                  “(F) any other metrics identified by the  
12                  Department to improve the identification,  
13                  tracking, training, and management of space  
14                  cadre personnel.

15                  “(3) ASSESSMENTS.—The report required by  
16                  paragraph (1) shall also include the Secretary’s as-  
17                  sessment of the state of the Department’s space  
18                  cadre, the Secretary’s assessment of the space cad-  
19                  res of the military departments, and a description of  
20                  efforts to ensure the Department has a space cadre  
21                  sufficient to meet current and future national secu-  
22                  rity space needs.”.

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

“490. Space cadre management: biennial report.”.

1 **SEC. 913. ADDITIONAL REPORT ON OVERSIGHT OF ACQUI-**  
2 **SITION FOR DEFENSE SPACE PROGRAMS.**

3 Section 911(b)(1) of the Bob Stump National De-  
4 fense Authorization Act for Fiscal Year 2003 (Public Law  
5 107–314; 116 Stat. 2621) is amended by inserting “, and  
6 March 15, 2008,” after “March 15, 2003,”.

7 **Subtitle C—Chemical**  
8 **Demilitarization Program**

9 **SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVI-**  
10 **SORY COMMISSIONS.**

11 (a) **FUNCTIONS.**—Section 172 of the National De-  
12 fense Authorization Act for Fiscal Year 1993 (50 U.S.C.  
13 1521 note) is amended—

14 (1) in each of subsections (b) and (f), by strik-  
15 ing “Assistant Secretary of the Army (Research, De-  
16 velopment and Acquisition)” and inserting “Assist-  
17 ant Secretary of the Army (Acquisition, Logistics,  
18 and Technology)”; and

19 (2) in subsection (g), by striking “Assistant  
20 Secretary of the Army (Research, Development, and  
21 Acquisition)” and inserting “Assistant Secretary of  
22 the Army (Acquisition, Logistics, and Technology)”.

23 (b) **TERMINATION.**—Such section is further amended  
24 in subsection (h) by striking “after the stockpile located  
25 in that commission’s State has been destroyed” and in-  
26 serting “after the closure activities required pursuant to

1 regulations promulgated by the Administrator of the Envi-  
2 ronmental Protection Agency pursuant to the Solid Waste  
3 Disposal Act (42 U.S.C. 6901 et seq.) have been com-  
4 pleted for the chemical agent destruction facility in the  
5 commission's State, or upon the request of the Governor  
6 of the commission's State, whichever occurs first”.

7 **SEC. 922. SENSE OF CONGRESS ON COMPLETION OF DE-**  
8 **STRUCTION OF UNITED STATES CHEMICAL**  
9 **WEAPONS STOCKPILE.**

10 (a) FINDINGS.—Congress makes the following find-  
11 ings:

12 (1) The Convention on the Prohibition of the  
13 Development, Production, Stockpiling and Use of  
14 Chemical Weapons and on Their Destruction, done  
15 at Paris on January 13, 1993 (commonly referred to  
16 as the “Chemical Weapons Convention”), requires  
17 that destruction of the entire United States chemical  
18 weapons stockpile be completed by not later than  
19 April 29, 2007.

20 (2) In 2006, under the terms of the Chemical  
21 Weapons Convention, the United States requested  
22 and received a one-time, 5-year extension of its  
23 chemical weapons destruction deadline to April 29,  
24 2012.

1           (3) On April 10, 2006, the Secretary of De-  
2           fense notified Congress that the United States would  
3           not meet even the extended deadline under the  
4           Chemical Weapons Convention for destruction of the  
5           United States chemical weapons stockpile, but would  
6           “continue working diligently to minimize the time to  
7           complete destruction without sacrificing safety and  
8           security” and would also “continue requesting re-  
9           sources needed to complete destruction as close to  
10          April 2012 as practicable”.

11          (4) The United States chemical demilitarization  
12          program has met its one percent, 20 percent, and  
13          extended 45 percent destruction deadlines under the  
14          Chemical Weapons Convention.

15          (5) Destroying the remaining stockpile of  
16          United States chemical weapons is imperative for  
17          public safety and homeland security, and doing so by  
18          April 2012, in accordance with the current destruc-  
19          tion deadline provided under the Chemical Weapons  
20          Convention, is required by United States law.

21          (6) The elimination of chemical weapons any-  
22          where they exist in the world, and the prevention of  
23          their proliferation, is of utmost importance to the  
24          national security of the United States.

1           (7) Section 921(b)(3) of the John Warner Na-  
2           tional Defense Authorization Act for Fiscal Year  
3           2007 (Public Law 109-364; 120 Stat. 2359) con-  
4           tained a sense of Congress urging the Secretary of  
5           Defense to ensure the elimination of the United  
6           States chemical weapons stockpile in the shortest  
7           time possible, consistent with the requirement to  
8           protect public health, safety, and the environment.

9           (8) Section 921(b)(4) of that Act contained a  
10          sense of Congress urging the Secretary of Defense  
11          to propose a credible treatment and disposal process  
12          with the support of affected communities. In this re-  
13          gard, any such process should provide for sufficient  
14          communication and consultation between representa-  
15          tives of the Department of Defense and representa-  
16          tives of affected States and communities.

17          (b) SENSE OF CONGRESS.—It is the sense of Con-  
18          gress that—

19                (1) the United States is, and must remain,  
20                committed to making every effort to safely dispose  
21                of its entire chemical weapons stockpile by April  
22                2012, the current destruction deadline provided  
23                under the Chemical Weapons Convention, or as soon  
24                thereafter as possible, and must carry out all of its  
25                other obligations under the Convention; and

1           (2) the Secretary of Defense should make every  
2           effort to plan for, and to request in the annual  
3           budget of the President submitted to Congress ade-  
4           quate funding to complete, the elimination of the  
5           United States chemical weapons stockpile in accord-  
6           ance with United States obligations under the Chem-  
7           ical Weapons Convention and in a manner that will  
8           protect public health, safety, and the environment,  
9           as required by law.

10       (c) REPORTS REQUIRED.—

11           (1) IN GENERAL.—Not later than March 15,  
12           2008, and every 180 days thereafter until the year  
13           in which the United States completes the destruction  
14           of its entire stockpile of chemical weapons under the  
15           terms of the Chemical Weapons Convention, the Sec-  
16           retary of Defense shall submit to the members and  
17           committees of Congress referred to in paragraph (3)  
18           a report on the implementation by the United States  
19           of its chemical weapons destruction obligations  
20           under the Chemical Weapons Convention.

21           (2) ELEMENTS.—Each report under paragraph  
22           (1) shall include the following:

23                   (A) The anticipated schedule at the time of  
24                   such report for the completion of destruction of  
25                   chemical agents, munitions, and materiel at

1 each chemical weapons demilitarization facility  
2 in the United States.

3 (B) A description of the options and alter-  
4 natives for accelerating the completion of chem-  
5 ical weapons destruction at each such facility,  
6 particularly in time to meet the destruction  
7 deadline of April 29, 2012, currently provided  
8 by the Chemical Weapons Convention, and by  
9 December 31, 2017.

10 (C) A description of the funding required  
11 to achieve each of the options for destruction  
12 described under subparagraph (B), and a de-  
13 tailed life-cycle cost estimate for each of the af-  
14 fected facilities included in each such funding  
15 profile.

16 (D) A description of all actions being  
17 taken by the United States to accelerate the de-  
18 struction of its entire stockpile of chemical  
19 weapons, agents, and materiel in order to meet  
20 the current destruction deadline under the  
21 Chemical Weapons Convention of April 29,  
22 2012, or as soon thereafter as possible.

23 (3) MEMBERS AND COMMITTEES OF CON-  
24 GRESS.—The members and committees of Congress  
25 referred to in this paragraph are—

1 (A) the majority leader of the Senate, the  
2 minority leader of the Senate, and the Commit-  
3 tees on Armed Services and Appropriations of  
4 the Senate; and

5 (B) the Speaker of the House of Rep-  
6 resentatives, the majority leader of the House  
7 of Representatives, the minority leader of the  
8 House of Representatives, and the Committees  
9 on Armed Services and Appropriations of the  
10 House of Representatives.

11 **SEC. 923. REPEAL OF CERTAIN QUALIFICATIONS REQUIRE-**  
12 **MENT FOR DIRECTOR OF CHEMICAL DEMILI-**  
13 **TARIZATION MANAGEMENT ORGANIZATION.**

14 Section 1412(e)(3) of the Department of Defense Au-  
15 thorization Act, 1986 (50 U.S.C. 1521(e)(3)) is amend-  
16 ed—

17 (1) in subparagraph (A), by adding “and” at  
18 the end;

19 (2) by striking subparagraph (B); and

20 (3) by redesignating subparagraph (C) as sub-  
21 paragraph (B).

1 **SEC. 924. MODIFICATION OF TERMINATION OF ASSISTANCE**  
2 **TO STATE AND LOCAL GOVERNMENTS AFTER**  
3 **COMPLETION OF THE DESTRUCTION OF THE**  
4 **UNITED STATES CHEMICAL WEAPONS STOCK-**  
5 **PILE.**

6 Subparagraph (B) of section 1412(c)(5) of the De-  
7 partment of Defense Authorization Act, 1986 (50 U.S.C.  
8 1521(c)(5)) is amended to read as follows:

9 “(B) Assistance may be provided under this para-  
10 graph for capabilities to respond to emergencies involving  
11 an installation or facility as described in subparagraph (A)  
12 until the earlier of the following:

13 “(i) The date of the completion of all grants  
14 and cooperative agreements with respect to the in-  
15 stallation or facility for purposes of this paragraph  
16 between the Federal Emergency Management Agen-  
17 cy and the State and local governments concerned.

18 “(ii) The date that is 180 days after the date  
19 of the completion of the destruction of lethal chem-  
20 ical agents and munitions at the installation or facil-  
21 ity.”.

1       **Subtitle D—Intelligence-Related**  
2                                   **Matters**

3       **SEC. 931. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**  
4                                   **STATES CODE, ARISING FROM ENACTMENT**  
5                                   **OF THE INTELLIGENCE REFORM AND TER-**  
6                                   **RORISM PREVENTION ACT OF 2004.**

7           (a) REFERENCES TO HEAD OF INTELLIGENCE COM-  
8       MUNITY.—Title 10, United States Code, is amended by  
9       striking “Director of Central Intelligence” each place it  
10      appears in the following provisions and inserting “Director  
11      of National Intelligence”:

- 12           (1) Section 192(c)(2).  
13           (2) Section 193(d)(2).  
14           (3) Section 193(e).  
15           (4) Section 201(a).  
16           (5) Section 201(c)(1).  
17           (6) Section 425(a).  
18           (7) Section 426(a)(3).  
19           (8) Section 426(b)(2).  
20           (9) Section 441(c).  
21           (10) Section 441(d).  
22           (11) Section 443(d).  
23           (12) Section 2273(b)(1).  
24           (13) Section 2723(a).

1 (b) REFERENCES TO HEAD OF CENTRAL INTEL-  
2 LIGENCE AGENCY.—Such title is further amended by  
3 striking “Director of Central Intelligence” each place it  
4 appears in the following provisions and inserting “Director  
5 of the Central Intelligence Agency”:

6 (1) Section 431(b)(1).

7 (2) Section 444.

8 (3) Section 1089(g).

9 (c) OTHER AMENDMENTS.—

10 (1) SUBSECTION HEADINGS.—

11 (A) SECTION 441(c).—The heading of sub-  
12 section (c) of section 441 of such title is amend-  
13 ed by striking “DIRECTOR OF CENTRAL INTEL-  
14 LIGENCE” and inserting “DIRECTOR OF NA-  
15 TIONAL INTELLIGENCE”.

16 (B) SECTION 443(d).—The heading of  
17 subsection (d) of section 443 of such title is  
18 amended by striking “DIRECTOR OF CENTRAL  
19 INTELLIGENCE” and inserting “DIRECTOR OF  
20 NATIONAL INTELLIGENCE”.

21 (2) SECTION 201.—Section 201 of such title is  
22 further amended—

23 (A) in subsection (b)(1), to read as follows:

24 “(1) In the event of a vacancy in a position re-  
25 ferred to in paragraph (2), before appointing an in-

1       dividual to fill the vacancy or recommending to the  
2       President an individual to be nominated to fill the  
3       vacancy, the Secretary of Defense shall obtain the  
4       concurrence of the Director of National Intelligence  
5       as provided in section 106(b) of the National Security  
6       Act of 1947 (50 U.S.C. 403–6(b)).”; and

7                   (B) in subsection (c)(1), by striking “National  
8                   Foreign Intelligence Program” and inserting  
9                   “National Intelligence Program”.

## 10       **Subtitle E—Roles and Missions**

### 11                   **Analysis**

#### 12       **SEC. 941. REQUIREMENT FOR QUADRENNIAL ROLES AND**

#### 13                   **MISSIONS REVIEW.**

14       (a) REQUIREMENT FOR REVIEW.—

15                   (1) IN GENERAL.—Chapter 2 of title 10, United  
16       States Code, is amended by inserting after section  
17       118a the following new section:

#### 18       **“§ 118b. Quadrennial roles and missions review**

19                   “(a) REVIEW REQUIRED.—The Secretary of Defense  
20       shall every four years conduct a comprehensive assessment  
21       (to be known as the ‘quadrennial roles and missions re-  
22       view’) of the roles and missions of the armed forces and  
23       the core competencies and capabilities of the Department  
24       of Defense to perform and support such roles and mis-  
25       sions.

1           “(b) INDEPENDENT MILITARY ASSESSMENT OF  
2 ROLES AND MISSIONS.—(1) In each year in which the  
3 Secretary of Defense is required to conduct a comprehen-  
4 sive assessment pursuant to subsection (a), the Chairman  
5 of the Joint Chiefs of Staff shall prepare and submit to  
6 the Secretary the Chairman’s assessment of the roles and  
7 missions of the armed forces and the assignment of func-  
8 tions to the armed forces, together with any recommenda-  
9 tions for changes in assignment that the Chairman con-  
10 sider necessary to achieve maximum efficiency and effec-  
11 tiveness of the armed forces.

12           “(2) The Chairman’s assessment shall be conducted  
13 so as to—

14           “(A) organize the significant missions of the  
15 armed forces into core mission areas that cover  
16 broad areas of military activity;

17           “(B) ensure that core mission areas are defined  
18 and functions are assigned so as to avoid unneces-  
19 sary duplication of effort among the armed forces;  
20 and

21           “(C) provide the Chairman’s recommendations  
22 with regard to issues to be addressed by the Sec-  
23 retary of Defense under subsection (c).

24           “(c) IDENTIFICATION OF CORE MISSION AREAS AND  
25 CORE COMPETENCIES AND CAPABILITIES.—Upon receipt

1 of the Chairman's assessment, and after giving appro-  
2 priate consideration to the Chairman's recommendations,  
3 the Secretary of Defense shall identify—

4           “(1) the core mission areas of the armed forces;

5           “(2) the core competencies and capabilities that  
6 are associated with the performance or support of a  
7 core mission area identified pursuant to paragraph  
8 (1);

9           “(3) the elements of the Department of Defense  
10 (including any other office, agency, activity, or com-  
11 mand described in section 111(b) of this title) that  
12 are responsible for providing the core competencies  
13 and capabilities required to effectively perform the  
14 core missions identified pursuant to paragraph (1);

15           “(4) any gaps in the ability of the elements (or  
16 other office, agency activity, or command) of the De-  
17 partment of Defense to provide core competencies  
18 and capabilities required to effectively perform the  
19 core missions identified pursuant to paragraph (1);

20           “(5) any unnecessary duplication of core com-  
21 petencies and capabilities between defense compo-  
22 nents; and

23           “(6) a plan for addressing any gaps or unneces-  
24 sary duplication identified pursuant to paragraph  
25 (4) or paragraph (5).

1       “(d) REPORT.—The Secretary shall submit a report  
2 on the quadrennial roles and missions review to the Com-  
3 mittees on Armed Services of the Senate and the House  
4 of Representatives. The report shall be submitted in the  
5 year following the year in which the review is conducted,  
6 but not later than the date on which the President submits  
7 the budget for the next fiscal year to Congress under sec-  
8 tion 1105(a) of title 31.”.

9       (b) REPEAL OF SUPERSEDED PROVISION.—Section  
10 118(e) of title 10, United States Code, is amended—

11             (1) by striking paragraph (2); and

12             (2) by redesignating paragraph (3) as para-  
13 graph (2).

14       (c) TIMING OF QUADRENNIAL ROLES AND MISSIONS  
15 REVIEW.—

16             (1) FIRST REVIEW.—The first quadrennial roles  
17 and missions review under section 118b of title 10,  
18 United States Code, as added by subsection (a),  
19 shall be conducted during 2008.

20             (2) SUBSEQUENT REVIEWS.—Subsequent re-  
21 views shall be conducted every four years, beginning  
22 in 2011.

1 **SEC. 942. JOINT REQUIREMENTS OVERSIGHT COUNCIL AD-**  
2 **DITIONAL DUTIES RELATING TO CORE MIS-**  
3 **SION AREAS.**

4 (a) REVISIONS IN MISSION.—Subsection (b) of sec-  
5 tion 181 of title 10, United States Code, is amended to  
6 read as follows:

7 “(b) MISSION.—In addition to other matters assigned  
8 to it by the President or Secretary of Defense, the Joint  
9 Requirements Oversight Council shall—

10 “(1) assist the Chairman of the Joint Chiefs of  
11 Staff—

12 “(A) in identifying, assessing, and approv-  
13 ing joint military requirements (including exist-  
14 ing systems and equipment) to meet the na-  
15 tional military strategy; and

16 “(B) in identifying the core mission area  
17 associated with each such requirement;

18 “(2) assist the Chairman in establishing and  
19 assigning priority levels for joint military require-  
20 ments;

21 “(3) assist the Chairman in reviewing the esti-  
22 mated level of resources required in the fulfillment  
23 of each joint military requirement and in ensuring  
24 that such resource level is consistent with the level  
25 of priority assigned to such requirement; and

1           “(4) assist acquisition officials in identifying al-  
2           ternatives to any acquisition program that meet  
3           joint military requirements for the purposes of sec-  
4           tion 2366a(a)(4), section 2366b(b), and section  
5           2433(e)(2) of this title.”.

6           (b) ADVISORS.—Section 181 of such title is amend-  
7           ed—

8           (1) by redesignating subsection (d) as sub-  
9           section (f); and

10           (2) by inserting after subsection (c) the fol-  
11           lowing new subsection (d):

12           “(d) ADVISORS.—The Under Secretary of Defense  
13           for Acquisition, Technology, and Logistics, the Under Sec-  
14           retary of Defense (Comptroller), and the Director of the  
15           Office of Program Analysis and Evaluation shall serve as  
16           advisors to the Council on matters within their authority  
17           and expertise.”.

18           (c) ORGANIZATION.—Section 181 of such title is fur-  
19           ther amended by inserting after subsection (d) (as inserted  
20           by subsection (b)) the following new subsection (e):

21           “(e) ORGANIZATION.—The Joint Requirements Over-  
22           sight Council shall conduct periodic reviews of joint mili-  
23           tary requirements within a core mission area of the De-  
24           partment of Defense. In any such review of a core mission

1 area, the officer or official assigned to lead the review shall  
2 have a deputy from a different military department.”.

3 (d) DEFINITIONS.—Section 181 of such title is fur-  
4 ther amended by adding at the end the following new sub-  
5 section:

6 “(g) DEFINITIONS.—In this section:

7 “(1) The term ‘joint military requirement’  
8 means a capability necessary to fulfill a gap in a  
9 core mission area of the Department of Defense.

10 “(2) The term ‘core mission area’ means a core  
11 mission area of the Department of Defense identi-  
12 fied under the most recent quadrennial roles and  
13 missions review pursuant to section 118b of this  
14 title.”.

15 (e) CONSULTATION.—Section 2433(e)(2) of such title  
16 is amended by inserting “, after consultation with the  
17 Joint Requirements Oversight Council regarding program  
18 requirements,” after “Secretary of Defense” in the matter  
19 preceding subparagraph (A).

20 (f) DEADLINES.—Effective June 1, 2009, all joint  
21 military requirements documents of the Joint Require-  
22 ments Oversight Council produced to carry out its mission  
23 under section 181(b)(1) of title 10, United States Code,  
24 shall reference the core mission areas organized and de-  
25 fined under section 118b of such title. Not later than Oc-

1 tober 1, 2009, all such documents produced before June  
2 1, 2009, shall reference such structure.

3 **SEC. 943. REQUIREMENT FOR CERTIFICATION OF MAJOR**  
4 **SYSTEMS PRIOR TO TECHNOLOGY DEVELOP-**  
5 **MENT.**

6 (a) REQUIREMENT FOR CERTIFICATION.—

7 (1) IN GENERAL.—Chapter 139 of title 10,  
8 United States Code, is amended by inserting after  
9 section 2366a the following new section:

10 **“§ 2366b. Major defense acquisition programs: certifi-**  
11 **cation required before Milestone A or**  
12 **Key Decision Point A approval**

13 “(a) CERTIFICATION.—A major defense acquisition  
14 program may not receive Milestone A approval, or Key  
15 Decision Point A approval in the case of a space program,  
16 until the Milestone Decision Authority certifies, after con-  
17 sultation with the Joint Requirements Oversight Council  
18 on matters related to program requirements and military  
19 needs—

20 “(1) that the system fulfills an approved initial  
21 capabilities document;

22 “(2) that the system is being executed by an  
23 entity with a relevant core competency as identified  
24 by the Secretary of Defense under section 118b of  
25 this title;

1           “(3) if the system duplicates a capability al-  
2 ready provided by an existing system, the duplica-  
3 tion provided by such system is necessary and ap-  
4 propriate; and

5           “(4) that a cost estimate for the system has  
6 been submitted and that the level of resources re-  
7 quired to develop and procure the system is con-  
8 sistent with the priority level assigned by the Joint  
9 Requirements Oversight Council.

10          “(b) NOTIFICATION.—With respect to a major sys-  
11 tem certified by the Milestone Decision Authority under  
12 subsection (a), if the projected cost of the system, at any  
13 time prior to Milestone B approval, exceeds the cost esti-  
14 mate for the system submitted at the time of the certifi-  
15 cation by at least 25 percent, the program manager for  
16 the system concerned shall notify the Milestone Decision  
17 Authority. The Milestone Decision Authority, in consulta-  
18 tion with the Joint Requirements Oversight Council on  
19 matters related to program requirements and military  
20 needs, shall determine whether the level of resources re-  
21 quired to develop and procure the system remains con-  
22 sistent with the priority level assigned by the Joint Re-  
23 quirements Oversight Council. The Milestone Decision Au-  
24 thority may withdraw the certification concerned or re-  
25 scind Milestone A approval (or Key Decision Point A ap-

1 proval in the case of a space program) if the milestone  
2 decision authority determines that such action is in the  
3 interest of national defense.

4 “(e) DEFINITIONS.—In this section:

5 “(1) The term ‘major system’ has the meaning  
6 provided in section 2302(5) of this title.

7 “(2) The term ‘initial capabilities document’  
8 means any capabilities requirement document ap-  
9 proved by the Joint Requirements Oversight Council  
10 that establishes the need for a materiel approach to  
11 resolve a capability gap.

12 “(3) The term ‘technology development pro-  
13 gram’ means a coordinated effort to assess tech-  
14 nologies and refine user performance parameters to  
15 fulfill a capability gap identified in an initial capa-  
16 bilities document.

17 “(4) The term ‘entity’ means an entity listed in  
18 section 125a(a) of this title.

19 “(5) The term ‘Milestone B approval’ has the  
20 meaning provided that term in section 2366(e)(7) of  
21 this title.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-  
23 tions at the beginning of such chapter is amended  
24 by adding at the end the following new item:

“2366b. Major defense acquisition programs: certification required before Mile-  
stone A or Key Decision Point A approval.”.

1 (b) REVIEW OF DEPARTMENT OF DEFENSE ACQUI-  
2 TION DIRECTIVES.—Not later than 180 days after the  
3 date of the enactment of this Act, the Secretary of Defense  
4 shall review Department of Defense Directive 5000.1 and  
5 associated guidance, and the manner in which such direc-  
6 tive and guidance have been implemented, and take appro-  
7 priate steps to ensure that the Department does not com-  
8 mence a technology development program for a major  
9 weapon system without Milestone A approval (or Key De-  
10 cision Point A approval in the case of a space program).

11 (c) EFFECTIVE DATE.—Section 2366b of title 10,  
12 United States Code, as added by subsection (a), shall  
13 apply to major systems on and after March 1, 2008.

14 **SEC. 944. PRESENTATION OF FUTURE-YEARS MISSION**  
15 **BUDGET BY CORE MISSION AREA.**

16 (a) TIME OF SUBMISSION OF FUTURE-YEARS MIS-  
17 SION BUDGET.—The second sentence of section 222(a) of  
18 title 10, United States Code, is amended to read as fol-  
19 lows: “That budget shall be submitted for any fiscal year  
20 with the future-years defense program submitted under  
21 section 221 of this title.”.

22 (b) ORGANIZATION OF FUTURE-YEARS MISSION  
23 BUDGET.—The second sentence of section 222(b) of such  
24 title is amended by striking “on the basis” and all that  
25 follows through the end of the sentence and inserting the

1 following: “on the basis of both major force programs and  
2 the core mission areas identified under the most recent  
3 quadrennial roles and missions review pursuant to section  
4 118b of this title.”.

5 (c) EFFECTIVE DATE.—The amendments made by  
6 this section shall apply with respect to the future-years  
7 mission budget for fiscal year 2010 and each fiscal year  
8 thereafter.

## 9 **Subtitle F—Other Matters**

### 10 **SEC. 951. DEPARTMENT OF DEFENSE CONSIDERATION OF** 11 **EFFECT OF CLIMATE CHANGE ON DEPART-** 12 **MENT FACILITIES, CAPABILITIES, AND MIS-** 13 **SIONS.**

14 (a) CONSIDERATION OF CLIMATE CHANGE EF-  
15 FECT.—Section 118 of title 10, United States Code, is  
16 amended by adding at the end the following new sub-  
17 section:

18 “(g) CONSIDERATION OF EFFECT OF CLIMATE  
19 CHANGE ON DEPARTMENT FACILITIES, CAPABILITIES,  
20 AND MISSIONS.—(1) The first national security strategy  
21 and national defense strategy prepared after the date of  
22 the enactment of the National Defense Authorization Act  
23 for Fiscal Year 2008 shall include guidance for military  
24 planners—

1           “(A) to assess the risks of projected climate  
2           change to current and future missions of the armed  
3           forces;

4           “(B) to update defense plans based on these as-  
5           sessments, including working with allies and part-  
6           ners to incorporate climate mitigation strategies, ca-  
7           pacity building, and relevant research and develop-  
8           ment; and

9           “(C) to develop the capabilities needed to re-  
10          duce future impacts.

11          “(2) The first quadrennial defense review prepared  
12          after the date of the enactment of the National Defense  
13          Authorization Act for Fiscal Year 2008 shall also examine  
14          the capabilities of the armed forces to respond to the con-  
15          sequences of climate change, in particular, preparedness  
16          for natural disasters from extreme weather events and  
17          other missions the armed forces may be asked to support  
18          inside the United States and overseas.

19          “(3) For planning purposes to comply with the re-  
20          quirements of this subsection, the Secretary of Defense  
21          shall use—

22                 “(A) the mid-range projections of the fourth as-  
23                 sessment report of the Intergovernmental Panel on  
24                 Climate Change;

1           “(B) subsequent mid-range consensus climate  
2           projections if more recent information is available  
3           when the next national security strategy, national  
4           defense strategy, or quadrennial defense review, as  
5           the case may be, is conducted; and

6           “(C) findings of appropriate and available esti-  
7           mations or studies of the anticipated strategic, so-  
8           cial, political, and economic effects of global climate  
9           change and the implications of such effects on the  
10          national security of the United States.

11          “(4) In this subsection, the term ‘national security  
12          strategy’ means the annual national security strategy re-  
13          port of the President under section 108 of the National  
14          Security Act of 1947 (50 U.S.C. 404a).”.

15          (b) IMPLEMENTATION.—The Secretary of Defense  
16          shall ensure that subsection (g) of section 118 of title 10,  
17          United States Code, as added by subsection (a), is imple-  
18          mented in a manner that does not have a negative impact  
19          on the national security of the United States.

20          **SEC. 952. INTERAGENCY POLICY COORDINATION.**

21          (a) PLAN REQUIRED.—Not later than 180 days after  
22          the date of the enactment of this Act, the Secretary of  
23          Defense shall develop and submit to Congress a plan to  
24          improve and reform the Department of Defense’s partici-

1 pation in and contribution to the interagency coordination  
2 process on national security issues.

3 (b) ELEMENTS.—The elements of the plan shall in-  
4 clude the following:

5 (1) Assigning either the Under Secretary of De-  
6 fense for Policy or another official to be the lead pol-  
7 icy official for improving and reforming the inter-  
8 agency coordination process on national security  
9 issues for the Department of Defense, with an expla-  
10 nation of any decision to name an official other than  
11 the Under Secretary and the relative advantages and  
12 disadvantages of such decision.

13 (2) Giving the official assigned under para-  
14 graph (1) the following responsibilities:

15 (A) To be the lead person at the Depart-  
16 ment of Defense for the development of policy  
17 affecting the national security interagency proc-  
18 ess.

19 (B) To serve, or designate a person to  
20 serve, as the representative of the Department  
21 of Defense in Federal Government forums es-  
22 tablished to address interagency policy, plan-  
23 ning, or reforms.

24 (C) To advocate, on behalf of the Sec-  
25 retary, for greater interagency coordination and

1 contributions in the execution of the National  
2 Security Strategy and particularly specific oper-  
3 ational objectives undertaken pursuant to that  
4 strategy.

5 (D) To make recommendations to the Sec-  
6 retary of Defense on changes to existing De-  
7 partment of Defense regulations or laws to im-  
8 prove the interagency process.

9 (E) To serve as the coordinator for all  
10 planning and training assistance that is—

11 (i) designed to improve the inter-  
12 agency process or the capabilities of other  
13 agencies to work with the Department of  
14 Defense; and

15 (ii) provided by the Department of  
16 Defense at the request of other agencies.

17 (F) To serve as the lead official in Depart-  
18 ment of Defense for the development of  
19 deployable joint interagency task forces.

20 (c) FACTORS TO BE CONSIDERED.—In drafting the  
21 plan, the Secretary of Defense shall also consider the fol-  
22 lowing factors:

23 (1) How the official assigned under subsection

24 (b)(1) shall provide input to the Secretary of De-

25 fense on an ongoing basis on how to incorporate the

1       need to coordinate with other agencies into the es-  
2       tablishment and reform of combatant commands.

3           (2) How such official shall develop and make  
4       recommendations to the Secretary of Defense on a  
5       regular or an ongoing basis on changes to military  
6       and civilian personnel to improve interagency coordi-  
7       nation.

8           (3) How such official shall work with the com-  
9       batant command that has the mission for joint  
10      warfighting experimentation and other interested  
11      agencies to develop exercises to test and validate  
12      interagency planning and capabilities.

13          (4) How such official shall lead, coordinate, or  
14      participate in after-action reviews of operations,  
15      tests, and exercises to capture lessons learned re-  
16      garding the functioning of the interagency process  
17      and how those lessons learned will be disseminated.

18          (5) The role of such official in ensuring that fu-  
19      ture defense planning guidance takes into account  
20      the capabilities and needs of other agencies.

21      (d) RECOMMENDATION ON CHANGES IN LAW.—The  
22      Secretary of Defense may submit with the plan or with  
23      any future budget submissions recommendations for any  
24      changes to law that are required to enhance the ability  
25      of the official assigned under subsection (b)(1) in the De-

1 partment of Defense to coordinate defense interagency ef-  
2 forts or to improve the ability of the Department of De-  
3 fense to work with other agencies.

4 (e) ANNUAL REPORT.—If an official is named by the  
5 Secretary of Defense under subsection (b)(1), the official  
6 shall annually submit to Congress a report, beginning in  
7 the fiscal year following the naming of the official, on  
8 those actions taken by the Department of Defense to en-  
9 hance national security interagency coordination, the  
10 views of the Department of Defense on efforts and chal-  
11 lenges in improving the ability of agencies to work to-  
12 gether, and suggestions on changes needed to laws or reg-  
13 ulations that would enhance the coordination of efforts of  
14 agencies.

15 (f) DEFINITION.—In this section, the term “inter-  
16 agency coordination”, within the context of Department  
17 of Defense involvement, means the coordination that oc-  
18 curs between elements of the Department of Defense and  
19 engaged Federal Government agencies for the purpose of  
20 achieving an objective.

21 (g) CONSTRUCTION.—Nothing in this provision shall  
22 be construed as preventing the Secretary of Defense from  
23 naming an official with the responsibilities listed in sub-  
24 section (b) before the submission of the report required  
25 under this section.

1 **SEC. 953. EXPANSION OF EMPLOYMENT CREDITABLE**  
2 **UNDER SERVICE AGREEMENTS UNDER NA-**  
3 **TIONAL SECURITY EDUCATION PROGRAM.**

4 Paragraph (2) of subsection (b) of section 802 of the  
5 David L. Boren National Security Education Act of 1991  
6 (50 U.S.C. 1902), as most recently amended by section  
7 945 of the John Warner National Defense Authorization  
8 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.  
9 2367), is amended—

10 (1) in subparagraph (A)—

11 (A) in clause (i) by striking “or” at the  
12 end; and

13 (B) by adding at the end the following:

14 “(iii) for not less than one academic  
15 year in a position in the field of education  
16 in a discipline related to the study sup-  
17 ported by the program if the recipient  
18 demonstrates to the Secretary of Defense  
19 that no position is available in the depart-  
20 ments, agencies, and offices covered by  
21 clauses (i) and (ii); or”; and

22 (2) in subparagraph (B)—

23 (A) in clause (i) by striking “or” at the  
24 end;

25 (B) in clause (ii) by striking “and” at the  
26 end and inserting “or”; and

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

2 “(iii) for not less than one academic  
3 year in a position in the field of education  
4 in a discipline related to the study sup-  
5 ported by the program if the recipient  
6 demonstrates to the Secretary of Defense  
7 that no position is available in the depart-  
8 ments, agencies, and offices covered by  
9 clauses (i) and (ii); and”.

10 **SEC. 954. BOARD OF REGENTS FOR THE UNIFORMED SERV-**  
11 **ICES UNIVERSITY OF THE HEALTH SCIENCES.**

12 (a) REORGANIZATION AND AMENDMENT OF BOARD  
13 OF REGENTS PROVISIONS.—

14 (1) IN GENERAL.—Chapter 104 of title 10,  
15 United States Code, is amended by inserting after  
16 section 2113 the following new section:

17 **“§ 2113a. Board of Regents**

18 “(a) IN GENERAL.—To assist the Secretary of De-  
19 fense in an advisory capacity, there is a Board of Regents  
20 of the University.

21 “(b) MEMBERSHIP.—The Board shall consist of—

22 “(1) nine persons outstanding in the fields of  
23 health and health education who shall be appointed  
24 from civilian life by the Secretary of Defense;

1           “(2) the Secretary of Defense, or his designee,  
2           who shall be an ex officio member;

3           “(3) the surgeons general of the uniformed  
4           services, who shall be ex officio members; and

5           “(4) the President of the University, who shall  
6           be a nonvoting ex officio member.

7           “(c) TERM OF OFFICE.—The term of office of each  
8           member of the Board (other than ex officio members) shall  
9           be six years except that—

10           “(1) any member appointed to fill a vacancy oc-  
11           curring before the expiration of the term for which  
12           his predecessor was appointed shall be appointed for  
13           the remainder of such term; and

14           “(2) any member whose term of office has ex-  
15           pired shall continue to serve until his successor is  
16           appointed.

17           “(d) CHAIRMAN.—One of the members of the Board  
18           (other than an ex officio member) shall be designated by  
19           the Secretary as Chairman. He shall be the presiding offi-  
20           cer of the Board.

21           “(e) COMPENSATION.—Members of the Board (other  
22           than ex officio members) while attending conferences or  
23           meetings or while otherwise performing their duties as  
24           members shall be entitled to receive compensation at a  
25           rate to be fixed by the Secretary and shall also be entitled

1 to receive an allowance for necessary travel expenses while  
2 so serving away from their place of residence.

3 “(f) MEETINGS.—The Board shall meet at least once  
4 a quarter.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-  
6 tions at the beginning of such chapter is amended  
7 by adding at the end the following new item:

“2113a. Board of Regents.”.

8 (3) CONFORMING AMENDMENTS.—

9 (A) Section 2113 of title 10, United States  
10 Code, is amended—

11 (i) in subsection (a), by striking “To  
12 assist” and all that follows through the  
13 end of paragraph (4);

14 (ii) by striking subsections (b), (c),  
15 and (e);

16 (iii) by redesignating subsections (d),  
17 (f), (g), (h), (i), and (j) as subsections (b),  
18 (c), (d), (e), (f), and (g), respectively; and

19 (iv) in subsection (b), as so redesign-  
20 ated, by striking “who shall also serve as  
21 a nonvoting ex officio member of the  
22 Board”.

23 (B) Section 2114(h) of such title is amend-  
24 ed by striking “2113(h)” and inserting  
25 “2113(e)”.

1 (b) STATUTORY REDESIGNATION OF DEAN AS PRESI-  
2 DENT.—

3 (1) Subsection 2113 of such title is further  
4 amended by striking “Dean” each place it appears  
5 in subsections (b) and (c)(1), as redesignated by  
6 subsection (a)(3), and inserting “President”.

7 (2) Section 2114(e) of such title is amended by  
8 striking “Dean” each place it appears in paragraphs  
9 (3) and (5).

10 **SEC. 955. ESTABLISHMENT OF DEPARTMENT OF DEFENSE**

11 **SCHOOL OF NURSING.**

12 (a) ESTABLISHMENT PLAN REQUIRED.—Not later  
13 than February 1, 2008, the Secretary of Defense shall  
14 submit to the congressional defense committees a plan to  
15 establish a School of Nursing within the Uniformed Serv-  
16 ices University of the Health Sciences. The Secretary shall  
17 develop the plan in consultation with the Board of Regents  
18 of the Uniformed Services University of the Health  
19 Sciences and submit the plan to the Board of Regents for  
20 review and to solicit the Board’s recommendations.

21 (b) PROGRAMS OF INSTRUCTION.—In consultation  
22 with the Secretaries of the military departments, the Sec-  
23 retary of Defense shall include in the plan required by sub-  
24 section (a) programs of instruction for the School of Nurs-  
25 ing that would lead to the award of a bachelor of science

1 in nursing and such other baccalaureate or graduate de-  
2 grees in nursing as the Secretary considers appropriate.  
3 The plan shall also address the enrollment as students of  
4 enlisted members and officers of the Armed Forces and  
5 civilians for the purpose of commissioning them as mili-  
6 tary nursing officers upon graduation. The graduates of  
7 such a program of instruction shall be fully eligible to meet  
8 credentialing and licensing requirements of the military  
9 departments and at least one State in their program of  
10 study.

11 (c) CONSIDERATION OF CERTAIN PROGRAMS.—In  
12 developing the plan under subsection (a), the Secretary  
13 shall consider the inclusion of the following types of pro-  
14 grams:

15 (1) A program to enroll students who already  
16 possess an associate degree in nursing so that they  
17 can earn a bachelor of science in nursing.

18 (2) A program to enroll students who already  
19 possess other associate degrees so that they can earn  
20 a bachelor of science in nursing.

21 (3) A program to enroll students who already  
22 possess an associate degree in nursing so that they  
23 can earn a master of science in nursing.

1           (4) A program to enroll students who already  
2           possess a bachelor of science in nursing so that they  
3           can earn a master of science in nursing.

4           (d) OTHER CONSIDERATIONS.—The plan required by  
5           subsection (a) shall also include the following:

6           (1) The results of a study of the nursing short-  
7           age in the Department of Defense and the reasons  
8           for such shortages.

9           (2) Details of the curriculum and degree re-  
10          quirements for each category of students at the  
11          School of Nursing, if established.

12          (3) An analysis of the contributions to overall  
13          medical readiness that will be made by the School of  
14          Nursing.

15          (4) Proposals for the development of the School  
16          of Nursing to be phased in over a period of time.

17          (5) Faculty requirements based on degree re-  
18          quirements and numbers of projected students, to  
19          include the source and number of faculty required.

20          (6) Projected number of graduates per year for  
21          each of the first 15 years of operation.

22          (7) Predicted accession sources, military career  
23          paths, and service commitments and retention rates  
24          of School of Nursing graduates, to include the reten-  
25          tion of enlisted personnel accessed into the school.

1           (8) Administrative and instructional facilities  
2           required, and the likely initial and final location of  
3           clinical training institutions.

4           (9) Plan for accreditation by nationally recog-  
5           nized nursing school accrediting body.

6           (10) Projected faculty, administration, instruc-  
7           tion, and facilities costs for the School of Nursing  
8           beginning in fiscal year 2009 and continuing  
9           through fiscal year 2024, including the cost analysis  
10          of developing a the School of Nursing and the cost  
11          of additional administrative support for the Uni-  
12          formed Services University of the Health Sciences  
13          on account of the establishment of the school.

14          (e) EFFECT ON CURRENT PROGRAMS.—Notwith-  
15          standing the development of the plan under subsection (a),  
16          the Secretary shall ensure that graduate degree programs  
17          in nursing, including advanced practice nursing, continue.

18          (f) EFFECT ON OTHER RECRUITMENT EFFORTS.—  
19          Nothing in this section shall be construed as limiting or  
20          terminating any current or future program related to the  
21          recruitment, accession, training, or retention of military  
22          nurses.

23          (g) ESTABLISHMENT AUTHORITY.—

1           (1) ESTABLISHMENT.—Chapter 104 of title 10,  
2           United States Code, is amended by adding at the  
3           end the following new section:

4   **“§ 2117. School of Nursing**

5           “(a) ESTABLISHMENT AUTHORIZED.—The Secretary  
6           of Defense may establish a School of Nursing within the  
7           University. The School of Nursing may include a program  
8           that awards a bachelor of science in nursing.

9           “(b) PHASED DEVELOPMENT.—The School of Nurs-  
10          ing may be developed in phases as determined appropriate  
11          by the Secretary.”.

12          (2) CLERICAL AMENDMENT.—The table of sec-  
13          tions at the beginning of such chapter is amended  
14          by adding at the end the following new item:

“2117. School of Nursing.”.

15   **SEC. 956. INCLUSION OF COMMANDERS OF WESTERN HEMI-**  
16                   **SPHERE COMBATANT COMMANDS IN BOARD**  
17                   **OF VISITORS OF WESTERN HEMISPHERE IN-**  
18                   **STITUTE FOR SECURITY COOPERATION.**

19          Subparagraph (F) of section 2166(e)(1) of title 10,  
20          United States Code, is amended to read as follows:

21           “(F) The commanders of the combatant com-  
22          mands having geographic responsibility for the  
23          Western Hemisphere, or the designees of those offi-  
24          cers.”.

1 **SEC. 957. COMPTROLLER GENERAL ASSESSMENT OF REOR-**  
2 **GANIZATION OF THE OFFICE OF THE UNDER**  
3 **SECRETARY OF DEFENSE FOR POLICY.**

4 (a) ASSESSMENT REQUIRED.—Not later than June  
5 1, 2008, the Comptroller General of the United States  
6 shall submit to the congressional defense committees a re-  
7 port containing an assessment of the most recent reorga-  
8 nization of the office of the Under Secretary of Defense  
9 for Policy, including an assessment with respect to the  
10 matters set forth in subsection (b).

11 (b) MATTERS TO BE ASSESSED.—The matters to be  
12 included in the assessment required by subsection (a) are  
13 as follows:

14 (1) The manner in which the reorganization of  
15 the office furthers, or will further, its stated pur-  
16 poses in the short-term and long-term, including the  
17 manner in which the reorganization enhances, or will  
18 enhance, the ability of the Department of Defense—

19 (A) to address current security priorities,  
20 including on-going military operations in Iraq,  
21 Afghanistan, and elsewhere;

22 (B) to manage geopolitical defense rela-  
23 tionships; and

24 (C) to anticipate future strategic shifts in  
25 those relationships.

1           (2) The manner in which and the extent to  
2           which the reorganization adheres to generally accept-  
3           ed principles of effective organization, such as estab-  
4           lishing clear goals, identifying clear lines of author-  
5           ity and accountability, and developing an effective  
6           human capital strategy.

7           (3) The extent to which the Department has de-  
8           veloped detailed implementation plans for the reor-  
9           ganization, and the current status of the implemen-  
10          tation of all aspects of the reorganization.

11          (4) The extent to which the Department has  
12          worked to mitigate congressional concerns and ad-  
13          dress other challenges that have arisen since the re-  
14          organization was announced.

15          (5) The manner in which the Department plans  
16          to evaluate progress in achieving the stated goals of  
17          the reorganization and what measurements, if any,  
18          the Department has established to assess the results  
19          of the reorganization.

20          (6) The impact of the large increase in respon-  
21          sibilities for the Assistant Secretary of Defense for  
22          Special Operations and Low Intensity Conflict and  
23          Interdependent Capabilities under the reorganization  
24          on the ability of the Assistant Secretary to carry out

1 the principal duties of the Assistant Secretary under  
2 law.

3 (7) The possible decrease in attention given to  
4 special operations issues resulting from the increase  
5 in responsibilities for the Assistant Secretary of De-  
6 fense for Special Operations and Low Intensity Con-  
7 flict and Interdependent Capabilities, including re-  
8 sponsibility under the reorganization for each of the  
9 following:

10 (A) Strategic capabilities.

11 (B) Forces transformation.

12 (C) Major budget programs.

13 (8) The possible diffusion of attention from  
14 counternarcotics, counterproliferation, and global  
15 threat issues resulting from the merging of those re-  
16 sponsibilities under a single Deputy Assistant Sec-  
17 retary of Defense for Counternarcotics,  
18 Counterproliferation, and Global Threats.

19 (9) The impact of the reorganization on coun-  
20 ternarcotics program execution.

21 (10) The unique placement under the reorga-  
22 nization of both functional and regional issue re-  
23 sponsibilities under the Assistant Secretary of De-  
24 fense for Homeland Defense and Americas' Security  
25 Affairs.

1           (11) The differentiation between the respon-  
2           sibilities of the Deputy Assistant Secretary of De-  
3           fense for Partnership Strategy and the Deputy As-  
4           sistant Secretary of Defense for Coalition Affairs  
5           and the relationship between such officials.

6 **SEC. 958. REPORT ON FOREIGN LANGUAGE PROFICIENCY.**

7           (a) IN GENERAL.—Not later than 240 days after the  
8           date of the enactment of this Act, and annually thereafter  
9           until the date referred to in subsection (d), the Secretary  
10          of Defense, in conjunction with the Secretary of each mili-  
11          tary department, shall submit to the congressional defense  
12          committees a report on the foreign language proficiency  
13          of the personnel of the Department of Defense.

14          (b) CONTENTS.—Each report submitted under sub-  
15          section (a) shall include—

16                (1) the number of positions, identified by each  
17                foreign language and dialect, for each military de-  
18                partment and Defense Agency concerned that—

19                        (A) require proficiency in that foreign lan-  
20                        guage or dialect for the year in which the sub-  
21                        mission of the report is required;

22                        (B) are anticipated to require proficiency  
23                        in that foreign language or dialect for each of  
24                        the five years following the date of the submis-  
25                        sion of the report; and

1 (C) are authorized in the future-years de-  
2 fense plan to be maintained for proficiency in a  
3 foreign language or dialect;

4 (2) the number of personnel for each military  
5 department and Defense Agency, identified by each  
6 foreign language and dialect, that are serving in a  
7 position that requires proficiency in the foreign lan-  
8 guage or dialect—

9 (A) to perform the primary duty of the po-  
10 sition; and

11 (B) that meet the required level of pro-  
12 ficiency of the Interagency Language Round-  
13 table;

14 (3) the number of personnel for each military  
15 department and Defense Agency, identified by each  
16 foreign language and dialect, that are recruited or  
17 hired as accessions to serve in a position that re-  
18 quires proficiency in the foreign language or dialect;

19 (4) the number of personnel for each military  
20 department and Defense Agency, identified by each  
21 foreign language and dialect, that served in a posi-  
22 tion that requires proficiency in the foreign language  
23 or dialect and discontinued service during the pre-  
24 ceding calendar year;

1           (5) the number of positions that require pro-  
2           ficiency in a foreign language or dialect that are ful-  
3           filled by contractors;

4           (6) the percentage of work requiring linguistic  
5           skills that is fulfilled by personnel of the intelligence  
6           community (as defined in section 3(4) of the Na-  
7           tional Security Act of 1947 (50 U.S.C. 401a(4)));  
8           and

9           (7) an assessment of the foreign language ca-  
10          pacity and capabilities of each military department  
11          and Defense Agency and of the Department of De-  
12          fense as a whole.

13          (c) NON-MILITARY PERSONNEL.—Except as pro-  
14          vided in paragraphs (6) and (7) of subsection (b), a report  
15          submitted under subsection (a) shall cover only members  
16          of the Armed Forces on active duty and reserve duty as-  
17          signed to the military departments concerned or to the De-  
18          partment of Defense.

19          (d) TERMINATION OF REQUIREMENT.—The duty to  
20          submit a report under subsection (a) shall terminate on  
21          December 31, 2013.

## 22   **TITLE X—GENERAL PROVISIONS**

### Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. United States contribution to NATO common-funded budgets in fis-  
cal year 2008.

Sec. 1003. Authorization of additional emergency supplemental appropriations  
for fiscal year 2007.

## 72

- Sec. 1004. Modification of fiscal year 2007 general transfer authority.
- Sec. 1005. Financial management transformation initiative for the Defense Agencies.
- Sec. 1006. Repeal of requirement for two-year budget cycle for the Department of Defense.

## Subtitle B—Policy Relating to Vessels and Shipyards

- Sec. 1011. Limitation on leasing of vessels.
- Sec. 1012. Policy relating to major combatant vessels of the strike forces of the United States Navy.

## Subtitle C—Counter-Drug Activities

- Sec. 1021. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
- Sec. 1022. Expansion of authority to provide additional support for counter-drug activities in certain foreign countries.
- Sec. 1023. Report on counternarcotics assistance for the Government of Haiti.

## Subtitle D—Miscellaneous Authorities and Limitations

- Sec. 1031. Provision of Air Force support and services to foreign military and state aircraft.
- Sec. 1032. Department of Defense participation in Strategic Airlift Capability Partnership.
- Sec. 1033. Improved authority to provide rewards for assistance in combating terrorism.
- Sec. 1034. Support for non-Federal development and testing of material for chemical agent defense.
- Sec. 1035. Prohibition on sale of F-14 fighter aircraft and related parts.

## Subtitle E—Reports

- Sec. 1041. Extension and modification of report relating to hardened and deeply buried targets.
- Sec. 1042. Report on joint modeling and simulation activities.
- Sec. 1043. Renewal of submittal of plans for prompt global strike capability.
- Sec. 1044. Report on workforce required to support the nuclear missions of the Navy and the Department of Energy.
- Sec. 1045. Comptroller General report on Defense Finance and Accounting Service response to *Butterbaugh v. Department of Justice*.
- Sec. 1046. Study on size and mix of airlift force.
- Sec. 1047. Report on feasibility of establishing a domestic military aviation national training center.
- Sec. 1048. Limited field user evaluations for combat helmet pad suspension systems.
- Sec. 1049. Study on national security interagency system.
- Sec. 1050. Report on solid rocket motor industrial base.
- Sec. 1051. Reports on establishment of a memorial for members of the Armed Forces who died in the air crash in Bakers Creek, Australia, and establishment of other memorials in Arlington National Cemetery.

## Subtitle F—Other Matters

- Sec. 1061. Reimbursement for National Guard support provided to Federal agencies.
- Sec. 1062. Congressional Commission on the Strategic Posture of the United States.
- Sec. 1063. Technical and clerical amendments.
- Sec. 1064. Repeal of certification requirement.
- Sec. 1065. Maintenance of capability for space-based nuclear detection.
- Sec. 1066. Sense of Congress regarding detainees at Naval Station, Guantanamo Bay, Cuba.
- Sec. 1067. A report on transferring individuals detained at Naval Station, Guantanamo Bay, Cuba.
- Sec. 1068. Repeal of provisions in section 1076 of Public Law 109–364 relating to use of Armed Forces in major public emergencies.
- Sec. 1069. Standards required for entry to military installations in United States.
- Sec. 1070. Revised nuclear posture review.
- Sec. 1071. Termination of Commission on the Implementation of the New Strategic Posture of the United States.
- Sec. 1072. Security clearances; limitations.
- Sec. 1073. Improvements in the process for the issuance of security clearances.
- Sec. 1074. Protection of certain individuals.
- Sec. 1075. Modification of authorities on Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack.
- Sec. 1076. Sense of Congress on Small Business Innovation Research Program.
- Sec. 1077. Revision of proficiency flying definition.
- Sec. 1078. Qualifications for public aircraft status of aircraft under contract with the Armed Forces.
- Sec. 1079. Communications with the Committees on Armed Services of the Senate and the House of Representatives.
- Sec. 1080. Retention of reimbursement for provision of reciprocal fire protection services.
- Sec. 1081. Pilot program on commercial fee-for-service air refueling support for the Air Force.
- Sec. 1082. Advisory panel on Department of Defense capabilities for support of civil authorities after certain incidents.
- Sec. 1083. Terrorism exception to immunity.

## 1       **Subtitle A—Financial Matters**

### 2       **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

#### 3       (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

4               (1) AUTHORITY.—Upon determination by the  
5       Secretary of Defense that such action is necessary in  
6       the national interest, the Secretary may transfer  
7       amounts of authorizations made available to the De-  
8       partment of Defense in this division for fiscal year

1       2008 between any such authorizations for that fiscal  
2       year (or any subdivisions thereof). Amounts of au-  
3       thorizations so transferred shall be merged with and  
4       be available for the same purposes as the authoriza-  
5       tion to which transferred.

6           (2) LIMITATION.—Except as provided in para-  
7       graph (3), the total amount of authorizations that  
8       the Secretary may transfer under the authority of  
9       this section may not exceed \$5,000,000,000.

10          (3) EXCEPTION FOR TRANSFERS BETWEEN  
11       MILITARY PERSONNEL AUTHORIZATIONS.—A trans-  
12       fer of funds between military personnel authoriza-  
13       tions under title IV shall not be counted toward the  
14       dollar limitation in paragraph (2).

15          (b) LIMITATIONS.—The authority provided by this  
16       section to transfer authorizations—

17           (1) may only be used to provide authority for  
18       items that have a higher priority than the items  
19       from which authority is transferred; and

20           (2) may not be used to provide authority for an  
21       item that has been denied authorization by Con-  
22       gress.

23          (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
24       transfer made from one account to another under the au-  
25       thority of this section shall be deemed to increase the

1 amount authorized for the account to which the amount  
2 is transferred by an amount equal to the amount trans-  
3 ferred.

4 (d) NOTICE TO CONGRESS.—The Secretary shall  
5 promptly notify Congress of each transfer made under  
6 subsection (a).

7 **SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COM-**  
8 **MON-FUNDED BUDGETS IN FISCAL YEAR 2008.**

9 (a) FISCAL YEAR 2008 LIMITATION.—The total  
10 amount contributed by the Secretary of Defense in fiscal  
11 year 2008 for the common-funded budgets of NATO may  
12 be any amount up to, but not in excess of, the amount  
13 specified in subsection (b) (rather than the maximum  
14 amount that would otherwise be applicable to those con-  
15 tributions under the fiscal year 1998 baseline limitation).

16 (b) TOTAL AMOUNT.—The amount of the limitation  
17 applicable under subsection (a) is the sum of the following:

18 (1) The amounts of unexpended balances, as of  
19 the end of fiscal year 2007, of funds appropriated  
20 for fiscal years before fiscal year 2008 for payments  
21 for those budgets.

22 (2) The amount specified in subsection (c)(1).

23 (3) The amount specified in subsection (c)(2).

24 (4) The total amount of the contributions au-  
25 thorized to be made under section 2501.

1 (c) AUTHORIZED AMOUNTS.—Amounts authorized to  
2 be appropriated by titles II and III of this Act are avail-  
3 able for contributions for the common-funded budgets of  
4 NATO as follows:

5 (1) Of the amount provided in section 201(1),  
6 \$1,031,000 for the Civil Budget.

7 (2) Of the amount provided in section 301(1),  
8 \$362,159,000 for the Military Budget.

9 (d) DEFINITIONS.—For purposes of this section:

10 (1) COMMON-FUNDED BUDGETS OF NATO.—  
11 The term “common-funded budgets of NATO”  
12 means the Military Budget, the Security Investment  
13 Program, and the Civil Budget of the North Atlantic  
14 Treaty Organization (and any successor or addi-  
15 tional account or program of NATO).

16 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—  
17 The term “fiscal year 1998 baseline limitation”  
18 means the maximum annual amount of Department  
19 of Defense contributions for common-funded budgets  
20 of NATO that is set forth as the annual limitation  
21 in section 3(2)(C)(ii) of the resolution of the Senate  
22 giving the advice and consent of the Senate to the  
23 ratification of the Protocols to the North Atlantic  
24 Treaty of 1949 on the Accession of Poland, Hun-  
25 gary, and the Czech Republic (as defined in section

1 4(7) of that resolution), approved by the Senate on  
2 April 30, 1998.

3 **SEC. 1003. AUTHORIZATION OF ADDITIONAL EMERGENCY**  
4 **SUPPLEMENTAL APPROPRIATIONS FOR FIS-**  
5 **CAL YEAR 2007.**

6 Amounts authorized to be appropriated to the De-  
7 partment of Defense for fiscal year 2007 in the John War-  
8 ner National Defense Authorization Act for Fiscal Year  
9 2007 (Public Law 109–364) are hereby adjusted, with re-  
10 spect to any such authorized amount, by the amount by  
11 which appropriations pursuant to such authorization are  
12 increased by a supplemental appropriation or by a transfer  
13 of funds, or decreased by a rescission, or any thereof, pur-  
14 suant to the U.S. Troop Readiness, Veterans’ Care,  
15 Katrina Recovery, and Iraq Accountability Appropriations  
16 Act, 2007 (Public Law 110–28).

17 **SEC. 1004. MODIFICATION OF FISCAL YEAR 2007 GENERAL**  
18 **TRANSFER AUTHORITY.**

19 Section 1001(a) of the John Warner National De-  
20 fense Authorization Act for Fiscal Year 2007 (Public Law  
21 109–364; 120 Stat. 2371) is amended by adding at the  
22 end the following new paragraph:

23 “(3) **EXCEPTION FOR CERTAIN TRANSFERS.**—  
24 The following transfers of funds shall be not be  
25 counted toward the limitation in paragraph (2) on

1 the amount that may be transferred under this sec-  
2 tion:

3 “(A) The transfer of funds to the Iraq Se-  
4 curity Forces Fund under reprogramming  
5 FY07–07–R PA.

6 “(B) The transfer of funds to the Joint  
7 Improvised Explosive Device Defeat Fund  
8 under reprogramming FY07–11 PA.

9 “(C) The transfer of funds back from the  
10 accounts referred to in subparagraphs (A) and  
11 (B) to restore the sources used in the  
12 reprogrammings referred to in such subpara-  
13 graphs.”.

14 **SEC. 1005. FINANCIAL MANAGEMENT TRANSFORMATION**  
15 **INITIATIVE FOR THE DEFENSE AGENCIES.**

16 (a) **FINANCIAL MANAGEMENT TRANSFORMATION**  
17 **INITIATIVE.—**

18 (1) **IN GENERAL.—**The Director of the Busi-  
19 ness Transformation Agency of the Department of  
20 Defense shall carry out an initiative for financial  
21 management transformation in the Defense Agen-  
22 cies. The initiative shall be known as the “Defense  
23 Agencies Initiative” (in this section referred to as  
24 the “Initiative”).

1           (2) SCOPE OF AUTHORITY.—In carrying out the  
2 Initiative, the Director of the Business Trans-  
3 formation Agency may require the heads of the De-  
4 fense Agencies to carry out actions that are within  
5 the purpose and scope of the Initiative.

6           (b) PURPOSES.—The purposes of Initiative shall be  
7 as follows:

8           (1) To eliminate or replace financial manage-  
9 ment systems of the Defense Agencies that are du-  
10 plicative, redundant, or fail to comply with the  
11 standards set forth in subsection (d).

12           (2) To transform the budget, finance, and ac-  
13 counting operations of the Defense Agencies to en-  
14 able the Defense Agencies to achieve accurate and  
15 reliable financial information needed to support fi-  
16 nancial accountability and effective and efficient  
17 management decisions.

18           (c) REQUIRED ELEMENTS.—The Initiative shall in-  
19 clude, to the maximum extent practicable—

20           (1) the utilization of commercial, off-the-shelf  
21 technologies and web-based solutions;

22           (2) a standardized technical environment and  
23 an open and accessible architecture; and

1           (3) the implementation of common business  
2 processes, shared services, and common data struc-  
3 tures.

4           (d) STANDARDS.—In carrying out the Initiative, the  
5 Director of the Business Transformation Agency shall en-  
6 sure that the Initiative is consistent with—

7           (1) the requirements of the Business Enterprise  
8 Architecture and Transition Plan developed pursu-  
9 ant to section 2222 of title 10, United States Code;

10           (2) the Standard Financial Information Struc-  
11 ture of the Department of Defense;

12           (3) the Federal Financial Management Im-  
13 provement Act of 1996 (and the amendments made  
14 by that Act); and

15           (4) other applicable requirements of law and  
16 regulation.

17           (e) SCOPE.—The Initiative shall be designed to pro-  
18 vide, at a minimum, capabilities in the major process areas  
19 for both general fund and working capital fund operations  
20 of the Defense Agencies as follows:

21           (1) Budget formulation.

22           (2) Budget to report, including general ledger  
23 and trial balance.

24           (3) Procure to pay, including commitments, ob-  
25 ligations, and accounts payable.

1           (4) Order to fulfill, including billing and ac-  
2           counts receivable.

3           (5) Cost accounting.

4           (6) Acquire to retire (account management).

5           (7) Time and attendance and employee entitle-  
6           ment.

7           (8) Grants financial management.

8           (f) CONSULTATION.—In carrying out subsections (d)  
9           and (e), the Director of the Business Transformation  
10          Agency shall consult with the Comptroller of the Depart-  
11          ment of Defense to ensure that any financial management  
12          systems developed for the Defense Agencies, and any  
13          changes to the budget, finance, and accounting operations  
14          of the Defense Agencies, are consistent with the financial  
15          standards and requirements of the Department of De-  
16          fense.

17          (g) PROGRAM CONTROL.—In carrying out the Initia-  
18          tive, the Director of the Business Transformation Agency  
19          shall establish—

20                 (1) a board (to be known as the “Configuration  
21                 Control Board”) to manage scope and cost changes  
22                 to the Initiative; and

23                 (2) a program management office (to be known  
24                 as the “Program Management Office”) to control  
25                 and enforce assumptions made in the acquisition

1 plan, the cost estimate, and the system integration  
2 contract for the Initiative, as directed by the Con-  
3 figuration Control Board.

4 (h) **PLAN ON DEVELOPMENT AND IMPLEMENTATION**  
5 **OF INITIATIVE.**—Not later than six months after the date  
6 of the enactment of this Act, the Director of the Business  
7 Transformation Agency shall submit to the congressional  
8 defense committees a plan for the development and imple-  
9 mentation of the Initiative. The plan shall provide for the  
10 implementation of an initial capability under the Initiative  
11 as follows:

12 (1) In at least one Defense Agency by not later  
13 than eight months after the date of the enactment  
14 of this Act.

15 (2) In not less than five Defense Agencies by  
16 not later than 18 months after the date of the enact-  
17 ment of this Act.

18 **SEC. 1006. REPEAL OF REQUIREMENT FOR TWO-YEAR**  
19 **BUDGET CYCLE FOR THE DEPARTMENT OF**  
20 **DEFENSE.**

21 Section 1405 of the Department of Defense Author-  
22 ization Act, 1986 (Public Law 99–145; 99 Stat. 744; 31  
23 U.S.C. 1105 note) is repealed.

1           **Subtitle B—Policy Relating to**  
2                           **Vessels and Shipyards**

3   **SEC. 1011. LIMITATION ON LEASING OF VESSELS.**

4           Section 2401 of title 10, United States Code, is  
5 amended by adding at the end the following new sub-  
6 section:

7           “(h) The Secretary of a military department may  
8 make a contract for the lease of a vessel or for the provi-  
9 sion of a service through use by a contractor of a vessel,  
10 the term of which is for a period of greater than two years,  
11 but less than five years, only if—

12                   “(1) the Secretary has notified the Committee  
13 on Armed Services and the Committee on Appro-  
14 priations of the Senate and the Committee on  
15 Armed Services and the Committee on Appropria-  
16 tions of the House of Representatives of the pro-  
17 posed contract and included in such notification—

18                           “(A) a detailed description of the terms of  
19 the proposed contract and a justification for en-  
20 tering into the proposed contract rather than  
21 obtaining the capability provided for by the  
22 lease, charter, or services involved through pur-  
23 chase of the vessel;

24                           “(B) a determination that entering into  
25 the proposed contract as a means of obtaining

1 the vessel is the most cost-effective means of  
2 obtaining such vessel; and

3 “(C) a plan for meeting the requirement  
4 provided by the proposed contract upon comple-  
5 tion of the term of the lease contract; and

6 “(2) a period of 30 days of continuous session  
7 of Congress has expired following the date on which  
8 notice was received by such committees.”.

9 **SEC. 1012. POLICY RELATING TO MAJOR COMBATANT VES-**  
10 **SELS OF THE STRIKE FORCES OF THE**  
11 **UNITED STATES NAVY.**

12 (a) INTEGRATED NUCLEAR POWER SYSTEMS.—It is  
13 the policy of the United States to construct the major  
14 combatant vessels of the strike forces of the United States  
15 Navy, including all new classes of such vessels, with inte-  
16 grated nuclear power systems.

17 (b) REQUIREMENT TO REQUEST NUCLEAR VES-  
18 SELS.—If a request is submitted to Congress in the budget  
19 for a fiscal year for construction of a new class of major  
20 combatant vessel for the strike forces of the United States,  
21 the request shall be for such a vessel with an integrated  
22 nuclear power system, unless the Secretary of Defense  
23 submits with the request a notification to Congress that  
24 the inclusion of an integrated nuclear power system in  
25 such vessel is not in the national interest.

1 (c) DEFINITIONS.—In this section:

2 (1) MAJOR COMBATANT VESSELS OF THE  
3 STRIKE FORCES OF THE UNITED STATES NAVY.—

4 The term “major combatant vessels of the strike  
5 forces of the United States Navy” means the fol-  
6 lowing:

7 (A) Submarines.

8 (B) Aircraft carriers.

9 (C) Cruisers, battleships, or other large  
10 surface combatants whose primary mission in-  
11 cludes protection of carrier strike groups, expe-  
12 ditionary strike groups, and vessels comprising  
13 a sea base.

14 (2) INTEGRATED NUCLEAR POWER SYSTEM.—

15 The term “integrated nuclear power system” means  
16 a ship engineering system that uses a naval nuclear  
17 reactor as its energy source and generates sufficient  
18 electric energy to provide power to the ship’s elec-  
19 trical loads, including its combat systems and pro-  
20 pulsion motors.

21 (3) BUDGET.—The term “budget” means the  
22 budget that is submitted to Congress by the Presi-  
23 dent under section 1105(a) of title 31, United States  
24 Code.

1                   **Subtitle C—Counter-Drug**  
2                   **Activities**

3   **SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK**  
4                   **FORCES TO PROVIDE SUPPORT TO LAW EN-**  
5                   **FORCEMENT    AGENCIES    CONDUCTING**  
6                   **COUNTER-TERRORISM ACTIVITIES.**

7           Section 1022(b) of the National Defense Authoriza-  
8   tion Act for Fiscal Year 2004 (Public Law 108–136; 10  
9   U.S.C. 371 note) is amended by striking “and 2007” and  
10   inserting “through 2008”.

11   **SEC. 1022. EXPANSION OF AUTHORITY TO PROVIDE ADDI-**  
12                   **TIONAL SUPPORT FOR COUNTER-DRUG AC-**  
13                   **TIVITIES IN CERTAIN FOREIGN COUNTRIES.**

14           Subsection (b) of section 1033 of the National De-  
15   fense Authorization Act for Fiscal Year 1998 (Public Law  
16   105–85; 111 Stat. 1881), as amended by section 1021(b)  
17   of the National Defense Authorization Act for Fiscal Year  
18   2004 (Public Law 108–136, 117 Stat. 1593) and section  
19   1022(b) of the John Warner National Defense Authoriza-  
20   tion Act for Fiscal Year 2007 (Public Law 109–364; 120  
21   Stat. 2382), is further amended by adding at the end the  
22   following new paragraphs:

23                   “(17) The Government of Mexico.

24                   “(18) The Government of the Dominican Re-  
25   public.”.

1 **SEC. 1023. REPORT ON COUNTERNARCOTICS ASSISTANCE**  
2 **FOR THE GOVERNMENT OF HAITI.**

3 (a) REPORT REQUIRED.—Not later than 120 days  
4 after the date of the enactment of this Act, the President  
5 shall submit to Congress a report on counternarcotics as-  
6 sistance for the Government of Haiti.

7 (b) MATTERS TO BE INCLUDED.—The report re-  
8 quired by subsection (a) shall include the following:

9 (1) A description and assessment of the coun-  
10 ternarcotics assistance provided to the Government  
11 of Haiti by the Department of Defense, the Depart-  
12 ment of State, the Department of Homeland Secu-  
13 rity, and the Department of Justice.

14 (2) A description and assessment of any im-  
15 pediments to increasing counternarcotics assistance  
16 to the Government of Haiti.

17 (3) An assessment of the potential for the pro-  
18 vision of counternarcotics assistance for the Govern-  
19 ment of Haiti through the United Nations Stabiliza-  
20 tion Mission in Haiti.

21 (c) FORM.—The report required by subsection (a)  
22 shall be submitted in unclassified form, but may include  
23 a classified annex.

1                   **Subtitle D—Miscellaneous**  
2                   **Authorities and Limitations**

3   **SEC. 1031. PROVISION OF AIR FORCE SUPPORT AND SERV-**  
4                   **ICES TO FOREIGN MILITARY AND STATE AIR-**  
5                   **CRAFT.**

6           (a) PROVISION OF SUPPORT AND SERVICES.—

7                   (1) IN GENERAL.—Section 9626 of title 10,  
8           United States Code, is amended to read as follows:

9   **“§ 9626. Aircraft supplies and services: foreign mili-**  
10                   **tary or other state aircraft**

11           “(a) PROVISION OF SUPPLIES AND SERVICES ON RE-  
12   IMBURSABLE BASIS.—(1) The Secretary of the Air Force  
13   may, under such regulations as the Secretary may pre-  
14   scribe and when in the best interests of the United States,  
15   provide any of the supplies or services described in para-  
16   graph (2) to military and other state aircraft of a foreign  
17   country, on a reimbursable basis without an advance of  
18   funds, if similar supplies and services are furnished on a  
19   like basis to military aircraft and other state aircraft of  
20   the United States by the foreign country concerned.

21           “(2) The supplies and services described in this para-  
22   graph are supplies and services as follows:

23                   “(A) Routine airport services, including landing  
24           and takeoff assistance, servicing aircraft with fuel,

1 use of runways, parking and servicing, and loading  
2 and unloading of baggage and cargo.

3 “(B) Miscellaneous supplies, including Air  
4 Force-owned fuel, provisions, spare parts, and gen-  
5 eral stores, but not including ammunition.

6 “(b) PROVISION OF ROUTINE AIRPORT SERVICES ON  
7 NON-REIMBURSABLE BASIS.—(1) Routine airport serv-  
8 ices may be provided under this section at no cost to a  
9 foreign country—

10 “(A) if such services are provided by Air Force  
11 personnel and equipment without direct cost to the  
12 Air Force; or

13 “(B) if such services are provided under an  
14 agreement with the foreign country that provides for  
15 the reciprocal furnishing by the foreign country of  
16 routine airport services, as defined in that agree-  
17 ment, to military and other state aircraft of the  
18 United States without reimbursement.

19 “(2) If routine airport services are provided under  
20 this section by a working-capital fund activity of the Air  
21 Force under section 2208 of this title and such activity  
22 is not reimbursed directly for the costs incurred by the  
23 activity in providing such services by reason of paragraph  
24 (1)(B), the working-capital fund activity shall be reim-

1 bursed for such costs out of funds currently available to  
2 the Air Force for operation and maintenance.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of chapter 939 of such title  
5 is amended by striking the item relating to section  
6 9626 and inserting the following new item:

“9626. Aircraft supplies and services: foreign military or other state aircraft.”.

7 (b) CONFORMING AMENDMENT.—Section 9629(3) of  
8 such title is amended by striking “for aircraft of a foreign  
9 military or air attaché”.

10 **SEC. 1032. DEPARTMENT OF DEFENSE PARTICIPATION IN**  
11 **STRATEGIC AIRLIFT CAPABILITY PARTNER-**  
12 **SHIP.**

13 (a) AUTHORITY TO PARTICIPATE IN PARTNER-  
14 SHIP.—

15 (1) MEMORANDUM OF UNDERSTANDING .—The  
16 Secretary of Defense may enter into a multilateral  
17 memorandum of understanding authorizing the Stra-  
18 tegic Airlift Capability Partnership to conduct activi-  
19 ties necessary to accomplish its purpose, including—

20 (A) the acquisition, equipping, ownership,  
21 and operation of strategic airlift aircraft; and

22 (B) the acquisition or transfer of airlift  
23 and airlift-related services and supplies among  
24 members of the Strategic Airlift Capability  
25 Partnership, or between the Partnership and

1 non-member countries or international organi-  
2 zations, on a reimbursable basis or by replace-  
3 ment-in-kind or exchange of airlift or airlift-re-  
4 lated services of an equal value.

5 (2) PAYMENTS.—From funds available to the  
6 Department of Defense for such purpose, the Sec-  
7 retary of Defense may pay the United States equi-  
8 table share of the recurring and non-recurring costs  
9 of the activities and operations of the Strategic Air-  
10 lift Capability Partnership, including costs associ-  
11 ated with procurement of aircraft components and  
12 spare parts, maintenance, facilities, and training,  
13 and the costs of claims.

14 (b) AUTHORITIES UNDER PARTNERSHIP.—In car-  
15 rying out the memorandum of understanding entered into  
16 under subsection (a), the Secretary of Defense may do the  
17 following:

18 (1) Waive reimbursement of the United States  
19 for the cost of the following functions performed by  
20 Department of Defense personnel with respect to the  
21 Strategic Airlift Capability Partnership:

22 (A) Auditing.

23 (B) Quality assurance.

24 (C) Inspection.

25 (D) Contract administration.

1 (E) Acceptance testing.

2 (F) Certification services.

3 (G) Planning, programming, and manage-  
4 ment services.

5 (2) Waive the imposition of any surcharge for  
6 administrative services provided by the United  
7 States that would otherwise be chargeable against  
8 the Strategic Airlift Capability Partnership.

9 (3) Pay the salaries, travel, lodging, and sub-  
10 sistence expenses of Department of Defense per-  
11 sonnel assigned for duty to the Strategic Airlift Ca-  
12 pability Partnership without seeking reimbursement  
13 or cost-sharing for such expenses.

14 (c) CREDITING OF RECEIPTS.—Any amount received  
15 by the United States in carrying out the memorandum of  
16 understanding entered into under subsection (a) shall be  
17 credited, as elected by the Secretary of Defense, to the  
18 following:

19 (1) The appropriation, fund, or account used in  
20 incurring the obligation for which such amount is re-  
21 ceived.

22 (2) An appropriation, fund, or account cur-  
23 rently providing funds for the purposes for which  
24 such obligation was made.

25 (d) AUTHORITY TO TRANSFER AIRCRAFT.—



1 (1) in subsection (b), by striking “\$200,000”  
2 and inserting “\$5,000,000”;

3 (2) in subsection (c)(1)(B), by striking  
4 “\$50,000” and inserting “\$1,000,000”; and

5 (3) in subsection (d)(2), by striking  
6 “\$100,000” and inserting “\$2,000,000”.

7 (b) INVOLVEMENT OF ALLIED FORCES.—Such sec-  
8 tion is further amended—

9 (1) in subsection (a)—

10 (A) in the matter preceding paragraph (1),  
11 by inserting after “United States Government  
12 personnel” the following: “, or government per-  
13 sonnel of allied forces participating in a com-  
14 bined operation with the armed forces,”;

15 (B) in paragraph (1), by inserting after  
16 “armed forces” the following: “, or of allied  
17 forces participating in a combined operation  
18 with the armed forces,”; and

19 (C) in paragraph (2), by inserting after  
20 “armed forces” the following: “, or of allied  
21 forces participating in a combined operation  
22 with the armed forces”; and

23 (2) in subsection (c), by adding at the end the  
24 following:

1           “(3)(A) Subject to subparagraphs (B) and (C), an  
2 official who has authority delegated under paragraph (1)  
3 or (2) may use that authority, acting through government  
4 personnel of allied forces, to offer and make rewards.

5           “(B) The Secretary of Defense shall prescribe policies  
6 and procedures for making rewards in the manner de-  
7 scribed in subparagraph (A), which shall include guidance  
8 for the accountability of funds used for making rewards  
9 in that manner. The policies and procedures shall not take  
10 effect until 30 days after the date on which the Secretary  
11 submits the policies and procedures to the congressional  
12 defense committees. Rewards may not be made in the  
13 manner described in subparagraph (A) except under poli-  
14 cies and procedures that have taken effect.

15           “(C) Rewards may not be made in the manner de-  
16 scribed in subparagraph (A) after September 30, 2009.

17           “(D) Not later than April 1, 2008, the Secretary of  
18 Defense shall submit to the congressional defense commit-  
19 tees a report on the implementation of this paragraph.  
20 The report shall identify each reward made in the manner  
21 described in subparagraph (A) and, for each such re-  
22 ward—

23                   “(i) identify the type, amount, and recipient of  
24           the reward;

1           “(ii) explain the reason for making the reward;  
2           and

3           “(iii) assess the success of the reward in ad-  
4           vancing the effort to combat terrorism.”.

5           (c) ANNUAL REPORT TO INCLUDE SPECIFIC INFOR-  
6           MATION ON ADDITIONAL AUTHORITY.—Section 127b of  
7           title 10, United States Code, is further amended in sub-  
8           section (f)(2) by adding at the end the following new sub-  
9           paragraph:

10           “(D) Information on the implementation of  
11           paragraph (3) of subsection (c).”.

12           **SEC. 1034. SUPPORT FOR NON-FEDERAL DEVELOPMENT**  
13                           **AND TESTING OF MATERIAL FOR CHEMICAL**  
14                           **AGENT DEFENSE.**

15           (a) AUTHORITY TO PROVIDE TOXIC CHEMICALS OR  
16           PRECURSORS.—

17           (1) IN GENERAL.—The Secretary of Defense, in  
18           coordination with the heads of other elements of the  
19           Federal Government, may make available, to a  
20           State, a unit of local government, or a private entity  
21           incorporated in the United States, small quantities  
22           of a toxic chemical or precursor for the development  
23           or testing, in the United States, of material that is  
24           designed to be used for protective purposes.

1           (2) TERMS AND CONDITIONS.—Any use of the  
2           authority under paragraph (1) shall be subject to  
3           such terms and conditions as the Secretary considers  
4           appropriate.

5           (b) PAYMENT OF COSTS AND DISPOSITION OF  
6 FUNDS.—

7           (1) IN GENERAL.—The Secretary shall ensure,  
8           through the advance payment required by paragraph  
9           (2) and through any other payments that may be re-  
10          quired, that a recipient of toxic chemicals or precur-  
11          sors under subsection (a) pays for all actual costs,  
12          including direct and indirect costs, associated with  
13          providing the toxic chemicals or precursors.

14          (2) ADVANCE PAYMENT.—In carrying out para-  
15          graph (1), the Secretary shall require each recipient  
16          to make an advance payment in an amount that the  
17          Secretary determines will equal all such actual costs.

18          (3) CREDITS.—A payment received under this  
19          subsection shall be credited to the account that was  
20          used to cover the costs for which the payment was  
21          provided. Amounts so credited shall be merged with  
22          amounts in that account, and shall be available for  
23          the same purposes, and subject to the same condi-  
24          tions and limitations, as other amounts in that ac-  
25          count.

1           (c) CHEMICAL WEAPONS CONVENTION.—The Sec-  
2 retary shall ensure that toxic chemicals and precursors are  
3 made available under this section for uses and in quan-  
4 tities that comply with the Convention on the Prohibition  
5 of the Development, Production, Stockpiling and Use of  
6 Chemical Weapons and on Their Destruction, signed at  
7 Paris on January 13, 1993, and entered into force with  
8 respect to the United States on April 29, 1997.

9           (d) REPORT.—

10           (1) Not later than March 15, 2008, and each  
11 year thereafter, the Secretary shall submit to Con-  
12 gress a report on the use of the authority under sub-  
13 section (a) during the previous calendar year. The  
14 report shall include a description of each use of the  
15 authority and specify what material was made avail-  
16 able and to whom it was made available.

17           (2) Each report under paragraph (1) shall be  
18 submitted in unclassified form, but may include a  
19 classified annex.

20           (e) DEFINITIONS.—In this section, the terms “pre-  
21 cursor”, “protective purposes”, and “toxic chemical” have  
22 the meanings given those terms in the convention referred  
23 to in subsection (c), in paragraph 2, paragraph 9(b), and  
24 paragraph 1, respectively, of article II of that convention.

1 **SEC. 1035. PROHIBITION ON SALE OF F-14 FIGHTER AIR-**  
2 **CRAFT AND RELATED PARTS.**

3 (a) PROHIBITION ON SALE BY DEPARTMENT OF DE-  
4 FENSE.—

5 (1) IN GENERAL.—Except as provided in para-  
6 graph (2), the Department of Defense may not sell  
7 (whether directly or indirectly) any F-14 fighter air-  
8 craft, any parts unique to the F-14 fighter aircraft,  
9 or any tooling or dies used in the manufacture of  
10 such aircraft or parts, whether such sales occur  
11 through the Defense Reutilization and Marketing  
12 Service or through another agency or element of the  
13 Department.

14 (2) EXCEPTION.—Paragraph (1) shall not  
15 apply with respect to the sale of F-14 fighter air-  
16 craft or parts for F-14 fighter aircraft to a museum  
17 or similar organization located in the United States  
18 that is involved in the preservation of F-14 fighter  
19 aircraft for historical purposes.

20 (b) PROHIBITION ON EXPORT LICENSE.—No license  
21 for the export of any F-14 fighter aircraft, any parts  
22 unique to the F-14 fighter aircraft, or any tooling or dies  
23 used in the manufacture of such aircraft or parts may be  
24 issued by the United States Government to a non-United  
25 States person or entity.

1                                   **Subtitle E—Reports**

2   **SEC. 1041. EXTENSION AND MODIFICATION OF REPORT RE-**  
3                                   **LATING TO HARDENED AND DEEPLY BURIED**  
4                                   **TARGETS.**

5           Section 1032 of the Bob Stump National Defense  
6   Authorization Act for Fiscal Year 2003 (Public Law 107–  
7   314; 116 Stat. 2643; 10 U.S.C. 2358 note) is amended—

8                   (1) in the heading, by striking “**ANNUAL RE-**  
9                   **PORT ON WEAPONS**” and inserting “**REPORT ON**  
10                   **WEAPONS AND CAPABILITIES**”;

11                   (2) in subsection (a)—

12                                   (A) in the heading, by striking “ANNUAL”;

13                                   (B) by striking “April 1 of each year” and  
14                   inserting “March 1, 2009, and every two years  
15                   thereafter,”;

16                                   (C) by striking “Director of Central Intel-  
17                   ligence” and inserting “Director of National In-  
18                   telligence”;

19                                   (D) by striking “the preceding fiscal year”  
20                   and inserting “the preceding two fiscal years  
21                   and planned for the current fiscal year and the  
22                   next fiscal year”; and

23                                   (E) by striking “to develop weapons” and  
24                   inserting “to develop weapons and capabilities”;

25                   (3) in subsection (b)—

1 (A) in the matter preceding paragraph (1),  
2 by striking “The report for a fiscal year” and  
3 inserting “A report submitted”;

4 (B) in paragraph (1), by striking “were  
5 undertaken during that fiscal year” and insert-  
6 ing “were or will be undertaken during the  
7 four-fiscal-year period covered by the report”;  
8 and

9 (C) in paragraph (2) in the matter pre-  
10 ceeding subparagraph (A), by striking “were un-  
11 dertaken during such fiscal year” and inserting  
12 “were or will be undertaken during the four-fis-  
13 cal-year period covered by the report”; and

14 (4) in subsection (d), by striking “April 1,  
15 2007” and inserting “March 1, 2013”.

16 **SEC. 1042. REPORT ON JOINT MODELING AND SIMULATION**  
17 **ACTIVITIES.**

18 (a) **REPORT REQUIRED.**—Not later than December  
19 31, 2008, the Secretary of Defense shall submit to the  
20 congressional defense committees a report that describes  
21 current and planned joint modeling and simulation activi-  
22 ties within the Department of Defense.

23 (b) **MATTERS TO BE INCLUDED.**—The report under  
24 subsection (a) shall include the following:

1           (1) An identification and description of how  
2 joint modeling and simulation activities support the  
3 development of capabilities to meet joint and service-  
4 unique military requirements and needs, in areas in-  
5 cluding but not limited to joint training, experimen-  
6 tation, systems acquisition, test and evaluation, as-  
7 sessment, and planning.

8           (2) A description of how joint modeling and  
9 simulation activities are supportive of Department-  
10 level strategies and goals.

11           (3) For each appropriate element of the De-  
12 partment of Defense and each appropriate combat-  
13 ant command—

14                 (A) An identification of modeling and sim-  
15 ulation capabilities; and

16                 (B) A description of plans and programs to  
17 continuously introduce new modeling and sim-  
18 ulation technologies so as to enhance defense  
19 capabilities.

20           (4) A description of incentives and plans to re-  
21 duce or divest duplicative or outdated capabilities as  
22 necessary.

23           (5) Plans or activities to allow non-defense  
24 users to access defense joint modeling and simula-  
25 tion activities, as appropriate.



1 **SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUP-**  
2 **PORT THE NUCLEAR MISSIONS OF THE NAVY**  
3 **AND THE DEPARTMENT OF ENERGY.**

4 (a) IN GENERAL.—Not later than one year after the  
5 date of the enactment of this Act, the Secretary of Defense  
6 and the Secretary of Energy shall each submit to Congress  
7 a report on the requirements for a workforce to support  
8 the nuclear missions of the Navy and the Department of  
9 Energy during the 10-year period beginning on the date  
10 of the report.

11 (b) ELEMENTS.—Each report shall include—

12 (1) a description of the projected nuclear mis-  
13 sions of the Navy and the Department of Energy  
14 during the 10-year period beginning on the date of  
15 the report;

16 (2) an assessment of existing knowledge reten-  
17 tion programs within the Department of Defense,  
18 the Department of Energy, the national laboratories,  
19 and federally funded research facilities that support  
20 the nuclear missions of the Navy and the Depart-  
21 ment of Energy, and any planned changes in those  
22 programs; and

23 (3) a plan to address anticipated workforce at-  
24 trition, retirement, and recruiting trends during that  
25 period and ensure an adequate workforce in support

1 of the nuclear missions of the Navy and the Depart-  
2 ment of Energy.

3 **SEC. 1045. COMPTROLLER GENERAL REPORT ON DEFENSE**  
4 **FINANCE AND ACCOUNTING SERVICE RE-**  
5 **SPONSE TO BUTTERBAUGH V. DEPARTMENT**  
6 **OF JUSTICE.**

7 (a) IN GENERAL.—Not later than 180 days after the  
8 date of the enactment of this Act, the Comptroller General  
9 of the United States shall submit to the congressional de-  
10 fense committees a report setting forth an assessment by  
11 the Comptroller General of the response of the Defense  
12 Finance and Accounting Service to the decision in  
13 *Butterbaugh v. Department of Justice* (336 F.3d 1332  
14 (2003)).

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

17 (1) An estimate of the number of members of  
18 the reserve components of the Armed Forces, both  
19 past and present, who are entitled to compensation  
20 under the decision in *Butterbaugh v. Department of*  
21 *Justice*.

22 (2) An assessment of the current policies, pro-  
23 cedures, and timeliness of the Defense Finance and  
24 Accounting Service in implementing and resolving

1 claims under the decision in *Butterbaugh v. Depart-*  
2 *ment of Justice.*

3 (3) An assessment whether or not the decisions  
4 made by the Defense Finance and Accounting Serv-  
5 ice in implementing the decision in *Butterbaugh v.*  
6 *Department of Justice* follow a consistent pattern of  
7 resolution.

8 (4) An assessment of whether or not the deci-  
9 sions made by the Defense Finance and Accounting  
10 Service in implementing the decision in *Butterbaugh*  
11 *v. Department of Justice* are resolving claims by  
12 providing more compensation than an individual has  
13 been able to prove, under the rule of construction  
14 that laws providing benefits to veterans are liberally  
15 construed in favor of the veteran.

16 (5) An estimate of the total amount of com-  
17 pensation payable to members of the reserve compo-  
18 nents of the Armed Forces, both past and present,  
19 as a result of the recent decision in *Hernandez v.*  
20 *Department of the Air Force* (No. 2006–3375, slip  
21 op.) that leave can be reimbursed for Reserve service  
22 before 1994, when Congress enacted chapter 43 of  
23 title 38, United States Code (commonly referred to  
24 as the “Uniformed Services Employment and Reem-  
25 ployment Rights Act”).

1           (6) A comparative assessment of the handling  
2 of claims by the Defense Finance and Accounting  
3 Service under the decision in *Butterbaugh v. De-*  
4 *partment of Justice* with the handling of claims by  
5 other Federal agencies (selected by the Comptroller  
6 General for purposes of the comparative assessment)  
7 under that decision.

8           (7) A statement of the number of claims by  
9 members of the reserve components of the Armed  
10 Forces under the decision in *Butterbaugh v. Depart-*  
11 *ment of Justice* that have been adjudicated by the  
12 Defense Finance and Accounting Service.

13           (8) A statement of the number of claims by  
14 members of the reserve components of the Armed  
15 Forces under the decision in *Butterbaugh v. Depart-*  
16 *ment of Justice* that have been denied by the De-  
17 fense Finance and Accounting Service.

18           (9) A comparative assessment of the average  
19 amount of time required for the Defense Finance  
20 and Accounting Service to resolve a claim under the  
21 decision in *Butterbaugh v. Department of Justice*  
22 with the average amount of time required by other  
23 Federal agencies (as so selected) to resolve a claim  
24 under that decision.

1           (10) A comparative statement of the backlog of  
2           claims with the Defense Finance and Accounting  
3           Service under the decision in *Butterbaugh v. De-*  
4           partment of Justice with the backlog of claims of  
5           other Federal agencies (as so selected) under that  
6           decision.

7           (11) An estimate of the amount of time re-  
8           quired for the Defense Finance and Accounting  
9           Service to resolve all outstanding claims under the  
10          decision in *Butterbaugh v. Department of Justice*.

11          (12) An assessment of the reasonableness of the  
12          requirement of the Defense Finance and Accounting  
13          Service for the submittal by members of the reserve  
14          components of the Armed Forces of supporting doc-  
15          umentation for claims under the decision in  
16          *Butterbaugh v. Department of Justice*.

17          (13) A comparative assessment of the require-  
18          ment of the Defense Finance and Accounting Serv-  
19          ice for the submittal by members of the reserve com-  
20          ponents of the Armed Forces of supporting docu-  
21          mentation for claims under the decision in  
22          *Butterbaugh v. Department of Justice* with the re-  
23          quirement of other Federal agencies (as so selected)  
24          for the submittal by such members of supporting  
25          documentation for such claims.

1           (14) Such recommendations for legislative ac-  
2           tion as the Comptroller General considers appro-  
3           priate in light of the decision in *Butterbaugh v. De-*  
4           partment of Justice and the decision in *Hernandez*  
5           *v. Department of the Air Force.*

6 **SEC. 1046. STUDY ON SIZE AND MIX OF AIRLIFT FORCE.**

7           (a) **STUDY REQUIRED.**—The Secretary of Defense  
8           shall conduct a requirements-based study on alternatives  
9           for the proper size and mix of fixed-wing intratheater and  
10          intertheater airlift assets to meet the National Military  
11          Strategy for each of the following timeframes: fiscal year  
12          2012, 2018, and 2024. The study shall—

13                 (1) focus on organic and commercially pro-  
14                 grammed airlift capabilities;

15                 (2) analyze the full-spectrum lifecycle costs of  
16                 the various alternatives for organic models of each  
17                 of the following aircraft: C-5A/B/C/M, C-17A, KC-  
18                 X, KC-10, KC-135R, C-130E/H/J, Joint Cargo  
19                 Aircraft; and

20                 (3) incorporate the augmentation capability, vi-  
21                 ability, and feasibility of the Civil Reserve Air Fleet  
22                 during activation stages I, II, and III.

23           (b) **USE OF FFRDC.**—The Secretary shall select, to  
24          carry out the study required by subsection (a), a federally

1 funded research and development center that has experi-  
2 ence and expertise in conducting similar studies.

3 (c) STUDY PLAN.—The study required by subsection  
4 (a) shall be carried out under a study plan. The study  
5 plan shall be developed as follows:

6 (1) The center selected under subsection (b)  
7 shall develop the study plan and shall, not later than  
8 60 days after the date of enactment of this Act, sub-  
9 mit the study plan to the congressional defense com-  
10 mittees, the Secretary, and the Comptroller General  
11 of the United States.

12 (2) The Comptroller General shall review the  
13 study plan to determine whether it is complete and  
14 objective, and whether it has any flaws or weak-  
15 nesses in scope or methodology, and shall, not later  
16 than 30 days after receiving the study plan, submit  
17 to the Secretary and the center a report that con-  
18 tains the results of that review and provides any rec-  
19 ommendations that the Comptroller General con-  
20 siders appropriate for improvements to the study  
21 plan.

22 (3) The center shall modify the study plan to  
23 incorporate the recommendations under paragraph  
24 (2) and shall, not later than 45 days after receiving  
25 that report, submit to the Secretary and the con-

1 gressional defense committees a report on those  
2 modifications. The report shall describe each modi-  
3 fication and, if the modifications do not incorporate  
4 one or more of the recommendations, shall explain  
5 the reasons for not doing so.

6 (d) ELEMENTS OF STUDY PLAN.—The study plan re-  
7 quired by subsection (c) shall address, at minimum, the  
8 following:

9 (1) A description of lift requirements and oper-  
10 ating profiles for airlift aircraft required to meet the  
11 National Military Strategy, including assumptions  
12 regarding the following:

13 (A) Current and future military combat  
14 and support missions.

15 (B) The planned force structure growth of  
16 the military services.

17 (C) Potential changes in lift requirements,  
18 including the deployment of the Future Combat  
19 Systems by the Army.

20 (D) New capability in airlift to be provided  
21 by the KC(X) aircraft and the expected utiliza-  
22 tion of such capability, including its use in  
23 intratheater lift.

1 (E) The utilization of intertheater lift air-  
2 craft in intratheater combat mission support  
3 roles.

4 (F) The availability and application of  
5 Civil Reserve Air Fleet assets in future military  
6 scenarios.

7 (G) Air mobility requirements associated  
8 with the Global Rebasing Initiative of the De-  
9 partment of Defense.

10 (H) Air mobility requirements in support  
11 of worldwide peacekeeping and humanitarian  
12 missions.

13 (I) Air mobility requirements in support of  
14 homeland defense and national emergencies.

15 (J) The viability and capability of the Civil  
16 Reserve Air Fleet to augment organic forces in  
17 both friendly and hostile environments.

18 (K) An assessment of the Civil Reserve Air  
19 Fleet to adequately augment the organic fleet  
20 as it relates to commercial inventory manage-  
21 ment restructuring in response to future com-  
22 mercial markets, streamlining of operations, ef-  
23 ficiency measures, or downsizing of the partici-  
24 pant.

1           (2) An evaluation of the state of the current  
2           airlift fleet of the Air Force, including assessments  
3           of the following:

4                   (A) The extent to which the increased use  
5                   of airlift aircraft in on-going operations is af-  
6                   fecting the programmed service life of the air-  
7                   craft of that fleet.

8                   (B) The adequacy of the current airlift  
9                   force, including whether or not a minimum of  
10                  299 strategic airlift aircraft for the Air Force  
11                  is sufficient to support future expeditionary  
12                  combat and non-combat missions, as well as do-  
13                  mestic and training mission demands consistent  
14                  with the requirements of meeting the National  
15                  Military Strategy.

16                  (C) The optimal mix of C-5 and C-17 air-  
17                  craft for the strategic airlift fleet of the Air  
18                  Force, to include the following:

19                           (i) The cost-effectiveness of modern-  
20                           izing various iterations of the C-5A and C-  
21                           5B/C aircraft fleet versus procuring addi-  
22                           tional C-17 aircraft.

23                           (ii) The military capability, oper-  
24                           ational availability, usefulness, and service  
25                           life of the C-5A/B/C/M aircraft and the C-

1 17 aircraft. Such an assessment shall ex-  
2 amine appropriate metrics, such as aircraft  
3 availability rates, departure rates, and mis-  
4 sion capable rates, in each of the following  
5 cases:

6 (I) Completion of the Avionics  
7 Modernization Program and the Reli-  
8 ability Enhancement and Re-engining  
9 Program.

10 (II) Partial completion of the  
11 Avionics Modernization Program and  
12 the Reliability Enhancement and Re-  
13 engining Program, with partial com-  
14 pletion of either such program being  
15 considered the point at which the con-  
16 tinued execution of each program is  
17 no longer supported by the cost-effec-  
18 tiveness analysis.

19 (iii) At what specific fleet inventory  
20 for each organic aircraft, to include air re-  
21 fueling aircraft used in the airlift role,  
22 would it impede the ability of Civil Reserve  
23 Air Fleet participants to remain a viable  
24 augmentation option.

1 (D) An analysis and assessment of the les-  
2 sons that may be learned from the experience of  
3 the Air Force in restarting the production line  
4 for the C-5 aircraft after having closed the line  
5 for several years, and recommendations for the  
6 actions that the Department of Defense should  
7 take to ensure that the production line for the  
8 C-17 aircraft could be restarted if necessary, in-  
9 cluding—

10 (i) an analysis of the methods that  
11 were used and costs that were incurred in  
12 closing and re-opening the production line  
13 for the C-5 aircraft;

14 (ii) an assessment of the methods and  
15 actions that should be employed and the  
16 expected costs and risks of closing and re-  
17 opening the production line for the C-17  
18 aircraft in view of that experience.

19 Such analysis and assessment should deal with  
20 issues such as production work force, produc-  
21 tion facilities, tooling, industrial base suppliers,  
22 contractor logistics support versus organic  
23 maintenance, and diminished manufacturing  
24 sources.

1 (E) Assessing the military capability, oper-  
2 ational availability, usefulness, service life and  
3 optimal mix of intra-theater airlift aircraft, to  
4 include—

5 (i) the cost-effectiveness of procuring  
6 the Joint Cargo Aircraft versus procuring  
7 additional C-130J or refurbishing C-130E/  
8 H platforms to meet intra-theater airlift  
9 requirements of the combatant commander  
10 and component commands; and

11 (ii) the cost-effectiveness of procuring  
12 additional C-17 aircraft versus procuring  
13 additional C-130J platforms or refur-  
14 bishing C-130E/H platforms to meet intra-  
15 theater airlift requirements of the combat-  
16 ant commander and component commands.

17 (3) Each analysis required by paragraph (2)  
18 shall include—

19 (A) a description of the assumptions and  
20 sensitivity analysis utilized in the study regard-  
21 ing aircraft performances and cargo loading  
22 factors; and

23 (B) a comprehensive statement of the data  
24 and assumptions utilized in making the pro-  
25 gram life cycle cost estimates and a comparison

1           of cost and risk associated with the optimally  
2           mixed fleet of airlift aircraft versus the program  
3           of record airlift aircraft fleet.

4           (e) UTILIZATION OF OTHER STUDIES.—The study  
5           required by subsection (a) shall build upon the results of  
6           the 2005 Mobility Capabilities Studies, the on-going  
7           Intratheater Airlift Fleet Mix Analysis, the Intratheater  
8           Lift Capabilities Study, the Joint Future Theater Airlift  
9           Capabilities Analysis, and other appropriate studies and  
10          analyses, such as Fleet Viability Board Reports or special  
11          aircraft assessments. The study shall also include any test-  
12          ing data collected on modernization, recapitalization, and  
13          upgrade efforts of current organic aircraft.

14          (f) COLLABORATION WITH UNITED STATES TRANS-  
15          PORTATION COMMAND.—In conducting the study required  
16          by subsection (a) and preparing the report required by  
17          subsection (c)(3), the center shall collaborate with the  
18          commander of the United States Transportation Com-  
19          mand.

20          (g) COLLABORATION WITH COST ANALYSIS IM-  
21          PROVEMENT GROUP.—In conducting the study required  
22          by subsection (a) and constructing the analysis required  
23          by subsection (a)(2), the center shall collaborate with the  
24          Cost Analysis Improvement Group of the Department of  
25          Defense.

1 (h) REPORT.—Not later than January 10, 2009, the  
2 center selected under subsection (b) shall submit to the  
3 Secretary and the congressional defense committees a re-  
4 port on the study required by subsection (a). The report  
5 shall be submitted in unclassified form, but shall include  
6 a classified annex.

7 **SEC. 1047. REPORT ON FEASIBILITY OF ESTABLISHING A**  
8 **DOMESTIC MILITARY AVIATION NATIONAL**  
9 **TRAINING CENTER.**

10 (a) IN GENERAL.—Not later than June 1, 2008, the  
11 Secretary of Defense shall submit to the congressional de-  
12 fense committees a report to determine the feasibility of  
13 establishing a Border State Aviation Training Center  
14 (BSATC) to support the current and future requirements  
15 of the existing RC-26 training site for counterdrug activi-  
16 ties, located at the Fixed Wing Army National Guard  
17 Aviation Training Site (FWAATS), including the domestic  
18 reconnaissance and surveillance missions of the National  
19 Guard in support of local, State, and Federal law enforce-  
20 ment agencies, provided that the activities to be conducted  
21 at the BSATC shall not duplicate or displace any activity  
22 or program at the RC-26 training site or the FWAATS.

23 (b) CONTENT.—The report required under subsection  
24 (a) shall—

1           (1) examine the current and past requirements  
2 of RC-26 aircraft in support of local, State, and  
3 Federal law enforcement and determine the number  
4 of additional aircraft required to provide such sup-  
5 port for each State that borders Canada, Mexico, or  
6 the Gulf of Mexico;

7           (2) determine the number of military and civil-  
8 ian personnel required to run a RC-26 domestic  
9 training center meeting the requirements identified  
10 under paragraph (1);

11           (3) determine the requirements and cost of lo-  
12 cating such a training center at a military installa-  
13 tion for the purpose of preempting and responding  
14 to security threats and responding to crises; and

15           (4) include a comprehensive review of the num-  
16 ber and type of intelligence, reconnaissance, and sur-  
17 veillance platforms needed for the National Guard to  
18 effectively provide domestic operations and civil sup-  
19 port (including homeland defense and counterdrug)  
20 to local, State, and Federal law enforcement and  
21 first responder entities and how those platforms  
22 would provide additional capabilities not currently  
23 available from the assets of other local, State, and  
24 Federal agencies.

1 (c) CONSULTATION.—In preparing the report re-  
2 quired under subsection (a), the Secretary of Defense shall  
3 consult with the Adjutant General of each State that bor-  
4 ders Canada, Mexico, or the Gulf of Mexico, the Adjutant  
5 General of the State of West Virginia, and the National  
6 Guard Bureau.

7 **SEC. 1048. LIMITED FIELD USER EVALUATIONS FOR COM-**  
8 **BAT HELMET PAD SUSPENSION SYSTEMS.**

9 (a) IN GENERAL.—The Secretary of Defense shall  
10 carry out a limited field user evaluation and operational  
11 assessment of qualified combat helmet pad suspension sys-  
12 tems. The evaluation and assessment shall be carried out  
13 using verified product representative samples from combat  
14 helmet pad suspension systems that are qualified as of the  
15 date of the enactment of this Act.

16 (b) REPORT.—Not later than September 30, 2008,  
17 the Secretary shall submit to the congressional defense  
18 committees a report on the results of the limited field user  
19 evaluation and operational assessment.

20 (c) FUNDING.—The limited field user evaluation and  
21 operational assessment required by subsection (a) shall be  
22 conducted using funds appropriated pursuant to an au-  
23 thorization of appropriations or otherwise made available  
24 for fiscal year 2008 for operation and maintenance, Army,  
25 for soldier protection and safety.

1 **SEC. 1049. STUDY ON NATIONAL SECURITY INTERAGENCY**  
2 **SYSTEM.**

3 (a) **STUDY REQUIRED.**—Not later than 30 days after  
4 the date of the enactment of this Act, the Secretary of  
5 Defense shall enter into an agreement with an inde-  
6 pendent, non-profit, non-partisan organization to conduct  
7 a study on the national security interagency system.

8 (b) **REPORT.**—The agreement entered into under  
9 subsection (a) shall require the organization to submit to  
10 Congress and the President a report containing the results  
11 of the study conducted pursuant to such agreement and  
12 any recommendations for changes to the national security  
13 interagency system (including legislative or regulatory  
14 changes) identified by the organization as a result of the  
15 study.

16 (c) **SUBMITTAL DATE.**—The agreement entered into  
17 under subsection (a) shall require the organization to sub-  
18 mit the report required under subsection (a) not later than  
19 September 1, 2008.

20 (d) **NATIONAL SECURITY INTERAGENCY SYSTEM DE-**  
21 **FINED.**—In this section, the term “national security inter-  
22 agency system” means the structures, mechanisms, and  
23 processes by which the departments, agencies, and ele-  
24 ments of the Federal Government that have national secu-  
25 rity missions coordinate and integrate their policies, capa-

1 bilities, expertise, and activities to accomplish such mis-  
2 sions.

3 (e) FUNDING.—Of the amount authorized to be ap-  
4 propriated by section 301(5) for operation and mainte-  
5 nance for Defense-wide activities, not more than  
6 \$3,000,000 may be available to carry out this section.

7 **SEC. 1050. REPORT ON SOLID ROCKET MOTOR INDUSTRIAL**  
8 **BASE.**

9 (a) REPORT.—Not later than 190 days after the date  
10 of the enactment of this Act, the Secretary of Defense  
11 shall submit to the congressional defense committees a re-  
12 port on the status, capability, viability, and capacity of  
13 the solid rocket motor industrial base in the United States.

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

16 (1) An assessment of the ability to maintain the  
17 Minuteman III intercontinental ballistic missile  
18 through its planned operational life.

19 (2) An assessment of the ability to maintain the  
20 Trident II D–5 submarine launched ballistic missile  
21 through its planned operational life.

22 (3) An assessment of the ability to maintain all  
23 other space launch, missile defense, and other vehi-  
24 cles with solid rocket motors, through their planned  
25 operational lifetimes.

1           (4) An assessment of the ability to support pro-  
2       jected future requirements for vehicles with solid  
3       rocket motors to support space launch, missile de-  
4       fense, or any range of ballistic missiles determined  
5       to be necessary to meet defense needs or other re-  
6       quirements of the United States Government.

7           (5) An assessment of the required materials,  
8       the supplier base, the production facilities, and the  
9       production workforce needed to ensure that current  
10      and future requirements could be met.

11          (6) An assessment of the adequacy of the cur-  
12      rent and projected industrial base support programs  
13      to support the full range of projected future require-  
14      ments identified in paragraph (4).

15 **SEC. 1051. REPORTS ON ESTABLISHMENT OF A MEMORIAL**  
16 **FOR MEMBERS OF THE ARMED FORCES WHO**  
17 **DIED IN THE AIR CRASH IN BAKERS CREEK,**  
18 **AUSTRALIA, AND ESTABLISHMENT OF OTHER**  
19 **MEMORIALS IN ARLINGTON NATIONAL CEME-**  
20 **TERY.**

21      (a) BAKERS CREEK MEMORIAL.—Not later than  
22      April 1, 2008, the Secretary of the Army shall submit to  
23      the Committee on Armed Services and the Committee on  
24      Veterans' Affairs of the House of Representatives and the  
25      Committee on Armed Services and the Committee on Vet-

1 erans' Affairs of the Senate a report containing a discus-  
2 sion of locations outside of Arlington National Cemetery  
3 that would serve as a suitable location for the establish-  
4 ment of a memorial to honor the memory of the 40 mem-  
5 bers of the Armed Forces of the United States who lost  
6 their lives in the air crash at Bakers Creek, Australia, on  
7 June 14, 1943.

8 (b) MEMORIALS IN ARLINGTON NATIONAL CEME-  
9 TERY.—Not later than April 1, 2008, the Secretary of the  
10 Army shall submit to the congressional committees speci-  
11 fied in subsection (a) a report containing—

12 (1) recommendations to implement the results  
13 of the study regarding proposals for the construction  
14 of new memorials in Arlington National Cemetery  
15 that was conducted pursuant to section 2897 of the  
16 Ronald W. Reagan National Defense Authorization  
17 Act for Fiscal Year 2005 (Public Law 108–375; 118  
18 Stat. 2157); and

19 (2) proposed legislation, if necessary, to imple-  
20 ment the results of the study.

## 21 **Subtitle F—Other Matters**

### 22 **SEC. 1061. REIMBURSEMENT FOR NATIONAL GUARD SUP-** 23 **PORT PROVIDED TO FEDERAL AGENCIES.**

24 Section 377 of title 10, United States Code, is  
25 amended—

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

4           (2) by striking subsection (b) and inserting the  
5           following new subsections:

6           “(b)(1) Subject to subsection (c), the Secretary of  
7           Defense shall require a Federal agency to which law en-  
8           forcement support or support to a national special security  
9           event is provided by National Guard personnel performing  
10          duty under section 502(f) of title 32 to reimburse the De-  
11          partment of Defense for the costs of that support, notwith-  
12          standing any other provision of law. No other provision  
13          of this chapter shall apply to such support.

14          “(2) Any funds received by the Department of De-  
15          fense under this subsection as reimbursement for support  
16          provided by personnel of the National Guard shall be cred-  
17          ited, at the election of the Secretary of Defense, to the  
18          following:

19                 “(A) The appropriation, fund, or account used  
20                 to fund the support.

21                 “(B) The appropriation, fund, or account cur-  
22                 rently available for reimbursement purposes.

23                 “(c) An agency to which support is provided under  
24                 this chapter or section 502(f) of title 32 is not required  
25                 to reimburse the Department of Defense for such support

1 if the Secretary of Defense waives reimbursement. The  
2 Secretary may waive the reimbursement requirement  
3 under this subsection if such support—

4 “(1) is provided in the normal course of mili-  
5 tary training or operations; or

6 “(2) results in a benefit to the element of the  
7 Department of Defense or personnel of the National  
8 Guard providing the support that is substantially  
9 equivalent to that which would otherwise be obtained  
10 from military operations or training.”.

11 **SEC. 1062. CONGRESSIONAL COMMISSION ON THE STRA-**  
12 **TEGIC POSTURE OF THE UNITED STATES.**

13 (a) ESTABLISHMENT.—There is hereby established a  
14 commission to be known as the “Congressional Commis-  
15 sion on the Strategic Posture of the United States”. The  
16 purpose of the commission is to examine and make rec-  
17 ommendations with respect to the long-term strategic pos-  
18 ture of the United States.

19 (b) COMPOSITION.—

20 (1) MEMBERSHIP.—The commission shall be  
21 composed of 12 members appointed as follows:

22 (A) Three by the chairman of the Com-  
23 mittee on Armed Services of the House of Rep-  
24 resentatives.

1 (B) Three by the ranking minority member  
2 of the Committee on Armed Services of the  
3 House of Representatives.

4 (C) Three by the chairman of the Com-  
5 mittee on Armed Services of the Senate.

6 (D) Three by the ranking minority member  
7 of the Committee on Armed Services of the  
8 Senate.

9 (2) CHAIRMAN; VICE CHAIRMAN.—

10 (A) CHAIRMAN.—The chairman of the  
11 Committee on Armed Services of the House of  
12 Representatives and the chairman of the Com-  
13 mittee on Armed Services of the Senate shall  
14 jointly designate one member of the commission  
15 to serve as chairman of the commission.

16 (B) VICE CHAIRMAN.—The ranking minor-  
17 ity member of the Committee on Armed Serv-  
18 ices of the House of Representatives and the  
19 ranking minority member of the Committee on  
20 Armed Services of the Senate shall jointly des-  
21 ignate one member of the commission to serve  
22 as vice chairman of the commission.

23 (3) PERIOD OF APPOINTMENT; VACANCIES.—  
24 Members shall be appointed for the life of the com-  
25 mission. Any vacancy in the commission shall be

1 filled in the same manner as the original appoint-  
2 ment.

3 (c) DUTIES.—

4 (1) REVIEW.—The commission shall conduct a  
5 review of the strategic posture of the United States,  
6 including a strategic threat assessment and a de-  
7 tailed review of nuclear weapons policy, strategy,  
8 and force structure.

9 (2) ASSESSMENT AND RECOMMENDATIONS.—

10 (A) ASSESSMENT.—The commission shall  
11 assess the benefits and risks associated with the  
12 current strategic posture and nuclear weapons  
13 policies of the United States.

14 (B) RECOMMENDATIONS.—The commis-  
15 sion shall make recommendations as to the  
16 most appropriate strategic posture and most ef-  
17 fective nuclear weapons strategy.

18 (d) COOPERATION FROM GOVERNMENT.—

19 (1) COOPERATION.—In carrying out its duties,  
20 the commission shall receive the full and timely co-  
21 operation of the Secretary of Defense, the Secretary  
22 of Energy, the Secretary of State, the Director of  
23 National Intelligence, and any other United States  
24 Government official in providing the commission

1 with analyses, briefings, and other information nec-  
2 essary for the fulfillment of its responsibilities.

3 (2) LIAISON.—The Secretary of Defense, the  
4 Secretary of Energy, the Secretary of State, and the  
5 Director of National Intelligence shall each des-  
6 ignate at least one officer or employee of the De-  
7 partment of Defense, the Department of Energy, the  
8 Department of State, and the intelligence commu-  
9 nity, respectively, to serve as a liaison officer be-  
10 tween the department (or the intelligence commu-  
11 nity, as the case may be) and the commission.

12 (e) REPORT.—Not later than December 1, 2008, the  
13 commission shall submit to the President, the Secretary  
14 of Defense, the Secretary of Energy, the Secretary of  
15 State, the Committee on Armed Services of the Senate,  
16 and the Committee on Armed Services of the House of  
17 Representatives a report on the commission's findings,  
18 conclusions, and recommendations. The report shall iden-  
19 tify the strategic posture and nuclear weapons strategy  
20 recommended under subsection (c)(2)(B) and shall in-  
21 clude—

22 (1) the military capabilities and force structure  
23 necessary to support the strategy, including both nu-  
24 clear and non-nuclear capabilities that might sup-  
25 port the strategy;

1           (2) the number of nuclear weapons required to  
2           support the strategy, including the number of re-  
3           placement warheads required, if any;

4           (3) the appropriate qualitative analysis, includ-  
5           ing force-on-force exchange modeling, to calculate  
6           the effectiveness of the strategy under various sce-  
7           narios;

8           (4) the nuclear infrastructure (that is, the size  
9           of the nuclear complex) required to support the  
10          strategy;

11          (5) an assessment of the role of missile defenses  
12          in the strategy;

13          (6) an assessment of the role of nonprolifera-  
14          tion programs in the strategy;

15          (7) the political and military implications of the  
16          strategy for the United States and its allies; and

17          (8) any other information or recommendations  
18          relating to the strategy (or to the strategic posture)  
19          that the commission considers appropriate.

20          (f) FUNDING.—Of the amounts appropriated or oth-  
21          erwise made available pursuant to this Act to the Depart-  
22          ment of Defense, \$5,000,000 is available to fund the ac-  
23          tivities of the commission.

24          (g) TERMINATION.—The commission shall terminate  
25          on June 1, 2009.

1 **SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.**

2 (a) TITLE 10, UNITED STATES CODE.—Title 10,  
3 United States Code, is amended as follows:

4 (1) Chapter 3 is amended—

5 (A) by redesignating the section 127c  
6 added by section 1201(a) of the John Warner  
7 National Defense Authorization Act for Fiscal  
8 Year 2007 (Public Law 109–364; 120 Stat.  
9 2410) as section 127d and transferring that  
10 section so as to appear immediately after the  
11 section 127c added by section 1231(a) of the  
12 National Defense Authorization Act for Fiscal  
13 Year 2006 (Public Law 109–163; 119 Stat.  
14 3467); and

15 (B) by revising the table of sections at the  
16 beginning of such chapter to reflect the redesign-  
17 nation and transfer made by paragraph (1).

18 (2) Section 629(d)(1) is amended by inserting  
19 a comma after “(a)”.

20 (3) Section 662(b) is amended by striking  
21 “paragraphs (1), (2), and (3) of subsection (a)” and  
22 inserting “paragraphs (1) and (2) of subsection  
23 (a)”.

24 (4) Subsections (c) and (d) of section 948r are  
25 each amended by striking “Defense Treatment Act

1 of 2005” each place it appears and inserting “De-  
2 tainee Treatment Act of 2005”.

3 (5) The table of sections at the beginning of  
4 subchapter VI of chapter 47A is amended by strik-  
5 ing the item relating to section 950j and inserting  
6 the following:

“950j. Finality of proceedings, findings, and sentences.”.

7 (6) Section 950f(b) is amended by striking “No  
8 person may be serve” and inserting “No person may  
9 serve”.

10 (7) The heading for section 950j is amended by  
11 striking “**Finality or**” and inserting “**Finality**  
12 **of**”.

13 (8) Section 1034(b)(2) is amended by inserting  
14 “unfavorable” before “action” the second place it  
15 appears.

16 (9) Section 1588(d)(1)(B) is amended by strik-  
17 ing “the Act of March 9, 1920, commonly known as  
18 the ‘Suits in Admiralty Act’ (41 Stat. 525; 46  
19 U.S.C. App. 741 et seq.) and the Act of March 3,  
20 1925, commonly known as the ‘Public Vessels Act’  
21 (43 Stat. 1112; 46 U.S.C. App. 781 et seq.)” and  
22 inserting “chapters 309 and 311 of title 46”.

23 (10) The table of sections at the beginning of  
24 chapter 137 is amended by striking the item relating

1 to section 2333 and inserting the following new  
2 item:

“2333. Joint policies on requirements definition, contingency program management, and contingency contracting.”.

3 (11) The table of sections at the beginning of  
4 chapter 141 is amended by inserting a period at the  
5 end of the item relating to section 2410p.

6 (12) The table of sections at the beginning of  
7 chapter 152 is amended by inserting a period at the  
8 end of the item relating to section 2567.

9 (13) Section 2583(e) is amended by striking  
10 “DOGS” and inserting “ANIMALS”.

11 (14) Section 2668(e) is amended by striking  
12 “and (d)” and inserting “and (e)”.

13 (15) Section 12304(a) is amended by striking  
14 the second period at the end.

15 (16) Section 14310(d)(1) is amended by insert-  
16 ing a comma after “(a)”.

17 (b) TITLE 37, UNITED STATES CODE.—Section  
18 302c(d)(1) of title 37, United States Code, is amended  
19 by striking “Services Corps” and inserting “Service  
20 Corps”.

21 (c) JOHN WARNER NATIONAL DEFENSE AUTHOR-  
22 IZATION ACT FOR FISCAL YEAR 2007.—Effective as of  
23 October 17, 2006, and as if included therein as enacted,  
24 the John Warner National Defense Authorization Act for

1 Fiscal Year 2007 (Public Law 109–364) is amended as  
2 follows:

3 (1) Section 333(a) (120 Stat. 2151) is amend-  
4 ed—

5 (A) by striking “Section 332(c)” and in-  
6 serting “Section 332”; and

7 (B) in paragraph (1), by inserting “in sub-  
8 section (c),” after “(1)”.

9 (2) Section 348(2) (120 Stat. 2159) is amended  
10 by striking “60 days of” and inserting “60 days  
11 after”.

12 (3) Section 511(a)(2)(D)(i) (120 Stat. 2182) is  
13 amended by inserting a comma after “title”.

14 (4) Section 591(b)(1) (120 Stat. 2233) is  
15 amended by inserting a period after “this title”.

16 (5) Section 606(b)(1)(A) (120 Stat. 2246) is  
17 amended by striking “in” and inserting “In”.

18 (6) Section 670(b) (120 Stat. 2269) is amended  
19 by striking “such title” and inserting “such chap-  
20 ter”.

21 (7) Section 673 (120 Stat. 2271) is amended—

22 (A) in subsection (a)(1), by inserting “the  
23 second place it appears” before “and inserting”;

24 (B) in subsection (b)(1)—

1 (i) by striking “Section” and inserting  
2 “Subsection (a) of section”; and

3 (ii) by inserting “the second place it  
4 appears” before “and inserting”; and

5 (C) in subsection (c)(1), by inserting “the  
6 second place it appears” before “and inserting”.

7 (8) Section 842(a)(2) (120 Stat. 2337) is  
8 amended by striking “adding at the end” and insert-  
9 ing “inserting after the item relating to section  
10 2533a”.

11 (9) Section 1017(b)(2) (120 Stat. 2379; 10  
12 U.S.C. 2631 note) is amended by striking “section  
13 27” and all that follows through the period at the  
14 end and inserting “sections 12112 and 50501 and  
15 chapter 551 of title 46, United States Code.”.

16 (10) Section 1071(f) (120 Stat. 2402) is  
17 amended by striking “identical” both places it ap-  
18 pears.

19 (11) Section 1231(d) (120 Stat. 2430; 22  
20 U.S.C. 2776a(d)) is amended by striking “note”.

21 (12) Section 2404(b)(2)(A)(ii) (120 Stat. 2459)  
22 is amended by striking “2906 of such Act” and in-  
23 serting “2906A of such Act”.

24 (13) Section 2831 (120 Stat. 2480) is amend-  
25 ed—

1 (A) by striking “Section 2667(d)” and in-  
2 serting “Section 2667(e)”; and

3 (B) by inserting “as redesignated by sec-  
4 tion 662(b)(1) of this Act,” after “Code,”.

5 (d) PUBLIC LAW 109–366.—Effective as of October  
6 17, 2006, and as if included therein as enacted, Public  
7 Law 109–366 is amended as follows:

8 (1) Section 8(a)(3) (120 Stat. 2636) is amend-  
9 ed by inserting a semicolon after “subsection”.

10 (2) Section 9(1) (120 Stat. 2636) is amended  
11 by striking “No. 1.” and inserting “No. 1,”.

12 (e) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
13 FISCAL YEAR 2006.—Effective as of January 6, 2006,  
14 and as if included therein as enacted, the National De-  
15 fense Authorization Act for Fiscal Year 2006 (Public Law  
16 109–163) is amended as follows:

17 (1) Section 571 (119 Stat. 3270) is amended  
18 by striking “931 et seq.)” and inserting “921 et  
19 seq.)”.

20 (2) Section 1052(j) (119 Stat. 3435) is amend-  
21 ed by striking “Section 1049” and inserting “Sec-  
22 tion 1409”.

23 (f) MILITARY COMMISSIONS ACT OF 2006.—Section  
24 7 of the Military Commissions Act of 2006 (Public Law

1 109-366) is amended by striking “added by added by” and  
2 inserting “added by”.

3 (g) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
4 FISCAL YEAR 2004.—The National Defense Authoriza-  
5 tion Act for Fiscal Year 2004 (Public Law 108–136) is  
6 amended as follows:

7 (1) Section 706(a) (117 Stat. 1529; 10 U.S.C.  
8 1076b note) is amended by striking “those pro-  
9 gram” and inserting “those programs”.

10 (2) Section 1413(a) (117 Stat. 1665; 41 U.S.C.  
11 433 note) is amended by striking “(A)” and insert-  
12 ing “(A))”.

13 (3) Section 1602(e)(3) (117 Stat. 1683; 10  
14 U.S.C. 2302 note) is amended by inserting “Secu-  
15 rity” after “Health”.

16 (h) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
17 FISCAL YEAR 1994.—Section 845(a) of the National De-  
18 fense Authorization Act for Fiscal Year 1994 (10 U.S.C.  
19 2371 note) is amended—

20 (1) in paragraph (2)(A), by inserting “Re-  
21 search” after “Defense Advanced”; and

22 (2) in paragraph (3), by inserting “Research”  
23 after “Defense Advanced”.

24 (i) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
25 FISCAL YEAR 1993.—Section 722(a)(1) of the National

1 Defense Authorization Act for Fiscal Year 1993 (Public  
2 Law 102–484; 10 U.S.C. 1073 note) is amended by strik-  
3 ing “155 Stat.” and inserting “115 Stat.”.

4 **SEC. 1064. REPEAL OF CERTIFICATION REQUIREMENT.**

5 Section 1063 of the National Defense Authorization  
6 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
7 3445) is repealed.

8 **SEC. 1065. MAINTENANCE OF CAPABILITY FOR SPACE-**  
9 **BASED NUCLEAR DETECTION.**

10 The Secretary of Defense shall maintain the capa-  
11 bility for space-based nuclear detection at a level that  
12 meets or exceeds the level of capability as of the date of  
13 the enactment of this Act.

14 **SEC. 1066. SENSE OF CONGRESS REGARDING DETAINEES**  
15 **AT NAVAL STATION, GUANTANAMO BAY,**  
16 **CUBA.**

17 It is the sense of Congress that—

18 (1) the Nation extends its gratitude to the mili-  
19 tary personnel who guard and interrogate some of  
20 the world’s most dangerous men every day at Naval  
21 Station, Guantanamo Bay, Cuba;

22 (2) the United States Government should urge  
23 the international community, in general, and in par-  
24 ticular, the home countries of the detainees who re-  
25 main in detention despite having been ordered re-

1 leased by a Department of Defense administrative  
2 review board, to work with the Department of De-  
3 fense to facilitate and expedite the repatriation of  
4 such detainees;

5 (3) detainees at Guantanamo Bay, to the max-  
6 imum extent possible, should be charged and expedi-  
7 tiously prosecuted for crimes committed against the  
8 United States; and

9 (4) operations at Guantanamo Bay should be  
10 carried out in a way that upholds the national inter-  
11 est and core values of the American people.

12 **SEC. 1067. A REPORT ON TRANSFERRING INDIVIDUALS DE-**  
13 **TAINED AT NAVAL STATION, GUANTANAMO**  
14 **BAY, CUBA.**

15 (a) REPORT REQUIRED.—Not later than 60 days  
16 after the date of the enactment of this Act, the Secretary  
17 of Defense shall submit to the congressional defense com-  
18 mittees a report that contains the Secretary’s plan for  
19 each individual presently detained at Naval Station, Guan-  
20 tanamo Bay, Cuba, under the control of the Joint Task  
21 Force Guantanamo, who is or has ever been classified as  
22 an “enemy combatant” (referred to in this section as a  
23 “detainee”).

24 (b) CONTENTS OF REPORT.—The report required  
25 under subsection (a) shall include each of the following:

1           (1) An identification of the number of detainees  
2 who, as of December 31, 2007, the Department esti-  
3 mates—

4           (A) will have been or will be charged with  
5 one or more crimes and may, therefore, be tried  
6 before a military commission;

7           (B) will be subject of an order calling for  
8 the release or transfer of the detainee from the  
9 Guantanamo Bay facility; or

10           (C) will not have been charged with any  
11 crimes and will not be subject to an order call-  
12 ing for the release or transfer of the detainee  
13 from the Guantanamo Bay facility, but whom  
14 the Department wishes to continue to detain.

15           (2) A description of the actions required to be  
16 undertaken, by the Secretary of Defense, possibly  
17 the heads of other Federal agencies, and Congress,  
18 to ensure that detainees who are subject to an order  
19 calling for their release or transfer from the Guanta-  
20 namo Bay facility have, in fact, been released.

21           (c) FORM.—The report required by subsection (a)  
22 shall be submitted in unclassified form but may contain  
23 a classified annex.

1 **SEC. 1068. REPEAL OF PROVISIONS IN SECTION 1076 OF**  
2 **PUBLIC LAW 109-364 RELATING TO USE OF**  
3 **ARMED FORCES IN MAJOR PUBLIC EMER-**  
4 **GENCIES.**

5 (a) INTERFERENCE WITH STATE AND FEDERAL  
6 LAWS.—

7 (1) IN GENERAL.—Section 333 of title 10,  
8 United States Code, is amended to read as follows:

9 **“§ 333. Interference with State and Federal law**

10 “The President, by using the militia or the armed  
11 forces, or both, or by any other means, shall take such  
12 measures as he considers necessary to suppress, in a  
13 State, any insurrection, domestic violence, unlawful com-  
14 bination, or conspiracy, if it—

15 “(1) so hinders the execution of the laws of that  
16 State, and of the United States within the State,  
17 that any part or class of its people is deprived of a  
18 right, privilege, immunity, or protection named in  
19 the Constitution and secured by law, and the con-  
20 stituted authorities of that State are unable, fail, or  
21 refuse to protect that right, privilege, or immunity,  
22 or to give that protection; or

23 “(2) opposes or obstructs the execution of the  
24 laws of the United States or impedes the course of  
25 justice under those laws.

1 In any situation covered by clause (1), the State shall be  
2 considered to have denied the equal protection of the laws  
3 secured by the Constitution.”.

4 (2) PROCLAMATION TO DISPERSE.—Section 334  
5 of such title is amended by striking “or those ob-  
6 structing the enforcement of the laws” after “insur-  
7 gents”.

8 (3) HEADING AMENDMENT.—The heading of  
9 chapter 15 of such title is amended to read as fol-  
10 lows:

11 **“CHAPTER 15—INSURRECTION”.**

12 (4) CLERICAL AMENDMENTS.—

13 (A) The table of sections at the beginning  
14 of chapter 15 of such title is amended by strik-  
15 ing the item relating to section 333 and insert-  
16 ing the following new item:

“333. Interference with State and Federal law.”.

17 (B) The tables of chapters at the begin-  
18 ning of subtitle A of title 10, United States  
19 Code, and at the beginning of part I of such  
20 subtitle, are each amended by striking the item  
21 relating to chapter 15 and inserting the fol-  
22 lowing new item:

“15. Insurrection ..... 331”.

23 (b) REPEAL OF SECTION RELATING TO PROVISION  
24 OF SUPPLIES, SERVICES, AND EQUIPMENT.—

1           (1) IN GENERAL.—Section 2567 of title 10,  
2           United States Code, is repealed.

3           (2) CLERICAL AMENDMENT.—The table of sec-  
4           tions at the beginning of chapter 152 of such title  
5           is amended by striking the item relating to section  
6           2567.

7           (c) CONFORMING AMENDMENT.—Section 12304(c) of  
8           such title is amended by striking “Except to perform” and  
9           all that follows through “this section” and inserting “No  
10          unit or member of a reserve component may be ordered  
11          to active duty under this section to perform any of the  
12          functions authorized by chapter 15 or section 12406 of  
13          this title or, except as provided in subsection (b),”.

14          (d) EFFECTIVE DATE.—The amendments made by  
15          this section shall take effect on the date of the enactment  
16          of this Act.

17       **SEC. 1069. STANDARDS REQUIRED FOR ENTRY TO MILI-**  
18                               **TARY INSTALLATIONS IN UNITED STATES.**

19          (a) DEVELOPMENT OF STANDARDS.—

20               (1) ACCESS STANDARDS FOR VISITORS.—The  
21               Secretary of Defense shall develop access standards  
22               applicable to all military installations in the United  
23               States. The standards shall require screening stand-  
24               ards appropriate to the type of installation involved,  
25               the security level, category of individuals authorized

1 to visit the installation, and level of access to be  
2 granted, including—

3 (A) protocols to determine the fitness of  
4 the individual to enter an installation; and

5 (B) standards and methods for verifying  
6 the identity of the individual.

7 (2) ADDITIONAL CRITERIA.—The standards re-  
8 quired under paragraph (1) may—

9 (A) provide for expedited access to a mili-  
10 tary installation for Department of Defense  
11 personnel and employees and family members of  
12 personnel who reside on the installation;

13 (B) provide for closer scrutiny of cat-  
14 egories of individuals determined by the Sec-  
15 retary of Defense to pose a higher potential se-  
16 curity risk; and

17 (C) in the case of an installation that the  
18 Secretary determines contains particularly sen-  
19 sitive facilities, provide additional screening re-  
20 quirements, as well as physical and other secu-  
21 rity measures for the installation.

22 (b) USE OF TECHNOLOGY.—The Secretary of De-  
23 fense is encouraged to procure and field existing identi-  
24 fication screening technology and to develop additional  
25 technology only to the extent necessary to assist com-

1 manders of military installations in implementing the  
2 standards developed under this section at points of entry  
3 for such installations.

4 (c) DEADLINES.—

5 (1) DEVELOPMENT AND IMPLEMENTATION.—

6 The Secretary of Defense shall develop the stand-  
7 ards required under this section by not later than  
8 July 1, 2008, and implement such standards by not  
9 later than January 1, 2009.

10 (2) SUBMISSION TO CONGRESS.—Not later than

11 August 1, 2009, the Secretary shall submit to the  
12 Committees on Armed Services of the Senate and  
13 House of Representatives the standards implemented  
14 pursuant to paragraph (1).

15 **SEC. 1070. REVISED NUCLEAR POSTURE REVIEW.**

16 (a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—

17 In order to clarify United States nuclear deterrence policy  
18 and strategy for the near term, the Secretary of Defense  
19 shall conduct a comprehensive review of the nuclear pos-  
20 ture of the United States for the next 5 to 10 years. The  
21 Secretary shall conduct the review in consultation with the  
22 Secretary of Energy and the Secretary of State.

23 (b) ELEMENTS OF REVIEW.—The nuclear posture re-  
24 view shall include the following elements:

1           (1) The role of nuclear forces in United States  
2 military strategy, planning, and programming.

3           (2) The policy requirements and objectives for  
4 the United States to maintain a safe, reliable, and  
5 credible nuclear deterrence posture.

6           (3) The relationship among United States nu-  
7 clear deterrence policy, targeting strategy, and arms  
8 control objectives.

9           (4) The role that missile defense capabilities  
10 and conventional strike forces play in determining  
11 the role and size of nuclear forces.

12           (5) The levels and composition of the nuclear  
13 delivery systems that will be required for imple-  
14 menting the United States national and military  
15 strategy, including any plans for replacing or modi-  
16 fying existing systems.

17           (6) The nuclear weapons complex that will be  
18 required for implementing the United States na-  
19 tional and military strategy, including any plans to  
20 modernize or modify the complex.

21           (7) The active and inactive nuclear weapons  
22 stockpile that will be required for implementing the  
23 United States national and military strategy, includ-  
24 ing any plans for replacing or modifying warheads.

1 (c) REPORT TO CONGRESS.—The Secretary of De-  
2 fense shall submit to Congress, in unclassified and classi-  
3 fied forms as necessary, a report on the results of the nu-  
4 clear posture review conducted under this section. The re-  
5 port shall be submitted concurrently with the quadrennial  
6 defense review required to be submitted under section 118  
7 of title 10, United States Code, in 2009.

8 (d) SENSE OF CONGRESS.—It is the sense of Con-  
9 gress that the nuclear posture review conducted under this  
10 section should be used as a basis for establishing future  
11 United States arms control objectives and negotiating po-  
12 sitions.

13 **SEC. 1071. TERMINATION OF COMMISSION ON THE IMPLE-**  
14 **MENTATION OF THE NEW STRATEGIC POS-**  
15 **TURE OF THE UNITED STATES.**

16 Section 1051 of the National Defense Authorization  
17 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
18 3431) is repealed.

19 **SEC. 1072. SECURITY CLEARANCES; LIMITATIONS.**

20 (a) IN GENERAL.—Title III of the Intelligence Re-  
21 form and Terrorism Prevention Act of 2004 (50 U.S.C.  
22 435b) is amended by adding at the end the following new  
23 section:

24 **“SEC. 3002. SECURITY CLEARANCES; LIMITATIONS.**

25 **“(a) DEFINITIONS.—In this section:**

1           “(1) CONTROLLED SUBSTANCE.—The term  
2           ‘controlled substance’ has the meaning given that  
3           term in section 102 of the Controlled Substances  
4           Act (21 U.S.C. 802).

5           “(2) COVERED PERSON.—The term ‘covered  
6           person’ means—

7                   “(A) an officer or employee of a Federal  
8                   agency;

9                   “(B) a member of the Army, Navy, Air  
10                  Force, or Marine Corps who is on active duty  
11                  or is in an active status; and

12                  “(C) an officer or employee of a contractor  
13                  of a Federal agency.

14           “(3) RESTRICTED DATA.—The term ‘Restricted  
15           Data’ has the meaning given that term in section 11  
16           of the Atomic Energy Act of 1954 (42 U.S.C.  
17           2014).

18           “(4) SPECIAL ACCESS PROGRAM.—The term  
19           ‘special access program’ has the meaning given that  
20           term in section 4.1 of Executive Order 12958 (60  
21           Fed. Reg. 19825).

22           “(b) PROHIBITION.—After January 1, 2008, the  
23           head of a Federal agency may not grant or renew a secu-  
24           rity clearance for a covered person who is an unlawful user  
25           of a controlled substance or an addict (as defined in sec-

1 tion 102(1) of the Controlled Substances Act (21 U.S.C.  
2 802)).

3 “(c) DISQUALIFICATION.—

4 “(1) IN GENERAL.—After January 1, 2008, ab-  
5 sent an express written waiver granted in accordance  
6 with paragraph (2), the head of a Federal agency  
7 may not grant or renew a security clearance de-  
8 scribed in paragraph (3) for a covered person who—

9 “(A) has been convicted in any court of the  
10 United States of a crime, was sentenced to im-  
11 prisonment for a term exceeding 1 year, and  
12 was incarcerated as a result of that sentence for  
13 not less than 1 year;

14 “(B) has been discharged or dismissed  
15 from the Armed Forces under dishonorable con-  
16 ditions; or

17 “(C) is mentally incompetent, as deter-  
18 mined by an adjudicating authority, based on  
19 an evaluation by a duly qualified mental health  
20 professional employed by, or acceptable to and  
21 approved by, the United States Government  
22 and in accordance with the adjudicative guide-  
23 lines required by subsection (d).

24 “(2) WAIVER AUTHORITY.—In a meritorious  
25 case, an exception to the disqualification in this sub-

1 section may be authorized if there are mitigating  
2 factors. Any such waiver may be authorized only in  
3 accordance with—

4 “(A) standards and procedures prescribed  
5 by, or under the authority of, an Executive  
6 Order or other guidance issued by the Presi-  
7 dent; or

8 “(B) the adjudicative guidelines required  
9 by subsection (d).

10 “(3) COVERED SECURITY CLEARANCES.—This  
11 subsection applies to security clearances that provide  
12 for access to—

13 “(A) special access programs;

14 “(B) Restricted Data; or

15 “(C) any other information commonly re-  
16 ferred to as ‘sensitive compartmented informa-  
17 tion’.

18 “(4) ANNUAL REPORT.—

19 “(A) REQUIREMENT FOR REPORT.—Not  
20 later than February 1 of each year, the head of  
21 a Federal agency shall submit a report to the  
22 appropriate committees of Congress if such  
23 agency employs or employed a person for whom  
24 a waiver was granted in accordance with para-  
25 graph (2) during the preceding year. Such an-

1           nual report shall not reveal the identity of such  
2           person, but shall include for each waiver issued  
3           the disqualifying factor under paragraph (1)  
4           and the reasons for the waiver of the disquali-  
5           fying factor.

6           “(B) DEFINITIONS.—In this paragraph:

7                   “(i) APPROPRIATE COMMITTEES OF  
8                   CONGRESS.—The term ‘appropriate com-  
9                   mittees of Congress’ means, with respect  
10                  to a report submitted under subparagraph  
11                  (A) by the head of a Federal agency—

12                           “(I) the congressional defense  
13                           committees;

14                           “(II) the congressional intel-  
15                           ligence committees;

16                           “(III) the Committee on Home-  
17                           land Security and Governmental Af-  
18                           fairs of the Senate;

19                           “(IV) the Committee on Over-  
20                           sight and Government Reform of the  
21                           House of Representatives; and

22                           “(V) each Committee of the Sen-  
23                           ate or the House of Representatives  
24                           with oversight authority over such  
25                           Federal agency.

1                   “(ii) CONGRESSIONAL DEFENSE COM-  
2                   MITTEES.—The term ‘congressional de-  
3                   fense committees’ has the meaning given  
4                   that term in section 101(a)(16) of title 10,  
5                   United States Code.

6                   “(iii) CONGRESSIONAL INTELLIGENCE  
7                   COMMITTEES.—The term ‘congressional in-  
8                   telligence committees’ has the meaning  
9                   given that term in section 3 of the Na-  
10                  tional Security Act of 1947 (50 U.S.C.  
11                  401a).

12                  “(d) ADJUDICATIVE GUIDELINES.—

13                  “(1) REQUIREMENT TO ESTABLISH.—The  
14                  President shall establish adjudicative guidelines for  
15                  determining eligibility for access to classified infor-  
16                  mation.

17                  “(2) REQUIREMENTS RELATED TO MENTAL  
18                  HEALTH.—The guidelines required by paragraph (1)  
19                  shall—

20                  “(A) include procedures and standards  
21                  under which a covered person is determined to  
22                  be mentally incompetent and provide a means  
23                  to appeal such a determination; and

24                  “(B) require that no negative inference  
25                  concerning the standards in the guidelines may

1           be raised solely on the basis of seeking mental  
2           health counseling.”.

3           (b) CONFORMING AMENDMENTS.—

4           (1) REPEAL.—Section 986 of title 10, United  
5           States Code, is repealed.

6           (2) CLERICAL AMENDMENT.—The table of sec-  
7           tions at the beginning of chapter 49 of such title is  
8           amended by striking the item relating to section  
9           986.

10          (3) EFFECTIVE DATE.—The amendments made  
11          by this subsection shall take effect on January 1,  
12          2008.

13   **SEC. 1073. IMPROVEMENTS IN THE PROCESS FOR THE**  
14                                   **ISSUANCE OF SECURITY CLEARANCES.**

15          (a) DEMONSTRATION PROJECT.—Not later than 6  
16          months after the date of the enactment of this Act, the  
17          Secretary of Defense and the Director of National Intel-  
18          ligence shall implement a demonstration project that ap-  
19          plies new and innovative approaches to improve the proc-  
20          essing of requests for security clearances.

21          (b) EVALUATION.—Not later than 1 year after the  
22          date of the enactment of this Act, the Secretary of Defense  
23          and the Director of National Intelligence shall carry out  
24          an evaluation of the process for issuing security clearances

1 and develop a specific plan and schedule for replacing such  
2 process with an improved process.

3 (c) REPORT.—Not later than 30 days after the date  
4 of the completion of the evaluation required by subsection  
5 (b), the Secretary of Defense and the Director of National  
6 Intelligence shall submit to Congress a report on—

7 (1) the results of the demonstration project car-  
8 ried out pursuant to subsection (a);

9 (2) the results of the evaluation carried out  
10 under subsection (b); and

11 (3) the recommended specific plan and schedule  
12 for replacing the existing process for issuing security  
13 clearances with an improved process.

14 **SEC. 1074. PROTECTION OF CERTAIN INDIVIDUALS.**

15 (a) PROTECTION FOR DEPARTMENT LEADERSHIP.—  
16 The Secretary of Defense, under regulations prescribed by  
17 the Secretary and in accordance with guidelines approved  
18 by the Secretary and the Attorney General, may authorize  
19 qualified members of the Armed Forces and qualified civil-  
20 ian employees of the Department of Defense to provide  
21 physical protection and personal security within the  
22 United States to the following persons who, by nature of  
23 their positions, require continuous security and protection:

24 (1) Secretary of Defense.

25 (2) Deputy Secretary of Defense.

1 (3) Chairman of the Joint Chiefs of Staff.

2 (4) Vice Chairman of the Joint Chiefs of Staff.

3 (5) Secretaries of the military departments.

4 (6) Chiefs of the Services.

5 (7) Commanders of combatant commands.

6 (b) PROTECTION FOR ADDITIONAL PERSONNEL.—

7 (1) AUTHORITY TO PROVIDE.—The Secretary of  
8 Defense, under regulations prescribed by the Sec-  
9 retary and in accordance with guidelines approved  
10 by the Secretary and the Attorney General, may au-  
11 thorize qualified members of the Armed Forces and  
12 qualified civilian employees of the Department of  
13 Defense to provide physical protection and personal  
14 security within the United States to individuals  
15 other than individuals described in paragraphs (1)  
16 through (7) of subsection (a) if the Secretary deter-  
17 mines that such protection and security are nec-  
18 essary because—

19 (A) there is an imminent and credible  
20 threat to the safety of the individual for whom  
21 protection is to be provided; or

22 (B) compelling operational considerations  
23 make such protection essential to the conduct of  
24 official Department of Defense business.

1           (2) PERSONNEL.—Individuals authorized to re-  
2           ceive physical protection and personal security under  
3           this subsection include the following:

4                   (A) Any official, military member, or em-  
5                   ployee of the Department of Defense.

6                   (B) A former or retired official who faces  
7                   serious and credible threats arising from duties  
8                   performed while employed by the Department  
9                   for a period of up to two years beginning on the  
10                  date on which the official separates from the  
11                  Department.

12                  (C) A head of a foreign state, an official  
13                  representative of a foreign government, or any  
14                  other distinguished foreign visitor to the United  
15                  States who is primarily conducting official busi-  
16                  ness with the Department of Defense.

17                  (D) Any member of the immediate family  
18                  of a person authorized to receive physical pro-  
19                  tection and personal security under this section.

20                  (E) An individual who has been designated  
21                  by the President, and who has received the ad-  
22                  vice and consent of the Senate, to serve as Sec-  
23                  retary of Defense, but who has not yet been ap-  
24                  pointed as Secretary of Defense.

1           (3) LIMITATION ON DELEGATION.—The author-  
2           ity of the Secretary of Defense to authorize the pro-  
3           vision of physical protection and personal security  
4           under this subsection may be delegated only to the  
5           Deputy Secretary of Defense.

6           (4) REQUIREMENT FOR WRITTEN DETERMINA-  
7           TION.—A determination of the Secretary of Defense  
8           to provide physical protection and personal security  
9           under this subsection shall be in writing, shall be  
10          based on a threat assessment by an appropriate law  
11          enforcement, security, or intelligence organization,  
12          and shall include the name and title of the officer,  
13          employee, or other individual affected, the reason for  
14          such determination, the duration of the authorized  
15          protection and security for such officer, employee, or  
16          individual, and the nature of the arrangements for  
17          the protection and security.

18          (5) DURATION OF PROTECTION.—

19                (A) INITIAL PERIOD OF PROTECTION.—  
20                After making a written determination under  
21                paragraph (4), the Secretary of Defense may  
22                provide protection and security to an individual  
23                under this subsection for an initial period of not  
24                more than 90 calendar days.

1           (B) SUBSEQUENT PERIOD.—If, at the end  
2 of the period that protection and security is  
3 provided to an individual under subsection (A),  
4 the Secretary determines that a condition de-  
5 scribed in subparagraph (A) or (B) of para-  
6 graph (1) continues to exist with respect to the  
7 individual, the Secretary may extend the period  
8 that such protection and security is provided for  
9 additional 60-day periods. The Secretary shall  
10 review such a determination at the end of each  
11 60-day period to determine whether to continue  
12 to provide such protection and security.

13           (C) REQUIREMENT FOR COMPLIANCE WITH  
14 REGULATIONS.—Protection and personal secu-  
15 rity provided under subparagraph (B) shall be  
16 provided in accordance with the regulations and  
17 guidelines referred to in paragraph (1).

18           (6) SUBMISSION TO CONGRESS.—

19           (A) IN GENERAL.—The Secretary of De-  
20 fense shall submit to the congressional defense  
21 committees each determination made under  
22 paragraph (4) to provide protection and secu-  
23 rity to an individual and of each determination  
24 under paragraph (5)(B) to extend such protec-  
25 tion and security, together with the justification

1 for such determination, not later than 15 days  
2 after the date on which the determination is  
3 made.

4 (B) FORM OF REPORT.—A report sub-  
5 mitted under subparagraph (A) may be made in  
6 classified form.

7 (C) REGULATIONS AND GUIDELINES.—The  
8 Secretary of Defense shall submit to the con-  
9 gressional defense committees the regulations  
10 and guidelines prescribed pursuant to para-  
11 graph (1) not less than 20 days before the date  
12 on which such regulations take effect.

13 (c) DEFINITIONS.—In this section:

14 (1) CONGRESSIONAL DEFENSE COMMITTEES.—  
15 The term “congressional defense committees” means  
16 the Committee on Appropriations and the Com-  
17 mittee on Armed Services of the Senate and the  
18 Committee on Appropriations and the Committee on  
19 Armed Services of the House of Representatives.

20 (2) QUALIFIED MEMBERS OF THE ARMED  
21 FORCES AND QUALIFIED CIVILIAN EMPLOYEES OF  
22 THE DEPARTMENT OF DEFENSE.—The terms “quali-  
23 fied members of the Armed Forces” and “qualified  
24 civilian employees of the Department of Defense”  
25 refer collectively to members or employees who are

1 assigned to investigative, law enforcement, or secu-  
2 rity duties of any of the following:

3 (A) The Army Criminal Investigation Com-  
4 mand.

5 (B) The Naval Criminal Investigative Serv-  
6 ice.

7 (C) The Air Force Office of Special Inves-  
8 tigations.

9 (D) The Defense Criminal Investigative  
10 Service.

11 (E) The Pentagon Force Protection Agen-  
12 cy.

13 (d) CONSTRUCTION.—

14 (1) NO ADDITIONAL LAW ENFORCEMENT OR  
15 ARREST AUTHORITY.—Other than the authority to  
16 provide protection and security under this section,  
17 nothing in this section may be construed to bestow  
18 any additional law enforcement or arrest authority  
19 upon the qualified members of the Armed Forces  
20 and qualified civilian employees of the Department  
21 of Defense.

22 (2) POSSE COMITATUS.—Nothing in this section  
23 shall be construed to abridge section 1385 of title  
24 18, United States Code.

1           (3) AUTHORITIES OF OTHER DEPARTMENTS.—  
2           Nothing in this section may be construed to preclude  
3           or limit, in any way, the express or implied powers  
4           of the Secretary of Defense or other Department of  
5           Defense officials, or the duties and authorities of the  
6           Secretary of State, the Director of the United States  
7           Secret Service, the Director of the United States  
8           Marshals Service, or any other Federal law enforce-  
9           ment agency.

10 **SEC. 1075. MODIFICATION OF AUTHORITIES ON COMMIS-**  
11 **SION TO ASSESS THE THREAT TO THE**  
12 **UNITED STATES FROM ELECTROMAGNETIC**  
13 **PULSE ATTACK.**

14           (a) EXTENSION OF DATE OF SUBMITTAL OF FINAL  
15 REPORT.—Section 1403(a) of the Floyd D. Spence Na-  
16 tional Defense Authorization Act for Fiscal Year 2001 (as  
17 enacted into law by Public Law 106–398; 50 U.S.C. 2301  
18 note) is amended by striking “June 30, 2007” and insert-  
19 ing “November 30, 2008”.

20           (b) COORDINATION OF WORK WITH DEPARTMENT  
21 OF HOMELAND SECURITY.—Section 1404 of such Act is  
22 amended by adding at the end the following new sub-  
23 section:

24           “(c) COORDINATION WITH DEPARTMENT OF HOME-  
25 LAND SECURITY.—The Commission and the Secretary of

1 Homeland Security shall jointly ensure that the work of  
2 the Commission with respect to electromagnetic pulse at-  
3 tack on electricity infrastructure, and protection against  
4 such attack, is coordinated with Department of Homeland  
5 Security efforts on such matters.”.

6 (c) LIMITATION ON DEPARTMENT OF DEFENSE  
7 FUNDING.—The aggregate amount of funds provided by  
8 the Department of Defense to the Commission to Assess  
9 the Threat to the United States from Electromagnetic  
10 Pulse Attack for purposes of the preparation and sub-  
11 mittal of the final report required by section 1403(a) of  
12 the Floyd D. Spence National Defense Authorization Act  
13 for Fiscal Year 2001 (as amended by subsection (a)),  
14 whether by transfer or otherwise and including funds pro-  
15 vided the Commission before the date of the enactment  
16 of this Act, shall not exceed \$5,600,000.

17 **SEC. 1076. SENSE OF CONGRESS ON SMALL BUSINESS INNO-**  
18 **VATION RESEARCH PROGRAM.**

19 It is the sense of Congress that—

20 (1) the Department of Defense’s Small Busi-  
21 ness Innovation Research program has been effective  
22 in supporting the performance of the missions of the  
23 Department of Defense, by stimulating technological  
24 innovation through investments in small business re-  
25 search activities;

1           (2) the Department of Defense’s Small Busi-  
2           ness Innovation Research program has transitioned  
3           a number of technologies and systems into oper-  
4           ational use by warfighters; and

5           (3) the Department of Defense’s Small Busi-  
6           ness Innovation Research program should be reau-  
7           thorized so as to ensure that the program’s activities  
8           can continue seamlessly, efficiently, and effectively.

9   **SEC. 1077. REVISION OF PROFICIENCY FLYING DEFINITION.**

10          Subsection (c) of section 2245 of title 10, United  
11          States Code, is amended to read as follows:

12          “(c) In this section, the term ‘proficiency flying’  
13          means flying performed under competent orders by a rated  
14          or designated member of the armed forces while serving  
15          in a non-aviation assignment or in an assignment in which  
16          skills would normally not be maintained in the perform-  
17          ance of assigned duties.”.

18   **SEC. 1078. QUALIFICATIONS FOR PUBLIC AIRCRAFT STA-**  
19                           **TUS OF AIRCRAFT UNDER CONTRACT WITH**  
20                           **THE ARMED FORCES.**

21          (a) **DEFINITION OF PUBLIC AIRCRAFT.**—Section  
22          40102(a)(41)(E) of title 49, United States Code, is  
23          amended—

24                  (1) by inserting “or other commercial air serv-  
25                  ice” after “transportation”; and

1           (2) by adding at the end the following: “In the  
2 preceding sentence, the term ‘other commercial air  
3 service’ means an aircraft operation that (i) is with-  
4 in the United States territorial airspace; (ii) the Ad-  
5 ministrator of the Federal Aviation Administration  
6 determines is available for compensation or hire to  
7 the public, and (iii) must comply with all applicable  
8 civil aircraft rules under title 14, Code of Federal  
9 Regulations.”.

10       (b) AIRCRAFT OPERATED BY THE ARMED FORCES.—  
11 Section 40125(c)(1)(C) of such title is amended by insert-  
12 ing “or other commercial air service” after “transpor-  
13 tation”.

14       (c) CONFORMING AMENDMENTS.—

15           (1) Section 40125(b) of such title is amended  
16 by striking “40102(a)(37)” and inserting  
17 “40102(a)(41)”.

18           (2) Section 40125(c)(1) of such title is amend-  
19 ed by striking “40102(a)(37)(E)” and inserting  
20 “40102(a)(41)(E)”.

21 **SEC. 1079. COMMUNICATIONS WITH THE COMMITTEES ON**  
22 **ARMED SERVICES OF THE SENATE AND THE**  
23 **HOUSE OF REPRESENTATIVES.**

24       (a) REQUESTS OF COMMITTEES.—The Director of  
25 the National Counterterrorism Center, the Director of a

1 national intelligence center, or the head of any element  
2 of the intelligence community shall, not later than 45 days  
3 after receiving a written request from the Chair or ranking  
4 minority member of the Committee on Armed Services of  
5 the Senate or the Committee on Armed Services of the  
6 House of Representatives for any existing intelligence as-  
7 sessment, report, estimate, or legal opinion relating to  
8 matters within the jurisdiction of such Committee, make  
9 available to such committee such assessment, report, esti-  
10 mate, or legal opinion, as the case may be.

11 (b) ASSERTION OF PRIVILEGE.—

12 (1) IN GENERAL.—In response to a request cov-  
13 ered by subsection (a), the Director of the National  
14 Counterterrorism Center, the Director of a national  
15 intelligence center, or the head of any element of the  
16 intelligence community shall provide to the Com-  
17 mittee making such request the document or infor-  
18 mation covered by such request unless the President  
19 determines that such document or information shall  
20 not be provided because the President is asserting a  
21 privilege pursuant to the Constitution of the United  
22 States.

23 (2) SUBMISSION TO CONGRESS.—The White  
24 House Counsel shall submit to Congress in writing

1 any assertion by the President under paragraph (1)  
2 of a privilege pursuant to the Constitution.

3 (c) DEFINITIONS.—In this section:

4 (1) INTELLIGENCE COMMUNITY.—The term  
5 “intelligence community” has the meaning given the  
6 term in section 3(4) of the National Security Act of  
7 1947 (50 U.S.C. 401a(4)).

8 (2) INTELLIGENCE ASSESSMENT.—The term  
9 “intelligence assessment” means an intelligence-re-  
10 lated analytical study of a subject of policy signifi-  
11 cance and does not include building-block papers, re-  
12 search projects, and reference aids.

13 (3) INTELLIGENCE ESTIMATE.—The term “in-  
14 telligence estimate” means an appraisal of available  
15 intelligence relating to a specific situation or condi-  
16 tion with a view to determining the courses of action  
17 open to an enemy or potential enemy and the prob-  
18 able order of adoption of such courses of action.

19 **SEC. 1080. RETENTION OF REIMBURSEMENT FOR PROVI-**  
20 **SION OF RECIPROCAL FIRE PROTECTION**  
21 **SERVICES.**

22 Section 5 of the Act of May 27, 1955 (chapter 105;  
23 69 Stat. 67; 42 U.S.C. 1856d) is amended—

24 (1) by striking “Funds” and inserting “(a)  
25 Funds”; and

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

3           “(b) Notwithstanding the provisions of subsection  
4 (a), all sums received for any Department of Defense ac-  
5 tivity for fire protection rendered pursuant to this Act  
6 shall be credited to the appropriation fund or account from  
7 which the expenses were paid. Amounts so credited shall  
8 be merged with funds in such appropriation fund or ac-  
9 count and shall be available for the same purposes and  
10 subject to the same limitations as the funds with which  
11 the funds are merged.”.

12 **SEC. 1081. PILOT PROGRAM ON COMMERCIAL FEE-FOR-**  
13 **SERVICE AIR REFUELING SUPPORT FOR THE**  
14 **AIR FORCE.**

15           (a) **PILOT PROGRAM REQUIRED.**—The Secretary of  
16 Air Force shall conduct, as soon as practicable after the  
17 date of enactment of this Act, a pilot program to assess  
18 the feasibility and advisability of utilizing commercial fee-  
19 for-service air refueling tanker aircraft for Air Force oper-  
20 ations. The duration of the pilot program shall be at least  
21 five years after commencement of the program.

22           (b) **PURPOSE.**—

23           (1) **IN GENERAL.**—The pilot program required  
24 by subsection (a) shall evaluate the feasibility of fee-  
25 for-service air refueling to support, augment, or en-

1       hance the air refueling mission of the Air Force by  
2       utilizing commercial air refueling providers on a fee-  
3       for-service basis.

4               (2) ELEMENTS.—In order to achieve the pur-  
5       pose of the pilot program, the Secretary of the Air  
6       Force shall—

7                       (A) demonstrate and validate a comprehen-  
8                       sive strategy for air refueling on a fee-for-serv-  
9                       ice basis by evaluating all mission areas, includ-  
10                      ing testing support, training support to receiv-  
11                      ing aircraft, homeland defense support, deploy-  
12                      ment support, air bridge support, aeromedical  
13                      evacuation, and emergency air refueling; and

14                     (B) integrate fee-for-service air refueling  
15                     described in paragraph (1) into Air Mobility  
16                     Command operations during the evaluation and  
17                     execution phases of the pilot program.

18       (c) ANNUAL REPORT.—The Secretary of the Air  
19       Force shall provide to the congressional defense commit-  
20       tees an annual report on the fee-for-service air refueling  
21       program, which includes—

22                     (1) information with respect to—

23                               (A) missions flown;

24                               (B) mission areas supported;

1 (C) aircraft number, type, model series  
2 supported;

3 (D) fuel dispensed;

4 (E) departure reliability rates;

5 (F) the annual and cumulative cost to the  
6 Government for the program, including a com-  
7 parison of costs of the same service provided by  
8 the Air Force;

9 (2) an assessment of the impact of outsourcing  
10 air refueling on the Air Force's flying hour program  
11 and aircrew training; and

12 (3) any other data that the Secretary deter-  
13 mines is appropriate for evaluating the performance  
14 of the commercial air refueling providers partici-  
15 pating in the pilot program.

16 (d) COMPTROLLER GENERAL REVIEW.—The Comp-  
17 troller General shall submit to the congressional defense  
18 committees—

19 (1) an annual review of the conduct of the pilot  
20 program under this section and any recommenda-  
21 tions of the Comptroller General for improving the  
22 program; and

23 (2) not later than 90 days after the completion  
24 of the pilot program, a final assessment of the re-  
25 sults of the pilot program and the recommendations

1 of the Comptroller General for whether the Sec-  
2 retary of the Air Force should continue to utilize  
3 fee-for-service air refueling.

4 **SEC. 1082. ADVISORY PANEL ON DEPARTMENT OF DEFENSE**  
5 **CAPABILITIES FOR SUPPORT OF CIVIL AU-**  
6 **THORITIES AFTER CERTAIN INCIDENTS.**

7 (a) IN GENERAL.—The Secretary of Defense shall es-  
8 tablish an advisory panel to carry out an assessment of  
9 the capabilities of the Department of Defense to provide  
10 support to United States civil authorities in the event of  
11 a chemical, biological, radiological, nuclear, or high-yield  
12 explosive (CBRNE) incident.

13 (b) PANEL MATTERS.—

14 (1) IN GENERAL.—The advisory panel required  
15 by subsection (a) shall consist of individuals ap-  
16 pointed by the Secretary of Defense (in consultation  
17 with the chairmen and ranking members of the  
18 Committees on Armed Services of the Senate and  
19 the House of Representatives) from among private  
20 citizens of the United States with expertise in the  
21 legal, operational, and organizational aspects of the  
22 management of the consequences of a chemical, bio-  
23 logical, radiological, nuclear, or high-yield explosive  
24 incident.

1           (2) DEADLINE FOR APPOINTMENT.—All mem-  
2           bers of the advisory panel shall be appointed under  
3           this subsection not later than 30 days after the date  
4           on which the Secretary enters into the contract re-  
5           quired by subsection (c).

6           (3) INITIAL MEETING.—The advisory panel  
7           shall conduct its first meeting not later than 30 days  
8           after the date that all appointments to the panel  
9           have been made under this subsection.

10          (4) PROCEDURES.—The advisory panel shall  
11          carry out its duties under this section under proce-  
12          dures established under subsection (c) by the feder-  
13          ally funded research and development center with  
14          which the Secretary contracts under that subsection.  
15          Such procedures shall include procedures for the se-  
16          lection of a chairman of the advisory panel from  
17          among its members.

18          (c) SUPPORT OF FEDERALLY FUNDED RESEARCH  
19          AND DEVELOPMENT CENTER.—

20          (1) IN GENERAL.—The Secretary of Defense  
21          shall enter into a contract with a federally funded  
22          research and development center for the provision of  
23          support and assistance to the advisory panel re-  
24          quired by subsection (a) in carrying out its duties  
25          under this section. Such support and assistance shall

1 include the establishment of the procedures of the  
2 advisory panel under subsection (b)(4).

3 (2) DEADLINE FOR CONTRACT.—The Secretary  
4 shall enter into the contract required by this sub-  
5 section not later than 60 days after the date of the  
6 enactment of this Act.

7 (d) DUTIES OF PANEL.—The advisory panel required  
8 by subsection (a) shall—

9 (1) evaluate the authorities and capabilities of  
10 the Department of Defense to conduct operations in  
11 support to United States civil authorities in the  
12 event of a chemical, biological, radiological, nuclear,  
13 or high-yield explosive incident, including the au-  
14 thorities and capabilities of the military depart-  
15 ments, the Defense Agencies, the combatant com-  
16 mands, any supporting commands, and the reserve  
17 components of the Armed Forces (including the Na-  
18 tional Guard in a Federal and non-Federal status);

19 (2) assess the adequacy of existing plans and  
20 programs of the Department of Defense for training  
21 and equipping dedicated, special, and general pur-  
22 poses forces for conducting operations described in  
23 paragraph (1) across a broad spectrum of scenarios,  
24 including current National Planning Scenarios as  
25 applicable;

1           (3) assess policies, directives, and plans of the  
2           Department of Defense in support of civilian au-  
3           thorities in managing the consequences of a chem-  
4           ical, biological, radiological, nuclear, or high-yield ex-  
5           plosive incident;

6           (4) assess the adequacy of policies and struc-  
7           tures of the Department of Defense for coordination  
8           with other department and agencies of the Federal  
9           Government, especially the Department of Homeland  
10          Security, the Department of Energy, the Depart-  
11          ment of Justice, and the Department of Health and  
12          Human Services, in the provision of support de-  
13          scribed in paragraph (1);

14          (5) assess the adequacy and currency of infor-  
15          mation available to the Department of Defense,  
16          whether directly or through other departments and  
17          agencies of the Federal Government, from State and  
18          local governments in circumstances where the De-  
19          partment provides support described in paragraph  
20          (1) because State and local response capabilities are  
21          not fully adequate for a comprehensive response;

22          (6) assess the equipment capabilities and needs  
23          of the Department of Defense to provide support de-  
24          scribed in paragraph (1);

1           (7) develop recommendations for modifying the  
2 capabilities, plans, policies, equipment, and struc-  
3 tures evaluated or assessed under this subsection in  
4 order to improve the provision by the Department of  
5 Defense of the support described in paragraph (1);  
6 and

7           (8) assess and make recommendations on—

8                   (A) whether there should be any additional  
9 Weapons of Mass Destruction Civil Support  
10 Teams, beyond the 55 already authorized and,  
11 if so, how many additional Civil Support  
12 Teams, and where they should be located; and

13                   (B) what criteria and considerations are  
14 appropriate to determine whether additional  
15 Civil Support Teams are needed and, if so,  
16 where they should be located.

17 (e) COOPERATION OF OTHER AGENCIES.—

18           (1) IN GENERAL.—The advisory panel required  
19 by subsection (a) may secure directly from the De-  
20 partment of Defense, the Department of Homeland  
21 Security, the Department of Energy, the Depart-  
22 ment of Justice, the Department of Health and  
23 Human Services, and any other department or agen-  
24 cy of the Federal Government information that the

1 panel considers necessary for the panel to carry out  
2 its duties.

3 (2) COOPERATION.—The Secretary of Defense,  
4 the Secretary of Homeland Secretary, the Secretary  
5 of Energy, the Attorney General, the Secretary of  
6 Health and Human Services, and any other official  
7 of the United States shall provide the advisory panel  
8 with full and timely cooperation in carrying out its  
9 duties under this section.

10 (f) REPORT.—Not later than 12 months after the  
11 date of the initial meeting of the advisory panel required  
12 by subsection (a), the advisory panel shall submit to the  
13 Secretary of Defense, and to the Committees on Armed  
14 Services of the Senate and the House of Representatives,  
15 a report on activities under this section. The report shall  
16 set forth—

17 (1) the findings, conclusions, and recommenda-  
18 tions of the advisory panel for improving the capa-  
19 bilities of the Department of Defense to provide sup-  
20 port to United States civil authorities in the event  
21 of a chemical, biological, radiological, nuclear, or  
22 high-yield explosive incident; and

23 (2) such other findings, conclusions, and rec-  
24 ommendations for improving the capabilities of the

1 Department for homeland defense as the advisory  
2 panel considers appropriate.

3 **SEC. 1083. TERRORISM EXCEPTION TO IMMUNITY.**

4 (a) TERRORISM EXCEPTION TO IMMUNITY.—

5 (1) IN GENERAL.—Chapter 97 of title 28,  
6 United States Code, is amended by inserting after  
7 section 1605 the following:

8 **“§ 1605A. Terrorism exception to the jurisdictional**  
9 **immunity of a foreign state**

10 “(a) IN GENERAL.—

11 “(1) NO IMMUNITY.—A foreign state shall not  
12 be immune from the jurisdiction of courts of the  
13 United States or of the States in any case not other-  
14 wise covered by this chapter in which money dam-  
15 ages are sought against a foreign state for personal  
16 injury or death that was caused by an act of torture,  
17 extrajudicial killing, aircraft sabotage, hostage tak-  
18 ing, or the provision of material support or resources  
19 for such an act if such act or provision of material  
20 support or resources is engaged in by an official,  
21 employee, or agent of such foreign state while acting  
22 within the scope of his or her office, employment, or  
23 agency.

24 “(2) CLAIM HEARD.—The court shall hear a  
25 claim under this section if—

1           “(A)(i)(I) the foreign state was designated  
2           as a state sponsor of terrorism at the time the  
3           act described in paragraph (1) occurred, or was  
4           so designated as a result of such act, and, sub-  
5           ject to subclause (II), either remains so des-  
6           ignated when the claim is filed under this sec-  
7           tion or was so designated within the 6-month  
8           period before the claim is filed under this sec-  
9           tion; or

10           “(II) in the case of an action that is refiled  
11           under this section by reason of section  
12           1083(c)(2)(A) of the National Defense Author-  
13           ization Act for Fiscal Year 2008 or is filed  
14           under this section by reason of section  
15           1083(c)(3) of that Act, the foreign state was  
16           designated as a state sponsor of terrorism when  
17           the original action or the related action under  
18           section 1605(a)(7) (as in effect before the en-  
19           actment of this section) or section 589 of the  
20           Foreign Operations, Export Financing, and Re-  
21           lated Programs Appropriations Act, 1997 (as  
22           contained in 101(e) of Division A of Public Law  
23           104–208) was filed;

1           “(ii) the claimant or the victim was, at the  
2 time the act described in paragraph (1) oc-  
3 curred—

4           “(I) a national of the United States;

5           “(II) a member of the armed forces;

6           or

7           “(III) otherwise an employee of the  
8 Government of the United States, or of an  
9 individual performing a contract awarded  
10 by the United States Government, acting  
11 within the scope of the employee’s employ-  
12 ment; and

13           “(iii) in a case in which the act occurred  
14 in the foreign state against which the claim has  
15 been brought, the claimant has afforded the  
16 foreign state a reasonable opportunity to arbi-  
17 trate the claim in accordance with the accepted  
18 international rules of arbitration; or

19           “(B) the act described in paragraph (1) is  
20 related to Case Number 1:00CV03110 (EGS)  
21 in the United States District Court for the Dis-  
22 trict of Columbia.

23           “(b) LIMITATIONS.—An action may be brought or  
24 maintained under this section if the action is commenced,  
25 or a related action was commenced under section

1 1605(a)(7) (before the date of the enactment of this sec-  
2 tion) or section 589 of the Foreign Operations, Export Fi-  
3 nancing, and Related Programs Appropriations Act, 1997  
4 (as contained in 101(c) of Division A of Public Law 104-  
5 208) not later than the latter of—

6 “(1) 10 years after April 24, 1996; or

7 “(2) 10 years after the date on which the cause  
8 of action arose.

9 “(c) PRIVATE RIGHT OF ACTION.—A foreign state  
10 that is or was a state sponsor of terrorism as described  
11 in subsection (a)(2)(A)(i), and any official, employee, or  
12 agent of that foreign state while acting within the scope  
13 of his or her office, employment, or agency, shall be liable  
14 to—

15 “(1) a national of the United States,

16 “(2) a member of the armed forces,

17 “(3) an employee of the Government of the  
18 United States, or of an individual performing a con-  
19 tract awarded by the United States Government,  
20 acting within the scope of the employee’s employ-  
21 ment, or

22 “(4) the legal representative of a person de-  
23 scribed in paragraph (1), (2), or (3),

24 for personal injury or death caused by acts described in  
25 subsection (a)(1) of that foreign state, or of an official,

1 employee, or agent of that foreign state, for which the  
2 courts of the United States may maintain jurisdiction  
3 under this section for money damages. In any such action,  
4 damages may include economic damages, solatium, pain,  
5 and suffering, and punitive damages. In any such action,  
6 a foreign state shall be vicariously liable for the acts of  
7 its officials, employees, or agents.

8 “(d) ADDITIONAL DAMAGES.—After an action has  
9 been brought under subsection (c), actions may also be  
10 brought for reasonably foreseeable property loss, whether  
11 insured or uninsured, third party liability, and loss claims  
12 under life and property insurance policies, by reason of  
13 the same acts on which the action under subsection (c)  
14 is based.

15 “(e) SPECIAL MASTERS.—

16 “(1) IN GENERAL.—The courts of the United  
17 States may appoint special masters to hear damage  
18 claims brought under this section.

19 “(2) TRANSFER OF FUNDS.—The Attorney  
20 General shall transfer, from funds available for the  
21 program under section 1404C of the Victims of  
22 Crime Act of 1984 (42 U.S.C. 10603e), to the Ad-  
23 ministrator of the United States district court in  
24 which any case is pending which has been brought  
25 or maintained under this section such funds as may

1 be required to cover the costs of special masters ap-  
2 pointed under paragraph (1). Any amount paid in  
3 compensation to any such special master shall con-  
4 stitute an item of court costs.

5 “(f) APPEAL.—In an action brought under this sec-  
6 tion, appeals from orders not conclusively ending the liti-  
7 gation may only be taken pursuant to section 1292(b) of  
8 this title.

9 “(g) PROPERTY DISPOSITION.—

10 “(1) IN GENERAL.—In every action filed in a  
11 United States district court in which jurisdiction is  
12 alleged under this section, the filing of a notice of  
13 pending action pursuant to this section, to which is  
14 attached a copy of the complaint filed in the action,  
15 shall have the effect of establishing a lien of lis  
16 pendens upon any real property or tangible personal  
17 property that is—

18 “(A) subject to attachment in aid of execu-  
19 tion, or execution, under section 1610;

20 “(B) located within that judicial district;  
21 and

22 “(C) titled in the name of any defendant,  
23 or titled in the name of any entity controlled by  
24 any defendant if such notice contains a state-  
25 ment listing such controlled entity.

1           “(2) NOTICE.—A notice of pending action pur-  
2           suant to this section shall be filed by the clerk of the  
3           district court in the same manner as any pending  
4           action and shall be indexed by listing as defendants  
5           all named defendants and all entities listed as con-  
6           trolled by any defendant.

7           “(3) ENFORCEABILITY.—Liens established by  
8           reason of this subsection shall be enforceable as pro-  
9           vided in chapter 111 of this title.

10          “(h) DEFINITIONS.—For purposes of this section—

11           “(1) the term ‘aircraft sabotage’ has the mean-  
12           ing given that term in Article 1 of the Convention  
13           for the Suppression of Unlawful Acts Against the  
14           Safety of Civil Aviation;

15           “(2) the term ‘hostage taking’ has the meaning  
16           given that term in Article 1 of the International  
17           Convention Against the Taking of Hostages;

18           “(3) the term ‘material support or resources’  
19           has the meaning given that term in section 2339A  
20           of title 18;

21           “(4) the term ‘armed forces’ has the meaning  
22           given that term in section 101 of title 10;

23           “(5) the term ‘national of the United States’  
24           has the meaning given that term in section

1 101(a)(22) of the Immigration and Nationality Act  
2 (8 U.S.C. 1101(a)(22));

3 “(6) the term ‘state sponsor of terrorism’  
4 means a country the government of which the Sec-  
5 retary of State has determined, for purposes of sec-  
6 tion 6(j) of the Export Administration Act of 1979  
7 (50 U.S.C. App. 2405(j)), section 620A of the For-  
8 eign Assistance Act of 1961 (22 U.S.C. 2371), sec-  
9 tion 40 of the Arms Export Control Act (22 U.S.C.  
10 2780), or any other provision of law, is a govern-  
11 ment that has repeatedly provided support for acts  
12 of international terrorism; and

13 “(7) the terms ‘torture’ and ‘extrajudicial kill-  
14 ing’ have the meaning given those terms in section  
15 3 of the Torture Victim Protection Act of 1991 (28  
16 U.S.C. 1350 note).”.

17 (2) AMENDMENT TO CHAPTER ANALYSIS.—The  
18 table of sections at the beginning of chapter 97 of  
19 title 28, United States Code, is amended by insert-  
20 ing after the item relating to section 1605 the fol-  
21 lowing:

“1605A. Terrorism exception to the jurisdictional immunity of a foreign state.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) GENERAL EXCEPTION.—Section 1605 of  
24 title 28, United States Code, is amended—

25 (A) in subsection (a)—

1 (i) in paragraph (5)(B), by inserting  
2 “or” after the semicolon;

3 (ii) in paragraph (6)(D), by striking  
4 “; or” and inserting a period; and

5 (iii) by striking paragraph (7);

6 (B) by repealing subsections (e) and (f);

7 and

8 (C) in subsection (g)(1)(A), by striking  
9 “but for subsection (a)(7)” and inserting “but  
10 for section 1605A”.

11 (2) COUNTERCLAIMS.—Section 1607(a) of title  
12 28, United States Code, is amended by inserting “or  
13 1605A” after “1605”.

14 (3) PROPERTY.—Section 1610 of title 28,  
15 United States Code, is amended—

16 (A) in subsection (a)(7), by striking  
17 “1605(a)(7)” and inserting “1605A”;

18 (B) in subsection (b)(2), by striking “(5),  
19 or (7), or 1605(b)” and inserting “or (5),  
20 1605(b), or 1605A”;

21 (C) in subsection (f), in paragraphs (1)(A)  
22 and (2)(A), by inserting “(as in effect before  
23 the enactment of section 1605A) or section  
24 1605A” after “1605(a)(7)”; and

25 (D) by adding at the end the following:

1 “(g) PROPERTY IN CERTAIN ACTIONS.—

2 “(1) IN GENERAL.—Subject to paragraph (3),  
3 the property of a foreign state against which a judg-  
4 ment is entered under section 1605A, and the prop-  
5 erty of an agency or instrumentality of such a state,  
6 including property that is a separate juridical entity  
7 or is an interest held directly or indirectly in a sepa-  
8 rate juridical entity, is subject to attachment in aid  
9 of execution, and execution, upon that judgment as  
10 provided in this section, regardless of—

11 “(A) the level of economic control over the  
12 property by the government of the foreign state;

13 “(B) whether the profits of the property go  
14 to that government;

15 “(C) the degree to which officials of that  
16 government manage the property or otherwise  
17 control its daily affairs;

18 “(D) whether that government is the sole  
19 beneficiary in interest of the property; or

20 “(E) whether establishing the property as  
21 a separate entity would entitle the foreign state  
22 to benefits in United States courts while avoid-  
23 ing its obligations.

24 “(2) UNITED STATES SOVEREIGN IMMUNITY IN-  
25 APPLICABLE.—Any property of a foreign state, or

1 agency or instrumentality of a foreign state, to  
2 which paragraph (1) applies shall not be immune  
3 from attachment in aid of execution, or execution,  
4 upon a judgment entered under section 1605A be-  
5 cause the property is regulated by the United States  
6 Government by reason of action taken against that  
7 foreign state under the Trading With the Enemy  
8 Act or the International Emergency Economic Pow-  
9 ers Act.

10 “(3) THIRD-PARTY JOINT PROPERTY HOLD-  
11 ERS.—Nothing in this subsection shall be construed  
12 to supersede the authority of a court to prevent ap-  
13 propriately the impairment of an interest held by a  
14 person who is not liable in the action giving rise to  
15 a judgment in property subject to attachment in aid  
16 of execution, or execution, upon such judgment.”.

17 (4) VICTIMS OF CRIME ACT.—Section  
18 1404C(a)(3) of the Victims of Crime Act of 1984  
19 (42 U.S.C. 10603c(a)(3)) is amended by striking  
20 “December 21, 1988 with respect to which an inves-  
21 tigation or” and inserting “October 23, 1983, with  
22 respect to which an investigation or civil or crimi-  
23 nal”.

24 (c) APPLICATION TO PENDING CASES.—

1           (1) IN GENERAL.—The amendments made by  
2 this section shall apply to any claim arising under  
3 section 1605A of title 28, United States Code.

4           (2) PRIOR ACTIONS.—

5           (A) IN GENERAL.—With respect to any ac-  
6 tion that—

7           (i) was brought under section  
8 1605(a)(7) of title 28, United States Code,  
9 or section 589 of the Foreign Operations,  
10 Export Financing, and Related Programs  
11 Appropriations Act, 1997 (as contained in  
12 101(e) of Division A of Public Law 104–  
13 208), before the date of the enactment of  
14 this Act,

15           (ii) relied upon either such provision  
16 as creating a cause of action,

17           (iii) has been adversely affected on the  
18 grounds that either or both of these provi-  
19 sions fail to create a cause of action  
20 against the state, and

21           (iv) as of such date of enactment, is  
22 before the courts in any form, including on  
23 appeal or motion under rule 60(b) of the  
24 Federal Rules of Civil Procedure,

1           that action, and any judgment in the action  
2           shall, on motion made by plaintiffs to the  
3           United States district court where the action  
4           was initially brought, or judgment in the action  
5           was initially entered, be given effect as if the  
6           action had originally been filed under section  
7           1605A(c) of title 28, United States Code.

8           (B) DEFENSES WAIVED.—The defenses of  
9           res judicata, collateral estoppel, and limitation  
10          period are waived—

11                 (i) in any action with respect to which  
12                 a motion is made under subparagraph (A),  
13                 or

14                 (ii) in any action that was originally  
15                 brought, before the date of the enactment  
16                 of this Act, under section 1605(a)(7) of  
17                 title 28, United States Code, or section  
18                 589 of the Foreign Operations, Export Fi-  
19                 nancing, and Related Programs Appropria-  
20                 tions Act, 1997 (as contained in 101(c) of  
21                 Division A of Public Law 104–208), and is  
22                 refiled under 1605A(c) of title 28, United  
23                 States Code,

24           to the extent such defenses are based on the  
25           claim in the action.

1 (C) TIME LIMITATIONS.—A motion may be  
2 made or an action may be refiled under sub-  
3 paragraph (A) only—

4 (i) if the original action was com-  
5 menced not later than the latter of—

6 (I) 10 years after April 24, 1996;

7 or

8 (II) 10 years after the cause of  
9 action arose; and

10 (ii) within the 60-day period begin-  
11 ning on the date of the enactment of this  
12 Act.

13 (3) RELATED ACTIONS.—If an action arising  
14 out of an act or incident has been timely commenced  
15 under section 1605(a)(7) of title 28, United States  
16 Code, or section 589 of the Foreign Operations, Ex-  
17 port Financing, and Related Programs Appropria-  
18 tions Act, 1997 (as contained in 101(e) of Division  
19 A of Public Law 104–208), any other action arising  
20 out of the same act or incident may be brought  
21 under section 1605A of title 28, United States Code,  
22 if the action is commenced not later than the latter  
23 of 60 days after—

24 (A) the date of the entry of judgment in  
25 the original action; or

1 (B) the date of the enactment of this Act.

2 (4) PRESERVING THE JURISDICTION OF THE  
3 COURTS.—Nothing in section 1503 of the Emer-  
4 gency Wartime Supplemental Appropriations Act,  
5 2003 (Public Law 108–11, 117 Stat. 579) has ever  
6 authorized, directly or indirectly, the making inappli-  
7 cable of any provision of chapter 97 of title 28,  
8 United States Code, or the removal of the jurisdic-  
9 tion of any court of the United States.

10 (d) SEVERABILITY.—If any provision of this section  
11 or the amendments made by this section, or the applica-  
12 tion of such provision to any person or circumstance, is  
13 held invalid, the remainder of this section and such  
14 amendments, and the application of such provision to  
15 other persons not similarly situated or to other cir-  
16 cumstances, shall not be affected by such invalidation.