

Section 1511—Iraq Freedom Fund

This section would authorize an additional \$0.1 billion to the Iraq Freedom Fund.

Section 1512—Iraq Security Forces Fund

This section would authorize an additional \$2.0 billion to the Iraq Security Forces Fund.

Section 1513—Afghanistan Security Forces Fund

This section would authorize an additional \$2.7 billion to the Afghanistan Security Forces Fund.

Section 1514—Military Personnel

This section would authorize an additional \$17.5 billion for military personnel.

Section 1515—Authorized Army Construction and Land Acquisition Projects

This section would authorize an additional \$0.5 billion for Authorized Army Construction and Land Acquisition Projects.

Section 1516—Authorized Navy Construction and Land Acquisition Projects

This section would authorize an additional \$0.2 billion for Authorized Navy Construction and Land Acquisition Projects.

Section 1517—Treatment as Additional Authorizations

This section would state that amounts authorized to be appropriated by this Title are in addition to amounts otherwise authorized to be appropriated by this Act.

TITLE XVI—NATIONAL GUARD ENHANCEMENT

ITEMS OF SPECIAL INTEREST

Joint Qualification Credit for Service as the Adjutant General of a State

The committee is aware that the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, is in the process of developing and implementing a new joint qualification system based on reforms to the joint officer management system and joint professional military education system required by section 516 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364). The committee also understands that the new joint qualification system would apply to reserve component officers on the reserve active status list and to federally recognized officers and that such officers who perform duties that meet the criteria established for joint matters would be able to earn joint experience points and be designated a joint qualified officer. The committee believes that in implementing the new joint qualification system the Secretary should evaluate the posi-

tions of adjutant generals in each of the States. Therefore, the committee directs the Secretary to review:

(1) The adjutant general positions in the States to determine whether the duties of those positions meet the criteria for joint matters and whether, if filled by a federally recognized reserve component officer, would give that officer joint experience points; and

(2) The past service of currently serving federally recognized State adjutants general to determine whether their past or current service qualifies for joint experience credit and whether such service qualifies any for designation as a joint qualified officer.

The committee directs the Secretary of Defense to provide the findings of this review to the Senate Committee on Armed Services and the House Committee on Armed Services within one year of enactment of this Act.

Report on Reforms Needed To Produce Sufficient Numbers of Qualified Reserve Component Personnel To Serve in Senior General and Flag Officer Positions

Beginning with Operation Desert Storm in the early 1990s, the armed forces increasingly have relied on the reserve components for a wide variety of operational missions, including wartime roles, homeland defense missions, and military assistance to civil authorities. Accompanying this increased reliance are the expanded requirements for reserve component officers to serve on active duty or full-time national guard duty in general and flag officer positions, not only within their respective military services, but also within joint commands. The committee supported this expansion of opportunities for reserve component flag and general officers in previous recommendations to establish general and flag officer positions in joint combatant commands and on the joint staff which could only be filled by reserve component officers. Further, the committee supported the requirement that officers serving as chiefs of the reserve components and Chief of the National Guard Bureau hold the grade of lieutenant general or vice admiral. Elsewhere in this title, the committee recommends that the Chief of the National Guard Bureau serve in the grade of general, expands the number of joint positions at the grade of lieutenant general or vice admiral that must be held by a reserve component officer, and revises statutes in anticipation that a reserve component officer will one day serve as a combatant commander.

The committee is concerned, however, that the career development, promotion and assignment systems in operation for reserve component officers within each of the military services, as well as the joint professional development, education, and assignment systems, are inadequate to provide sufficient numbers of fully qualified reserve component officers for consideration for advancement to and through the general and flag officer grades. Resolving that inadequacy is a complex task that cannot be met individually by the military services, nor can the shortfalls be resolved by Congress. Therefore, the committee directs the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the secretaries of the military services, to review the career development, promotion, and assignment systems for reserve component

officers and make the recommendations for change to statute and policy that the Secretary deems appropriate to accomplish the following:

(1) Provide a comprehensive, coordinated system for advancement of reserve component officers from colonel, or captain in the Navy, through the general officer grades to the grade of lieutenant general or vice admiral; and,

(2) Provide a sufficient pool of qualified reserve component officers to be considered for appointment to positions that require or merit the grades of lieutenant general or vice admiral and general or admiral.

Furthermore, the committee directs the Secretary of Defense to provide an interim report to the Senate Committee on Armed Services and House Committee on Armed Services within one year after the date of enactment of this Act, and a final report to those committees within two years after the date of enactment of this Act.

LEGISLATIVE PROVISIONS

Section 1601—Short Title

The section would provide that this title may be cited as the “National Guard Empowerment Act.”

SUBTITLE A—NATIONAL GUARD BUREAU

Section 1611—Enhancement of Duties and Position of Chief of the National Guard Bureau

This section would require that an officer appointed as the Chief of the National Guard Bureau (CNGB) serve in the grade of four-star general and be the principal advisor to the Secretary of Defense, through the Chairman of the Joint Chiefs of Staff, on National Guard matters. This section would require the Secretary to nominate an officer or officers to the President for consideration for appointment to the position of CNGB within 120 days after enactment of this act. Furthermore, this section would designate the CNGB as an advisor on such matters to the commander of Northern Command and to the Secretary of Homeland Security. This section would also describe the appointment process by which officers would be recommended to the President for appointment as CNGB.

In recommending an expanded advisory role for the CNGB, the committee has not changed the underlying statutory requirement that the CNGB remain an advisor to the secretaries of the Army and Air Force, as well as to the chiefs of staff of those military services. Furthermore, the committee does not intend that either the increased grade or the expanded advisory responsibility of the CNGB should alter the status of the Army and Air National Guard as reserve components of the Army and Air Force. However, the committee does believe that the revised duties of the CNGB, as they relate to military assistance to civil authorities, include identifying gaps between federal and state emergency response capabilities and making recommendations on programs and activities of the National Guard to address such gaps.

Section 1612—Establishment of the National Guard Bureau as
Joint Activity of Department of Defense

This section would make the National Guard Bureau (NGB) a joint activity of the Department of Defense. The committee does not believe that the designation of the NGB as a joint activity should change the relationship of the NGB with the Army and the Air Force related to matters pertaining to title 10, United States Code, and planning and budgeting for requirements under title 32, United States Code.

Section 1613—Enhancement of Functions of National Guard
Bureau

This section would expand the statutory requirements of the National Guard Bureau (NGB) charter to include facilitation and coordination with federal agencies, the adjutants general of the States, Northern Command, and Joint Forces Command on the use of national guard personnel and resources in the conduct of operations under the authority of title 32, United States Code, or in support of state missions.

This section would also charge the Secretary of Defense, in consultation with the Secretary of the Army and Secretary of the Air Force, to further develop the charter for the NGB, ensuring that the charter reflects the full scope of the functions and activities of the NGB. As the Secretary of Defense develops the charter for the NGB, the committee believes it is appropriate for the Secretary to consider the full range of activities that the NGB is currently performing, as well as those functions that it is reasonable to assume the NGB may perform in the future, especially as those duties and functions relate to military assistance to civil authorities. Some of those functions may include, but not be limited to:

(1) Assisting the Secretary of Defense and the Secretary of Homeland Security, as well as the Commander, Northern Command, in the validation of the requirements of the several States and Territories with respect to military assistance to civil authorities;

(2) Facilitating and supporting the training requirements relating to the provision of military assistance to civil authorities;

(3) Making recommendations to the Secretary of Defense, and to the Secretaries of the Army and Air Force, for the acquisition of equipment, material, and other supplies and services for the provision of military assistance to civil authorities;

(4) Assisting the Secretary of Defense in preparing the budget materials described in section 1614 of this Act; and

(5) Administering amounts provided to the National Guard for the provision of military assistance to civil authorities.

The committee expects that the Secretary of Defense will periodically review the charter of the NGB to ensure that it accurately reflects the full scope of the functions and activities of the NGB, and make modifications to the charter as required. Despite these enhancements to NGB functions, the committee does not intend for the NGB to assume the characteristics of an operational command.

Section 1614—Requirement for Secretary of Defense to Prepare Annual Plan for Response to Natural Disasters and Terrorist Events

This section would require the Secretary of Defense, in consultation with the commander of U.S. Northern Command and the Chief of the National Guard Bureau, to submit to Congress before March 1, 2008, and annually thereafter, a plan for coordinating the use of the National Guard and members of the armed forces on active duty when responding to natural disasters, acts of terrorism, and other man-made disasters. The plan would include national planning scenarios for a variety of hazards. Additionally, this section would require the plan to provide two response contingencies for each national planning scenario: one using only members of the National Guard and another using both members of the National Guard and members of the regular components of the armed forces. This section would further require the plan to cover, at a minimum, the following:

- (1) Protocols for the Department of Defense, the National Guard Bureau, and the Governors of the several States to carry out operations in coordination with each other and to ensure that Governors and local communities are properly informed and remain in control in their respective states and communities;
- (2) An identification of operational procedures, command structures, and lines of communication to ensure a coordinated, efficient response to contingencies; and
- (3) An identification of the training and equipment needed for both National Guard personnel and members of the armed forces on active duty to provide military assistance to civil authorities and for other domestic operations to respond to hazards identified in the national planning scenarios.

Finally, this section would require the National Guard Bureau to provide the Secretary of Defense information gathered from Governors, adjutant general of States, and other State civil authorities responsible for homeland preparation and response to natural and man-made disasters.

Section 1615—Determination of Department of Defense Civil Support Requirements

This section would require the Secretary of Defense to identify the military-unique capabilities required by the military services, including the reserve components, the joint commands, and defense agencies, to support civil authorities in an incident of national significance or catastrophic incident, as those terms are defined by the National Response Plan. The section would also require the Secretary to develop and implement a plan to provide resources necessary for the military services, their reserve components, the joint commands, and defense agencies to meet those requirements, as well as for any other additional capabilities, and to explain the resourcing plan in the materials submitted with the annual budget request. Lastly, this section would modify the requirement of the Secretary to provide biannual written policy guidance to the Chairman of the Joint Chiefs by including a requirement for guidance on providing support to civil authorities.

The committee expects that Chief of the National Guard Bureau will advise the commander of Northern Command, the Secretaries of the Air Force and Army, and through the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, regarding how the National Guard may help address gaps between federal and state emergency response capabilities, particularly as the Secretary identifies the resources required by this section and develops the plan to meet those requirements.

The committee believes that it is the responsibility of the Secretary of Homeland Security to develop a holistic, government-wide system, in accordance with the National Response Plan, to respond to an incident of national significance or a catastrophic incident. In the development of the military-unique capabilities required by this section, the committee expects that the Secretary of Homeland Security and the Secretary of Defense will work closely together and that the military-unique requirements will generally reflect the Department of Defense's supporting role in most matters related to assistance to civil authorities. The committee believes it would be appropriate for the Secretary of Homeland Security and the Secretary of Defense to agree on the military-unique capabilities required from the Department of Defense as an element of the factors the Secretary of Defense uses to determine which requirements are validated and incorporated into the resourcing plan required by this section.

Section 1616—Conforming and Clerical Amendments

This section would make various non-substantive conforming and clerical corrections.

SUBTITLE B—ADDITIONAL RESERVE COMPONENT ENHANCEMENTS

Section 1621—United States Northern Command

This section would require the Chairman of the Joint Chiefs of Staff to complete a manpower review of the military and civilian positions, job descriptions, and assignments within U.S. Northern Command (NORTHCOM), to include the position of the Commander and Deputy Commander of NORTHCOM itself, and its subordinate commands, with the goal of significantly increasing the numbers of reserve component personnel assigned or employed by NORTHCOM who have experience in planning, training, and employing forces for domestic emergency response and military assistance to civil authorities. This section would require the review to be completed within one year after enactment of this Act. The review and any recommendations deemed appropriate by the Secretary of Defense would be provided to the Congress 90 days after the Secretary receives the review.

The section would also require the Secretary of Defense to establish protocols and procedures to enable an officer in a title 10, United States Code, status or an officer in a title 32, United States Code, status to command mixed-status forces, comprised of units and personnel in both title 10 and title 32 status, in connection with the training and employment of those mixed-status forces during homeland defense missions, domestic emergency responses, and military support to civil authorities. This section would require

that the protocols and procedures would include enabling the Commander of NORTHCOM and subordinate commanders within the NORTHCOM chain of command, as well as the adjutant general of a State, or officers subordinate to that adjutant general, to exercise command of such mixed status units. In making this recommendation, the committee notes that authority already exists within title 32, United States Code, to enable command of mixed-status forces and that the Army and the Air Force to varying degrees over the last decade have used that authority to create and employ such mixed status forces. Furthermore, the committee's recommendation in section 1624 of this title to expand a National Guard officer's ability to command such mixed status units is intended to facilitate the establishment of such command procedures and protocols. Moreover, the committee believes that the establishment of such protocols and procedures is a necessary precondition for the eventual appointment of a reserve component officer to command NORTHCOM.

Section 1622—Council of Governors

This section would require the President to create a bipartisan council of governors to advise the Secretary of Defense, the Secretary of Homeland Security, and the White House Homeland Security Council on matters relating to the National Guard and civil support missions.

Section 1623—Reserve Components Policy Board

This section would create a Reserve Components Policy Board in place of the existing Reserve Forces Policy Board. The board would consist of 15 members in the Office of the Secretary of Defense, appointed from civilian life, to provide the Secretary of Defense independent advice and recommendations on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components of the United States.

Section 1624—Requirements for Certain High-Level Positions To Be Held by Reserve Component General or Flag Officers

This section would increase from 10 to 15 the number of general and flag officer joint duty positions below the grade of lieutenant general or vice admiral that the Chairman of the Joint Chiefs of Staff may designate to be filled only by reserve component officers. This section would also require the Chairman of the Joint Chiefs to designate up to three general and flag officer joint duty positions in the grade of lieutenant general or vice admiral to be held only by a reserve component officer. This section would also specify that one of those three positions must be the deputy commander of Northern Command (NORTHCOM), unless the Commander, NORTHCOM is a reserve component officer. The committee makes this recommendation to ensure that there are expanded opportunities for reserve component officers to serve at increasing levels of responsibility in joint duty positions and commands. Furthermore, the committee expects that either the Commander or the Deputy Commander of NORTHCOM shall be an officer with significant ex-

perience in planning, training, and employing forces for domestic emergency response and military assistance to civil authorities.

Section 1625—Retirement Age and Years of Service Limitations on Certain Reserve General and Flag Officers

This section would make adjustments to the retirement ages and years of service limitations on certain reserve general and flag officers.

Section 1626—Additional Reporting Requirements Relating to National Guard Equipment

This section would add two additional reporting requirements to the annual report that the Secretary of Defense is required to submit to Congress regarding the equipment of the National Guard and reserve components. The first item would require a statement of accuracy of the previous inventory projection and if that projection was not met, the reasons why. The second item would require the Chief of the National Guard Bureau to certify an inventory from the preceding year for equipment items for which funds were appropriated and scheduled for procurement, but was not received by the end of that fiscal year. The committee believes these two reporting items will add greater clarity to the equipment status of the National Guard.

TITLE XVII—DEFENSE READINESS PRODUCTION BOARD

OVERVIEW

The committee is deeply troubled by the current state of readiness of the armed forces. Readiness of Army and Marine Corps non-deployed forces falls far short of basic military standards. More recently, even the readiness levels of forces being deployed to combat theaters have been lacking. The Department of Defense has deployed units that did not receive significant items of military equipment until several weeks after arriving in the combat theater. While readiness problems are most severe in the ground forces, the Navy and Air Force are not immune to readiness concerns. Furthermore, the National Guard's readiness problems are critical and impact not only national security, but homeland security as well.

In the past several years, requirements reviews to address readiness shortfalls have occurred primarily in the context of preparing war-related supplemental funding requests. This approach has limited the services to considering only those requirements that can be accomplished readily in a fiscal year, and to considering only shortfalls generated primarily by contingency operations. By so limiting the analysis, the services cannot fully consider their readiness requirements or how the country's total industrial base, both defense and non-defense, could be mobilized to address critical readiness requirements as rapidly as possible. These reviews have not allowed the services to properly correct readiness problems that existed prior to the start of current operations, nor to properly consider solutions that would significantly increase industrial base capacity to address equipment shortfalls. Although the Army, in par-