

H.R.5122

John Warner National Defense Authorization Act for Fiscal Year 2007 (Enrolled as Agreed to or Passed by Both House and Senate)

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PART I--OFFICER PERSONNEL POLICY GENERALLY

SEC. 501. MILITARY STATUS OF OFFICERS SERVING IN CERTAIN INTELLIGENCE COMMUNITY POSITIONS.

(a) Clarification of Military Status- Section 528 of title 10, United States Code, is amended--

(1) by striking subsections (a) and (b) and inserting the following:

`(a) Military Status- An officer of the armed forces, while serving in a position covered by this section--

`(1) shall not be subject to supervision or control by the Secretary of Defense or any other officer or employee of the Department of Defense, except as directed by the Secretary of Defense concerning reassignment from such position; and

`(2) may not exercise, by reason of the officer's status as an officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

`(b) Director and Deputy Director of CIA- When the position of Director or Deputy Director of the Central Intelligence Agency is held by an officer of the armed forces, the officer serving in that position, while so serving, shall be excluded from the limitations in sections 525 and 526 of this title. However, if both such positions are held by an officer of the armed forces, only one such officer may be excluded from those limitation while so serving.'; and

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

`(e) Effect of Appointment- Except as provided in subsection (a), the appointment or assignment of an officer of the armed forces to a position covered by this section shall not affect--

`(1) the status, position, rank, or grade of such officer in the armed forces; or

`(2) any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

`(f) Military Pay and Allowances- (1) An officer of the armed forces on active duty who is appointed or assigned to a position covered by this section shall, while serving in such position and while remaining on active duty, continue to receive military pay and allowances and shall not receive the pay prescribed for such position.

`(2) Funds from which pay and allowances under paragraph (1) are paid to an officer while so serving shall be reimbursed as follows:

` (A) For an officer serving in a position within the Central Intelligence Agency, such reimbursement shall be made from funds available to the Director of the Central Intelligence Agency.

` (B) For an officer serving in a position within the Office of the Director of National Intelligence, such reimbursement shall be made from funds available to the Director of National Intelligence.

` (g) Covered Positions- The positions covered by this section are the positions specified in subsections (b) and (c) and the positions designated under subsection (d).'

(b) Clerical Amendments-

(1) The heading of such section is amended to read as follows:

` Sec. 528. Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances'.

(2) The item relating to section 528 in the table of sections at the beginning of chapter 32 of such title is amended to read as follows:

` 528. Officers serving in certain intelligence positions: military status; exclusion from distribution and strength limitations; pay and allowances.'

SEC. 502. EXTENSION OF AGE FOR MANDATORY RETIREMENT FOR ACTIVE-DUTY GENERAL AND FLAG OFFICERS.

(a) Revised Age Limits for General and Flag Officers- Chapter 63 of title 10, United States Code, is amended by inserting after section 1252 the following new section:

` Sec. 1253. Age 64: regular commissioned officers in general and flag officer grades; exception

` (a) General Rule- Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps serving in a general or flag officer grade shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

` (b) Exception for Officers Serving in O-9 and O-10 Positions- In the case of an officer serving in a position that carries a grade above major general or rear admiral, the retirement under subsection (a) of that officer may be deferred--

` (1) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

` (2) by the Secretary of Defense, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.'

(b) Restatement and Modification of Current Age Limits for Other Officers- Section 1251 of such title is amended to read as follows:

` Sec. 1251. Age 62: regular commissioned officers in grades below general and flag officer grades; exceptions

` (a) General Rule- Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps (other than an officer covered by section 1252 of this title or a commissioned warrant officer) serving in a grade below brigadier general or rear admiral (lower half), in the case of an officer in the Navy, shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

` (b) Deferred Retirement of Health Professions Officers- (1) The Secretary of the military department concerned may, subject to subsection (d), defer the retirement under subsection (a) of a health professions officer if during the period of the deferment the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.

` (2) For purposes of this subsection, a health professions officer is--

` (A) a medical officer;

` (B) a dental officer; or

` (C) an officer in the Army Nurse Corps, an officer in the Navy Nurse Corps, or an officer in the Air Force designated as a nurse.

` (c) Deferred Retirement of Chaplains- The Secretary of the military department concerned may, subject to subsection (d), defer the retirement under subsection (a) of an officer who is appointed or designated as a chaplain if the Secretary determines that such deferral is in the best interest of the military department concerned.

` (d) Limitation on Deferment of Retirements- (1) Except as provided in paragraph (2), a deferment under subsection (b) or (c) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

` (2) The Secretary of the military department concerned may extend a deferment under subsection (b) or (c) beyond the day referred to in paragraph (1) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.'

(c) Clerical Amendments- The table of sections at the beginning of chapter 63 of such title is amended--

(1) by striking the item relating to section 1251 and inserting the following new item:

` 1251. Age 62: regular commissioned officers in grades below general and flag officer grades; exceptions.'

and

(2) by inserting after the item relating to section 1252 the following new item:

` 1253. Age 64: regular commissioned officers in general and flag officer grades; exception.'

(d) Conforming Amendments- Chapter 71 of such title is amended--

(1) in the table in section 1401(a), by inserting at the bottom of the column under the heading `For sections', in the entry for Formula Number 5, the following: `1253'; and

(2) in the table in section 1406(b)(1), by inserting at the bottom of the first column the following: `1253'.

SEC. 503. INCREASED MANDATORY RETIREMENT AGES FOR RESERVE OFFICERS.

(a) Major Generals and Rear Admirals-

(1) INCREASED AGE- Section 14511 of title 10, United States Code, is amended by striking `62 years' and inserting `64 years'.

(2) CONFORMING AMENDMENT- The heading of such section is amended to read as follows:

`Sec. 14511. Separation at age 64: major generals and rear admirals'.

(b) Brigadier Generals and Rear Admirals (lower Half)-

(1) INCREASED AGE- Section 14510 of such title is amended by striking `60 years' and inserting `62 years'.

(2) CONFORMING AMENDMENT- The heading of such section is amended to read as follows:

`Sec. 14510. Separation at age 62: brigadier generals and rear admirals (lower half)'.

(c) Officers Below Brigadier General or Rear Admiral (Lower Half)--

(1) INCREASED AGE- Section 14509 of such title is amended by striking `60 years' and inserting `62 years'.

(2) CONFORMING AMENDMENT- The heading of such section is amended to read as follows:

`Sec. 14509. Separation at age 62: reserve officers in grades below brigadier general or rear admiral (lower half)'.

(d) Certain Other Officers-

(1) INCREASED AGE- Section 14512 of such title is amended by striking `64 years' both places it appears and inserting `66 years'.

(2) CONFORMING AMENDMENT- The heading of such section is amended to read as follows:

`Sec. 14512. Separation at age 66: officers holding certain offices'.

(e) Conforming Amendments- Section 14508 of such title is amended--

(1) in subsection (c), by striking `60 years' and inserting `62 years'; and

(2) in subsection (d), by striking `62 years' and inserting `64 years'.

(f) Clerical Amendment- The table of sections at the beginning of chapter 1407 of such title is amended by striking the items relating to sections 14509, 14510, 14511, and 14512 and inserting the following new items:

` 14509. Separation at age 62: reserve officers in grades below brigadier general or rear admiral (lower half).

` 14510. Separation at age 62: brigadier generals and rear admirals (lower half).

` 14511. Separation at age 64: major generals and rear admirals.

` 14512. Separation at age 66: officers holding certain offices.'

SEC. 504. STANDARDIZATION OF GRADE OF SENIOR DENTAL OFFICER OF THE AIR FORCE WITH THAT OF SENIOR DENTAL OFFICER OF THE ARMY.

(a) Air Force Assistant Surgeon General for Dental Services- Section 8081 of title 10, United States Code, is amended by striking 'brigadier general' in the second sentence and inserting 'major general'.

(b) Effective Date- The amendment made by subsection (a) shall take effect on the date of the occurrence of the next vacancy in the position of Assistant Surgeon General for Dental Services in the Air Force that occurs after the date of the enactment of this Act or, if earlier, on the date of the appointment to the grade of major general of the officer who is the incumbent in that position on the date of the enactment of the Act.

SEC. 505. MANAGEMENT OF CHIEF WARRANT OFFICERS.

(a) Retention of Chief Warrant Officers, W-4, Who Have Twice Failed of Selection for Promotion- Paragraph (1) of section 580(e) of title 10, United States Code, is amended by striking 'continued on active duty if' and all that follows and inserting 'continued on active duty if--

` (A) in the case of a warrant officer in the grade of chief warrant officer, W-2, or chief warrant officer, W-3, the warrant officer is selected for continuation on active duty by a selection board convened under section 573(c) of this title; and

` (B) in the case of a warrant officer in the grade of chief warrant officer, W-4, the warrant officer is selected for continuation on active duty by the Secretary concerned under such procedures as the Secretary may prescribe.'

(b) Eligibility for Consideration for Promotion of Warrant Officers Continued on Active Duty- Paragraph (2) of such section is amended--

(1) by inserting '(A)' after '(2)'; and

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

` (B) A warrant officer in the grade of chief warrant officer, W-4, who is retained on active duty pursuant to procedures prescribed under paragraph (1)(B) is eligible for further consideration for promotion while remaining on active duty.'

(c) Mandatory Retirement for Length of Service- Section 1305(a) of such title is amended--

(1) by striking '(1) Except as' and all the follows through 'W-5)' and inserting 'A regular warrant officer';

(2) by inserting 'as a warrant officer' after 'years of active service';

(3) by inserting 'the date on which' after '60 days after'; and

(4) by striking paragraph (2).

SEC. 506. EXTENSION OF TEMPORARY REDUCTION OF TIME-IN-GRADE REQUIREMENT FOR ELIGIBILITY FOR PROMOTION FOR CERTAIN ACTIVE-DUTY LIST OFFICERS IN GRADES OF FIRST LIEUTENANT AND LIEUTENANT (JUNIOR GRADE).

Section 619(a)(1)(B) of title 10, United States Code, is amended by striking 'October 1, 2005' and inserting 'October 1, 2008'.

SEC. 507. GRADE AND EXCLUSION FROM ACTIVE-DUTY GENERAL AND FLAG OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS OF OFFICER SERVING AS ATTENDING PHYSICIAN TO THE CONGRESS.

(a) Grade-

(1) REGULAR OFFICER- (A) Chapter 41 of title 10, United States Code, is amended by adding at the end the following new section:

`Sec. 722. Attending Physician to the Congress: grade

' A general officer serving as Attending Physician to the Congress, while so serving, holds the grade of major general. A flag officer serving as Attending Physician to the Congress, while so serving, holds the grade of rear admiral.'

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

' 722. Attending Physician to the Congress: grade.'

(2) RESERVE OFFICER- (A) Section 12210 of such title is amended by striking 'who holds' and all that follows and inserting 'holds the reserve grade of major general or rear admiral, as appropriate.'

(B) The heading of such section is amended to read as follows:

`Sec. 12210. Attending Physician to the Congress: reserve grade'

(C) The table of sections at the beginning of chapter 1205 of such title is amended by striking the item relating to section 12210 and inserting the following new item:

' 12210. Attending Physician to the Congress: reserve grade.'

(b) Distribution Limitations- Section 525 of such title is amended by adding at the end the following new subsection:

' (f) An officer while serving as Attending Physician to the Congress is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above brigadier general or rear admiral (lower half) under subsection (a).'

(c) Active-Duty Strength Limitations- Section 526 of such title is amended by adding at the end the following new subsection:

' (f) Exclusion of Attending Physician to the Congress- The limitations of this section do not apply to the general or flag officer who is serving as Attending Physician to the Congress.'

SEC. 508. MODIFICATION OF QUALIFICATIONS FOR LEADERSHIP OF THE NAVAL POSTGRADUATE SCHOOL.

Subsection (a) of section 7042 of title 10, United States Code, is amended to read as follows:

`(a)(1) The President of the Naval Postgraduate School shall be one of the following:

`(A) An active-duty officer of the Navy or Marine Corps in a grade not below the grade of captain, or colonel, respectively, who is assigned or detailed to such position.

`(B) A civilian individual, including an individual who was retired from the Navy or Marine Corps in a grade not below captain, or colonel, respectively, who has the qualifications appropriate to the position of President and is selected by the Secretary of the Navy as the best qualified from among candidates for the position in accordance with--

`(i) the criteria specified in paragraph (4);

`(ii) a process determined by the Secretary; and

`(iii) other factors the Secretary considers essential.

`(2) Before making an assignment, detail, or selection of an individual for the position of President of the Naval Postgraduate School, the Secretary shall--

`(A) consult with the Board of Advisors for the Naval Postgraduate School;

`(B) consider any recommendation of the leadership and faculty of the Naval Postgraduate School regarding the assignment or selection to that position; and

`(C) consider the recommendations of the Chief of Naval Operations and the Commandant of the Marine Corps.

`(3) An individual selected for the position of President of the Naval Postgraduate School under paragraph (1)(B) shall serve in that position for a term of not more than five years and may be continued in that position for an additional term of up to five years.

`(4) The qualifications appropriate for selection of an individual for detail or assignment to the position of President of the Naval Postgraduate School include the following:

`(A) An academic degree that is either--

`(i) a doctorate degree in a field of study relevant to the mission and function of the Naval Postgraduate School; or

`(ii) a master's degree in a field of study relevant to the mission and function of the Naval Postgraduate School, but only if--

`(I) the individual is an active-duty or retired officer of the Navy or Marine Corps in a grade not below the grade of captain or colonel, respectively; and

`(II) at the time of the selection of that individual as President, the individual permanently appointed to the position of Provost and Academic Dean has a doctorate degree in such a field of study.

`(B) A comprehensive understanding of the Department of the Navy, the Department of Defense, and joint and combined operations.

`(C) Leadership experience at the senior level in a large and diverse organization.

`(D) Demonstrated ability to foster and encourage a program of research in order to sustain academic excellence.

`(E) Other qualifications, as determined by the Secretary of the Navy.'

PART II--OFFICER PROMOTION POLICY

SEC. 511. REVISIONS TO AUTHORITIES RELATING TO AUTHORIZED DELAYS OF OFFICER PROMOTIONS.

(a) Officers on Active-Duty List-

(1) SECRETARY OF DEFENSE REGULATIONS FOR DELAYS OF APPOINTMENT UPON PROMOTION- Paragraphs (1) and (2) of subsection (d) of section 624 of title 10, United States Code, are amended by striking `prescribed by the Secretary concerned' in and inserting `prescribed by the Secretary of Defense'.

(2) ADDITIONAL BASIS FOR DELAY OF APPOINTMENT BY REASON OF INVESTIGATIONS AND PROCEEDINGS- Subsection (d)(1) of such section is further amended--

(A) by striking `or' at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting `; or';

(C) by inserting after subparagraph (D) the following new subparagraph:

`(E) substantiated adverse information about the officer that is material to the decision to appoint the officer is under review by the Secretary of Defense or the Secretary concerned.'; and

(D) in the flush matter following subparagraph (E), as inserted by subparagraph (C) of this paragraph--

(i) by striking `or' after `chapter 60 of this title'; and

(ii) by inserting after `brought against him,' the following: `or if, after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion,'.

(3) ADDITIONAL BASIS FOR DELAY IN APPOINTMENT FOR LACK OF QUALIFICATIONS- Subsection (d)(2) of such section is further amended--

(A) in the first sentence, by inserting before `is mentally, physically,' the following: `has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or'; and

(B) in the second sentence, by striking `If the Secretary concerned later determines that the officer is qualified for promotion to such grade' and inserting `If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to such grade and, after a review of adverse information regarding the requirement for exemplary

conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to such grade'.

(b) Officers on Reserve Active-Status List-

(1) SECRETARY OF DEFENSE REGULATIONS FOR DELAYS OF APPOINTMENT UPON PROMOTION- Subsections (a)(1) and (b) of section 14311 of such title are amended by striking 'Secretary of the military department concerned' and inserting 'Secretary of Defense'.

(2) ADDITIONAL BASIS FOR ORIGINAL DELAY OF APPOINTMENT BY REASON OF INVESTIGATIONS AND PROCEEDINGS- Section 14311(a) of such title is further amended--

(A) in paragraph (1), by adding at the end the following new subparagraph:

(E) Substantiated adverse information about the officer that is material to the decision to appoint the officer is under review by the Secretary of Defense or the Secretary concerned.'; and

(B) in paragraph (2)--

(i) by striking 'or' after 'show cause for retention,'; and

(ii) by inserting after 'of the charges,' the following: 'or if, after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion,'.

(3) ADDITIONAL BASIS FOR DELAY IN APPOINTMENT FOR LACK OF QUALIFICATIONS- Section 14311(b) of such section is further amended--

(A) in the first sentence, by inserting before 'is mentally, physically,' the following: 'has not met the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, or'; and

(B) in the second sentence, by striking 'If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade' and inserting 'If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to the higher grade and, after a review of adverse information regarding the requirement for exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to the higher grade'.

(c) Deadline for Uniform Regulations on Delay of Promotions-

(1) DEADLINE- The Secretary of Defense shall prescribe the regulations required by section 624(d) of title 10, United States Code (as amended by subsection (a)(1) of this section), and the regulations required by section 14311 of such title (as amended by subsection (b)(1) of this section) not later than March 1, 2008.

(2) SAVINGS CLAUSE FOR EXISTING REGULATIONS- Until the Secretary of Defense prescribes regulations pursuant to paragraph (1), regulations prescribed by the Secretaries of the military departments under the sections referred to in paragraph (1) shall remain in effect.

(d) Technical Amendments to Clarify Date of Establishment of Promotion Lists-

(1) PROMOTION LISTS FOR ACTIVE-DUTY LIST OFFICERS- Section 624(a)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: `A promotion list is considered to be established under this section as of the date of the approval of the report of the selection board under the preceding sentence.'.

(2) PROMOTION LISTS FOR RESERVE ACTIVE-STATUS LIST OFFICERS- Section 14308(a) of title 10, United States Code, is amended by adding at the end the following new sentence: `A promotion list is considered to be established under this section as of the date of the approval of the report of the selection board under the preceding sentence.'.

(e) Effective Date- The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to officers on promotion lists established on or after the date of the enactment of this Act.

SEC. 512. CONSIDERATION OF ADVERSE INFORMATION BY SELECTION BOARDS IN RECOMMENDATIONS ON OFFICERS TO BE PROMOTED.

(a) Officers on Active-Duty List- Section 616(c) of title 10, United States Code, is amended--

(1) by striking `and' at the end of paragraph (1);

(2) by striking the period at the end in paragraph (2) and inserting ` ; and'; and

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

`(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 615 of this title, finds that the officer is among the officers best qualified for promotion to meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable.'.

(b) Officers on Reserve-Active Status List- Section 14108(b) of such title is amended--

(1) in the heading, by striking `Majority Required- ' and inserting `Actions Required- ';

(2) by striking `and' at the end of paragraph (1);

(3) by striking the period at the end in paragraph (2) and inserting ` ; and'; and

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

`(3) a majority of the members of the board, after consideration by all members of the board of any adverse information about the officer that is provided to the board under section 14107 of this title, finds that the officer is among the officers best qualified for promotion to

meet the needs of the armed force concerned consistent with the requirement of exemplary conduct set forth in section 3583, 5947, or 8583 of this title, as applicable.'

(c) Effective Date- The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to selection boards convened on or after that date.

SEC. 513. EXPANDED AUTHORITY FOR REMOVAL FROM REPORTS OF SELECTION BOARDS OF OFFICERS RECOMMENDED FOR PROMOTION TO GRADES BELOW GENERAL AND FLAG GRADES.

(a) Officers on Active-Duty List- Section 618(d) of title 10, United States Code, is amended--

(1) by striking 'The name' and inserting '(1) Except as provided in paragraph (2), the name'; and

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

(2) In the case of an officer recommended by a selection board for promotion to a grade below brigadier general or rear admiral (lower half), the name of the officer may also be removed from the report of the selection board by the Secretary of Defense or the Deputy Secretary of Defense.'

(b) Officers on Reserve-Active Status List- Section 14111(b) of such title is amended--

(1) by striking 'The name' and inserting '(1) Except as provided in paragraph (2), the name'; and

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

(2) In the case of an officer recommended by a selection board for promotion to a grade below brigadier general or rear admiral (lower half), the name of the officer may also be removed from the report of the selection board by the Secretary of Defense or the Deputy Secretary of Defense.'

(c) Effective Date- The amendments made by this section shall apply with respect to selection boards convened on or after the date of the enactment of this Act.

SEC. 514. SPECIAL SELECTION BOARD AUTHORITIES.

(a) Officers on Active-Duty List-

(1) BOARDS FOR ADMINISTRATIVE ERROR AVAILABLE ONLY TO OFFICERS IN OR ABOVE PROMOTION ZONE- Subsection (a)(1) of section 628 of title 10, United States Code, is amended by inserting 'from in or above the promotion zone' after 'for selection for promotion'.

(2) ACTIONS TREATABLE AS MATERIAL UNFAIRNESS- Subsection (b)(1)(A) of such section is amended by inserting 'in a matter material to the decision of the board' after 'contrary to law'.

(b) Officers on Reserve Active-Status List- Section 14502(b)(1)(A) of such title is amended by inserting 'in a matter material to the decision of the board' after 'contrary to law'.

(c) Effective Date- The amendments made by this section shall take effect on March 1, 2007, and shall apply with respect to selection boards convened on or after that date.

SEC. 515. REMOVAL FROM PROMOTION LIST OF OFFICERS NOT PROMOTED WITHIN 18 MONTHS OF APPROVAL OF LIST BY THE PRESIDENT.

(a) Officers on Active-Duty Lists-

(1) CLARIFICATION OF REMOVAL DUE TO SENATE NOT GIVING ADVICE AND CONSENT- Subsection (b) of section 629 of title 10, United States Code, is amended--

(A) by inserting `Removal Due to Senate Not Giving Advice and Consent- ' after `(b)'; and

(B) by inserting `to a grade for which appointment is required by section 624(c) of this title to be made by and with the advice and consent of the Senate' after `the President'.

(2) REMOVAL AFTER 18 MONTHS- Such section is further amended--

(A) by redesignating subsection (c) as subsection (d); and

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

`(c) Removal After 18 Months- (1) If an officer whose name is on a list of officers approved for promotion under section 624(a) of this title to a grade for which appointment is required by section 624(c) of this title to be made by and with the advice and consent of the Senate is not appointed to that grade under such section during the officer's promotion eligibility period, the officer's name shall be removed from the list unless as of the end of such period the Senate has given its advice and consent to the appointment.

`(2) Before the end of the promotion eligibility period with respect to an officer under paragraph (1), the President may extend that period for purposes of paragraph (1) by an additional 12 months.

`(3) In this subsection, the term `promotion eligibility period' means, with respect to an officer whose name is on a list of officers approved for promotion under section 624(a) of this title to a grade for which appointment is required by section 624(c) of this title to be made by and with the advice and consent of the Senate, the period beginning on the date on which the list is so approved and ending on the first day of the eighteenth month following the month during which the list is so approved.'

(3) CROSS-REFERENCE AMENDMENT- Paragraph (1) of subsection (d) of such section, as redesignated by paragraph (2)(A) of this subsection, is amended by striking `or (b)' and inserting `(b), or (c)'

(4) STYLISTIC AMENDMENTS- Such section is further amended--

(A) in subsection (a), by inserting `Removal by President- ' after `(a)'; and

(B) in subsection (d) (as amended by paragraph (3)), by inserting `Continued Eligibility for Promotion- ' before `(1)'

(b) Officers on Reserve Active Status List-

(1) REMOVAL FOLLOWING RETURN- Section 14310 of such title is amended--

(A) by redesignating subsection (c) as subsection (d); and

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

`(c) Removal After 18 Months- (1) If an officer whose name is on a list of officers approved for promotion under section 14308(a) of this title to a grade for which appointment is required by section 12203(a) of this title to be made by and with the advice and consent of the Senate is not appointed

to that grade under such section during the officer's promotion eligibility period, the officer's name shall be removed from the list unless as of the end of such period the Senate has given its advice and consent to the appointment.

`(2) Before the end of the promotion eligibility period with respect to an officer under paragraph (1), the President may extend that period for purposes of paragraph (1) by an additional 12 months.

`(3) In this subsection, the term `promotion eligibility period' means, with respect to an officer whose name is on a list of officers approved for promotion under section 14308(a) of this title to a grade for which appointment is required by section 12203(a) of this title to be made by and with the advice and consent of the Senate, the period beginning on the date on which the list is so approved and ending on the first day of the eighteenth month following the month during which the list is so approved.'

(2) CROSS-REFERENCE AMENDMENT- Paragraph (1) of subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking `or (b)' and inserting `(b), or (c)'

(c) Effective Date- The amendments made by this section shall apply to any promotion list approved by the President after January 1, 2007.

PART III--JOINT OFFICER MANAGEMENT REQUIREMENTS

SEC. 516. MODIFICATION AND ENHANCEMENT OF GENERAL AUTHORITIES ON MANAGEMENT OF OFFICERS WHO ARE JOINT QUALIFIED.

(a) Redesignation of Applicability of Policies Toward Joint Qualification- Subsection (a) of section 661 of title 10, United States Code, is amended by striking the last sentence.

(b) Revision to General Authorities- Subsections (b), (c), and (d) of such section are amended to read as follows:

`(b) Levels, Designation, and Numbers- (1)(A) The Secretary of Defense shall establish different levels of joint qualification, as well as the criteria for qualification at each level. Such levels of joint qualification shall be established by the Secretary with the advice of the Chairman of the Joint Chiefs of Staff. Each level shall, as a minimum, have both joint education criteria and joint experience criteria. The purpose of establishing such qualification levels is to ensure a systematic, progressive, career-long development of officers in joint matters and to ensure that officers serving as general and flag officers have the requisite experience and education to be highly proficient in joint matters.

`(B) The number of officers who are joint qualified shall be determined by the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff. Such number shall be large enough to meet the requirements of subsection (d).

`(2) Certain officers shall be designated as joint qualified by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff.

` (3) An officer may be designated as joint qualified under paragraph (2) only if the officer--

` (A) meets the education and experience criteria of subsection (c);

` (B) meets such additional criteria as prescribed by the Secretary of Defense; and

` (C) holds the grade of captain or, in the case of the Navy, lieutenant or a higher grade.

` (4) The authority of the Secretary of Defense under paragraph (2) to designate officers as joint qualified may be delegated only to the Deputy Secretary of Defense or an Under Secretary of Defense.

` (c) Education and Experience Requirements- (1) An officer may not be designated as joint qualified until the officer--

` (A) successfully completes an appropriate program of joint professional military education, as described in subsections (b) and (c) of section 2155 of this title, at a joint professional military education school; and

` (B) successfully completes--

` (i) a full tour of duty in a joint assignment, as described in section 664(f) of this title; or

` (ii) such other assignments and experiences in a manner that demonstrate the officer's mastery of knowledge, skills, and abilities in joint matters, as determined under such regulations and policy as the Secretary of Defense may prescribe.

` (2) Subject to paragraphs (3) through (6), the Secretary of Defense may waive the requirement under paragraph (1)(A) that an officer has successfully completed a program of education, as described in subsections (b) and (c) of section 2155 of this title.

` (3) In the case of an officer in a grade below brigadier general or rear admiral (lower half), a waiver under paragraph (2) may be granted only if--

` (A) the officer has completed two full tours of duty in a joint duty assignment, as described in section 664(f) of this title, in such a manner as to demonstrate the officer's mastery of knowledge, skills, and abilities on joint matters; and

` (B) the Secretary of Defense determines that the types of joint duty experiences completed by the officer have been of sufficient breadth to prepare the officer adequately for service as a general or flag officer in a joint duty assignment position.

` (4) In the case of a general or flag officer, a waiver under paragraph (2) may be granted only--

` (A) under unusual circumstances justifying the variation from the education requirement under paragraph (1)(A); and

` (B) under circumstances in which the waiver is necessary to meet a critical need of the armed forces, as determined by the Chairman of the Joint Chiefs of Staff.

` (5) In the case of officers in grades below brigadier general or rear admiral (lower half), the total number of waivers granted under paragraph (2) for officers in the same pay grade during a fiscal year may not exceed 10

percent of the total number of officers in that pay grade designated as joint qualified during that fiscal year.

`(6) There may not be more than 32 general and flag officers on active duty at the same time who, while holding a general or flag officer position, were designated joint qualified (or were selected for the joint specialty before October 1, 2007) and for whom a waiver was granted under paragraph (2).

`(d) Number of Joint Duty Assignments- (1) The Secretary of Defense shall ensure that approximately one-half of the joint duty assignment positions in grades above major or, in the case of the Navy, lieutenant commander are filled at any time by officers who have the appropriate level of joint qualification.

`(2) The Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, shall designate an appropriate number of joint duty assignment positions as critical joint duty assignment positions. A position may be designated as a critical joint duty assignment position only if the duties and responsibilities of the position make it important that the occupant be particularly trained in, and oriented toward, joint matters.

`(3)(A) Subject to subparagraph (B), a position designated under paragraph (2) may be held only by an officer who--

`(i) was designated as joint qualified in accordance with this chapter;
or

`(ii) was selected for the joint specialty before October 1, 2007.

`(B) The Secretary of Defense may waive the requirement in subparagraph (A) with respect to the assignment of an officer to a position designated under paragraph (2). Any such waiver shall be granted on a case-by-case basis. The authority of the Secretary to grant such a waiver may be delegated only to the Chairman of the Joint Chiefs of Staff.

`(4) The Secretary of Defense shall ensure that, of those joint duty assignment positions that are filled by general or flag officers, a substantial portion are among those positions that are designated under paragraph (2) as critical joint duty assignment positions.'

(c) Career Guidelines- Subsection (e) of such section is amended by striking `officers with the joint specialty' and inserting `officers to achieve joint qualification and for officers who have been designated as joint qualified'.

(d) Technical Amendment Regarding Treatment of Certain Service- Subsection (f) of such section is amended by striking `section 619(e)(1)' and inserting `section 619a'.

(e) Clerical Amendments-

(1) SECTION HEADING- The heading of such section is amended to read as follows:

`Sec. 661. Management policies for officers who are joint qualified'.

(2) TABLE OF SECTIONS- The table of sections at the beginning of chapter 38 of such title is amended by striking the item relating to section 661 and inserting the following new item:

`661. Management policies for officers who are joint qualified.'.

(f) Effective Date- The amendments made by this section shall take effect on October 1, 2007.

(g) Treatment of Current Joint Specialty Officers- For the purposes of chapter 38 of title 10, United States Code, and sections 154, 164, and 619a of such title, an officer who, as of September 30, 2007, has been selected for or has the joint specialty under section 661 of such title, as in effect on that date, shall be considered after that date to be an officer designated as joint qualified by the Secretary of Defense under section 661(b)(2) of such title, as amended by this section.

(h) Implementation Plan-

(1) PLAN REQUIRED- Not later than March 31, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for the implementation of the joint officer management system, which will take effect on October 1, 2007, as provided in subsection (f), as a result of the amendments made by this section and other provisions of this Act to provisions of chapter 38 of title 10, United States Code.

(2) ELEMENTS OF PLAN- In developing the plan required by this subsection, the Secretary shall pay particular attention to matters related to the transition of officers from the joint specialty system in effect before October 1, 2007, to the joint officer management system in effect after that date. At a minimum, the plan shall include the following:

(A) The policies and criteria to be used for designating officers as joint qualified on the basis of service performed by such officers before that date, had the amendments made by this section and other provisions of this Act to provisions of chapter 38 of title 10, United States Code, taken effect before the date of the enactment of this Act.

(B) The policies and criteria prescribed by the Secretary of Defense to be used in making determinations under section 661(c)(1)(B)(ii) of such title, as amended by this section.

(C) The recommendations of the Secretary for any legislative changes that may be necessary to effectuate the joint officer management system.

SEC. 517. MODIFICATION OF PROMOTION POLICY OBJECTIVES FOR JOINT OFFICERS.

Section 662(a) of title 10, United States Code, is amended--

(1) in paragraph (1), by inserting `and' after the semicolon; and
(2) by striking paragraphs (2) and (3) and inserting the following new paragraph (2):

`(2) officers who are serving in or have served in joint duty assignments are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for all officers of the same armed force in the same grade and competitive category.'.

SEC. 518. APPLICABILITY OF JOINT DUTY ASSIGNMENT REQUIREMENTS LIMITED TO GRADUATES OF NATIONAL DEFENSE UNIVERSITY SCHOOLS.

(a) Applicability- Section 663 of title 10, United States Code, is amended--
(1) in subsection (a), by striking 'a joint professional military education school' and inserting 'a school within the National Defense University specified in subsection (c)'; and
(2) in subsection (b)--

(A) in paragraph (1), by striking 'a joint professional military education school' and inserting 'a school within the National Defense University specified in subsection (c)'; and

(B) in paragraph (2), by striking 'a joint professional military education school' and inserting 'a school referred to in paragraph (1)'.

(b) Covered Schools Within NDU- Such section is further amended by adding at the end the following new subsection:

(c) Covered Schools Within the National Defense University- For purposes of this section, a school within the National Defense University specified in this subsection is one of the following:

(1) The National War College.

(2) The Industrial College of the Armed Forces.

(3) The Joint Forces Staff College.'

SEC. 519. MODIFICATION OF CERTAIN DEFINITIONS RELATING TO JOINTNESS.

(a) Definition of Joint Matters- Subsection (a) of section 668 of title 10, United States Code, is amended to read as follows:

(a) Joint Matters- (1) In this chapter, the term 'joint matters' means matters related to the achievement of unified action by multiple military forces in operations conducted across domains such as land, sea, or air, in space, or in the information environment, including matters relating to--

(A) national military strategy;

(B) strategic planning and contingency planning;

(C) command and control of operations under unified command;

(D) national security planning with other departments and agencies of the United States; and

(E) combined operations with military forces of allied nations.

(2) In the context of joint matters, the term 'multiple military forces' refers to forces that involve participants from the armed forces and one or more of the following:

(A) Other departments and agencies of the United States.

(B) The military forces or agencies of other countries.

(C) Non-governmental persons or entities.'

(b) Definition of Joint Duty Assignment- Paragraph (1) of subsection (b) of such section is amended by striking 'That definition shall' and all that follows and inserting the following: 'That definition--

(A) shall be limited to assignments in which the officer gains significant experience in joint matters; and

(B) shall exclude assignments for joint training and education, except an assignment as an instructor responsible for preparing and presenting courses in areas of the curricula designated in section

2155(c) of this title as part of a program designated by the Secretary of Defense as joint professional military education Phase II.'

(c) Definition of Critical Occupational Specialty- Such section is further amended by adding at the end the following new subsection:

`(d) Critical Occupational Specialty- (1) In this chapter, the term `critical occupational specialty' means a military occupational specialty involving combat operations within the combat arms, in the case of the Army, or the equivalent arms, in the case of the Navy, Air Force, and Marine Corps, that the Secretary of Defense designates as critical.

`(2) At a minimum, the Secretary of Defense shall designate as a critical occupational specialty under paragraph (1) any military occupational specialty within a combat arms (or the equivalent) that is experiencing a severe shortage of trained officers in that specialty, as determined by the Secretary.'

(d) Conforming Amendments-

(1) INITIAL ASSIGNMENT OF OFFICERS WITH CRITICAL OCCUPATIONAL SPECIALTIES- Section 664(c) of such title is amended--

(A) in the matter before paragraph (1) by striking `section 661(c)(2)' and inserting `section 661(c)(1)(B)';

(B) by striking paragraph (1);

(C) by redesignating paragraph (2) as paragraph (1) and, in such paragraph, by striking `section 661(c)(2)' and inserting `section 668(d)'; and

(D) by redesignating paragraph (3) as paragraph (2).

(2) ANNUAL REPORT ON NUMBER OF OFFICERS WITH CRITICAL OCCUPATIONAL SPECIALTIES- Section 667(3) of such title is amended by striking `section 661(c)(2)' and inserting `section 668(d)'.

(e) Effective Date- The amendments made by this section shall take effect on October 1, 2007.

Subtitle B--Reserve Component Matters

PART I--RESERVE COMPONENT MANAGEMENT

SEC. 521. RECOGNITION OF FORMER REPRESENTATIVE G.V. `SONNY' MONTGOMERY FOR HIS 30 YEARS OF SERVICE IN THE HOUSE OF REPRESENTATIVES.

(a) Findings- Congress makes the following findings:

(1) G.V. `Sonny' Montgomery was elected to the House of Representatives in 1967 and served the people of east-central Mississippi for 30 years with distinction, dedication, and conviction.

(2) Sonny Montgomery had a distinguished military career both before and during his service in Congress, serving in World War II and the Korean War, and retired from the Mississippi National Guard with the rank of Major General.

(3) As a Member of the House of Representatives, Sonny Montgomery served on the Committee on Armed Services and served with great distinction as the Chairman of the Committee on Veterans' Affairs for 13 years from 1981 through 1994.

(4) Representative Montgomery's colleagues knew him as a statesman of the institution and as a tireless advocate for policies that would improve the lives of persons who serve the United States.

(5) Representative Montgomery was deeply committed to all members of the Armed Forces who served in combat and traveled to Korea and Southeast Asia to recover remains and help determine the fate of POW/MIAs from the Korean and Vietnam Wars.

(6) Through his years of service on the Committee on Armed Services, Representative Montgomery made great contributions to the capabilities of the National Guard and Reserves, by improving their training and equipment and by better integrating them with the active force.

(7) Under the revised GI Bill that bears his name and was signed into law in 1984, Representative Montgomery brought educational benefits to millions of veterans, including those members who had served in the National Guard and Reserves, and strengthened the all-volunteer force.

(8) Representative Montgomery had received many honors and commendations before his passing on May 12, 2006, including most recently and notably the Presidential Medal of Freedom, the highest civilian honor accorded by the United States.

(b) Recognition- Congress recognizes and commends former Representative G.V. `Sonny' Montgomery for his 30 years of service to benefit the people of Mississippi, members of the Armed Forces and their families, veterans, and the United States.

SEC. 522. REVISIONS TO RESERVE CALL-UP AUTHORITY.

(a) Maximum Number of Days- Subsection (a) of section 12304 of title 10, United States Code, is amended by striking `270 days' and inserting `365 days.'

(b) Fair Treatment- Such section is further amended--

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

`(i) Considerations for Involuntary Order to Active Duty- (1) In determining which members of the Selected Reserve and Individual Ready Reserve will be ordered to duty without their consent under this section, appropriate consideration shall be given to--

`(A) the length and nature of previous service, to assure such sharing of exposure to hazards as the national security and military requirements will reasonably allow;

`(B) the frequency of assignments during service career;

`(C) family responsibilities; and

`(D) employment necessary to maintain the national health, safety, or interest.

`(2) The Secretary of Defense shall prescribe such policies and procedures as the Secretary considers necessary to carry out this subsection.'

SEC. 523. MILITARY RETIREMENT CREDIT FOR CERTAIN SERVICE BY NATIONAL GUARD MEMBERS PERFORMED WHILE IN A STATE DUTY STATUS IMMEDIATELY AFTER THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

Subsection (c) of section 514 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3232) is amended by adding at the end the following new paragraph:

`(3) In the State of New Jersey: Bergen, Hudson, Union, and Middlesex.'

PART II--AUTHORITIES RELATING TO GUARD AND RESERVE DUTY

SEC. 524. TITLE 10 DEFINITION OF ACTIVE GUARD AND RESERVE DUTY.

Section 101 of title 10, United States Code, is amended--

(1) by adding at the end of subsection (b) the following new paragraph:

`(16) The term 'Active Guard and Reserve' means a member of a reserve component who is on active duty pursuant to section 12301(d) of this title or, if a member of the Army National Guard or Air National Guard, is on full-time National Guard duty pursuant to section 502(f) of title 32, and who is performing Active Guard and Reserve duty.'; and

(2) in paragraph (6)(A) of subsection (d)--

(A) by striking 'or full-time National Guard duty' after 'means active duty'; and

(B) by striking ', pursuant to an order to active duty or full-time National Guard duty' and inserting 'pursuant to an order to full-time National Guard duty,'.

SEC. 525. AUTHORITY FOR ACTIVE GUARD AND RESERVE DUTIES TO INCLUDE SUPPORT OF OPERATIONAL MISSIONS ASSIGNED TO THE RESERVE COMPONENTS AND INSTRUCTION AND TRAINING OF ACTIVE-DUTY PERSONNEL.

(a) AGR Duty Under Title 10- Subsections (a) and (b) of section 12310 of title 10, United States Code, are amended to read as follows:

`(a) Authority- (1) The Secretary concerned may order a member of a reserve component under the Secretary's jurisdiction to active duty pursuant to section 12301(d) of this title to perform Active Guard and Reserve duty organizing, administering, recruiting, instructing, or training the reserve components.

`(2) A Reserve ordered to active duty under paragraph (1) shall be ordered in the Reserve's reserve grade. While so serving, the Reserve continues to be eligible for promotion as a Reserve, if otherwise qualified.

`(b) Duties- A Reserve on active duty under subsection (a) may perform the following additional duties to the extent that the performance of those duties

does not interfere with the performance of the Reserve's primary Active Guard and Reserve duties described in subsection (a)(1):

- `(1) Supporting operations or missions assigned in whole or in part to the reserve components.
- `(2) Supporting operations or missions performed or to be performed by--
 - `(A) a unit composed of elements from more than one component of the same armed force; or
 - `(B) a joint forces unit that includes--
 - `(i) one or more reserve component units; or
 - `(ii) a member of a reserve component whose reserve component assignment is in a position in an element of the joint forces unit.
- `(3) Advising the Secretary of Defense, the Secretaries of the military departments, the Joint Chiefs of Staff, and the commanders of the combatant commands regarding reserve component matters.
- `(4) Instructing or training in the United States or the Commonwealth of Puerto Rico or possessions of the United States of--
 - `(A) active-duty members of the armed forces;
 - `(B) members of foreign military forces (under the same authorities and restrictions applicable to active-duty members providing such instruction or training);
 - `(C) Department of Defense contractor personnel; or
 - `(D) Department of Defense civilian employees.'

(b) Military Technicians Under Title 10- Section 10216(a) of such title is amended--

- (1) in paragraph (1)(C), by striking `administration and' and inserting `organizing, administering, instructing, or'; and
- (2) by adding at the end the following new paragraph:
 - `(3) A military technician (dual status) who is employed under section 3101 of title 5 may perform the following additional duties to the extent that the performance of those duties does not interfere with the performance of the primary duties described in paragraph (1):
 - `(A) Supporting operations or missions assigned in whole or in part to the technician's unit.
 - `(B) Supporting operations or missions performed or to be performed by--
 - `(i) a unit composed of elements from more than one component of the technician's armed force; or
 - `(ii) a joint forces unit that includes--
 - `(I) one or more units of the technician's component; or
 - `(II) a member of the technician's component whose reserve component assignment is in a position in an element of the joint forces unit.
 - `(C) Instructing or training in the United States or the Commonwealth of Puerto Rico or possessions of the United States of--
 - `(i) active-duty members of the armed forces;

` (ii) members of foreign military forces (under the same authorities and restrictions applicable to active-duty members providing such instruction or training);

` (iii) Department of Defense contractor personnel; or

` (iv) Department of Defense civilian employees.'.

(c) National Guard Title 32 Training Duty- Section 502(f) of title 32, United States Code, title is amended--

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

(2) by inserting `(1)' before `Under regulations'; and

(3) by striking the last sentence and inserting the following:

`(2) The training or duty ordered to be performed under paragraph (1) may include the following:

`(A) Support of operations or missions undertaken by the member's unit at the request of the President or Secretary of Defense.

`(B) Support of training operations and training missions assigned in whole or in part to the National Guard by the Secretary concerned, but only to the extent that such training missions and training operations--

`(i) are performed in the United States or the Commonwealth of Puerto Rico or possessions of the United States; and

`(ii) are only to instruct active duty military, foreign military (under the same authorities and restrictions applicable to active duty troops), Department of Defense contractor personnel, or Department of Defense civilian employees.

`(3) Duty without pay shall be considered for all purposes as if it were duty with pay.'.

(d) National Guard Technicians Under Title 32- Section 709(a) of title 32, United States Code, is amended--

(1) in paragraph (1)--

(A) by striking `administration and' and inserting `organizing, administering, instructing, or'; and

(B) by striking `and' at the end of such paragraph;

(2) by striking the period at the end of paragraph (2) and inserting ` ; and'; and

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

`(3) the performance of the following additional duties to the extent that the performance of those duties does not interfere with the performance of the duties described by paragraphs (1) and (2):

`(A) Support of operations or missions undertaken by the technician's unit at the request of the President or the Secretary of Defense.

`(B) Support of Federal training operations or Federal training missions assigned in whole or in part to the technician's unit.

`(C) Instructing or training in the United States or the Commonwealth of Puerto Rico or possessions of the United States of--

`(i) active-duty members of the armed forces;

- ` (ii) members of foreign military forces (under the same authorities and restrictions applicable to active-duty members providing such instruction or training);
- ` (iii) Department of Defense contractor personnel; or
- ` (iv) Department of Defense civilian employees.'

SEC. 526. GOVERNOR'S AUTHORITY TO ORDER MEMBERS TO ACTIVE GUARD AND RESERVE DUTY.

(a) In General- Chapter 3 of title 32, United States Code, is amended by adding at the end the following new section:

` Sec. 328. Active Guard and Reserve duty: Governor's authority

` (a) Authority- The Governor of a State or the Commonwealth of Puerto Rico, Guam, or the Virgin Islands, or the commanding general of the District of Columbia National Guard, as the case may be, with the consent of the Secretary concerned, may order a member of the National Guard to perform Active Guard and Reserve duty, as defined by section 101(d)(6) of title 10, pursuant to section 502(f) of this title.

` (b) Duties- A member of the National Guard performing duty under subsection (a) may perform the additional duties specified in section 502(f)(2) of this title to the extent that the performance of those duties does not interfere with the performance of the member's primary Active Guard and Reserve duties of organizing, administering, recruiting, instructing, and training the reserve components.'

(b) Clerical Amendment- The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

` 328. Active Guard and Reserve duty: Governor's authority.'

SEC. 527. EXPANSION OF OPERATIONS OF CIVIL SUPPORT TEAMS.

(a) In General- Section 12310(c) of title 10, United States Code, is amended-

(1) in paragraph (1)--

(A) by striking `involving--' and inserting `involving any of the following:'; and

(B) by striking subparagraphs (A) and (B) and inserting the following:

` (A) The use or threatened use of a weapon of mass destruction (as defined in section 12304(i)(2) of this title) in the United States.

` (B) A terrorist attack or threatened terrorist attack in the United States that results, or could result, in catastrophic loss of life or property.

` (C) The intentional or unintentional release of nuclear, biological, radiological, or toxic or poisonous chemical materials in the United States that results, or could result, in catastrophic loss of life or property.

` (D) A natural or manmade disaster in the United States that results in, or could result in, catastrophic loss of life or property.';

(2) by amending paragraph (3) to read as follows:

` (3) A Reserve may perform duty described in paragraph (1) only while assigned to a reserve component weapons of mass destruction civil support team.'; and

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

` (7) In this subsection, the term `United States' includes the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.'.

(b) Technical and Conforming Amendments- Such section is further amended--

(1) by striking the subsection heading and inserting `Operations Relating to Defense Against Weapons of Mass Destruction and Terrorist Attacks- ';

(2) in paragraph (5), by striking `rapid assessment element team' and inserting `weapons of mass destruction civil support team'; and

(3) in paragraph (6)--

(A) in the matter preceding subparagraph (A), by striking `paragraph (3)' and inserting `paragraphs (1) and (3)'; and

(B) in subparagraph (B), by striking `paragraph (3)(B)' and inserting `paragraph (3)'.

SEC. 528. MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) Annuities and Pay of Members on Federal Reemployment- Subsection (e) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1882), as amended by section 516 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3237), is further amended by adding at the end the following new paragraph:

` (3) If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, the chairman of the Commission may exercise, with respect to the members of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.'.

(b) Final Report- Subsection (f)(2) of such section 513 (118 Stat. 1882) is amended by striking `Not later than one year after the first meeting of the Commission' and inserting `Not later than January 31, 2008'.

(c) Effective Date- The amendments made by this section shall take effect as of October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005. The amendment made by subsection (a) shall apply to members of the Commission on the National Guard and Reserves appointed on or after that date.

SEC. 529. ADDITIONAL MATTERS TO BE REVIEWED BY COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) Additional Matters To Be Reviewed by Commission- The Commission on the National Guard and Reserves shall include among the matters it studies (in addition to the matters specified in subsection (c) of the commission charter) each of the following:

(1) NATIONAL GUARD BUREAU ENHANCEMENT PROPOSALS- The advisability and feasibility of implementing the provisions of S. 2658 and H.R. 5200 of the 109th Congress, as introduced in the Senate and the House of Representatives, respectively, on April 26, 2006.

(2) CHIEF OF NATIONAL GUARD BUREAU- As an alternative to implementation of the provisions of the bills specified in paragraph (1) that provide for the Chief of the National Guard Bureau to be a member of the Joint Chiefs of Staff and to hold the grade of general, the advisability and feasibility of providing for the Chief of the National Guard Bureau to hold the grade of general in the performance of the current duties of that office.

(3) NATIONAL GUARD OFFICERS AUTHORITY TO COMMAND- The advisability and feasibility of implementing the provisions of section 544 of H.R. 5122 of the 109th Congress, as passed by the House of Representatives on May 11, 2006.

(4) NATIONAL GUARD EQUIPMENT AND FUNDING REQUIREMENTS- The adequacy of the Department of Defense processes for defining the equipment and funding necessary for the National Guard to conduct both its responsibilities under title 10, United States Code, and its responsibilities under title 32, United States Code, including homeland defense and related homeland missions, including as part of such study--

(A) consideration of the extent to which those processes should be developed taking into consideration the views of the Chief of the National Guard Bureau, as well as the views of the 54 Adjutant Generals and the views of the Chiefs of the Army National Guard and the Air Guard; and

(B) whether there should be an improved means by which National Guard equipment requirements are validated by the Joint Chiefs of Staff and are considered for funding by the Secretaries of the Army and Air Force.

(b) Priority Review and Report-

(1) PRIORITY REVIEW- The Commission on the National Guard and Reserves shall carry out its study of the matters specified in paragraphs (1), (2), and (3) of subsection (a) on a priority basis, with a higher priority for matters under those paragraphs relating to the grade and functions of the Chief of the National Guard Bureau.

(2) REPORT- In addition to the reports required under subsection (f) of the commission charter, the Commission shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an interim report, not later than March 1, 2007, specifically on the matters covered by paragraph (1). In such report, the Commission shall set forth its findings and any recommendations it considers appropriate with respect to those matters.

(c) Commission Charter Defined- For purposes of this section, the term 'commission charter' means section 513 of the Ronald W. Reagan National

Subtitle C--Education and Training

PART I--SERVICE ACADEMIES

SEC. 531. EXPANSION OF SERVICE ACADEMY EXCHANGE PROGRAMS WITH FOREIGN MILITARY ACADEMIES.

- (a) United States Military Academy-
- (1) NUMBER OF PARTICIPANTS IN EXCHANGE PROGRAM- Subsection (b) of section 4345 of title 10, United States Code, is amended by striking `24' and inserting `100'.
 - (2) COSTS AND EXPENSES- Subsection (c) of such section is amended--
 - (A) by striking `for the Academy' in paragraph (3) and all that follows in that paragraph and inserting `for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.'; and
 - (B) by adding at the end the following new paragraph:
` (4) Expenditures in support of the exchange program from funds appropriated for the Academy may not exceed \$1,000,000 during any fiscal year.'
- (b) United States Naval Academy-
- (1) NUMBER OF PARTICIPANTS IN EXCHANGE PROGRAM- Subsection (b) of section 6957a of title 10, United States Code, is amended by striking `24' and inserting `100'.
 - (2) COSTS AND EXPENSES- Subsection (c) of such section is amended--
 - (A) by striking `for the Academy' in paragraph (3) and all that follows in that paragraph and inserting `for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.'; and
 - (B) by adding at the end the following new paragraph:
` (4) Expenditures in support of the exchange program from funds appropriated for the Naval Academy may not exceed \$1,000,000 during any fiscal year.'
- (c) United States Air Force Academy-
- (1) NUMBER OF PARTICIPANTS IN EXCHANGE PROGRAM- Subsection (b) of section 9345 of title 10, United States Code, is amended by striking `24' and inserting `100'.
 - (2) COSTS AND EXPENSES- Subsection (c) of such section is amended--

(A) by striking `for the Academy' in paragraph (3) and all that follows in that paragraph and inserting `for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.'; and
(B) by adding at the end the following new paragraph:

`(4) Expenditures in support of the exchange program from funds appropriated for the Academy may not exceed \$1,000,000 during any fiscal year.'

(d) Effective Dates- The amendments made by subsection (a) shall take effect on the date of the enactment of this Act. The amendments made by subsections (b) and (c) shall take effect on October 1, 2008.

SEC. 532. REVISION AND CLARIFICATION OF REQUIREMENTS WITH RESPECT TO SURVEYS AND REPORTS CONCERNING SEXUAL HARASSMENT AND SEXUAL VIOLENCE AT THE SERVICE ACADEMIES.

(a) Codification and Revision to Existing Requirement for Service Academy Policy on Sexual Harassment and Sexual Violence-

(1) UNITED STATES MILITARY ACADEMY- Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

`Sec. 4361. Policy on sexual harassment and sexual violence

`(a) Required Policy- Under guidance prescribed by the Secretary of Defense, the Secretary of the Army shall direct the Superintendent of the Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

`(b) Matters To Be Specified in Policy- The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

`(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

`(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including--

`(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

`(B) a specification of any other person whom the victim should contact; and

`(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

`(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

`(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or

other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

`(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

`(c) Annual Assessment- (1) The Secretary of Defense, through the Secretary of the Army, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

`(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Army shall conduct a survey, to be administered by the Department of Defense, of Academy personnel--

`(A) to measure--

`(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

`(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

`(B) to assess the perceptions of Academy personnel of--

`(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

`(ii) the enforcement of such policies;

`(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

`(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

`(d) Annual Report- (1) The Secretary of the Army shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

`(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

`(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

`(B) The policies, procedures, and processes implemented by the Secretary of the Army and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

` (C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

` (3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

` (4)(A) The Secretary of the Army shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

` (B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.'.

(2) UNITED STATES NAVAL ACADEMY- Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

` Sec. 6980. Policy on sexual harassment and sexual violence

` (a) Required Policy- Under guidance prescribed by the Secretary of Defense, the Secretary of the Navy shall direct the Superintendent of the Naval Academy to prescribe a policy on sexual harassment and sexual violence applicable to the midshipmen and other personnel of the Naval Academy.

` (b) Matters To Be Specified in Policy- The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

` (1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve midshipmen or other Academy personnel.

` (2) Procedures that a midshipman should follow in the case of an occurrence of sexual harassment or sexual violence, including--

` (A) if the midshipman chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

` (B) a specification of any other person whom the victim should contact; and

` (C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

` (3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a midshipman or other Academy personnel.

` (4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a midshipman or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

` (5) Required training on the policy for all midshipmen and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

` (c) Annual Assessment- (1) The Secretary of Defense, through the Secretary of the Navy, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

` (2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Navy shall conduct a survey, to be administered by the Department of Defense, of Academy personnel--

` (A) to measure--

` (i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

` (ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

` (B) to assess the perceptions of Academy personnel of--

` (i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

` (ii) the enforcement of such policies;

` (iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

` (iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

` (d) Annual Report- (1) The Secretary of the Navy shall direct the Superintendent of the Naval Academy to submit to the Secretary a report on sexual harassment and sexual violence involving midshipmen or other personnel at the Academy for each Academy program year.

` (2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

` (A) The number of sexual assaults, rapes, and other sexual offenses involving midshipmen or other Academy personnel that have been reported to Naval Academy officials during the program year and, of those reported cases, the number that have been substantiated.

` (B) The policies, procedures, and processes implemented by the Secretary of the Navy and the leadership of the Naval Academy in response to sexual harassment and sexual violence involving midshipmen or other Academy personnel during the program year.

` (C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to

sexual harassment and sexual violence involving midshipmen or other Academy personnel.

` (3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

` (4)(A) The Secretary of the Navy shall transmit to the Secretary of Defense, and to the Board of Visitors of the Naval Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

` (B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.'

(3) UNITED STATES AIR FORCE ACADEMY- Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

` Sec. 9361. Policy on sexual harassment and sexual violence

` (a) Required Policy- Under guidance prescribed by the Secretary of Defense, the Secretary of the Air Force shall direct the Superintendent of the Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

` (b) Matters to Be Specified in Policy- The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

` (1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

` (2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including--

` (A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

` (B) a specification of any other person whom the victim should contact; and

` (C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

` (3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

` (4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

` (5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who

process allegations of sexual harassment or sexual violence involving Academy personnel.

`(c) Annual Assessment- (1) The Secretary of Defense, through the Secretary of the Air Force, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

`(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Air Force shall conduct a survey, to be administered by the Department of Defense, of Academy personnel--

`(A) to measure--

`(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

`(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

`(B) to assess the perceptions of Academy personnel of--

`(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

`(ii) the enforcement of such policies;

`(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

`(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

`(d) Annual Report- (1) The Secretary of the Air Force shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

`(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

`(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

`(B) The policies, procedures, and processes implemented by the Secretary of the Air Force and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

`(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

` (3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

` (4)(A) The Secretary of the Air Force shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

` (B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.'.

(b) Further Information From Cadets and Midshipmen at the Service Academies on Sexual Assault and Sexual Harassment Issues-

(1) USE OF FOCUS GROUPS FOR YEARS WHEN SURVEY NOT REQUIRED- In any year in which the Secretary of a military department is not required by law to conduct a survey at the service academy under the Secretary's jurisdiction on matters relating to sexual assault and sexual harassment issues at that Academy, the Secretary shall provide for focus groups to be conducted at that Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at that Academy.

(2) INCLUSION IN REPORT- Information ascertained from a focus group conducted pursuant to paragraph (1) shall be included in the Secretary's annual report to Congress on sexual harassment and sexual violence at the service academies.

(3) SERVICE ACADEMIES- For purposes of this subsection, the term 'service academy' means the following:

(A) The United States Military Academy.

(B) The United States Naval Academy.

(C) The United States Air Force Academy.

(c) Repeal of Prior Law- Section 527 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1469; 10 U.S.C. 4331 note) is repealed.

(d) Clerical Amendments-

(1) The table of sections at the beginning of chapter 403 of title 10, United States Code, is amended by adding at the end the following new item:

` 4361. Policy on sexual harassment and sexual violence.'.

(2) The table of sections at the beginning of chapter 603 of such title is amended by adding at the end the following new item:

` 6980. Policy on sexual harassment and sexual violence.'.

(3) The table of sections at the beginning of chapter 903 of such title is amended by adding at the end the following new item:

` 9361. Policy on sexual harassment and sexual violence.'.

SEC. 533. DEPARTMENT OF DEFENSE POLICY ON SERVICE ACADEMY AND ROTC GRADUATES SEEKING TO PARTICIPATE IN PROFESSIONAL SPORTS BEFORE COMPLETION OF THEIR ACTIVE-DUTY SERVICE OBLIGATIONS.

(a) Policy Required-

(1) IN GENERAL- Not later than July 1, 2007, the Secretary of Defense shall prescribe the policy of the Department of Defense on--

(A) whether to authorize graduates of the service academies and the Reserve Officers' Training Corps to participate in professional sports before the completion of their obligations for service on active duty as commissioned officers; and

(B) if so, the obligations for service on active duty as commissioned officers of such graduates who participate in professional sports before the satisfaction of the obligations referred to in subparagraph (A).

(2) REVIEW OF CURRENT POLICIES- In prescribing the policy, the Secretary shall review current policies, practices, and regulations of the military departments on the obligations for service on active duty as commissioned officers of graduates of the service academies and the Reserve Officers' Training Corps, including policies on authorized leaves of absence and policies under excess leave programs.

(3) CONSIDERATIONS- In prescribing the policy, the Secretary shall take into account the following:

(A) The compatibility of participation in professional sports (including training for professional sports) with service on active duty in the Armed Forces or as a member of a reserve component of the Armed Forces.

(B) The benefits for the Armed Forces of waiving obligations for service on active duty for cadets, midshipmen, and commissioned officers in order to permit such individuals to participate in professional sports.

(C) The manner in which the military departments have resolved issues relating to the participation of personnel in professional sports, including the extent of and any reasons for, differences in the resolution of such issues by such departments.

(D) The recoupment of the costs of education provided by the service academies or under the Reserve Officers' Training Corps program if graduates of the service academies or the Reserve Officers' Training Corps, as the case may be, do not complete the period of obligated service to which they have agreed by reason of participation in professional sports.

(E) Any other matters that the Secretary considers appropriate.

(b) Elements of Policy- The policy prescribed under subsection (a) shall address the following matters:

(1) The eligibility of graduates of the service academies and the Reserve Officers' Training Corps for a reduction in the obligated length of service on active duty as a commissioned officer otherwise required of such graduates on the basis of their participation in professional sports.

(2) Criteria for the treatment of an individual as a participant or potential participant in professional sports.

(3) The effect on obligations for service on active duty as a commissioned officer of any unsatisfied obligations under prior enlistment contracts or other forms of advanced education assistance.

(4) Any authorized variations in the policy that are warranted by the distinctive requirements of a particular Armed Force.

(5) The eligibility of individuals for medical discharge or disability benefits as a result of injuries incurred while participating in professional sports.

(6) A prospective effective date for the policy and for the application of the policy to individuals serving on such effective date as a commissioned officer, cadet, or midshipman.

(c) Application of Policy to Armed Forces- Not later than December 1, 2007, the Secretary of each military department shall prescribe regulations, or modify current regulations, in order to implement the policy prescribed by the Secretary of Defense under subsection (a) with respect to the Armed Forces under the jurisdiction of such Secretary.

PART II--SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAMS

SEC. 535. AUTHORITY TO PERMIT MEMBERS WHO PARTICIPATE IN THE GUARANTEED RESERVE FORCES DUTY SCHOLARSHIP PROGRAM TO PARTICIPATE IN THE HEALTH PROFESSIONS SCHOLARSHIP PROGRAM AND SERVE ON ACTIVE DUTY.

Paragraph (3) of section 2107a(b) of title 10, United States Code, is amended--

(1) by inserting ` or a cadet or former cadet under this section who signs an agreement under section 2122 of this title,' after ` military junior college,'; and

(2) by inserting ` , or former cadet,' after ` consent of the cadet' and after ` submitted by the cadet'.

SEC. 536. DETAIL OF COMMISSIONED OFFICERS AS STUDENTS AT MEDICAL SCHOOLS.

(a) In General- Chapter 101 of title 10, United States Code, is amended by inserting after section 2004 the following new section:

` Sec. 2004a. Detail of commissioned officers as students at medical schools

` (a) Detail Authorized- The Secretary of each military department may detail commissioned officers of the armed forces as students at accredited medical schools or schools of osteopathy located in the United States for a period of training leading to the degree of doctor of medicine. No more than 25 officers from each military department may commence such training in any single fiscal year.

` (b) Eligibility for Detail- To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must--

` (1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade 0-3 or below as of the time the training is to begin; and

` (2) sign an agreement that unless sooner separated the officer will--

` (A) complete the educational course of medical training;

` (B) accept transfer or detail as a medical officer within the military department concerned when the officer's training is completed; and

` (C) agree to serve, following completion of the officer's training, on active duty (or on active duty and in the Selected Reserve) for a period as specified pursuant to subsection (c).

` (c) Service Obligation- An agreement under subsection (c) shall provide that the officer shall serve on active duty for two years for each year or part thereof of the officer's medical training under subsection (a), except that the agreement may authorize the officer to serve a portion of the officer's service obligation on active duty and to complete the service obligation that remains upon separation from active duty in the Selected Reserve, in which case the officer shall serve three years in the Selected Reserve for each year or part thereof of the officer's medical training under subsection (a) for any service obligation that was not completed before separation from active duty.

` (d) Selection of Officers for Detail- Officers detailed for medical training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned.

` (e) Relation of Service Obligations to Other Service Obligations- Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by the officer under any other provision of law or agreement.

` (f) Expenses- Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

` (g) Failure to Complete Program- (1) An officer who is dropped from a program of medical training to which detailed under subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed on the officer under regulations issued by the Secretary of Defense for purposes of this section.

` (2) In no case shall an officer be required to serve on active duty under paragraph (1) for any period in excess of one year for each year or part thereof the officer participated in the program.

` (h) Limitation on Details- No agreement detailing an officer of the armed forces to an accredited medical school or school of osteopathy may be entered into during any period in which the President is authorized by law to induct persons into the armed forces involuntarily. Nothing in this subsection shall affect any agreement entered into during any period when the President is not authorized by law to so induct persons into the armed forces'.

(b) Clerical Amendment- The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2004 the following new item:

` 2004a. Detail of commissioned officers as students at medical schools.'.

SEC. 537. INCREASE IN MAXIMUM AMOUNT OF REPAYMENT UNDER EDUCATION LOAN REPAYMENT FOR OFFICERS IN SPECIFIED HEALTH PROFESSIONS.

(a) Increase in Maximum Amount- Section 2173(e)(2) of title 10, United States Code, is amended by striking `\$22,000' and inserting `\$60,000'.

(b) Effective Date-

(1) IN GENERAL- The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply to agreements entered into or revised under section 2173 of title 10, United States Code, on or after that date.

(2) PROHIBITION ON ADJUSTMENT- The adjustment required by the second sentence of section 2173(e)(2) of title 10, United States Code, to be made on October 1, 2006, shall not be made.

SEC. 538. HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE.

(a) Maximum Stipend Amount- Section 2121(d) of title 10, United States Code, is amended--

(1) by striking `at the rate of \$579 per month' and inserting `at a monthly rate established by the Secretary of Defense, but not to exceed a total of \$30,000 per year'; and

(2) by striking `That rate' and inserting `The maximum annual amount of the stipend'.

(b) Maximum Annual Grant- Section 2127(e) of such title is amended--

(1) by striking `\$15,000' and inserting `in an amount not to exceed \$45,000'; and

(2) by striking `The amount' and inserting `The maximum amount'.

(c) Report on Program- Not later than March 1, 2007, the Secretary of Defense shall submit to the Congress a report on the Health Professions Scholarship and Financial Assistance Program for Active Service under subchapter I of chapter 105 of title 10, United States Code. The report shall include the following:

(1) An assessment of the success of each military department in achieving its recruiting goals under the program during each of fiscal years 2000 through 2006.

(2) If any military department failed to achieve its recruiting goals under the program during any fiscal year covered by paragraph (1), an explanation of the failure of the military department to achieve such goal during such fiscal year.

(3) An assessment of the adequacy of the stipend authorized by section 2121(d) of title 10, United States Code, in meeting the objectives of the program.

(4) Such recommendations for legislative or administrative action as the Secretary considers appropriate to enhance the effectiveness of

the program in meeting the annual recruiting goals of the military departments for medical personnel covered by the program.

(d) Effective Date-

(1) IN GENERAL- The amendments made by this section shall take effect on October 1, 2006.

(2) PROHIBITION ON ADJUSTMENTS- The adjustments required by the second sentence of subsection (d) of section 2121 of title 10, United States Code, and the second sentence of subsection (e) of section 2127 of such title to be made in 2007 shall not be made.

PART III--JUNIOR ROTC PROGRAM

SEC. 539. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) In General- Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

Sec. 2033. Instructor qualifications

(a) In General- In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

(b) Senior Military Instructors-

(1) ROLE- Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

(2) QUALIFICATIONS- A senior military instructor shall have the following qualifications:

(A) Professional military qualification, as determined by the Secretary of the military department concerned.

(B) Award of a baccalaureate degree from an institution of higher learning.

(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on--

(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

(ii) professional development to meet content knowledge and instructional skills; and

(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

`(c) Non-Senior Military Instructors-

`(1) ROLE- Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

`(2) QUALIFICATIONS- A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

`(A) Professional military qualification, as determined by the Secretary of the military department concerned.

`(B) Award of an associates degree from an institution of higher learning within five years of employment.

`(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

`(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on--

`(i) accumulated points for professional activities,

services to the profession, awards, and recognitions;

`(ii) professional development to meet content knowledge and instructional skills; and

`(iii) performance evaluation of competencies and standards within the program through site visits and inspections.'

(b) Clerical Amendment- The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

`2033. Instructor qualifications.'

SEC. 540. EXPANSION OF MEMBERS ELIGIBLE TO BE EMPLOYED TO PROVIDE JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTION.

(a) Eligibility of 'Gray-Area' Guard and Reserve Members- Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

`(e) Instead of, or in addition to, detailing officers and noncommissioned officers on active duty under subsection (c)(1) and authorizing the employment of retired officers and noncommissioned officers who are in receipt of retired pay and members of the Fleet Reserve and Fleet Marine Corps Reserve under subsection (d), the Secretary of the military department concerned may authorize qualified institutions to employ as administrators and instructors in the program officers and noncommissioned officers who are under 60 years of age and who, but for age, would be eligible for retired pay for non-regular service under section 12731 of this title and whose qualifications are approved by the Secretary and the institution concerned and who request such employment, subject to the following:

`(1) The Secretary concerned shall pay to the institution an amount equal to one-half of the amount paid to the member by the institution for any period, up to a maximum of one-half of the difference between--

` (A) the retired or retainer pay for an active duty officer or noncommissioned officer of the same grade and years of service for such period; and

` (B) the active duty pay and allowances which the member would have received for that period if on active duty.

` (2) Notwithstanding the limitation in paragraph (1), the Secretary concerned may pay to the institution more than one-half of the amount paid to the member by the institution if (as determined by the Secretary)--

` (A) the institution is in an educationally and economically deprived area; and

` (B) the Secretary determines that such action is in the national interest.

` (3) Payments by the Secretary concerned under this subsection shall be made from funds appropriated for that purpose.

` (4) Amounts may be paid under this subsection with respect to a member after the member reaches the age of 60.

` (5) Notwithstanding any other provision of law, a member employed by a qualified institution pursuant to an authorization under this subsection is not, while so employed, considered to be on active duty or inactive duty training for any purpose.'

(b) Clarification of Status of Retired Members Providing Instruction- Subsection (d) of such section is amended in the matter preceding paragraph (1) by inserting 'who are in receipt of retired pay' after 'retired officers and noncommissioned officers'.

SEC. 541. EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) In General- The Secretaries of the military departments shall take appropriate actions to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized under chapter 102 of title 10, United States Code.

(b) Expansion Targets- In increasing under subsection (a) the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized, the Secretaries of the military departments shall seek to organize units at an additional number of institutions as follows:

(1) In the case of Army units, 15 institutions.

(2) In the case of Navy units, 10 institutions.

(3) In the case of Marine Corps units, 15 institutions.

(4) In the case of Air Force units, 10 institutions.

SEC. 542. REVIEW OF LEGAL STATUS OF JUNIOR ROTC PROGRAM.

(a) Review- The Secretary of Defense shall conduct a review of the 1976 legal opinion issued by the General Counsel of the Department of Defense regarding instruction of non-host unit students participating in Junior Reserve Officers' Training Corps programs. The review shall consider whether changes to law after the issuance of that opinion allow in certain circumstances for the arrangement for assignment of instructors that provides for the travel of an instructor from one educational institution to another once during the regular

school day for the purposes of the Junior Reserve Officers' Training Corps program as an authorized arrangement that enhances administrative efficiency in the management of the program. If the Secretary, as a result of the review, determines that such authority is not available, the Secretary should also consider whether such authority should be available and whether there should be authority to waive the restrictions under certain circumstances.

(b) Report- The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review not later than 180 days after the date of the enactment of this Act.

(c) Interim Authority- A current institution that has more than 70 students and is providing support to another educational institutional with more than 70 students and has been providing for the assignment of instructors from one school to the other may continue to provide such support until 180 days following receipt of the report under subsection (b).

PART IV--OTHER EDUCATION AND TRAINING PROGRAMS

SEC. 543. EXPANDED ELIGIBILITY FOR ENLISTED MEMBERS FOR INSTRUCTION AT NAVAL POSTGRADUATE SCHOOL.

(a) Certificate Programs and Courses- Subparagraph (C) of subsection (a)(2) of section 7045 of title 10, United States Code, is amended by striking `Navy or Marine Corps' and inserting `armed forces'.

(b) Graduate-Level Instruction- Such subsection is further amended--

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

`(D)(i) The Secretary may permit an eligible enlisted member of the armed forces to receive graduate-level instruction at the Naval Postgraduate School in a program leading to a master's degree in a technical, analytical, or engineering curriculum.

`(ii) To be eligible to be provided instruction under this subparagraph, the enlisted member must have been awarded a baccalaureate degree by an institution of higher education.

`(iii) Instruction under this subparagraph may be provided only on a space-available basis.

`(iv) An enlisted member who successfully completes a course of instruction under this subparagraph may be awarded a master's degree under section 7048 of this title.

`(v) Instruction under this subparagraph shall be provided pursuant to regulations prescribed by the Secretary. Such regulations may include criteria for eligibility of enlisted members for instruction under this subparagraph and specification of obligations for further service in the armed forces relating to receipt of such instruction.'

(c) Conforming Amendments- Such section is further amended--

(1) in subparagraph (E) of subsection (a)(2), as redesignated by subsection (b)(1), by striking `and (C)' and inserting `(C), and (D)'; and

(2) in subsection (b)(2), by striking `(a)(2)(D)' and inserting `(a)(2)(E)'.

(d) Deadline for Submission of Previously Required Report- The report required by subsection (c) of section 526 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3246), relating to the rationale and plans of the Navy to provide enlisted members an opportunity to obtain graduate degrees, shall be submitted, in accordance with that subsection, not later than March 30, 2007.

(e) Repeal of Requirement for Report on Pilot Program-

(1) REPEAL- Subsection (d) of section 526 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3246) is repealed.

(2) CONFORMING AMENDMENT- Subsection (c)(2) of such section is amended by striking `, particularly in the career fields under consideration for the pilot program referred to in subsection (d)'.

(f) Report on Use of NPS and AFIT- Not later than March 30, 2007, the Secretary of the Navy and the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a joint report on the manner by which each Secretary intends to use the Naval Postgraduate School and the Air Force Institute of Technology during fiscal years 2008 through 2013 to meet the overall requirements of the Navy and Marine Corps and of the Air Force for enlisted members with graduate degrees. The report shall include the following:

(1) The numbers and occupational specialities of enlisted members that each Secretary plans to enroll as candidates for graduate degrees each year in each of the two schools.

(2) A description of the graduate degrees that those enlisted members will pursue at those schools.

(3) Other matters that the two Secretaries jointly consider to be useful for the committees to better understand the future role that the two schools will each have in meeting service requirements for enlisted members with graduate degrees.

Subtitle D--General Service Authorities

SEC. 546. TEST OF UTILITY OF TEST PREPARATION GUIDES AND EDUCATION PROGRAMS IN ENHANCING RECRUIT CANDIDATE PERFORMANCE ON THE ARMED SERVICES VOCATIONAL APTITUDE BATTERY (ASVAB) AND ARMED FORCES QUALIFICATION TEST (AFQT).

(a) Requirement for Test- The Secretary of Defense shall conduct a test of the utility of commercially available test preparation guides and education programs designed to assist recruit candidates achieve scores on military recruit qualification testing that better reflect the full potential of those

recruit candidates in terms of aptitude and mental category. The test shall be conducted through the Secretaries of the Army, Navy, and Air Force.

(b) Assessment of Commercially Available Guides and Programs- The test shall assess commercially available test preparation guides and education programs designed to enhance test performance. The test preparation guides assessed shall test both written formats and self-paced computer-assisted programs. Education programs assessed may test both self-study textbook and computer-assisted courses and instructor-led courses.

(c) Objectives- The objectives of the test are to determine the following:

(1) The degree to which test preparation assistance degrades test reliability and accuracy.

(2) The degree to which test preparation assistance allows more accurate testing of skill aptitudes and mental capability.

(3) The degree to which test preparation assistance allows individuals to achieve higher scores without sacrificing reliability and accuracy.

(4) What role is recommended for test preparation assistance in military recruiting.

(d) Control Group- As part of the test, the Secretary shall identify a population of recruit candidates who will not receive test preparation assistance and will serve as a control group for the test. Data from recruit candidates participating in the test and data from recruit candidates in the control group shall be compared in terms of both (1) test performance, and (2) subsequent duty performance in training and unit settings following entry on active duty.

(e) Number of Participants- The Secretary shall provide test preparation assistance to a minimum of 2,000 recruit candidates and shall identify an equal number to be established as the control group population.

(f) Duration of Test- The Secretary shall begin the test not later than nine months after the date of the enactment of this Act. The test shall identify participants over a one-year period from the start of the test and shall assess duty performance for each participant for 18 months following entry on active duty. The last participant shall be identified, but other participants may not be identified.

(g) Report on Findings- Not later than six months after completion of the duty performance assessment of the last identified participant in the test, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing the findings of the Secretary with respect to each of the objectives specified in subsection (c) and the Secretary's recommendations.

SEC. 547. CLARIFICATION OF NONDISCLOSURE REQUIREMENTS APPLICABLE TO CERTAIN SELECTION BOARD PROCEEDINGS.

(a) Active-Duty Selection Board Proceedings-

(1) EXTENSION TO ALL ACTIVE-DUTY BOARDS- Chapter 36 of title 10, United States Code, is amended by inserting after section 613 the following new section:

Sec. 613a. Nondisclosure of board proceedings

` (a) Nondisclosure- The proceedings of a selection board convened under section 611 this title may not be disclosed to any person not a member of the board.

` (b) Prohibited Uses of Board Discussions, Deliberations, and Records- The discussions and deliberations of a selection board described in subsection (a) and any written or documentary record of such discussions and deliberations-

-

` (1) are immune from legal process;

` (2) may not be admitted as evidence; and

` (3) may not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.'

(2) CONFORMING AMENDMENT- Section 618 of such title is amended by striking subsection (f).

(b) Reserve Selection Board Proceedings- Section 14104 of such title is amended to read as follows:

` Sec. 14104. Nondisclosure of board proceedings

` (a) Nondisclosure- The proceedings of a selection board convened under section 14101 of this title may not be disclosed to any person not a member of the board.

` (b) Prohibited Uses of Board Discussions, Deliberations, and Records- The discussions and deliberations of a selection board described in subsection (a) and any written or documentary record of such discussions and deliberations-

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` (1) are immune from legal process;

` (2) may not be admitted as evidence; and

` (3) may not be used for any purpose in any action, suit, or judicial or administrative proceeding without the consent of the Secretary of the military department concerned.'

(c) Applicability- Section 613a of title 10, United States Code, as added by subsection (a), shall apply with respect to the proceedings of all selection boards convened under section 611 of that title, including selection boards convened before the date of the enactment of this Act. Section 14104 of such title, as amended by subsection (b), shall apply with respect to the proceedings of all selection boards convened under section 14101 of that title, including selection boards convened before the date of the enactment of this Act.

(d) Clerical Amendments-

(1) The table of sections at the beginning of subchapter I of chapter 36 of title 10, United States Code, is amended by inserting after the item relating to section 613 the following new item:

` 613a. Nondisclosure of board proceedings.'

(2) The item relating to section 14104 in the table of sections at the beginning of chapter 1403 of such title is amended to read as follows:

` 14104. Nondisclosure of board proceedings.'

SEC. 548. REPORT ON EXTENT OF PROVISION OF TIMELY NOTICE OF LONG-TERM DEPLOYMENTS.

Not later than March 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the number of members of the Armed Forces (shown by service and within each service by reserve component and active component) who, during the period beginning on January 1, 2005, and ending on the date of the enactment of this Act, have not received at least 30 days notice (in the form of an official order) before a deployment that will last 180 days or more. With respect to members of the reserve components, the report shall describe the degree of compliance (or noncompliance) with Department of Defense policy concerning the amount of notice to be provided before long-term mobilizations or deployments.

Subtitle E--Military Justice Matters

SEC. 551. APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE TO MEMBERS OF THE ARMED FORCES ORDERED TO DUTY OVERSEAS IN INACTIVE DUTY FOR TRAINING STATUS.

Not later than March 1, 2007, the Secretaries of the military departments shall prescribe regulations, or amend current regulations, in order to provide that members of the Armed Forces who are ordered to duty at locations overseas in an inactive duty for training status are subject to the jurisdiction of the Uniform Code of Military Justice, pursuant to the provisions of section 802(a)(3) of title 10, United States Code (article 2(a)(3) of the Uniform Code of Military Justice), continuously from the commencement of execution of such orders to the conclusion of such orders.

SEC. 552. CLARIFICATION OF APPLICATION OF UNIFORM CODE OF MILITARY JUSTICE DURING A TIME OF WAR.

Paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by striking 'war' and inserting 'declared war or a contingency operation'.

Subtitle F--Decorations and Awards

SEC. 555. AUTHORITY FOR PRESENTATION OF MEDAL OF HONOR FLAG TO LIVING MEDAL OF HONOR RECIPIENTS AND TO LIVING PRIMARY NEXT-OF-KIN OF DECEASED MEDAL OF HONOR RECIPIENTS.

(a) Future Presentations- Sections 3755, 6257, and 8755 of title 10, United States Code, and section 505 of title 14, United States Code, are each amended--

(1) by striking 'after October 23, 2002'; and

(2) by adding at the end the following new sentence: 'In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented.'

(b) Presentation of Flag for Prior Recipients of Medal of Honor-

(1) LIVING RECIPIENTS- The President shall provide for the presentation of the Medal of Honor Flag as expeditiously as possible

after the date of the enactment of this Act to each living recipient of the Medal of Honor who has not already received a Medal of Honor Flag.

(2) SURVIVORS OF DECEASED RECIPIENTS- In the case of presentation of the Medal of Honor Flag for a recipient of the Medal of Honor who was awarded the Medal of Honor before the date of the enactment of this Act and who is deceased as of such date (or who dies after such date and before the presentation required by paragraph (1)), the President shall provide for posthumous presentation of the Medal of Honor Flag, upon written application therefor, to the primary living next of kin, as determined under regulations or procedures prescribed by the Secretary of Defense for the purposes of this paragraph (and notwithstanding the amendments made by paragraph (2) of subsection (a)).

(3) MEDAL OF HONOR FLAG- In this subsection, the term 'Medal of Honor Flag' means the flag designated under section 903 of title 36, United States Code.

SEC. 556. REVIEW OF ELIGIBILITY OF PRISONERS OF WAR FOR AWARD OF THE PURPLE HEART.

(a) Report- Not later than March 1, 2007, the President shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of modifying the criteria for the award of the Purple Heart to authorize the award of the Purple Heart--

(1) to a member of the Armed Forces who dies in captivity as a prisoner of war under unknown circumstances or as a result of conditions and treatment that, under criteria for eligibility for the Purple Heart as in effect on the date of the enactment of this Act, do not qualify the decedent for award of the Purple Heart; and

(2) to an individual who while a member of the Armed Forces survives captivity as a prisoner of war, but who dies thereafter as a result of disease or disability, or a result of disease and condition and treatment, incurred during such captivity.

(b) Determination- As part of the review undertaken in order to prepare the report required by subsection (a), the President shall make a determination on the advisability of expanding eligibility for the award of the Purple Heart to deceased servicemembers held as a prisoner of war after December 7, 1941, who meet the criteria for eligibility for the prisoner-of-war medal under section 1128 of title 10, United States Code (including the criterion under subsection (e) of that section with respect to honorable conduct), but who do not meet the criteria for eligibility for the Purple Heart.

(c) Requirements- In making the determination required by subsection (b), the President shall take into consideration the following:

(1) The brutal treatment endured by thousands of prisoners of war incarcerated by enemy forces.

(2) The circumstance that many servicemembers held as prisoners of war died during captivity due to causes that do not meet the criteria for eligibility for award of the Purple Heart, including starvation, abuse,

the deliberate withholding of medical treatment for injury or disease, or other causes.

(3) The circumstance that some members of the Armed Forces died in captivity under circumstances establishing eligibility for the prisoner-of-war medal but under circumstances not otherwise establishing eligibility for the Purple Heart.

(4) The circumstance that some members and former members of the Armed Forces who were held as prisoners of war and following captivity were issued the prisoner-of-war medal subsequently died due to a disease or disability that was incurred during that captivity, without otherwise having been awarded the Purple Heart due to the injury or conditions resulting in that disease or disability or otherwise having been awarded the Purple Heart for injury incurring during captivity.

(5) The views of veterans service organizations, including the Military Order of the Purple Heart.

(6) The importance that has been assigned to determining all available facts before a decision is made to award the Purple Heart.

(7) The views of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

SEC. 557. REPORT ON DEPARTMENT OF DEFENSE PROCESS FOR AWARDING DECORATIONS.

(a) Review- The Secretary of Defense shall conduct a review of the policy, procedures, and processes of the military departments for awarding decorations to members of the Armed Forces.

(b) Time Periods- As part of the review under subsection (a), the Secretary shall compare the time frames of the awards process between active duty and reserve components--

(1) from the time a recommendation for the award of a decoration is submitted until the time the award of the decoration is approved; and

(2) from the time the award of a decoration is approved until the time when the decoration is presented to the recipient.

(c) Reserve Components- If the Secretary, in conducting the review under subsection (a), finds that the timeliness of the awards process for members of the reserve components is not the same as, or similar to, that for members of the active components, the Secretary shall take appropriate steps to address the discrepancy.

(d) Report- Not later than August 1, 2007, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the Secretary's findings as a result of the review under subsection (a), together with a plan for implementing whatever changes are determined to be appropriate to the process for awarding decorations in order to ensure that decorations are awarded in a timely manner, to the extent practicable.

Subtitle G--Matters Relating to Casualties

SEC. 561. AUTHORITY FOR RETENTION AFTER SEPARATION FROM SERVICE OF ASSISTIVE TECHNOLOGY AND DEVICES PROVIDED WHILE ON ACTIVE DUTY.

(a) In General- Chapter 58 of title 10, United States Code, is amended by inserting after section 1150 the following new section:

`Sec. 1151. Retention of assistive technology and services provided before separation

`(a) Authority- A member of the armed forces who is provided an assistive technology or assistive technology device for a severe or debilitating illness or injury incurred or aggravated by such member while on active duty may, under regulations prescribed by the Secretary of Defense, be authorized to retain such assistive technology or assistive technology device upon the separation of the member from active service.

`(b) Definitions- In this section, the terms `assistive technology' and `assistive technology device' have the meaning given those terms in section 3 of the Assistive Technology Act of 1998 (29 U.S.C. 3002).'

(b) Clerical Amendment- The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1150 the following new item:

`1151. Retention of assistive technology and services provided before separation.'

SEC. 562. TRANSPORTATION OF REMAINS OF CASUALTIES DYING IN A THEATER OF COMBAT OPERATIONS.

(a) Required Transportation- In the case of a member of the Armed Forces who dies in a combat theater of operations and whose remains are returned to the United States through the mortuary facility at Dover Air Force Base, Delaware, the Secretary concerned, under regulations prescribed by the Secretary of Defense, shall provide transportation of the remains of that member from Dover Air Force Base to the applicable escorted remains destination in accordance with section 1482(a)(8) of title 10, United States Code, and this section.

(b) Escorted Remains Destination- In this section, the term `escorted remains destination' means the place to which remains are authorized to be transported under section 1482(a)(8) of title 10, United States Code.

(c) Air Transportation From Dover AFB-

(1) MILITARY TRANSPORTATION- If transportation of remains under subsection (a) includes transportation by air, such transportation (except as provided under paragraph (2)) shall be made by military aircraft or military-contracted aircraft.

(2) ALTERNATIVE TRANSPORTATION BY AIRCRAFT- The provisions of paragraph (1) shall not be applicable to the transportation of remains by air to the extent that the person designated to direct disposition of the remains directs otherwise.

(3) PRIMARY MISSION- When remains are transported by military aircraft or military-contracted aircraft under this section, the primary mission of the aircraft providing that transportation shall be the

transportation of such remains. However, more than one set of remains may be transported on the same flight.

(d) Escort-

(1) IN GENERAL- Except as provided in paragraph (2), the Secretary concerned shall ensure that remains transported under this section are continuously escorted from Dover Air Force Base to the applicable escorted remains destination by a member of the Armed Forces in an appropriate grade, as determined by the Secretary.

(2) OTHER ESCORT- If a specific military escort is requested by the person designated to direct disposition of such remains and the Secretary approves that request, then the Secretary is not required to provide an additional military escort under paragraph (1).

(e) Honor Guard Detail-

(1) PROVISION OF DETAIL- Except in a case in which the person designated to direct disposition of remains requests that no military honor guard be present, the Secretary concerned shall ensure that an honor guard detail is provided in each case of the transportation of remains under this section. The honor guard detail shall be in addition to the escort provided for the transportation of remains under section (d).

(2) COMPOSITION- An honor guard detail provided under this section shall consist of sufficient members of the Armed Forces to perform the duties specified in paragraph (3). The members of the honor guard detail shall be in uniform.

(3) DUTIES- Except to the extent that the person designated to direct disposition of remains requests that any of the following functions not be performed, an honor guard detail under this section--

(A) shall--

- (i) travel with the remains during transportation; or
- (ii) meet the remains at the place to which transportation by air (or by rail or motor vehicle, if applicable) is made for the transfer of the remains;

(B) shall provide appropriate honors at the arrival of the remains referred to in subparagraph (A)(ii) (unless airline or other security requirements do not permit such honors to be provided); and

(C) shall participate in the transfer of the remains from an aircraft, when airport and airline security requirements permit, by carrying out the remains with a flag draped over the casket to a hearse or other form of ground transportation for travel to a funeral home or other place designated by the person designated to direct disposition of such remains.

(f) Secretary Concerned Defined- In this section, the term 'Secretary concerned' has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(g) Effective Date- This section shall take effect at such time as may be prescribed by the Secretary of Defense, but not later than January 1, 2007.

SEC. 563. ANNUAL BUDGET DISPLAY OF FUNDS FOR POW/MIA ACTIVITIES OF DEPARTMENT OF DEFENSE.

(a) Consolidated Budget Justification- Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

Sec. 234. POW/MIA activities: display of budget information

(a) Submission With Annual Budget Justification Documents- The Secretary of Defense shall submit to Congress, as a part of the defense budget materials for a fiscal year, a consolidated budget justification display, in classified and unclassified form, that covers all programs and activities of Department of Defense POW/MIA accounting and recovery organizations.

(b) Requirements for Budget Display- The budget display under subsection (a) for a fiscal year shall include for each such organization the following:

(1) A statement of what percentage of the requirements originally requested by the organization in the budget review process that the budget requests funds for.

(2) A summary of actual or estimated expenditures by that organization for the fiscal year during which the budget is submitted and for the fiscal year preceding that year.

(3) The amount in the budget for that organization.

(4) A detailed explanation of the shortfalls, if any, in the funding of any requirement shown pursuant to paragraph (1), when compared to the amount shown pursuant to paragraph (3).

(5) The budget estimate for that organization for the five fiscal years after the fiscal year for which the budget is submitted.

(c) Department of Defense POW/MIA Accounting and Recovery Organizations- In this section, the term 'Department of Defense POW/MIA accounting and recovery organization' means any of the following (and any successor organization):

(1) The Defense Prisoner of War/Missing Personnel Office (DPMO).

(2) The Joint POW/MIA Accounting Command (JPAC).

(3) The Armed Forces DNA Identification Laboratory (AFDIL).

(4) The Life Sciences Equipment Laboratory (LSEL) of the Air Force.

(5) Any other element of the Department of Defense the mission of which (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action or prisoners of war or who are unaccounted for.

(d) Other Definitions- In this section:

(1) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

(2) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.'

(b) Clerical Amendment- The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

'234. POW/MIA activities: display of budget information.'

SEC. 564. MILITARY SEVERELY INJURED CENTER.

(a) Center Required- In support of the comprehensive policy on the provision of assistance to severely wounded or injured servicemembers required by section 563 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3269; 10 U.S.C. 113 note), the Secretary of Defense shall establish within the Department of Defense a center to augment and support the programs and activities of the military departments for the provision of such assistance, including the programs of the military departments referred to in subsection (c).

(b) Designation- The center established under subsection (a) shall be known as the 'Military Severely Injured Center' (in this section referred to as the 'Center').

(c) Programs of the Military Departments- The programs of the military departments referred to in this subsection are the following:

- (1) The Army Wounded Warrior Support Program.
- (2) The Navy Safe Harbor Program.
- (3) The Palace HART Program of the Air Force.
- (4) The Marine for Life Injured Support Program of the Marine Corps.

(d) Activities of Center-

(1) IN GENERAL- The Center shall carry out such programs and activities to augment and support the programs and activities of the military departments for the provision of assistance to severely wounded or injured servicemembers and their families as the Secretary of Defense, in consultation with the Secretaries of the military departments and the heads of other appropriate departments and agencies of the Federal Government (including the Secretary of Labor and the Secretary of Veterans Affairs), determines appropriate.

(2) DATABASE- The activities of the Center under this subsection shall include the establishment and maintenance of a central database. The database shall be transparent and shall be accessible for use by all of the programs of the military departments referred to in subsection (c).

(e) Resources- The Secretary of Defense shall allocate to the Center such personnel and other resources as the Secretary of Defense, in consultation with the Secretaries of the military departments, considers appropriate in order to permit the Center to carry out effectively the programs and activities assigned to the Center under subsection (d).

SEC. 565. COMPREHENSIVE REVIEW ON PROCEDURES OF THE DEPARTMENT OF DEFENSE ON MORTUARY AFFAIRS.

(a) Report- As soon as practicable after the completion of a comprehensive review of the procedures of the Department of Defense on mortuary affairs, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the review.

(b) Additional Elements- In conducting the comprehensive review described in subsection (a), the Secretary shall address, in addition to any other matter covered by the review, the following:

- (1) The use of additional or increased refrigeration (including icing) in combat theaters in order to enhance preservation of remains.

- (2) The location of refrigeration assets further forward in the field.
- (3) Specific time standards for the movement of remains from combat units.
- (4) The forward location of autopsy and embalming operations.
- (5) Any other matter that the Secretary considers appropriate in order to expedite the return of remains to the United States in a nondecomposed state.

SEC. 566. ADDITIONAL ELEMENTS OF POLICY ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.

Section 562(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3267; 10 U.S.C. 1475 note) is amended by adding at the end the following new paragraph:

- ` (12) The process by which the Department of Defense, upon request, provides information (in person and otherwise) to survivors of a military decedent on the cause of, and any investigation into, the death of such military decedent and on the disposition and transportation of the remains of such decedent, which process shall--
 - ` (A) provide for the provision of such information (in person and otherwise) by qualified Department of Defense personnel;
 - ` (B) ensure that information is provided as soon as possible after death and that, when requested, updates are provided, in accordance with the procedures established under this paragraph, in a timely manner when new information becomes available;
 - ` (C) ensure that--
 - ` (i) the initial provision of such information, and each such update, relates the most complete and accurate information available at the time, subject to limitations applicable to classified information; and
 - ` (ii) incomplete or unverified information is identified as such during the course of the provision of such information or update; and
 - ` (D) include procedures by which such survivors shall, upon request, receive updates or supplemental information from qualified Department of Defense personnel.'

SEC. 567. REQUIREMENT FOR DEPLOYING MILITARY MEDICAL PERSONNEL TO BE TRAINED IN PRESERVATION OF REMAINS UNDER COMBAT OR COMBAT-RELATED CONDITIONS.

(a) Requirement- The Secretary of each military department shall ensure that each military health care professional under that Secretary's jurisdiction who is deployed to a theater of combat operations is trained, before such deployment, in the preservation of remains under combat or combat-related conditions.

(b) Matters Covered by Training- The training under subsection (a) shall include, at a minimum, the following:

- (1) Best practices and procedures for the preservation of the remains of a member of the Armed Forces after death, taking into account the

conditions likely to be encountered and the objective of returning the remains to the member's family in the best possible condition.

(2) Practical case studies based on experience of the Armed Forces in a variety of climactic conditions.

(c) Covered Military Health Care Professionals- In this section, the term 'military health care professional' means--

(1) a physician, nurse, nurse practitioner, physician assistant, or combat medic; and

(2) any other medical personnel with medical specialties who may provide direct patient care and who are designated by the Secretary of the military department concerned.

(d) Effective Date- Subsection (a) shall apply with respect to any military health care professional who is deployed to a theater of combat operations after the end of the 90-day period beginning on the date of the enactment of this Act.

Subtitle H--Impact Aid and Defense Dependents Education System

SEC. 571. ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

(a) Temporary Enrollment Authority- Section 1404A of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923a) is amended--

(1) in subsection (a)--

(A) by striking 'of the children' and inserting 'of--

'(1) the children';

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

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

'(2) the children of a foreign military member assigned to the Supreme Headquarters Allied Powers, Europe, but only in a school of the defense dependents' education system in Mons, Belgium, and only through the 2010-2011 school year.'; and

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

'(c) Special Rules Regarding Enrollment of Dependents of Foreign Military Members Assigned to Supreme Headquarters Allied Powers, Europe- (1) In the regulations required by subsection (a), the Secretary shall prescribe a methodology based on the estimated total number of dependents of sponsors under section 1414(2) enrolled in schools of the defense dependents' education system in Mons, Belgium, to determine the number of children described in paragraph (2) of subsection (a) who will be authorized to enroll under such subsection.

'(2) If the number of children described in paragraph (2) of subsection (a) who seek enrollment in schools of the defense dependents' education system in Mons, Belgium, exceeds the number authorized by the Secretary under paragraph (1), the Secretary may enroll the additional children on a space-available, tuition-free basis notwithstanding section 1404(d)(2).'

(b) Report on Long-Term Plan for Education of Dependents of Military Personnel Assigned to Shape- Not later than 180 days after the date of the

enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating alternatives for the education of dependents of United States military personnel and dependents of foreign military personnel assigned to Supreme Headquarters Allied Powers, Europe, including--

- (1) an evaluation of the feasibility of establishing an international school at Supreme Headquarters Allied Powers, Europe; and
- (2) an estimate of the timeframe necessary for transition to any new model for educating such dependents.

SEC. 572. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) Assistance to Schools With Significant Numbers of Military Dependent Students- Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$35,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) Assistance to Schools With Enrollment Changes Due to Base Closures, Force Structure Changes, or Force Relocations- Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) Local Educational Agency Defined- In this section, the term 'local educational agency' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 573. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

SEC. 574. PLAN AND AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES EXPERIENCING GROWTH IN ENROLLMENT DUE TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BASE CLOSURES AND REALIGNMENTS.

(a) Plan Required- Not later than January 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan to provide assistance to local educational agencies that experience growth in the enrollment of military dependent students as a result of any of the following events:

- (1) Force structure changes.
- (2) The relocation of a military unit.
- (3) The closure or realignment of military installations pursuant to defense base closure and realignment under the base closure laws.

(b) Elements- The report required by subsection (a), and each updated report required by subsection (c), shall include the following:

(1) An identification, current as of the date of the report, of the total number of military dependent students who are anticipated to be arriving at or departing from military installations as a result of any event described in subsection (a), including--

(A) an identification of the military installations affected by such arrivals and departures;

(B) an estimate of the number of such students arriving at or departing from each such installation; and

(C) the anticipated schedule of such arrivals and departures.

(2) Such recommendations as the Office of Economic Adjustment of the Department of Defense considers appropriate for means of assisting affected local educational agencies in accommodating increases in enrollment of military dependent students as a result of any such event.

(3) A plan for outreach to be conducted to affected local educational agencies, commanders of military installations, and members of the Armed Forces and civilian personnel of the Department of Defense regarding information on the assistance to be provided under the plan under subsection (a).

(c) Updated Reports- Not later than March 1, 2008, and annually thereafter to coincide with the submission of the budget of the President for a fiscal year under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees an update of the report required by subsection (a).

(d) Transition of Military Dependents From Department of Defense Dependent Schools to Other Schools- During the period beginning on the date of the enactment of this Act and ending on September 30, 2011, the Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transition of military dependent students from attendance in Department of Defense dependent schools to attendance in schools of local educational agencies. The Secretary of Defense may use funds of the Department of Defense Education Activity to share expertise and experience of the Activity with local educational agencies as military dependent students make such transition, including such a transition resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

(e) Definitions- In this section:

(1) The term 'base closure law' has the meaning given that term in section 101 of title 10, United States Code.

(2) The term 'local educational agency' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term 'military dependent students' refers to--

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

SEC. 575. PILOT PROGRAM ON PARENT EDUCATION TO PROMOTE EARLY CHILDHOOD EDUCATION FOR DEPENDENT CHILDREN AFFECTED BY MILITARY DEPLOYMENT OR RELOCATION OF MILITARY UNITS.

(a) Pilot Program Authorized- Using such funds as may be appropriated for this purpose, the Secretary of Defense may carry out a pilot program on the provision of educational and support tools to the parents of preschool-age children--

- (1) whose parent or parents serve as members of the Armed Forces on active duty (including members of the Selected Reserve on active duty pursuant to a call or order to active duty of 180 days or more); and
- (2) who are affected by the deployment of their parent or parents or the relocation of the military unit of which their parent or parents are a member.

(b) Purpose- The purpose of the pilot program is to develop models for improving the capability of military child and youth programs on or near military installations to provide assistance to military parents with young children through a program of activities focusing on the unique needs of children described in subsection (a).

(c) Limits on Commencement and Duration of Program- The Secretary of Defense may not commence the pilot program before October 1, 2007, and shall conclude the pilot program not later than the end of the three-year period beginning on the date on which the Secretary commences the program.

(d) Scope of Program- Under the pilot program, the Secretary of Defense shall utilize one or more models, demonstrated through research, of universal access of parents of children described in subsection (a) to assistance under the pilot program to achieve the following goals:

- (1) The identification and mitigation of specific risk factors for such children related to military life.
- (2) The maximization of the educational readiness of such children.

(e) Locations and Goals-

(1) SELECTION OF PARTICIPATING INSTALLATIONS- In selecting military installations to participate in the pilot program, the Secretary of Defense shall limit selection to those military installations whose military personnel are experiencing significant transition or deployment or which are undergoing transition as a result of the relocation or activation of military units or activities relating to defense base closure and realignment.

(2) SELECTION OF CERTAIN INSTALLATIONS- At least one of the installations selected under paragraph (1) shall be a military installation that will permit, under the pilot program, the meaningful evaluation of a model under subsection (d) that provides outreach to parents in families with a parent who is a member of the National Guard or Reserve, which families live more than 40 miles from the installation.

(3) GOALS OF PARTICIPATING INSTALLATIONS- If a military installation is selected under paragraph (1), the Secretary shall require appropriate personnel at the military installation to develop goals, and

specific outcome measures with respect to such goals, for the conduct of the pilot program at the installation.

(4) EVALUATION REQUIRED- Upon completion of the pilot program at a military installation, the personnel referred to in paragraph (3) at the installation shall be required to conduct an evaluation and assessment of the success of the pilot program at the installation in meeting the goals developed for that installation.

(f) Guidelines- As part of conducting the pilot program, the Secretary of Defense shall issue guidelines regarding--

(1) the goals to be developed under subsection (e)(3);

(2) specific outcome measures; and

(3) the selection of curriculum and the conduct of developmental screening under the pilot program.

(g) Report- Upon completion of the pilot program, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on all of the evaluations prepared under subsection (e)(4) for the military installations participating in the pilot program. The report shall describe the results of the evaluations, and may include such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the evaluations, including recommendations for the continuation of the pilot program.

Subtitle I--Armed Forces Retirement Home

SEC. 578. REPORT ON LEADERSHIP AND MANAGEMENT OF THE ARMED FORCES RETIREMENT HOME.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the following:

(1) The effect of changing the title of the Chief Operating Officer of the Armed Forces Retirement Home to a chief executive officer who will be responsible to the Secretary of Defense for the overall direction, operation, and management of the Retirement Home.

(2) The effect of no longer permitting a civilian with experience as a continuing care retirement community professional to serve as the Director for a facility of the Armed Forces Retirement Home, but to instead limit eligibility for such positions to members of the Armed Forces serving on active duty in a grade below brigadier general or, in the case of the Navy, rear admiral (lower half).

(3) The management of the Armed Forces Retirement Home and whether or not there is a need for a greater role by members of the Armed Forces serving on active duty in the overall direction, operation, and management of the Retirement Home.

SEC. 579. REPORT ON LOCAL BOARDS OF TRUSTEES OF THE ARMED FORCES RETIREMENT HOME.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the following:

- (1) The current composition and activities of the Local Board of Trustees of the Armed Forces Retirement Home--Washington under section 1516 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 416).
- (2) The current composition and activities of the Local Board of Trustees of the Armed Forces Retirement Home--Gulfport under such section.
- (3) The feasibility and effect of including as a member of each Local Board of Trustees of the Armed Forces Retirement Home a member of the Armed Forces who is serving on active duty in the grade of brigadier general, or in the case of the Navy, rear admiral (lower half).

Subtitle J--Reports

SEC. 581. REPORT ON PERSONNEL REQUIREMENTS FOR AIRBORNE ASSETS IDENTIFIED AS LOW-DENSITY, HIGH-DEMAND AIRBORNE ASSETS.

(a) Report Required- Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on personnel requirements for airborne assets identified as Low-Density, High-Demand Airborne Assets based on combatant commander requirements to conduct and sustain operations for the global war on terrorism.

(b) Matter To Be Included- The report shall include the following for each airborne asset identified as a Low-Density, High-Demand Airborne Asset:

- (1) The numbers of operations and maintenance crews to meet tasking contemplated to conduct operations for the global war on terrorism.
- (2) The current numbers of operations and maintenance crews.
- (3) If applicable, shortages of operations and maintenance crews.
- (4) Whether such shortages are addressed in the future-years defense program.
- (5) Whether end-strength increases are required to meet any such shortages.
- (6) Estimated manpower costs of personnel needed to address shortfalls.
- (7) If applicable, the number and types of equipment needed to address training shortfalls.

SEC. 582. REPORT ON FEASIBILITY OF ESTABLISHMENT OF MILITARY ENTRANCE PROCESSING COMMAND STATION ON GUAM.

(a) Review- The Secretary of Defense shall review the feasibility and cost effectiveness of establishing on Guam a station of the Military Entrance Processing Command to process new recruits for the Armed Forces who are drawn from the western Pacific region. For the purposes of the review, the cost effectiveness of establishing such a facility on Guam shall be measured, in part, against the system in effect in early 2006 of using Hawaii and other

locations for the processing of new recruits from Guam and other locations in the western Pacific region.

(b) Report- Not later than June 1, 2007, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing the results of the study under subsection (a).

SEC. 583. INCLUSION IN ANNUAL DEPARTMENT OF DEFENSE REPORT ON SEXUAL ASSAULTS OF INFORMATION ON RESULTS OF DISCIPLINARY ACTIONS.

Section 577(f)(2)(B) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1927) is amended to read as follows:

(B) A synopsis of each such substantiated case and, for each such case, the disciplinary action taken in the case, including the type of disciplinary or administrative sanction imposed, if any.'

SEC. 584. REPORT ON PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) Report Required- Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records (including all military service, medical, and other military records) to members of the Armed Forces on their discharge or release from the Armed Forces.

(b) Elements- The report required by subsection (a) shall include the following:

(1) An estimate of the costs of the provision of military records as described in subsection (a).

(2) An assessment of providing military records as described in that subsection through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(3) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that subsection.

(4) An assessment of the benefits to the members of the Armed Forces of receiving their military records as described in that subsection.

(5) If the Secretary determines that providing military records to members of the Armed Forces as described in that subsection is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(6) Any other matter relating to the provision of military records as described in that subsection that the Secretary considers appropriate.

SEC. 585. REPORT ON OMISSION OF SOCIAL SECURITY ACCOUNT NUMBERS FROM MILITARY IDENTIFICATION CARDS.

(a) Report Required- Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display, or exhibit the social security account number of the individual identified by a military identification card.

(b) Military Identification Card Defined- In this section, the term 'military identification card' means a card or other form of identification used for purposes of demonstrating eligibility for any benefit from the Department of Defense.

SEC. 586. REPORT ON MAINTENANCE AND PROTECTION OF DATA HELD BY THE SECRETARY OF DEFENSE AS PART OF THE DEPARTMENT OF DEFENSE JOINT ADVERTISING, MARKET RESEARCH AND STUDIES (JAMRS) PROGRAM.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the data, including social security account numbers, held by the Secretary as part of the Joint Advertising, Market Research and Studies (JAMRS) program of the Department of Defense are maintained and protected, including a description of the security measures in place to prevent unauthorized access or inadvertent disclosure of such data that could lead to identity theft.

SEC. 587. COMPTROLLER GENERAL REPORT ON MILITARY CONSCIENTIOUS OBJECTORS.

(a) Report Required- Not later than September 1, 2007, the Comptroller General shall submit to Congress a report concerning members of the Armed Forces who claimed status as a military conscientious objector between September 11, 2001, and December 31, 2006.

(b) Content of Report- The report required by subsection (a) shall specifically address the following:

(1) The number of all applications for status as a military conscientious objector, broken down by Armed Force, including the Coast Guard, and regular and reserve components.

(2) Number of discharges or reassignments given.

(3) The process generally used to consider applications, including average processing times and any provision for assignment or reassignment of members while their application is pending.

(4) Reasons for approval or disapproval of applications.

(5) Any difference in benefits upon discharge as a military conscientious objector compared to other discharges.

(6) Pre-war statistical comparisons.

Subtitle K--Other Matters

SEC. 591. MODIFICATION IN DEPARTMENT OF DEFENSE CONTRIBUTIONS TO MILITARY RETIREMENT FUND.

(a) Determination of Contributions to the Fund-

(1) CALCULATION OF ANNUAL DEPARTMENT OF DEFENSE CONTRIBUTION- Subsection (b)(1) of section 1465 of title 10, United States Code, is amended--

(A) in subparagraph (A)(ii), by striking `to members of' and all that follows and inserting `for active duty (other than the Coast Guard) and for full-time National Guard duty (other than full-time National Guard duty for training only), but excluding the amount expected to be paid for any duty that would be excluded for active-duty end strength purposes by section 115(i) of this title.'; and

(B) in subparagraph (B)(ii)--

(i) by striking `Ready Reserve' and inserting `Selected Reserve'; and

(ii) by striking `Coast Guard and other than members on full-time National Guard duty other than for training) who are' and inserting `Coast Guard) for service'.

(2) QUADRENNIAL ACTUARIAL VALUATION- Subsection (c)(1) of such section is amended--

(A) in subparagraph (A), by striking `for members of the armed forces' and all that follows through `for training only)' and inserting `for active duty (other than the Coast Guard) and for full-time National Guard duty (other than full-time National Guard duty for training only), but excluding the amount expected to be paid for any duty that would be excluded for active-duty end strength purposes by section 115(i) of this title'; and

(B) in subparagraph (B)--

(i) by striking `Ready Reserve' and inserting `Selected Reserve'; and

(ii) by striking `Coast Guard and other than members on full-time National Guard duty other than for training) who are' and inserting `Coast Guard) for service'.

(b) Payments Into the Fund- Section 1466(a) of such title is amended--

(1) in paragraph (1)(B), by striking `by members' and all that follows and inserting `for active duty (other than the Coast Guard) and for full-time National Guard duty (other than full-time National Guard duty for training only), but excluding the amount expected to be paid for any duty that would be excluded for active-duty end strength purposes by section 115(i) of this title'; and

(2) in paragraph (2)(B)--

(A) by striking `Ready Reserve' and inserting `Selected Reserve'; and

(B) by striking `Coast Guard and other than members on full-time National Guard duty other than for training) who are' and inserting `Coast Guard) for service'.

(c) Effective Date- The amendments made by this section shall take effect on October 1, 2007.

SEC. 592. REVISION IN GOVERNMENT CONTRIBUTIONS TO MEDICARE-ELIGIBLE RETIREE HEALTH CARE FUND.

(a) Medicare-Eligible Retiree Health Care Fund- Section 1111 of title 10, United States Code, is amended--

(1) in subsection (a), by striking `of the Department of Defense' and inserting `of the uniformed services'; and

(2) in subsection (b), by adding at the end the following new paragraph:

`(5) The term `members of the uniformed services on active duty' does not include a cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy or a midshipman at the United States Naval Academy.'

(b) Determination of Contributions to the Fund- Section 1115 of such title is amended--

(1) in subsection (b)--

(A) in paragraph (1)(B), by striking `on active duty' and all that follows through `training only)' and inserting the following: `on active duty and full-time National Guard duty, but excluding any member who would be excluded for active-duty end strength purposes by section 115(i) of this title'; and

(B) in paragraph (2)(B)--

(i) by striking `Ready Reserve' and inserting `Selected Reserve'; and

(ii) by striking `(other than members on full-time National Guard duty other than for training)'; and

(2) in subsection (c)--

(A) in paragraph (1)(A), by striking `on active duty' and all that follows through `training only)' and inserting the following: `on active duty and full-time National Guard duty, but excluding any member who would be excluded for active-duty end strength purposes by section 115(i) of this title'; and

(B) in paragraph (1)(B)--

(i) by striking `Ready Reserve' and inserting `Selected Reserve'; and

(ii) by striking `(other than members on full-time National Guard duty other than for training)'

(c) Effective Date- The amendments made by this section shall take effect with respect to payments under chapter 56 of title 10, United States Code, beginning with fiscal year 2008.

SEC. 593. DENTAL CORPS OF THE NAVY BUREAU OF MEDICINE AND SURGERY.

(a) Deletion of References to Dental Division- Section 5138 of title 10, United States Code, is amended--

(1) in subsection (a)--

(A) by striking the first sentence; and

(B) by striking `the Dental Division' and inserting `the Dental Corps';

- (2) in subsection (b), by striking `Dental Division' and inserting `Dental Corps'; and
- (3) in subsection (c)--
 - (A) by striking `Dental Division' at the end of the first sentence and inserting `Dental Corps'; and
 - (B) by striking `that Division' at the end of the second sentence and inserting `the Chief of the Dental Corps'.
- (b) Functions of Chief of Dental Corps- Subsection (d) of such section is amended to read as follows:
 - `(d) The Chief of the Dental Corps shall--
 - `(1) establish professional standards and policies for dental practice;
 - `(2) initiate and recommend action pertaining to complements, strength, appointments, advancement, training assignment, and transfer of dental personnel; and
 - `(3) serve as the advisor for the Bureau on all matters relating directly to dentistry.'
- (c) Further Clarifying Amendments- Subsection (c) of such section is further amended--
 - (1) by striking `so' after `shall be'; and
 - (2) by striking `that all such functions will be' and inserting `so that all such functions are'.
- (d) Clerical Amendments-
 - (1) The heading of such section is amended to read as follows:

`Sec. 5138. Bureau of Medicine and Surgery: Dental Corps; Chief; functions'.

- (2) The item relating to such section in the table of sections at the beginning of chapter 513 of such title is amended to read as follows:
 - `5138. Bureau of Medicine and Surgery: Dental Corps; Chief; functions.'

SEC. 594. PERMANENT AUTHORITY FOR PRESENTATION OF RECOGNITION ITEMS FOR RECRUITMENT AND RETENTION PURPOSES.

Section 2261 of title 10, United States Code, is amended by striking subsection (d).

SEC. 595. PERSONS AUTHORIZED TO ADMINISTER ENLISTMENT AND APPOINTMENT OATHS.

- (a) Enlistment Oath- Section 502 of title 10, United States Code, is amended--
 - (1) by inserting `(a) Enlistment Oath- ' before `Each person enlisting';
 - (2) by striking the last sentence; and
 - (3) by adding at the end the following new subsection:
 - `(b) Who May Administer- The oath may be taken before the President, the Vice-President, the Secretary of Defense, any commissioned officer, or any other person designated under regulations prescribed by the Secretary of Defense.'
- (b) Oaths Generally- Section 1031 of such title is amended by striking `Any commissioned officer of any component of an armed force, whether or not on

active duty, may administer any oath' and inserting `The President, the Vice-President, the Secretary of Defense, any commissioned officer, and any other person designated under regulations prescribed by the Secretary of Defense may administer any oath'.

SEC. 596. MILITARY VOTING MATTERS.

(a) Repeal of Requirement for Periodic Inspector General Installation Visits for Assessment of Voting Assistance Program Compliance- Section 1566 of title 10, United States Code, is amended by striking subsection (d).

(b) Use of Electronic Voting Technology-

(1) CONTINUATION OF INTERIM VOTING ASSISTANCE SYSTEM- The Secretary of Defense shall continue the Interim Voting Assistance System (IVAS) ballot request program with respect to all absent uniformed services voters (as defined under section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(1))) and overseas employees of the Department of Defense for the general election and all elections through December 31, 2006.

(2) REPORTS-

(A) IN GENERAL- Not later than 30 days after the date of the regularly scheduled general election for Federal office for November 2006, the Secretary of Defense shall submit to the Congress a report setting forth--

(i) an assessment of the success of the implementation of the Interim Voting Assistance System ballot request program carried out under paragraph (1);

(ii) recommendations for continuation of the Interim Voting Assistance System and for improvements to that system; and

(iii) an assessment of available technologies and other means of achieving enhanced use of electronic and Internet-based capabilities under the Interim Voting Assistance System.

(B) FUTURE ELECTIONS- Not later than May 15, 2007, the Secretary of Defense shall submit to the Congress a report setting forth in detail plans for expanding the use of electronic voting technology for individuals covered under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) for elections through November 30, 2010.

(c) Comptroller General Report- Not later than March 1, 2007, the Comptroller General of the United States shall submit to Congress a report containing the assessment of the Comptroller General with respect to the following:

(1) The programs and activities undertaken by the Department of Defense to facilitate voter registration, transmittal of ballots to absentee voters, and voting utilizing electronic means of communication (such as electronic mail and fax transmission) for military and civilian personnel covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) The progress of the Department of Defense and the Election Assistance Commission in developing a secure, deployable system for Internet-based electronic voting pursuant to the amendment made by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1919).

(d) Repeal of Expired Provision- Section 1566(g)(2) of title 10, United States Code, is amended by striking the last sentence.

SEC. 597. PHYSICAL EVALUATION BOARDS.

(a) In General-

(1) PROCEDURAL REQUIREMENTS- Chapter 61 of title 10, United States Code, is amended by adding at the end the following new section:

Sec. 1222. Physical evaluation boards

(a) Response to Applications and Appeals- The Secretary of each military department shall ensure, in the case of any member of the armed forces appearing before a physical evaluation board under that Secretary's supervision, that documents announcing a decision of the board in the case convey the findings and conclusions of the board in an orderly and itemized fashion with specific attention to each issue presented by the member in regard to that member's case. The requirement under the preceding sentence applies to a case both during initial consideration and upon subsequent consideration due to appeal by the member or other circumstance.

(b) Liaison Officer (PEBLO) Requirements and Training- (1) The Secretary of Defense shall prescribe regulations establishing--

(A) a requirement for the Secretary of each military department to make available to members of the armed forces appearing before physical evaluation boards operated by that Secretary employees, designated as physical evaluation board liaison officers, to provide advice, counsel, and general information to such members on the operation of physical evaluation boards operated by that Secretary; and

(B) standards and guidelines concerning the training of such physical evaluation board liaison officers.

(2) The Secretary shall ensure compliance by the Secretary of each military department with physical evaluation board liaison officer requirements and training standards and guidelines at least once every three years.

(c) Standardized Staff Training and Operations- (1) The Secretary of Defense shall prescribe regulations on standards and guidelines concerning the physical evaluation board operated by each of the Secretaries of the military departments with regard to--

(A) assignment and training of staff;

(B) operating procedures; and

(C) timeliness of board decisions.

` (2) The Secretary shall ensure compliance with standards and guidelines prescribed under paragraph (1) by each physical evaluation board at least once every three years.'

(2) CLERICAL AMENDMENT- The table of sections at the beginning of such chapter is amended by adding at the end the following new item:
` 1222. Physical evaluation boards.'

(b) Effective Date- Section 1222 of title 10, United States Code, as added by subsection (a), shall apply with respect to decisions rendered on cases commenced more than 120 days after the date of the enactment of this Act.

SEC. 598. MILITARY ID CARDS FOR RETIREE DEPENDENTS WHO ARE PERMANENTLY DISABLED.

(a) In General- Subsection (a) of section 1060b of title 10, United States Code, is amended to read as follows:

` (a) Issuance of Permanent ID Card- (1) In issuing military ID cards to retiree dependents, the Secretary concerned shall issue a permanent ID card (not subject to renewal) to any such retiree dependent as follows:

` (A) A retiree dependent who has attained 75 years of age.

` (B) A retiree dependent who is permanently disabled.

` (2) A permanent ID card shall be issued to a retiree dependent under paragraph (1)(A) upon the expiration, after the retiree dependent attains 75 years of age, of any earlier, renewable military card or, if earlier, upon the request of the retiree dependent after attaining age 75.'

(b) Conforming and Clerical Amendments-

(1) HEADING AMENDMENT- The heading of such section is amended to read as follows:

` Sec. 1060b. Military ID cards: dependents and survivors of retirees'.

(2) CLERICAL AMENDMENT- The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1060b and inserting the following new item:

` 1060b. Military ID cards: dependents and survivors of retirees.'

SEC. 599. UNITED STATES MARINE BAND AND UNITED STATES MARINE DRUM AND BUGLE CORPS.

(a) In General- Section 6222 of title 10, United States Code, is amended to read as follows:

` Sec. 6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

` (a) United States Marine Band- The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

` (b) United States Marine Drum and Bugle Corps- The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

` (c) Appointment and Promotion- (1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

` (2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

` (3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

` (d) Retirement- Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

` (e) Revocation of Appointment- The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member's appointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member--

` (1) to be discharged from the Marine Corps; or

` (2) to revert to the grade and status such member held at the time of appointment under this section.'.

(b) Clerical Amendment- The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6222 and inserting the following new item:

` 6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.'.

TITLE VI--COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A--Pay and Allowances

Sec. 601. Fiscal year 2007 increase in military basic pay and reform of basic pay rates.

Sec. 602. Increase in maximum rate of basic pay for general and flag officer grades to conform to increase in pay cap for Senior Executive Service personnel.

Sec. 603. One-year extension of prohibition against requiring certain injured members to pay for meals provided by military treatment facilities.

Sec. 604. Availability of second basic allowance for housing for certain reserve component or retired members serving in support of contingency operations.

Sec. 605. Extension of temporary continuation of housing allowance for dependents of members dying on active duty to spouses who are also members.

Sec. 606. Payment of full premium for coverage under Servicemembers' Group Life Insurance program during service in Operation Enduring Freedom or Operation Iraqi Freedom.

Sec. 607. Clarification of effective date of prohibition on compensation for correspondence courses.

Sec. 608. Extension of pilot program on contributions to Thrift Savings Plan for initial enlistees in the Army.

Subtitle B--Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. Extension of special pay and bonus authorities for nuclear officers.

Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.

Sec. 615. Expansion of eligibility of dental officers for additional special pay.

Sec. 616. Increase in maximum annual rate of special pay for Selected Reserve health care professionals in critically short wartime specialties.

Sec. 617. Expansion and enhancement of accession bonus authorities for certain officers in health care specialties.

Sec. 618. Authority to provide lump sum payment of nuclear officer incentive pay.

Sec. 619. Increase in maximum amount of nuclear career accession bonus.

Sec. 620. Increase in maximum amount of incentive bonus for transfer between Armed Forces.

Sec. 621. Additional authorities and incentives to encourage retired members and reserve component members to volunteer to serve on active duty in high-demand, low-density assignments.

Sec. 622. Accession bonus for members of the Armed Forces appointed as commissioned officers after completing officer candidate school.

Sec. 623. Modification of certain authorities applicable to the targeted shaping of the Armed Forces.

Sec. 624. Enhancement of bonus to encourage certain persons to refer other persons for enlistment in the Army.

Subtitle C--Travel and Transportation Allowances

Sec. 631. Travel and transportation allowances for transportation of family members incident to illness or injury of members.

Subtitle D--Retired Pay and Survivor Benefits

Sec. 641. Retired pay of general and flag officers to be based on rates of basic pay provided by law.

Sec. 642. Inapplicability of retired pay multiplier maximum percentage to certain service of members of the Armed Forces in excess of 30 years.

Sec. 643. Military Survivor Benefit Plan beneficiaries under insurable interest coverage.

Sec. 644. Modification of eligibility for commencement of authority for optional annuities for dependents under the Survivor Benefit Plan.

Sec. 645. Study of training costs, manning, operations tempo, and other factors that affect retention of members of the Armed Forces with special operations designations.

Subtitle E--Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 661. Treatment of price surcharges of certain merchandise sold at commissary stores.

Sec. 662. Limitations on lease of non-excess Department of Defense property for protection of morale, welfare, and recreation activities and revenue.

Sec. 663. Report on cost effectiveness of purchasing commercial insurance for commissary and exchange facilities and facilities of other morale, welfare, and recreation programs and nonappropriated fund instrumentalities.

Sec. 664. Study and report regarding access of disabled persons to morale, welfare, and recreation facilities and activities.

Subtitle F--Other Matters

Sec. 670. Limitations on terms of consumer credit extended to servicemembers and dependents.

Sec. 671. Enhancement of authority to waive claims for overpayment of pay and allowances and travel and transportation allowances.

Sec. 672. Exception for notice to consumer reporting agencies regarding debts or erroneous payments pending a decision to waive, remit, or cancel.

Sec. 673. Expansion and enhancement of authority to remit or cancel indebtedness of members and former members of the Armed Forces incurred on active duty.

Sec. 674. Phased recovery of overpayments of pay made to members of the uniformed services.

Sec. 675. Joint family support assistance program.

Sec. 676. Special working group on transition to civilian employment of National Guard and Reserve members returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom.

Sec. 677. Audit of pay accounts of members of the Army evacuated from a combat zone for inpatient care.

Sec. 678. Report on eligibility and provision of assignment incentive pay.

Sec. 679. Sense of Congress calling for payment to World War II veterans who survived Bataan Death March.

Subtitle A--Pay and Allowances

SEC. 601. FISCAL YEAR 2007 INCREASE IN MILITARY BASIC PAY AND REFORM OF BASIC PAY RATES.

(a) Waiver of Section 1009 Adjustment- The adjustment to become effective during fiscal year 2007 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) January 1, 2007, Increase in Basic Pay- Effective on January 1, 2007, the rates of monthly basic pay for members of the uniformed services are increased by 2.2 percent.

(c) Reform of Basic Pay Rates- Effective on April 1, 2007, the rates of monthly basic pay for members of the uniformed services within each pay grade (and with years of service computed under section 205 of title 37, United States Code) are as follows:

COMMISSIONED OFFICERS1
