

Calendar No. 758

110TH CONGRESS
2D SESSION**H. R. 5658**

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2008

Received; read twice and placed on the calendar

AN ACT

To authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Duncan Hunter Na-
5 tional Defense Authorization Act for Fiscal Year 2009”.

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

3 (a) DIVISIONS.—This Act is organized into four divi-
 4 sions as follows:

5 (1) Division A—Department of Defense Au-
 6 thorizations.

7 (2) Division B—Military Construction Author-
 8 izations.

9 (3) Division C—Department of Energy Na-
 10 tional Security Authorizations and Other Authoriza-
 11 tions.

12 (4) Division D—Governmentwide Acquisition
 13 Improvements.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

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Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. National Guard and Reserve equipment.

Sec. 106. Rapid Acquisition Fund.

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- Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.
- Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.

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- Sec. 122. Applicability of previous teaming agreements for Virginia-class submarine program.
- Sec. 123. Littoral Combat Ship (LCS) program.
- Sec. 124. Report on F/A-18 procurement costs, comparing multiyear to annual.

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- Sec. 213. Future Combat Systems manned ground vehicle selected acquisition reports.
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- Sec. 232. Assessment of the Historically Black Colleges and Universities and Minority Serving Institutions Program.
- Sec. 233. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.
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- Sec. 1110. Status reports relating to laboratory personnel demonstration projects.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

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- Sec. 1201. Extension of authority to build the capacity of the Pakistan Frontier Corps.
- Sec. 1202. Military-to-military contacts and comparable activities.
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- Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
- Sec. 1205. One-year extension of authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability.
- Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
- Sec. 1207. Extension of authority for security and stabilization assistance.
- Sec. 1208. Authority for support of special operations to combat terrorism.
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- Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
- Sec. 1212. Report on status of forces agreements between the United States and Iraq.
- Sec. 1213. Strategy for United States-led Provincial Reconstruction Teams in Iraq.
- Sec. 1214. Commanders' Emergency Response Program.
- Sec. 1215. Performance monitoring system for United States-led Provincial Reconstruction Teams in Afghanistan.
- Sec. 1216. Report on command and control structure for military forces operating in Afghanistan.
- Sec. 1217. Report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
- Sec. 1218. Study and report on Iraqi police training teams.
- Sec. 1219. Declaration of policy relating to status of forces agreements between the United States and Iraq.
- Sec. 1220. Limitation on certain status of forces agreements between the United States and Iraq.
- Sec. 1221. Report on long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom.

Subtitle C—Other Matters

- Sec. 1231. Payment of personnel expenses for multilateral cooperation programs.
- Sec. 1232. Extension of Department of Defense authority to participate in multinational military centers of excellence.
- Sec. 1233. Study of limitation on classified contracts with foreign companies engaged in space business with China.
- Sec. 1234. Requirement to update National Intelligence Estimate on Iran's nuclear intentions and capabilities.
- Sec. 1235. Employment for resettled Iraqis.

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- Sec. 1411. Authorized uses of National Defense Stockpile funds.
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Sec. 1421. Armed Forces Retirement Home.

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Sec. 1431. Inapplicability of Executive Order No. 13457.

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- Sec. 1501. Purpose.
- Sec. 1502. Army procurement.
- Sec. 1503. Navy and Marine Corps procurement.
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- Sec. 1505. Defense-wide activities procurement.
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- Sec. 1508. Limitation on obligation of funds for the Joint Improvised Explosive
Devices Defeat Organization pending notification to Congress.
- Sec. 1509. Research, development, test, and evaluation.
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- Sec. 1511. Other Department of Defense programs.
- Sec. 1512. Iraq Security Forces Fund.
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- Sec. 2001. Short title.
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- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2008
projects.

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- Sec. 2107. Extension of authorizations of certain fiscal year 2006 projects.
- Sec. 2108. Extension of authorization of certain fiscal year 2005 project.

TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project.
- Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects.
- Sec. 2207. Report on impacts of surface ship homeporting alternatives.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Extension of authorizations of certain fiscal year 2006 projects.
- Sec. 2306. Extension of authorizations of certain fiscal year 2005 projects.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.
- Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.
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Subtitle B—Chemical Demilitarization Authorizations

- Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.
- Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.
- Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.
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TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.
- Sec. 2607. Extension of authorizations of certain fiscal year 2006 projects.
- Sec. 2608. Extension of Authorization of certain fiscal year 2005 project.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

- Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
- Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
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Subtitle B—Amendments to Base Closure and Related Laws

- Sec. 2711. Repeal of commission approach for development of recommendations in any future round of base closures and realignments.
- Sec. 2712. Modification of annual base closure and realignment reporting requirements.
- Sec. 2713. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

Subtitle C—Other Matters

- Sec. 2721. Conditions on closure of Walter Reed Army Medical Hospital and relocation of operations to National Naval Medical Center and Fort Belvoir.
- Sec. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Incorporation of principles of sustainable design in documents submitted as part of proposed military construction projects.
- Sec. 2802. Extension of authority to use operation and maintenance funds for construction projects outside the United States.
- Sec. 2803. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.

- Sec. 2804. Use of military family housing constructed under build and lease authority to house members without dependents.
- Sec. 2805. Lease of military family housing to the Secretary of Defense for use as residence.
- Sec. 2806. Repeal of reporting requirement in connection with installation vulnerability assessments.
- Sec. 2807. Modification of alternative authority for acquisition and improvement of military housing.
- Sec. 2808. Report on capturing housing privatization best practices.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Clarification of exceptions to congressional reporting requirements for certain real property transactions.
- Sec. 2812. Authority to lease non-excess property of military departments and Defense Agencies.
- Sec. 2813. Modification of utility system conveyance authority.
- Sec. 2814. Permanent authority to purchase municipal services for military installations in the United States.
- Sec. 2815. Defense access roads.
- Sec. 2816. Protecting private property rights during Department of Defense land acquisitions.

Subtitle C—Provisions Related to Guam Realignment

- Sec. 2821. Guam Defense Policy Review Initiative Account.
- Sec. 2822. Sense of Congress regarding use of Special Purpose Entities for military housing related to Guam realignment.
- Sec. 2823. Sense of Congress regarding Federal assistance to Guam.
- Sec. 2824. Comptroller General report regarding interagency requirements related to Guam realignment.
- Sec. 2825. Energy and environmental design initiatives in Guam military construction and installations.
- Sec. 2826. Department of Defense Inspector General report regarding Guam realignment.
- Sec. 2827. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.
- Sec. 2828. Prevailing wage applicable to Guam.
- Sec. 2829. Port of Guam Improvement Enterprise Program.

Subtitle D—Energy Security

- Sec. 2841. Certification of enhanced use leases for energy-related projects.
- Sec. 2842. Annual report on Department of Defense installations energy management.

Subtitle E—Land Conveyances

- Sec. 2851. Land conveyance, former Naval Air Station, Alameda, California.
- Sec. 2852. Land conveyance, Norwalk Defense Fuel Supply Point, Norwalk, California.
- Sec. 2853. Land conveyance, former Naval Station, Treasure Island, California.
- Sec. 2854. Condition on lease involving Naval Air Station, Barbers Point, Hawaii.
- Sec. 2855. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.

- Sec. 2856. Land conveyance, John Sevier Range, Knox County, Tennessee.
- Sec. 2857. Land conveyance, Bureau of Land Management land, Camp Williams, Utah.
- Sec. 2858. Land conveyance, Army property, Camp Williams, Utah.
- Sec. 2859. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.
- Sec. 2860. Transfer of administrative jurisdiction, decommissioned Naval Security Group Activity, Skaggs Island, California.

Subtitle F—Other Matters

- Sec. 2871. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
- Sec. 2872. Decontamination and use of former bombardment area on island of Culebra.
- Sec. 2873. Acceptance and use of gifts for construction of additional building at National Museum of the United States Air Force, Wright-Patterson Air Force Base.
- Sec. 2874. Establishment of memorial to American Rangers at Fort Belvoir, Virginia.
- Sec. 2875. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.
- Sec. 2876. Naming of health facility, Fort Rucker, Alabama.

TITLE XXIX—ADDITIONAL WAR-RELATED AND EMERGENCY MILITARY CONSTRUCTION AUTHORIZATIONS FOR FISCAL YEAR 2008

- Sec. 2901. Authorized Army construction and land acquisition projects.
- Sec. 2902. Authorized Navy construction and land acquisition projects.
- Sec. 2903. Authorized Air Force construction and land acquisition projects.
- Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects for which funds were not appropriated.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Utilization of international contributions to the Russian plutonium disposition program.
- Sec. 3112. Extension of deadline for Comptroller General report on Department of Energy protective force management.
- Sec. 3113. Enhancing nuclear forensics capabilities.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2009.

Sec. 3502. Limitation on export of vessels owned by the Government of the United States for the purpose of dismantling, recycling, or scrapping.

Sec. 3503. Student incentive payment agreements.

Sec. 3504. Riding gang member requirements.

Sec. 3505. Maintenance and Repair Reimbursement Program for the Maritime Security Fleet.

Sec. 3506. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.

DIVISION D—GOVERNMENTWIDE ACQUISITION IMPROVEMENTS

Sec. 4001. Short title.

TITLE XLI—ENHANCED COMPETITION

Sec. 4101. Minimizing sole-source contracts.

Sec. 4102. Limitation on length of certain noncompetitive contracts.

Sec. 4103. Requirement for purchase of property and services pursuant to multiple award contracts.

TITLE XLII—CURBING ABUSE-PRONE CONTRACTS

Sec. 4201. Regulations to minimize the inappropriate use of cost-reimbursement contracts.

Sec. 4202. Preventing abuse of interagency contracts.

Sec. 4203. Prohibitions on the use of lead systems integrators.

Sec. 4204. Regulations on excessive pass-through charges.

Sec. 4205. Linking of award and incentive fees to acquisition outcomes.

Sec. 4206. Minimizing abuse of commercial services item authority.

TITLE XLIII—ACQUISITION WORKFORCE

Sec. 4301. Acquisition workforce development fund.

Sec. 4302. Contingency contracting corps.

TITLE XLIV—ANTI-FRAUD PROVISIONS

Sec. 4401. Protection for contractor employees from reprisal for disclosure of certain information.

Sec. 4402. Mandatory Fraud Reporting.

Sec. 4403. Access of General Accounting Office to Contractor Employees.

Sec. 4404. Preventing conflicts of interest.

TITLE XLV—ENHANCED CONTRACT TRANSPARENCY

Sec. 4501. Disclosure of CEO salaries.

- Sec. 4502. Database for contracting officers and suspension and debarment of officials.
- Sec. 4503. Review of database.
- Sec. 4504. Disclosure in applications.
- Sec. 4505. Role of interagency committee.
- Sec. 4506. Authorization of independent agencies.
- Sec. 4507. Authorization of appropriations.
- Sec. 4508. Report to Congress.
- Sec. 4509. Improvements to the Federal procurement data system.
- Sec. 4510. Protection of child custody arrangements for parents who are members of the armed forces deployed in support of a contingency operation.

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

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

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

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. National Guard and Reserve equipment.
- Sec. 106. Rapid Acquisition Fund.

Subtitle B—Army Programs

- Sec. 111. Separate procurement line items for Future Combat Systems program.
- Sec. 112. Restriction on contract awards for major elements of the Future Combat Systems program.
- Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.
- Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.

Subtitle C—Navy Programs

- Sec. 121. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.
- Sec. 122. Applicability of previous teaming agreements for Virginia-class submarine program.
- Sec. 123. Littoral Combat Ship (LCS) program.
- Sec. 124. Report on F/A-18 procurement costs, comparing multiyear to annual.

Subtitle D—Air Force Programs

- Sec. 131. Limitation on retiring C-5 aircraft.
 Sec. 132. Maintenance of retired KC-135E aircraft.
 Sec. 133. Repeal of multi-year contract authority for procurement of tanker aircraft.
 Sec. 134. Report on processes used for requirements development for KC-(X).

Subtitle E—Joint and Multiservice Matters

- Sec. 141. Body armor acquisition strategy.
 Sec. 142. Small arms acquisition strategy and requirements review.
 Sec. 143. Requirement for common ground stations and payloads for manned and unmanned aerial vehicles.
 Sec. 144. Report on Future Jet carrier trainer Requirements of the Navy.

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

3 **SEC. 101. ARMY.**

4 Funds are hereby authorized to be appropriated for
 5 fiscal year 2009 for procurement for the Army as follows:

6 (1) For aircraft, \$4,912,735,000.

7 (2) For missiles, \$2,201,460,000.

8 (3) For weapons and tracked combat vehicles,
 9 \$3,539,177,000.

10 (4) For ammunition, \$2,294,791,000.

11 (5) For other procurement, \$11,201,876,000.

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

13 (a) NAVY.—Funds are hereby authorized to be appro-
 14 priated for fiscal year 2009 for procurement for the Navy
 15 as follows:

16 (1) For aircraft, \$14,627,274,000.

17 (2) For weapons, including missiles and tor-
 18 pedoes, \$3,575,482,000.

1 (3) For shipbuilding and conversion,
2 \$12,917,919,000.

3 (4) For other procurement, \$5,461,926,000.

4 (b) MARINE CORPS.—Funds are hereby authorized to
5 be appropriated for fiscal year 2009 for procurement for
6 the Marine Corps in the amount of \$1,296,327,000.

7 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
8 are hereby authorized to be appropriated for fiscal year
9 2009 for procurement of ammunition for the Navy and
10 the Marine Corps in the amount of \$1,122,712,000.

11 **SEC. 103. AIR FORCE.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2009 for procurement for the Air Force as fol-
14 lows:

15 (1) For aircraft, \$12,618,665,000.

16 (2) For ammunition, \$934,478,000.

17 (3) For missiles, \$5,536,728,000.

18 (4) For other procurement, \$16,134,896,000.

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

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2009 for Defense-wide procurement in the
22 amount of \$3,485,428,000.

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

24 Funds are hereby authorized to be appropriated for
25 fiscal year 2009 for the procurement of aircraft, missiles,

1 wheeled and tracked combat vehicles, tactical wheeled ve-
2 hicles, ammunition, other weapons, and other procurement
3 for the reserve components of the Armed Forces in the
4 amount of \$800,000,000.

5 **SEC. 106. RAPID ACQUISITION FUND.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2009 for the Rapid Acquisition Fund in the
8 amount of \$50,000,000.

9 **Subtitle B—Army Programs**

10 **SEC. 111. SEPARATE PROCUREMENT LINE ITEMS FOR FU-**
11 **TURE COMBAT SYSTEMS PROGRAM.**

12 Effective for fiscal year 2010 and for each fiscal year
13 thereafter, the Secretary of Defense shall ensure that, in
14 each budget submission to the President, a separate, dedi-
15 cated procurement line item is designated for each of the
16 following elements of the Future Combat Systems (FCS)
17 program, to the extent the budget submission includes
18 funding for such elements:

- 19 (1) FCS Manned Ground Vehicles.
- 20 (2) FCS Unmanned Ground Vehicles.
- 21 (3) FCS Unmanned Aerial Systems.
- 22 (4) FCS Unattended Ground Systems.
- 23 (5) Other FCS elements.

1 **SEC. 112. RESTRICTION ON CONTRACT AWARDS FOR**
2 **MAJOR ELEMENTS OF THE FUTURE COMBAT**
3 **SYSTEMS PROGRAM.**

4 (a) **CONTRACTING RESTRICTED.**—For fiscal year
5 2009 and any fiscal year thereafter, the Secretary of De-
6 fense and the Secretary of the Army may not award a
7 contract for low-rate initial production or full-rate produc-
8 tion of major elements of the Future Combat Systems pro-
9 gram to any entity that is under contract to perform the
10 role of lead systems integrator for the Future Combat Sys-
11 tems program.

12 (b) **INAPPLICABILITY TO NON-LINE OF SIGHT CAN-**
13 **NON.**—Subsection (a) does not apply to contracts entered
14 into in fiscal year 2009 or fiscal year 2010 for procure-
15 ment of Non-Line of Sight Cannon vehicles.

16 (c) **INAPPLICABILITY TO EQUIPMENT PROCURED**
17 **THROUGH SELECTED ACQUISITION METHODS.**—Sub-
18 section (a) does not apply to elements of the Future Com-
19 bat Systems program—

20 (1) acquired through the Army Rapid Equip-
21 ping Force program;

22 (2) acquired through the Joint Improved Explo-
23 sive Device Defeat Organization; or

24 (3) acquired specifically to address an Oper-
25 ational Needs Statement or Joint Urgent Oper-
26 ational Needs Statement.

1 (d) DEFINITIONS.—In this section:

2 (1) The term “major elements of the Future
3 Combat Systems program” includes—

4 (A) Future Combat Systems Manned
5 Ground Vehicles;

6 (B) Future Combat Systems Unmanned
7 Ground Vehicles;

8 (C) Future Combat Systems Unmanned
9 Aerial Vehicles;

10 (D) Future Combat Systems Non-Line of
11 Sight Missile Launchers;

12 (E) Future Combat Systems Unattended
13 Ground Sensors; and

14 (F) Future Combat Systems equipment to
15 upgrade vehicles and other equipment in the
16 Army inventory as of October 1, 2008.

17 (2) The term “lead systems integrator” has the
18 meaning given such term in section 802(d) of the
19 National Defense Authorization Act for Fiscal Year
20 2008 (Public Law 110–181).

21 **SEC. 113. RESTRICTION ON OBLIGATION OF FUNDS FOR**
22 **ARMY TACTICAL RADIO PENDING REPORT.**

23 (a) REPORT REQUIRED.—The Assistant Secretary of
24 Defense for Networks and Information Integration shall
25 submit to the congressional defense committees a report

1 on Army tactical radio fielding plans by March 30, 2009.

2 This report shall include, at a minimum, the following:

3 (1) A description of the Army tactical radio
4 fielding strategy, including a description of the over-
5 all mix of tactical radio systems and how they inte-
6 grate to provide communications and network capa-
7 bility.

8 (2) A detailed description of the current and fu-
9 ture mix of radios for Army infantry brigade combat
10 teams, heavy brigade combat teams, Stryker brigade
11 combat teams, and Future Combat Systems brigade
12 combat teams.

13 (3) A description of the current and future mix
14 of radios for Army support brigades, headquarters
15 elements, and training base.

16 (4) A description of the Army's plan to inte-
17 grate joint tactical radio system radios, including the
18 number of each type of joint tactical radio the Army
19 plans to procure.

20 (5) An assessment of the total cost of the
21 Army's tactical radio fielding strategy, including fu-
22 ture procurement of joint tactical radio systems.

23 (b) RESTRICTION ON OBLIGATION OF FUNDS PEND-
24 ING REPORT.—Of the amounts appropriated pursuant to
25 an authorization of appropriations in this Act or otherwise

1 made available for fiscal year 2009 for Other Procure-
2 ment, Army, for tactical radio systems, not more than 75
3 percent may be obligated or expended until 30 days after
4 the report required by subsection (a) is received by the
5 congressional defense committees.

6 **SEC. 114. RESTRICTION ON OBLIGATION OF PROCUREMENT**
7 **FUNDS FOR ARMED RECONNAISSANCE HELI-**
8 **COPTER PROGRAM PENDING CERTIFI-**
9 **CATION.**

10 (a) **CERTIFICATION REQUIRED.**—The Under Sec-
11 retary of Defense for Acquisition, Technology, and Logis-
12 tics shall certify to the congressional defense committees
13 that the Army Reconnaissance Helicopter has—

14 (1) satisfactorily completed a Limited User
15 Test; and

16 (2) been approved to enter Milestone C.

17 (b) **RESTRICTION ON OBLIGATION OF FUNDS PEND-**
18 **ING CERTIFICATION.**—Of the amounts appropriated pur-
19 suant to an authorization of appropriations in this Act or
20 otherwise made available for fiscal year 2009 for aircraft
21 procurement, Army, for the Armed Reconnaissance Heli-
22 copter, not more than 20 percent may be obligated until
23 30 days after the certification required by subsection (a)
24 is received by the congressional defense committees.

1 **Subtitle C—Navy Programs**

2 **SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE**
3 **U.S.S. THEODORE ROOSEVELT.**

4 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—

5 Of the amount appropriated pursuant to the authorization
6 of appropriations in section 102 or otherwise made avail-
7 able for shipbuilding, conversion, and repair, Navy, for fis-
8 cal year 2009, \$124,500,000 is available for the com-
9 mencement of the nuclear refueling and complex overhaul
10 of the U.S.S. Theodore Roosevelt (CVN-71) during fiscal
11 year 2009. The amount made available in the preceding
12 sentence is the first increment in the three-year funding
13 planned for the nuclear refueling and complex overhaul of
14 that vessel.

15 (b) CONTRACT AUTHORITY.—The Secretary of the
16 Navy is authorized to enter into a contract during fiscal
17 year 2009 for the nuclear refueling and overhaul of the
18 U.S.S. Theodore Roosevelt (CVN-71).

19 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
20 MENTS.—A contract entered into under subsection (b)
21 shall provide that any obligation of the United States to
22 make a payment under the contract for a fiscal year after
23 fiscal year 2009 is subject to the availability of appropria-
24 tions for that purpose for that later fiscal year.

1 **SEC. 122. APPLICABILITY OF PREVIOUS TEAMING AGREE-**
2 **MENTS FOR VIRGINIA-CLASS SUBMARINE**
3 **PROGRAM.**

4 Section 121 of the National Defense Authorization
5 Act for Fiscal Year 2008 (Public Law 110–181) is amend-
6 ed in subsection (b)—

7 (1) in paragraph (1) by striking “and” at the
8 end;

9 (2) in paragraph (2) by striking the period at
10 the end and inserting “; and”; and

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

12 “(3) the Secretary submits to the congressional
13 defense committees a certification that the contract
14 will be awarded to either the General Dynamics
15 Electric Boat Division or the Northrop Grumman
16 Newport News Shipbuilding Division, with the other
17 contractor as the primary subcontractor to the con-
18 tract, in accordance with the Team Agreement be-
19 tween the two companies, dated February 16, 1997,
20 which was submitted to the Congress on March 31,
21 1997.”.

22 **SEC. 123. LITTORAL COMBAT SHIP (LCS) PROGRAM.**

23 Section 124 of the National Defense Authorization
24 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
25 3157), as amended by section 125 of the National Defense
26 Authorization Act for Fiscal Year 2008 (Public Law 110–

1 181; 122 Stat. 29), is amended in subsection (d) by add-
2 ing at the end the following:

3 “(3) The amounts of increases or decreases in
4 costs attributable to economic inflation after Sep-
5 tember 30, 2007. However, in the case of a vessel
6 the procurement of which is funded from amounts
7 appropriated pursuant to an authorization of appro-
8 priations or otherwise made available for fiscal year
9 2008 or 2009, the amount of such an increase for
10 such a vessel may not exceed \$10,000,000.

11 “(4) The amounts of increases or decreases in
12 costs of that vessel that are attributable to insertion
13 of new technology into that vessel, as compared to
14 the technology built into the first and second vessels,
15 respectively, of the Littoral Combat Ship (LCS)
16 class of vessels. However, the Secretary of the Navy
17 may make an adjustment under this paragraph only
18 if—

19 “(A) the Secretary of the Navy determines,
20 and certifies to the congressional defense com-
21 mittees, that insertion of the new technology
22 would lower the life-cycle cost of the vessel; or

23 “(B)(i) the Secretary of the Navy deter-
24 mines, and certifies to the congressional defense
25 committees, that insertion of the new tech-

1 nology is required to meet an emerging threat;
2 and

3 “(ii) the Secretary of Defense certifies to
4 those committees that such threat poses grave
5 harm to national security.”.

6 **SEC. 124. REPORT ON F/A-18 PROCUREMENT COSTS, COM-**
7 **PARING MULTIYEAR TO ANNUAL.**

8 (a) IN GENERAL.—Not later than March 1, 2009, the
9 Secretary of Defense shall submit to the congressional de-
10 fense committees a report on F/A-18 procurement. The
11 report shall include the following:

12 (1) The number of F/A-18E/F and EA-18G
13 aircraft programmed for procurement for fiscal
14 years 2010 through 2015.

15 (2) The estimated procurement costs for those
16 aircraft, if procured through annual procurement
17 contracts.

18 (3) The estimated procurement costs for those
19 aircraft, if procured through a multiyear procure-
20 ment contract.

21 (4) The estimated savings that could be derived
22 from the procurement of those aircraft through a
23 multiyear procurement contract, and whether the
24 Secretary considers the amount of those savings to
25 be substantial.

1 (5) A discussion comparing the costs and bene-
2 fits of obtaining those aircraft through annual pro-
3 curement contracts with the costs and benefits of ob-
4 taining those aircraft through a multiyear procure-
5 ment contract.

6 (6) The recommendations of the Secretary as to
7 whether Congress should authorize a multiyear pro-
8 curement contract for those aircraft.

9 (b) CERTIFICATIONS REQUIRED.—Should the Sec-
10 retary recommend under subsection (a)(6) that Congress
11 authorize a multiyear procurement contract for the air-
12 craft, the Secretary shall accompany the recommendation
13 with the certifications required by section 2306b of title
14 10, United States Code, so as to enable to award of a
15 multiyear procurement contract beginning with fiscal year
16 2010.

17 (c) FUNDING.—Subject to the availability of appro-
18 priations, the Secretary of the Navy may obligate up to
19 \$100,000,000 of the amount authorized for procurement
20 of F/A–18E/F or EA–18G aircraft for cost reduction ini-
21 tiatives (CRI) in fiscal year 2009. Such CRI funding may
22 be applied to either single year or multiyear procurements
23 of F/A–18 aircraft.

1 **Subtitle D—Air Force Programs**

2 **SEC. 131. LIMITATION ON RETIRING C-5 AIRCRAFT.**

3 (a) CERTIFICATION AND COST ANALYSIS RE-
4 REQUIRED.—The Secretary of the Air Force may not retire
5 C-5A aircraft from the inventory of the Air Force in any
6 number that would reduce the total number of such air-
7 craft in the inventory below 111 until 45 days after the
8 Secretary of the Air Force submits to the congressional
9 defense committees the following:

10 (1) The Secretary’s certification that retiring
11 the aircraft will not significantly increase operational
12 risk of not meeting the National Defense Strategy.

13 (2) A cost analysis with respect to the aircraft
14 to be retired that—

15 (A) evaluates which alternative is more ef-
16 fective in meeting strategic airlift mobility re-
17 quirements—

18 (i) to retire the aircraft; or

19 (ii) to perform the Reliability En-
20 hancement and Re-engining Program
21 (RERP) on the aircraft; and

22 (B) evaluates the life-cycle cost of C-17
23 aircraft to replace the capability of the aircraft
24 to be retired.

1 (b) ADDITIONAL REQUIREMENTS FOR COST ANAL-
2 YSIS.—The cost analysis required by subsection (a)(2)
3 shall conform to the following requirements:

4 (1) The cost analysis shall include one analysis
5 that uses “constant year dollars” and one analysis
6 that uses “then year dollars”.

7 (2) For each such analysis, the time period cov-
8 ered by the analysis shall be the expected service life
9 of the aircraft concerned.

10 (3) For each such analysis, the ownership costs
11 evaluated shall include costs for—

12 (A) planned technology insertions or up-
13 grades over the service life of the aircraft to
14 meet emerging requirements;

15 (B) research and development;

16 (C) testing;

17 (D) procurement;

18 (E) production;

19 (F) production termination;

20 (G) operations;

21 (H) training;

22 (I) maintenance;

23 (J) sustainment;

24 (K) military construction;

25 (L) personnel;

1 (M) cost of replacement due to attrition;
2 and

3 (N) disposal.

4 (4) The cost analysis shall include each of the
5 following:

6 (A) An assessment of the quality of each
7 cost analysis.

8 (B) A discussion of each of the following:

9 (i) The assumptions used.

10 (ii) The benefits to be realized from
11 each alternative.

12 (iii) Adverse impacts to be realized
13 from each alternative.

14 (iv) Cargo capacity, operational avail-
15 ability, departure reliability, and mission
16 capability.

17 (v) Aircraft basing.

18 (vi) Aircrew ratios and associated
19 training requirements.

20 (vii) Performing RERP on only C-5B
21 and C-5C aircraft.

22 (C) A summary table that compares and
23 contrasts each alternative with respect to each
24 of the requirements of this subsection.

1 (c) CONFORMING REPEAL.—Section 132 of the Na-
2 tional Defense Authorization Act for Fiscal Year 2004
3 (Public Law 108–136; 117 Stat. 1411) is repealed.

4 **SEC. 132. MAINTENANCE OF RETIRED KC–135E AIRCRAFT.**

5 Section 135(b) of the John Warner National Defense
6 Authorization Act for Fiscal Year 2007 (Public Law 109–
7 364; 120 Stat. 2114) is amended by striking “each KC–
8 135E aircraft that is retired” and inserting “at least 46
9 of the KC–135E aircraft retired”.

10 **SEC. 133. REPEAL OF MULTI-YEAR CONTRACT AUTHORITY**
11 **FOR PROCUREMENT OF TANKER AIRCRAFT.**

12 Section 135 of the National Defense Authorization
13 Act for Fiscal Year 2004 (10 U.S.C. 2401a note) is re-
14 pealed.

15 **SEC. 134. REPORT ON PROCESSES USED FOR REQUIRE-**
16 **MENTS DEVELOPMENT FOR KC–(X).**

17 Not later than December 1, 2008, the Secretary of
18 the Air Force shall submit to the congressional defense
19 committees a report on the processes used for require-
20 ments development for the KC–(X). The report shall in-
21 clude—

22 (1) an examination of the processes by which
23 KC–(X) requirements were established;

1 (2) a justification for the use of the KC-135R
2 as the comparative baseline for the KC-(X) competi-
3 tion; and

4 (3) an evaluation of commercial derivative air-
5 craft in the 750,000 pounds maximum gross take-off
6 weight to 1,000,000 pounds maximum gross take-off
7 weight range as a potential aerial refueling platform,
8 which shall include an examination of pertinent aer-
9 ial refueling capabilities such as range, offload at
10 range, and passenger/cargo capacity.

11 **Subtitle E—Joint and Multiservice** 12 **Matters**

13 **SEC. 141. BODY ARMOR ACQUISITION STRATEGY.**

14 (a) EXECUTIVE AGENT.—The Secretary of Defense
15 shall designate an executive agent for procurement of body
16 armor and associated components.

17 (b) SEPARATE PROCUREMENT LINE ITEMS.—Effec-
18 tive for fiscal year 2010 and for each fiscal year there-
19 after, the Secretary of Defense shall ensure that, within
20 each procurement account budget submission to the Presi-
21 dent, a separate, dedicated procurement line item is des-
22 ignated for procurement of body armor and associated
23 components.

24 (c) REPORT.—Not later than 90 days after the date
25 of the enactment of this Act, the Under Secretary of De-

1 fense for Acquisition, Technology, and Logistics shall sub-
2 mit to the congressional defense committees a report
3 that—

4 (1) identifies the critical industrial base capac-
5 ity for body armor, to include all tiers of subcon-
6 tractor suppliers;

7 (2) contains a plan for the long-term mainte-
8 nance of this industrial base capacity; and

9 (3) identifies specific research and development
10 objectives, priorities, and funding profiles for—

11 (A) advances in the level of protection;

12 (B) weight reduction; and

13 (C) manufacturing productivity.

14 **SEC. 142. SMALL ARMS ACQUISITION STRATEGY AND RE-**
15 **QUIREMENTS REVIEW.**

16 (a) GAO AUDIT AND REPORT.—The Comptroller
17 General of the United States shall audit the requirements
18 generation process of the Department of Defense for small
19 arms procurement to determine if there are statutory or
20 regulatory barriers to developing a small arms procure-
21 ment requirement. Not later than October 1, 2009, the
22 Comptroller General shall submit to the congressional de-
23 fense committees a report on the results of the audit.

24 (b) SECRETARY OF DEFENSE REPORT.—Not later
25 than 120 days after the date of the enactment of this Act,

1 the Secretary of Defense shall submit to the congressional
2 defense committees a comprehensive report on the small
3 arms industrial base. The report shall include the fol-
4 lowing:

5 (1) The current inventory, acquisition objective,
6 operational, and budgetary status of current small
7 arms programs, to include pistols, carbines, rifles,
8 light, medium, and heavy machine guns.

9 (2) A plan for a joint acquisition strategy for
10 small arms modernization, with emphasis on a pos-
11 sible near term competition for a new pistol and car-
12 bine.

13 (3) An analysis of current small arms research
14 and development programs.

15 (4) An analysis of current small arms capability
16 gap assessments that have been finalized or are
17 being pursued.

18 (c) DEFINITION.—In this section, the term “small
19 arms”—

20 (1) means man portable or vehicle mounted
21 light weapons, designed primarily for use by indi-
22 vidual military personnel for anti-personnel use; and

23 (2) includes pistols, carbines, rifles, and light,
24 medium, and heavy machine guns.

1 **SEC. 143. REQUIREMENT FOR COMMON GROUND STATIONS**
2 **AND PAYLOADS FOR MANNED AND UN-**
3 **MANNED AERIAL VEHICLES.**

4 (a) **POLICY REQUIRED.**—The Secretary of Defense
5 shall establish a policy and an acquisition strategy for in-
6 telligence, surveillance, and reconnaissance payloads and
7 ground stations for manned and unmanned aerial vehicle
8 systems, to be applicable throughout the Department of
9 Defense, to achieve integrated research, development, test,
10 and evaluation, and procurement commonality.

11 (b) **OBJECTIVES.**—The policy and acquisition strat-
12 egy required by subsection (a) shall have the following ob-
13 jectives:

14 (1) Procurement of common payloads by vehicle
15 class, including—

16 (A) signals intelligence;

17 (B) electro optical;

18 (C) synthetic aperture radar;

19 (D) ground moving target indicator;

20 (E) conventional explosive detection;

21 (F) foliage penetrating radar;

22 (G) laser designator;

23 (H) chemical, biological, radiological, nu-
24 clear, explosive detection; and

25 (I) national airspace operations avionics or
26 sensors, or both.

1 (2) Commonality of ground systems by vehicle
2 class.

3 (3) Common management of vehicle and pay-
4 loads procurement.

5 (4) Ground station interoperability standardiza-
6 tion.

7 (5) Open source software code.

8 (6) Acquisition of technical data rights in ac-
9 cordance with section 2320 of title 10, United States
10 Code.

11 (7) Acquisition of vehicles, payloads, and
12 ground stations through competitive procurement.

13 (c) AFFECTED SYSTEMS.—For the purposes of this
14 section, the manned and unmanned aerial vehicle classes
15 and types of manned and unmanned aerial vehicles within
16 each class are as follows:

17 (1) Tier II class: Vehicles such as Silver Fox
18 and Scan Eagle.

19 (2) Tactical class: Vehicles such as RQ-7.

20 (3) Medium altitude class: Vehicles such as
21 MQ-1, MQ-1C, MQ-5, MQ-8, MQ-9, and Warrior
22 Alpha.

23 (4) High Altitude class: Vehicles such as RQ-
24 4, RQ-4N, Unmanned airship systems, Constant
25 Hawk, Angel Fire, Special Project Aircraft, Aerial

1 Common Sensor, EP-3, Scathe View, Compass Call,
2 and Rivet Joint.

3 (d) CONSULTATION.—The Secretary shall develop the
4 policy and acquisition strategy required by subsection (a)
5 in consultation with the Chairman of the Joint Chiefs of
6 Staff.

7 (e) REPORT.—Not later than 120 days after the date
8 of the enactment of this Act, the Secretary shall submit
9 to the congressional defense committees, the Permanent
10 Select Committee on Intelligence of the House of Rep-
11 resentatives, and the Select Committee on Intelligence of
12 the Senate a report containing—

13 (1) the policy required by subsection (a); and

14 (2) the acquisition strategy required by sub-
15 section (a).

16 **SEC. 144. REPORT ON FUTURE JET CARRIER TRAINER RE-**
17 **QUIREMENTS OF THE NAVY.**

18 Not later than 120 days after the date of the enact-
19 ment of this Act, the Secretary of the Navy shall submit
20 to the congressional defense committees a report on future
21 jet carrier trainer requirements. The report shall in-
22 clude—

23 (1) an assessment of the Navy Strategic Plan-
24 ning Study concerning future jet carrier trainer re-
25 quirements;

1 (2) an assessment of studies conducted by inde-
2 pendent organizations concerning future jet carrier
3 trainer requirements;

4 (3) a cost-benefit analysis of creating a new
5 program to fulfill future jet carrier trainer require-
6 ments;

7 (4) a cost-benefit analysis of modifying current
8 programs to fulfill future jet carrier trainer require-
9 ments; and

10 (5) a plan to address future jet carrier trainer
11 requirements beginning fiscal year 2010.

12 **TITLE II—RESEARCH, DEVELOP-**
13 **MENT, TEST, AND EVALUA-**
14 **TION**

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Additional determinations to be made as part of Future Combat Sys-
 tems milestone review.

Sec. 212. Analysis of Future Combat Systems communications network and
 software.

Sec. 213. Future Combat Systems manned ground vehicle selected acquisition
 reports.

Sec. 214. Separate procurement and research, development, test, and evaluation
 line items and program elements for Sky Warrior Unmanned
 Aerial Systems project.

Sec. 215. Restriction on obligation of funds for the Warfighter Information
 Network—Tactical program.

Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft ex-
 penditures.

Subtitle C—Missile Defense Programs

Sec. 221. Independent study of boost phase missile defense.

Sec. 222. Limitation on availability of funds for procurement, construction, and
 deployment of missile defenses in Europe.

Subtitle D—Other Matters

- Sec. 231. Oversight of testing of personnel protective equipment by Director, Operational Test and Evaluation.
- Sec. 232. Assessment of the Historically Black Colleges and Universities and Minority Serving Institutions Program.
- Sec. 233. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.
- Sec. 234. Repeal of requirement for Technology Transition Initiative.
- Sec. 235. Trusted defense systems.
- Sec. 236. Limitation on obligation of funds for Enhanced AN/TPQ-36 radar system pending submission of report.
- Sec. 237. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.
- Sec. 238. Availability of funds for prompt global strike capability development.
- Sec. 239. Visiting NIH Senior Neuroscience Fellowship Program.

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

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

4 Funds are hereby authorized to be appropriated for
 5 fiscal year 2009 for the use of the Department of Defense
 6 for research, development, test, and evaluation as follows:

7 (1) For the Army, \$10,688,695,000.

8 (2) For the Navy, \$19,764,738,000.

9 (3) For the Air Force, \$28,238,349,000.

10 (4) For Defense-wide activities,
 11 \$21,033,651,000, of which \$188,772,000 is author-
 12 ized for the Director of Operational Test and Eval-
 13 uation.

14 **SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECH-**
 15 **NOLOGY.**

16 (a) FISCAL YEAR 2009.—Of the amounts authorized
 17 to be appropriated by section 201, \$12,059,915,000 shall

1 be available for the Defense Science and Technology Pro-
2 gram, including basic research, applied research, and ad-
3 vanced technology development projects.

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

11 **Subtitle B—Program Require-**
12 **ments, Restrictions, and Limita-**
13 **tions**

14 **SEC. 211. ADDITIONAL DETERMINATIONS TO BE MADE AS**
15 **PART OF FUTURE COMBAT SYSTEMS MILE-**
16 **STONE REVIEW.**

17 Section 214(b) of the John Warner National Defense
18 Authorization Act for Fiscal Year 2007 (Public Law 109–
19 364; 120 Stat. 2123) is amended by striking paragraphs
20 (4) through (6) and inserting the following:

21 “(4) Whether actual demonstrations, rather
22 than simulations, have shown that the software for
23 the program is on a path to achieve threshold re-
24 quirements on cost and schedule.

1 “(5) Whether the program’s planned major
2 communications network demonstrations are suffi-
3 ciently complex and realistic to inform major pro-
4 gram decision points.

5 “(6) The extent to which Future Combat Sys-
6 tems manned ground vehicle survivability will be re-
7 duced in a degraded Future Combat Systems com-
8 munications network environment.

9 “(7) The level of network degradation at which
10 Future Combat Systems manned ground vehicle
11 crew survivability is significantly reduced.

12 “(8) The extent to which the Future Combat
13 Systems communications network will be able to
14 withstand network attack, jamming, or other inter-
15 ference.

16 “(9) What the cost estimate for the program is,
17 including all spin outs, and an assessment of the
18 confidence level for that estimate.

19 “(10) What the affordability assessment for the
20 program is, given projected Army budgets, based on
21 that cost estimate.”.

22 **SEC. 212. ANALYSIS OF FUTURE COMBAT SYSTEMS COMMU-**
23 **NICATIONS NETWORK AND SOFTWARE.**

24 (a) **REPORT REQUIRED.**—Not later than July 1,
25 2009, the Assistant Secretary of Defense, Networks and

1 Information Integration, shall submit to the congressional
2 defense committees a report providing an assessment of
3 the Future Combat Systems communications network and
4 software. This report shall include, at a minimum, the fol-
5 lowing:

6 (1) An assessment of the vulnerability of the
7 Future Combat Systems communications network
8 and software to enemy network attack, in particular
9 the impact of the use of significant amounts of com-
10 mercial software in Future Combat Systems soft-
11 ware.

12 (2) An assessment of the vulnerability of the
13 Future Combat Systems communications network to
14 electronic warfare, jamming, and other potential
15 enemy interference.

16 (3) An assessment of the vulnerability of the
17 Future Combat Systems communications network to
18 adverse weather and complex terrain.

19 (4) An assessment of the Future Combat Sys-
20 tems communication network's dependence on sat-
21 ellite communications support, and an assessment of
22 the network's performance in the absence of as-
23 sumed levels of satellite communications support.

24 (5) An assessment of the performance of the
25 Future Combat Systems communications network

1 when operating in a degraded condition due to the
2 factors analyzed in paragraphs (1), (2), (3), and (4),
3 and how such a degraded network environment
4 would impact the performance of Future Combat
5 Systems brigades and the survivability of Future
6 Combat Systems manned ground vehicles.

7 (b) INCLUSION OF CLASSIFIED ANNEX.—The report
8 required by subsection (a) may include a classified annex
9 at the discretion of the Assistant Secretary, for the pur-
10 pose of providing the assessments required, or to provide
11 additional supporting information.

12 **SEC. 213. FUTURE COMBAT SYSTEMS MANNED GROUND VE-**
13 **HICLE SELECTED ACQUISITION REPORTS.**

14 (a) REPORT REQUIRED.—For each of the years 2009
15 through 2015, the Secretary of the Army shall, not later
16 than February 15 of the year, submit a selected acquisi-
17 tion report for each Future Combat Systems manned
18 ground vehicle variant.

19 (b) REQUIRED ELEMENTS.—The reports required by
20 subsection (a) shall include the same information required
21 in comprehensive annual selected acquisition reports for
22 major defense acquisition as defined in section 2432(c) of
23 title 10, United States Code.

24 (c) DEFINITION.—In this section, the term “manned
25 ground vehicle variant” includes the eight distinct variants

1 of manned ground vehicle designated on pages seven and
2 eight of the Future Combat Systems selected acquisition
3 report of the Department of Defense dated December 31,
4 2007, and any additional manned ground vehicle variants
5 designated in Future Combat Systems acquisition reports
6 of the Department of Defense after the date of the enact-
7 ment of this Act.

8 **SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DE-**
9 **VELOPMENT, TEST, AND EVALUATION LINE**
10 **ITEMS AND PROGRAM ELEMENTS FOR SKY**
11 **WARRIOR UNMANNED AERIAL SYSTEMS**
12 **PROJECT.**

13 Effective for fiscal year 2010 and for each fiscal year
14 thereafter, the Secretary of Defense shall ensure that, in
15 the Department of Defense's annual budget submission to
16 the President, within both the account for procurement
17 and the account for research, development, test, and eval-
18 uation, a separate, dedicated line item and program ele-
19 ment is designated for the Sky Warrior Unmanned Aerial
20 Systems project, to the extent such accounts include fund-
21 ing for such project.

1 **SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS FOR**
2 **THE WARFIGHTER INFORMATION NET-**
3 **WORK—TACTICAL PROGRAM.**

4 (a) NOTIFICATION REQUIRED.—The Under Sec-
5 retary of Defense for Acquisition, Technology, and Logis-
6 ties shall notify the congressional defense committees
7 within five days after the completion of all of the following
8 actions:

9 (1) Approval by the Under Secretary of a new
10 acquisition program baseline for the Warfighter In-
11 formation Network-Tactical (WIN-T) Increment 3
12 program.

13 (2) Completion of the independent cost estimate
14 for the WIN-T Increment 3 program by the Cost
15 Analysis Improvement Group, as required by the
16 June 5, 2007 recertification by the Under Secretary.

17 (3) Completion of the technology readiness as-
18 sessment of the WIN-T Increment 3 program by the
19 Director, Defense Research and Engineering, as re-
20 quired by the June 5, 2007 recertification by the
21 Under Secretary.

22 (b) RESTRICTION ON OBLIGATION OF FUNDS PEND-
23 ING NOTIFICATION.—Of the amounts appropriated pursu-
24 ant to an authorization of appropriations in this Act or
25 otherwise made available for research, development, test,
26 and evaluation, Army, for fiscal year 2009 for the WIN-

1 T Increment 3 program, not more than 20 percent of
2 those amounts may be obligated or expended until 15 days
3 after the notification required by subsection (a) is received
4 by the congressional defense committees.

5 **SEC. 216. LIMITATION ON SOURCE OF FUNDS FOR CERTAIN**
6 **JOINT CARGO AIRCRAFT EXPENDITURES.**

7 Of the amounts appropriated pursuant to an author-
8 ization of appropriations in this Act or otherwise made
9 available for fiscal year 2009 or any fiscal year thereafter
10 for the Army, the Secretary of the Army may fund the
11 following Joint Cargo Aircraft expenditures only through
12 amounts made available for procurement or for research,
13 development, test, and evaluation: support equipment, ini-
14 tial spares, training simulators, systems engineering and
15 management, and post-production modifications.

16 **Subtitle C—Missile Defense**
17 **Programs**

18 **SEC. 221. INDEPENDENT STUDY OF BOOST PHASE MISSILE**
19 **DEFENSE.**

20 (a) AGREEMENT REQUIRED.—Not later than 90 days
21 after the date of the enactment of this Act, the Secretary
22 of Defense shall enter into an agreement with a Federally
23 Funded Research and Development Center to conduct an
24 independent study of concepts and systems for boost phase
25 missile defense.

1 (b) REQUIREMENTS FOR STUDY.—

2 (1) SYSTEMS TO BE EXAMINED.—The study re-
3 quired by subsection (a) shall examine each of the
4 following systems:

5 (A) The Airborne Laser.

6 (B) The Kinetic Energy Interceptor (land-
7 and sea-based options).

8 (2) FACTORS TO BE EVALUATED.—The study
9 shall evaluate each system based on the following
10 factors:

11 (A) Technical capability of the system
12 against scenarios identified in paragraph
13 (3)(A).

14 (B) Operational issues, including oper-
15 ational effectiveness.

16 (C) Results of key milestone tests in fiscal
17 year 2009 and fiscal years prior.

18 (D) Survivability.

19 (E) Suitability.

20 (F) Concept-of-Operations, including bas-
21 ing considerations.

22 (G) Operations and maintenance support.

23 (H) Command-and-Control.

24 (I) Shortfall from intercepts.

25 (J) Force structure requirements.

1 (K) Effectiveness against countermeasures.

2 (L) Estimated cost of sustaining the sys-
3 tem in the field.

4 (M) Total lifecycle cost estimates.

5 (3) SCENARIOS TO BE ASSESSED.—

6 (A) IN GENERAL.—The study shall in-
7 clude, for each system, an assessment of the
8 operational capabilities of the system—

9 (i) to counter short-, medium-, and in-
10 termediate-range ballistic missile threats to
11 the deployed forces of the United States
12 and its friends and allies from rogue
13 states; and

14 (ii) to defend the territory of the
15 United States against limited ballistic mis-
16 sile attack.

17 (B) COMPARISON WITH NON-BOOST SYS-
18 TEMS.—The study shall also include an assess-
19 ment of the performance and operational capa-
20 bilities of non-boost missile defense systems to
21 counter the threats referred to in subparagraph
22 (A), and shall compare those capabilities with
23 the predicted performance and operational ca-
24 pabilities of the boost phase missile defense sys-
25 tems to counter those threats. For purposes of

1 this subparagraph, the non-boost missile de-
2 fense systems shall include, at a minimum—

3 (i) the Patriot PAC-3 system and the
4 Medium Extended Air Defense System
5 (MEADS) follow-on system;

6 (ii) the Aegis Ballistic Missile Defense
7 system, with all variants of the Standard
8 Missile-3 interceptor;

9 (iii) the Terminal High Altitude Area
10 Defense (THAAD) system; and

11 (iv) the Ground-based Midcourse De-
12 fense system.

13 (4) ASSESSMENTS AND RECOMMENDATIONS.—

14 The study shall include the following:

15 (A) Assessment of the developmental ef-
16 forts to date and feasibility of the currently
17 funded boost phase missile defense systems,
18 using the factors outlined in paragraph (2).

19 (B) Assessment of the cost and benefits of
20 the currently funded boost phase missile de-
21 fense systems.

22 (C) A recommended strategy for boost
23 phase missile defense investment over the Fu-
24 ture Years Defense Program.

1 (D) Any other matter that the Federally
2 Funded Research and Development Center con-
3 siders appropriate.

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

11 (d) REPORT.—Not later than January 31, 2010, the
12 Federally Funded Research and Development Center shall
13 submit to the congressional defense committees a report
14 on its findings, conclusions, and recommendations. The re-
15 port shall be in unclassified form, but may include a classi-
16 fied annex.

17 (e) PROHIBITION.—No funds appropriated pursuant
18 to an authorization of appropriations in this Act or other-
19 wise made available for fiscal year 2009 or any fiscal year
20 thereafter may be obligated or expended for the acquisi-
21 tion of the second Airborne Laser aircraft until 60 days
22 after the report required by this section is submitted.

1 **SEC. 222. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **PROCUREMENT, CONSTRUCTION, AND DE-**
3 **PLOYMENT OF MISSILE DEFENSES IN EU-**
4 **ROPE.**

5 (a) **GENERAL LIMITATION.**—No funds authorized to
6 be appropriated by this Act or otherwise made available
7 for the Department of Defense for fiscal year 2009 or any
8 fiscal year thereafter may be obligated or expended for
9 procurement, site activation, construction, preparation of
10 equipment for, or deployment of a long-range missile de-
11 fense system in Europe until the following conditions have
12 been met:

13 (1) The Government of Poland and the Govern-
14 ment of the Czech Republic have each signed and
15 ratified the missile defense basing agreements and
16 status of forces agreements that allow for the sta-
17 tioning, in their respective countries, of the United
18 States missile defense assets and personnel needed
19 to carry out the proposed deployment.

20 (2) Forty-five days have elapsed following the
21 receipt by the congressional defense committees of
22 the report required by section 226(c)(6) of the Na-
23 tional Defense Authorization Act for Fiscal Year
24 2008 (Public Law 110–181).

25 (b) **ADDITIONAL LIMITATION.**—In addition to the
26 limitation in subsection (a), no funds authorized to be ap-

1 appropriated by this Act or otherwise made available for the
2 Department of Defense for fiscal year 2009 may be obli-
3 gated or expended for the acquisition or deployment of
4 operational missiles of a long-range missile defense system
5 in Europe until the Secretary of Defense, after receiving
6 the views of the Director of Operational Test and Evalua-
7 tion, submits to the congressional defense committees a
8 report certifying that the proposed interceptor to be de-
9 ployed as part of such missile defense system has dem-
10 onstrated, through successful, operationally realistic flight
11 testing, a high probability of working in an operationally
12 effective manner and the ability to accomplish the mission.

13 (c) CONSTRUCTION.—Nothing in this section shall be
14 construed to limit continuing obligation and expenditure
15 of funds for missile defense, including for research and
16 development and for other activities not otherwise limited
17 by subsection (a) or (b), including, but not limited to, site
18 surveys, studies, analysis, and planning and design for the
19 proposed missile defense deployment in Europe.

20 **Subtitle D—Other Matters**

21 **SEC. 231. OVERSIGHT OF TESTING OF PERSONNEL PROTEC-** 22 **TIVE EQUIPMENT BY DIRECTOR, OPER-** 23 **ATIONAL TEST AND EVALUATION.**

24 (a) RESPONSIBILITIES OF THE DIRECTOR, OPER-
25 ATIONAL TEST AND EVALUATION, WITH RESPECT TO

1 PERSONNEL PROTECTIVE EQUIPMENT.—Section 139 of
2 title 10, United States Code, is amended—

3 (1) in subsection (a)(2) by adding at the end
4 the following:

5 “(C) The term ‘covered system’ means a
6 Department of Defense acquisition program
7 that is a covered system for purposes of section
8 2366 of this title or that is an item of personnel
9 protective equipment designated as a covered
10 system by the Secretary of Defense, or the Sec-
11 retary’s designee, for purposes of this section.”;

12 and

13 (2) in subsection (b)—

14 (A) by striking paragraph (3);

15 (B) by redesignating paragraphs (4)
16 through (7) as (3) through (6), respectively;

17 and

18 (C) by amending paragraph (6) (as so re-
19 designated) to read as follows:

20 “(6) monitor and review the survivability and
21 lethality testing of covered systems, major munition
22 programs, and covered product improvement pro-
23 grams of the Department of Defense provided under
24 section 2366 of this title.”.

1 (b) INCLUSION OF PERSONNEL PROTECTIVE EQUIP-
2 MENT IN SURVIVABILITY TESTING REQUIRED BEFORE
3 FULL-SCALE PRODUCTION.—Section 2366 of title 10,
4 United States Code, is amended—

5 (1) in subsection (e) by amending paragraph
6 (1) to read as follows:

7 “(1) The term ‘covered system’ means—

8 “(A) a vehicle, weapon platform, or con-
9 ventional weapon system—

10 “(i) that includes features designed to
11 provide some degree of protection to users
12 in combat; and

13 “(ii) that is a major system within the
14 meaning of that term in section 2302(5) of
15 this title; or

16 “(B) an item of personnel protective equip-
17 ment designated as a covered system in accord-
18 ance with section 139(a)(2)(C) of this title.”;
19 and

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

21 “(f) PERSONNEL PROTECTIVE EQUIPMENT.—In the
22 case of an item of personnel protective equipment des-
23 igned as a covered system, if, before a decision to pro-
24 ceed beyond low rate initial production, a decision is made
25 within the Department of Defense to proceed to oper-

1 ational use of that equipment or to make procurement
2 funds available for that equipment—

3 “(1) the milestone decision authority (as de-
4 fined in Department of Defense Directive 5000.1,
5 dated May 12, 2003) for the associated acquisition
6 program shall notify the Director of Operational
7 Test and Evaluation of such a decision, along with
8 supporting rationale; and

9 “(2) the Director of Operational Test and Eval-
10 uation shall submit to the Secretary of Defense and
11 the congressional defense committees the report re-
12 quired by subsection (d) as soon as practicable.”.

13 **SEC. 232. ASSESSMENT OF THE HISTORICALLY BLACK COL-**
14 **LEGES AND UNIVERSITIES AND MINORITY**
15 **SERVING INSTITUTIONS PROGRAM.**

16 (a) **ASSESSMENT REQUIRED.**—The Secretary of De-
17 fense shall—

18 (1) carry out an assessment of the capability of
19 Historically Black Colleges and Universities and Mi-
20 nority Serving Institutions (HBCU/MI) to partici-
21 pate in research, development, test, and evaluation
22 programs for the Department of Defense; and

23 (2) not later than twelve months after the date
24 of the enactment of this Act, submit to the congres-

1 sional defense committees a report on the assess-
2 ment.

3 (b) MATTERS ASSESSED.—The report under sub-
4 section (a) shall include the following:

5 (1) Summarized findings and lessons learned
6 from HBCU/MI programs based on contracts,
7 grants, or cooperative agreement awards.

8 (2) An assessment of the relevance, to include
9 outcomes and impacts, of those programs to the re-
10 search mission of the Department.

11 (3) An assessment of the national and regional
12 conferences held annually to provide technical assist-
13 ance and information regarding research, develop-
14 ment, test, and evaluation activities of the Depart-
15 ment, including the following:

16 (A) The number of such conferences held
17 over the last three years, and a description of
18 each such conference, to include a description of
19 activities conducted to meet the goals of the
20 conference.

21 (B) A follow-up assessment of the success
22 of such conferences from the perspective both of
23 the Department and of the attending institu-
24 tions.

1 (C) An assessment as to whether such con-
2 ferences are appropriately targeted to institu-
3 tions that have not historically received con-
4 tracts, grants or cooperative agreements with
5 the Department.

6 (4) As directed in Executive Order No. 13256,
7 a plan documenting the Department's effort in in-
8 creasing the capacity of HBCU/MIs to participate in
9 the research programs of the Department.

10 (5) Any other matters the Secretary considers
11 appropriate.

12 **SEC. 233. TECHNOLOGY-NEUTRAL INFORMATION TECH-**
13 **NOLOGY GUIDELINES AND STANDARDS TO**
14 **SUPPORT FULLY INTEROPERABLE ELEC-**
15 **TRONIC PERSONAL HEALTH INFORMATION**
16 **FOR THE DEPARTMENT OF DEFENSE AND DE-**
17 **PARTMENT OF VETERANS AFFAIRS.**

18 (a) IN GENERAL.—Section 1635 of the National De-
19 fense Authorization Act for Fiscal Year 2008 (Public Law
20 110–181; 122 Stat. 460; 10 U.S.C. 1071 note) is amend-
21 ed—

22 (1) in subsection (h)(1) by adding at the end
23 the following:

24 “(C) A description and analysis of the level
25 of interoperability and security of technologies

1 for sharing healthcare information among the
2 Department of Defense, the Department of Vet-
3 erans Affairs, and their transaction partners.

4 “(D) A description and analysis of the
5 problems the Department of Defense and the
6 Department of Veterans Affairs are having
7 with, and the progress such agencies are mak-
8 ing toward, ensuring interoperable and secure
9 healthcare information systems and electronic
10 healthcare records.”.

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

12 “(j) TECHNOLOGY-NEUTRAL GUIDELINES AND
13 STANDARDS.—

14 “(1) IN GENERAL.—The Director, in consulta-
15 tion with industry and appropriate Federal agencies,
16 shall develop, or shall adopt from industry, tech-
17 nology-neutral information technology infrastructure
18 guidelines and standards for use by the Department
19 of Defense and the Department of Veterans Affairs
20 to enable those agencies to effectively select and uti-
21 lize information technologies to meet the require-
22 ments of this section, in a manner that is—

23 “(A) interoperable;

24 “(B) inclusive of ongoing Federal efforts
25 that provide technical expertise to harmonize

1 existing standards and assist in the develop-
2 ment of interoperability specifications; and

3 “(C) consistent with relevant guidance and
4 directives for the development of information
5 technology systems with the Department of De-
6 fense and the Department of Veterans Affairs.

7 “(2) ELEMENTS.—The guidelines and stand-
8 ards developed or adopted under subsection (a)
9 shall—

10 “(A) promote the use by commercially
11 available and open source products to incor-
12 porate those guidelines and standards;

13 “(B) develop uniform testing procedures
14 suitable for determining the conformance of
15 commercially available and other Federally de-
16 veloped healthcare information technology prod-
17 ucts with the guidelines and standards;

18 “(C) support and promote the testing of
19 electronic healthcare information technologies
20 utilized by the Department of Defense and the
21 Department of Veterans Affairs;

22 “(D) provide protection and security pro-
23 files;

1 “(E) establish a core set of specifications
2 in transactions between Federal agencies and
3 their transaction partners; and

4 “(F) include validation criteria to enable
5 Federal agencies to select healthcare informa-
6 tion technologies appropriate to their needs.

7 “(3) REPORT.—Not later than March 31, 2009,
8 the Director shall submit to the Secretary of De-
9 fense and the Secretary of Veterans Affairs, and to
10 the appropriate congressional committees, a report
11 identifying the guidelines and standards developed
12 or adopted under this subsection. The report shall
13 include—

14 “(A) a description of how the Office is
15 working with the Business Transformation
16 Agency to integrate these standards into the
17 Enterprise Transition Plan for the Department
18 of Defense; and

19 “(B) a synchronization roadmap showing
20 the timeline for the deployment of applicable ex-
21 isting and planned healthcare information tech-
22 nology systems and how they will implement
23 these standards.”.

24 (b) COMPLIANCE WITH REQUIREMENTS.—The
25 amendments made by subsection (a) shall not impede the

1 Secretary of Defense, the Secretary of Veterans Affairs,
2 and the interagency program office from ensuring that the
3 requirements of subsection (d) of section 1635 of that Act,
4 including the date specified in that subsection, are met.

5 **SEC. 234. REPEAL OF REQUIREMENT FOR TECHNOLOGY**
6 **TRANSITION INITIATIVE.**

7 (a) ASSESSMENT REQUIRED.—

8 (1) IN GENERAL.—Not later than March 31,
9 2009, the Under Secretary of Defense for Acquisition,
10 Technology, and Logistics shall assess the feasibility
11 of consolidating various technology transition
12 accounts into a unified effort managed by a senior
13 official of the Department of Defense.

14 (2) OSD PROGRAMS INCLUDED.—Such assessment
15 shall include, but shall not be limited to, the
16 following programs within the Office of the Secretary
17 of Defense: Technology Transition Initiative,
18 Foreign Comparative Test, Defense Acquisition
19 Challenge Program, Quick Reaction Fund, Manufacturing
20 Technology, Joint Capability Technology
21 Demonstrations, Defense Technology Link, Joint
22 Capability Technology Demonstration Transition
23 Program, Defense Acquisition Executive, Rapid Reaction
24 Fund, and Operational Experimentation Division.
25

1 (3) MILITARY DEPARTMENT PROGRAMS IN-
2 CLUDED.—Such assessment shall also include, as
3 appropriate, the technology transition initiatives of
4 the military departments.

5 (b) INITIATIVE REQUIREMENT REPEALED.—

6 (1) IN GENERAL.—Section 2359a of title 10,
7 United States Code, is amended—

8 (A) by amending the section heading to
9 read as follows:

10 **“§ 2359a. Technology Transition Council”;**

11 (B) by striking subsections (a), (b), (c),
12 (d), (e), (f), and (h); and

13 (C) by redesignating subsections (g) and
14 (i) as (a) and (b), respectively.

15 (2) CONFORMING AMENDMENT.—The table of
16 sections at the beginning of chapter 139 of title 10,
17 United States Code, is amended by striking the item
18 relating to section 2359a and inserting the following
19 new item:

“2359a. Technology Transition Council.”.

20 **SEC. 235. TRUSTED DEFENSE SYSTEMS.**

21 (a) ASSESSMENT REQUIRED.—The Secretary of De-
22 fense shall conduct a comprehensive assessment of covered
23 acquisition programs to identify vulnerabilities in the sup-
24 ply chain of each program’s information processing sys-

1 tems that potentially compromise the level of trust in such
2 systems. Such assessment shall also—

3 (1) assess vulnerabilities at multiple levels of
4 the information processing system, including but not
5 limited to, microcircuits, software, and firmware;

6 (2) prioritize the potential vulnerabilities and
7 impacts of the various elements and stages of the
8 system supply chain to identify the most effective
9 balance of investments to minimize the effects of
10 compromise;

11 (3) provide recommendations regarding ways to
12 improve trust in the supply chain for covered acqui-
13 sition programs; and

14 (4) identify the appropriate lead, and sup-
15 porting elements, within the Department of Defense
16 for the development of an integrated strategy for en-
17 suring trust in the supply chain for acquisition pro-
18 grams.

19 (b) STRATEGY REQUIRED.—The lead identified pur-
20 suant to subsection (a)(4), in cooperation with the sup-
21 porting elements also identified by the Secretary of De-
22 fense, shall develop an integrated strategy for ensuring
23 trust in the supply chain for acquisition programs. Such
24 strategy shall—

1 (1) address the vulnerabilities identified by the
2 Secretary's assessment under subsection (a);

3 (2) reflect the priorities identified by such as-
4 sessment;

5 (3) be executable by the defense acquisition
6 community; and

7 (4) be sufficiently specific to provide guidance
8 for the planning, programming, budgeting, and exe-
9 cution process in order to ensure acquisition pro-
10 grams have the necessary resources to implement all
11 appropriate elements of the strategy.

12 (c) INTERIM POLICY FOR APPLICATION SPECIFIC IN-
13 TEGRATED CIRCUITS.—Not later than 180 days after the
14 date of the enactment of this Act, the Secretary of Defense
15 shall issue a policy requiring covered trusted systems to
16 employ only trusted foundry services to fabricate their cus-
17 tom designed integrated circuits.

18 (d) SUBMISSION TO CONGRESS.—Not later than 12
19 months after the date of the enactment of this Act, the
20 Secretary of Defense shall submit to the congressional de-
21 fense committees—

22 (1) the assessment required by subsection (a);
23 and

24 (2) the strategy required by subsection (b).

25 (e) DEFINITIONS.—In this section:

1 (1) The term “covered acquisition programs”
2 means a Department of Defense acquisition program
3 that is a major system for purposes of section
4 2302(5) of title 10, United States Code, and—

5 (A) has not yet entered low-rate initial pro-
6 duction, as defined in section 2400 of title 10,
7 United States Code; or

8 (B) is currently in production or no longer
9 in production, and information processing sys-
10 tem upgrades are still planned over the life
11 cycle of the system.

12 (2) The terms “trust” and “trusted” refer to
13 the high confidence by the Department of Defense
14 in the national ability to secure national security
15 systems by assessing the integrity of the people and
16 processes used to design, generate, manufacture,
17 and distribute national security critical components.

18 (3) The term “covered trusted systems”
19 means—

20 (A) all Mission Assurance Category I sys-
21 tems, as defined in Department of Defense Di-
22 rective 8500.01E and associated Department of
23 Defense Instruction 8500.2; and

24 (B) any other system identified by the Sec-
25 retary of Defense as a system—

1 (i) that is vital to mission effective-
2 ness or operational readiness of deployed
3 or contingency forces;

4 (ii) the loss or degradation of which
5 results in immediate and sustained loss of
6 mission effectiveness;

7 (iii) that is highly accurate and highly
8 available; and

9 (iv) for which the most stringent pro-
10 tection measures are required.

11 (4) The term “trusted foundry services” means
12 the program co-funded by the National Security
13 Agency and the Department of Defense, through
14 program element 0605140D8Z, or any such similar
15 program approved by the Secretary of Defense.

16 **SEC. 236. LIMITATION ON OBLIGATION OF FUNDS FOR EN-**
17 **HANCED AN/TPQ-36 RADAR SYSTEM PENDING**
18 **SUBMISSION OF REPORT.**

19 Of the amounts appropriated pursuant to section
20 201(1) of this Act or otherwise made available for fiscal
21 year 2009 for research, development, test, and evaluation,
22 Army, for the Enhanced AN/TPQ-36 radar system, not
23 more than 70 percent of the amounts remaining unobli-
24 gated as of the date of the enactment of this Act may
25 be obligated until the Secretary of the Army submits to

1 the congressional defense committees a report describing
2 the plan to transition the Counter-Rockets, Artillery, and
3 Mortars program to a program of record.

4 **SEC. 237. CAPABILITIES-BASED ASSESSMENT TO OUTLINE A**
5 **JOINT APPROACH FOR FUTURE DEVELOP-**
6 **MENT OF VERTICAL LIFT AIRCRAFT AND**
7 **ROTORCRAFT.**

8 (a) ASSESSMENT REQUIRED.—The Secretary of De-
9 fense and the Chairman of the Joint Chiefs of Staff shall
10 carry out a capabilities-based assessment that outlines a
11 joint approach to the future development of vertical lift
12 aircraft and rotorcraft for all of the military services. The
13 assessment shall—

14 (1) address critical technologies required for fu-
15 ture development, including a technology roadmap;

16 (2) include the development of a strategic plan
17 that—

18 (A) formalizes the Department of De-
19 fense’s strategic vision for the next generation
20 of Department of Defense vertical lift aircraft
21 and rotorcraft;

22 (B) establishes joint requirements for the
23 next generation of Department of Defense
24 vertical lift aircraft and rotorcraft technology;
25 and

1 (C) emphasizes the development of com-
2 mon service requirements; and

3 (3) include the development of a detailed
4 science and technology investment and implementa-
5 tion plan and an identification of the resources re-
6 quired to implement it.

7 (b) REPORT.—The Secretary and the Chairman shall
8 submit to the congressional defense committees a report
9 on the assessment under subsection (a). The report shall
10 include—

11 (1) the technology roadmap referred to in sub-
12 section (a)(1);

13 (2) the strategic plan referred to in subsection
14 (a)(2);

15 (3) the plan and the identification of resources
16 referred to in subsection (a)(3); and

17 (4) a detailed plan to establish a Joint Vertical
18 Lift Aircraft/Rotorcraft Office based on lessons
19 learned from the Joint Advanced Strike Technology
20 (JAST) Office.

21 **SEC. 238. AVAILABILITY OF FUNDS FOR PROMPT GLOBAL**
22 **STRIKE CAPABILITY DEVELOPMENT.**

23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of this Act, funds for conventional prompt global
25 strike capability development are authorized by this Act

1 only for those activities expressly delineated in the expend-
2 iture plan for fiscal years 2008 and 2009 that was re-
3 quired by section 243 of the National Defense Authoriza-
4 tion Act for Fiscal Year 2008 (Public Law 110–181; 122
5 Stat. 51; 10 U.S.C. 113 note) and submitted to the con-
6 gressional defense committees and dated March 24, 2008,
7 or those activities otherwise expressly authorized by Con-
8 gress.

9 (b) REPORT.—The Secretary of Defense shall submit
10 to the congressional defense committees, concurrently with
11 the President’s budget request for fiscal year 2010, a re-
12 port that describes each conventional prompt global strike
13 concept that—

14 (1) has been, or will be, affected by the tech-
15 nology applications developed pursuant to conven-
16 tional prompt global strike activities within fiscal
17 year 2009; and

18 (2) will be considered within the context of any
19 conventional prompt global strike concept decision in
20 fiscal year 2010.

21 **SEC. 239. VISITING NIH SENIOR NEUROSCIENCE FELLOW-**
22 **SHIP PROGRAM.**

23 (a) REQUIREMENT TO ESTABLISH.—The Secretary
24 of Defense may establish a program to be known as the
25 Visiting NIH Senior Neuroscience Fellowship Program (in

1 this section referred to as the “Program”) at the Defense
2 Advanced Research Projects Agency (DARPA) and the
3 Defense Center of Excellence for Psychological Health and
4 Traumatic Brain Injury (DCoE).

5 (b) ACTIVITIES OF THE PROGRAM.—The Program
6 may—

7 (1) provide a partnership between the National
8 Institutes of Health (NIH) and DARPA that will
9 enable identification and funding of the broadest
10 range of innovative, highest quality clinical and ex-
11 perimental neuroscience studies for the benefit of
12 men and women in the Armed Forces;

13 (2) provide a partnership between the NIH and
14 the DCoE that will enable identification and funding
15 of clinical and experimental neuroscience studies for
16 the benefit of men and women in the Armed Forces;

17 (3) provide a technology transfer mechanism
18 whereby the results of such studies can, where ap-
19 propriate, be used to enhance the health mission of
20 the NIH for the benefit of the public; and

21 (4) provide a military/civilian collaborative envi-
22 ronment for neuroscience-based medical problem-
23 solving in critical areas impacting both military and
24 civilian life, particularly post-traumatic stress dis-
25 order.

1 **TITLE III—OPERATION AND**
 2 **MAINTENANCE**

 Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

 Subtitle B—Environmental Provisions

Sec. 311. Authorization for Department of Defense participation in conservation banking programs.

Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.

Sec. 313. Expand cooperative agreement authority for management of natural resources to include off-installation mitigation.

Sec. 314. Detection instrument technology research and deployment of resulting detection instruments and technological improvements.

Sec. 315. Closed Loop Recycling for Motor Vehicle Lubricating Oil.

 Subtitle C—Workplace and Depot Issues

Sec. 321. Time limitation on duration of public-private competitions.

Sec. 322. Comprehensive analysis and development of single Government-wide definition of inherently governmental function.

Sec. 323. Study on future depot capability.

Sec. 324. High-performing organization business process reengineering.

Sec. 325. Temporary suspension of studies and public-private competitions regarding conversion of functions of the Department of Defense performed by civilian employees to contractor performance.

Sec. 326. Consolidation of Air Force and Air National Guard aircraft maintenance.

Sec. 327. Guidance for performance of civilian personnel work under Air Force civilian personnel consolidation plan.

Sec. 328. Report on reduction in number of firefighters on Air Force bases.

 Subtitle D—Energy Security

Sec. 331. Annual report on operational energy management and implementation of operational energy strategy.

Sec. 332. Consideration of fuel logistics support requirements in planning, requirements development, and acquisition processes.

Sec. 333. Study on solar energy for use at forward operating locations.

Sec. 334. Study on coal-to-liquid fuels.

Sec. 335. Exception to alternative fuel procurement requirement.

Sec. 336. Study of Consideration of Greenhouse Gas Emissions in Acquisition Processes.

 Subtitle E—Reports

Sec. 341. Comptroller General report on readiness of Armed Forces.

Sec. 342. Report on plan to enhance combat skills of Navy and Air Force personnel.

Sec. 343. Comptroller General report on the use of the Army Reserve and National Guard as an operational reserve.

1 (4) For the Air Force, \$35,060,427,000.

2 (5) For Defense-wide activities,
3 \$25,806,657,000.

4 (6) For the Army Reserve, \$2,659,141,000.

5 (7) For the Naval Reserve, \$1,311,085,000.

6 (8) For the Marine Corps Reserve,
7 \$213,131,000.

8 (9) For the Air Force Reserve, \$3,202,892,000.

9 (10) For the Army National Guard,
10 \$5,900,346,000.

11 (11) For the Air National Guard,
12 \$5,929,576,000.

13 (12) For the United States Court of Appeals
14 for the Armed Forces, \$13,254,000.

15 (13) For Environmental Restoration, Army,
16 \$447,776,000.

17 (14) For Environmental Restoration, Navy,
18 \$290,819,000.

19 (15) For Environmental Restoration, Air Force,
20 \$496,277,000.

21 (16) For Environmental Restoration, Defense-
22 wide, \$13,175,000.

23 (17) For Environmental Restoration, Formerly
24 Used Defense Sites, \$257,796,000.

1 (18) For Overseas Humanitarian, Disaster, and
2 Civic Aid programs, \$83,273,000.

3 (19) For Cooperative Threat Reduction pro-
4 grams, \$445,135,000.

5 (20) For the Overseas Contingency Operations
6 Transfer Fund, \$9,101,000.

7 **Subtitle B—Environmental** 8 **Provisions**

9 **SEC. 311. AUTHORIZATION FOR DEPARTMENT OF DEFENSE** 10 **PARTICIPATION IN CONSERVATION BANKING** 11 **PROGRAMS.**

12 (a) PARTICIPATION AUTHORIZED.—Chapter 159 of
13 title 10, United States Code, is amended by inserting after
14 section 2694b the following new section:

15 **“§ 2694c. Participation in conservation banking pro-** 16 **grams**

17 “(a) AUTHORITY TO PARTICIPATE.—Subject to the
18 availability of appropriated funds to carry out this section,
19 the Secretary concerned, when engaged or proposing to
20 engage in an activity described in subsection (b) that may
21 or will result in an adverse impact to one or more species
22 protected (or pending protection) under any applicable
23 provision of law, or habitat for such species, may make
24 payments to a conservation banking program or ‘in-lieu-
25 fee’ mitigation sponsor approved in accordance with—

1 “(1) the Federal Guidance for the Establish-
2 ment, Use and Operation of Mitigation Banks (60
3 Fed. Reg. 58605; November 28, 1995);

4 “(2) the Guidance for the Establishment, Use,
5 and Operation of Conservation Banks (68 Fed. Reg.
6 24753; May 2, 2003);

7 “(3) the Federal Guidance on the Use of In-
8 Lieu-Fee Arrangements for Compensatory Mitiga-
9 tion Under Section 404 of the Clean Water Act and
10 Section 10 of the Rivers and Harbors Act (65 Fed.
11 Reg. 66915; November 7, 2000); or

12 “(4) any successor or related administrative
13 guidance or regulation.

14 “(b) COVERED ACTIVITIES.—Payments to a con-
15 servation banking program or ‘in-lieu-fee’ mitigation spon-
16 sor under subsection (a) may be made only for the purpose
17 of facilitating one or more of the following activities:

18 “(1) Military testing, operations, training, or
19 other military activity.

20 “(2) Military construction.

21 “(c) TREATMENT OF AMOUNTS FOR CONSERVATION
22 BANKING.—Payments made under subsection (a) to a
23 conservation banking program or ‘in-lieu-fee’ mitigation
24 sponsor for the purpose of facilitating military construc-

1 tion may be treated as eligible costs of the military con-
2 struction project.

3 “(d) SECRETARY CONCERNED DEFINED.—In this
4 section, the term ‘Secretary concerned’ means—

5 “(1) the Secretary of a military department;
6 and

7 “(2) the Secretary of Defense with respect to a
8 Defense Agency.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by inserting
11 after the item relating to section 2694b the following new
12 item:

“2694e. Participation in conservation banking programs.”.

13 (c) EFFECTIVE DATE.—Section 2694e of title 10,
14 United States Code, as added by subsection (a), shall take
15 effect on October 1, 2008, and only funds appropriated
16 for fiscal years beginning after September 30, 2008, may
17 be used to carry out such section.

18 **SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
19 **TION AGENCY FOR CERTAIN COSTS IN CON-**
20 **NECTION WITH MOSES LAKE WELLFIELD**
21 **SUPERFUND SITE, MOSES LAKE, WASH-**
22 **INGTON.**

23 (a) AUTHORITY TO REIMBURSE.—

24 (1) TRANSFER AMOUNT.—Using funds de-
25 scribed in subsection (b) and notwithstanding sec-

1 tion 2215 of title 10, United States Code, the Sec-
2 retary of Defense may transfer not more than
3 \$64,049.40 during fiscal year 2009 to the Moses
4 Lake Wellfield Superfund Site 10–6J Special Ac-
5 count.

6 (2) PURPOSE OF REIMBURSEMENT.—The pay-
7 ment under paragraph (1) is to reimburse the Envi-
8 ronmental Protection Agency for its costs incurred
9 in overseeing a remedial investigation/feasibility
10 study performed by the Department of the Army
11 under the Defense Environmental Restoration Pro-
12 gram at the former Larson Air Force Base, Moses
13 Lake Superfund Site, Moses Lake, Washington.

14 (3) INTERAGENCY AGREEMENT.—The reim-
15 bursement described in paragraph (2) is provided for
16 in the interagency agreement entered into by the
17 Department of the Army and the Environmental
18 Protection Agency for the Moses Lake Wellfield
19 Superfund Site in March 1999.

20 (b) SOURCE OF FUNDS.—Any payment under sub-
21 section (a) shall be made using funds authorized to be ap-
22 propriated by section 301(17) for operation and mainte-
23 nance for Environmental Restoration, Formerly Used De-
24 fense Sites.

1 (c) USE OF FUNDS.—The Environmental Protection
2 Agency shall use the amount transferred under subsection
3 (a) to pay costs incurred by the Agency at the Moses Lake
4 Wellfield Superfund Site.

5 **SEC. 313. EXPAND COOPERATIVE AGREEMENT AUTHORITY**
6 **FOR MANAGEMENT OF NATURAL RESOURCES**
7 **TO INCLUDE OFF-INSTALLATION MITIGA-**
8 **TION.**

9 Section 103a(a) of the Sikes Act (16 U.S.C. 670c–
10 1(a)) is amended—

11 (1) by striking “to provide for the” and insert-
12 ing “to provide for the following:

13 “(1) The”; and

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

16 “(2) The maintenance and improvement of nat-
17 ural resources located off of a Department of De-
18 fense installation if the purpose of the cooperative
19 agreement is to relieve or eliminate current or antici-
20 pated challenges that could restrict, impede, or oth-
21 erwise interfere with, whether directly or indirectly,
22 current or anticipated military activities.”.

1 **SEC. 314. DETECTION INSTRUMENT TECHNOLOGY RE-**
2 **SEARCH AND DEPLOYMENT OF RESULTING**
3 **DETECTION INSTRUMENTS AND TECHNO-**
4 **LOGICAL IMPROVEMENTS.**

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

7 (1) make the research, development, testing,
8 and evaluation of technology related to unexploded
9 ordnance detection a priority; and

10 (2) accelerate the transition of promising detec-
11 tion instrument technology across the Department of
12 Defense.

13 (b) DEPLOYMENT AND TRAINING.—The Secretary
14 shall facilitate the deployment of unexploded ordnance de-
15 tection instrument technology developed through research
16 funded by the Department of Defense or developed by en-
17 tities other than the Department of Defense. The Sec-
18 retary may consider allocating a portion of the amount
19 appropriated for such research and development activities
20 to assist in the training of operators of unexploded ord-
21 nance detection instruments on the use of new detection
22 instruments.

23 (c) REPORT.—Not later than February 1, 2009, the
24 Secretary shall submit to the Committee on Armed Serv-
25 ices of the Senate and the Committee on Armed Services

1 of the House of Representatives a report describing and
2 evaluating the following:

3 (1) The amounts allocated for research, devel-
4 opment, test, and evaluation for unexploded ord-
5 nance detection technologies.

6 (2) The amounts allocated for transition of new
7 unexploded ordnance technologies.

8 (3) Activities undertaken by the Department to
9 transition such technologies and train operators on
10 emerging detection instrument technologies.

11 (4) Any impediments to the transition of new
12 unexploded ordnance detection instrument tech-
13 nologies to regular operation in remediation pro-
14 grams.

15 (5) The transfer of such technologies to private
16 companies involved in the detection of unexploded
17 ordnance.

18 (6) Activities undertaken by the Department to
19 raise public awareness regarding unexploded ord-
20 nance.

21 (d) UNEXPLODED ORDNANCE DEFINED.—In this
22 section, the term “unexploded ordnance” has the meaning
23 given such term in section 101(e)(5) of title 10, United
24 States Code.

1 **SEC. 315. CLOSED LOOP RECYCLING FOR MOTOR VEHICLE**
2 **LUBRICATING OIL.**

3 (a) **STUDY AND EVALUATION.**—Not later than 90
4 days after the date of the enactment of this Act, the Sec-
5 retary of Defense shall submit to Congress a report which
6 reviews the Department of Defense’s policies concerning
7 the sale and disposal of used motor vehicle lubricating oil,
8 and shall include in the report an evaluation of the feasi-
9 bility and desirability of implementing policies to require
10 closed loop recycling of used oil as a means of reducing
11 total indirect energy usage and greenhouse gas emissions.

12 (b) **IMPLEMENTATION.**—To the extent that the eval-
13 uation included in the report submitted under subsection
14 (a) indicates that closed loop recycling of used motor vehi-
15 cle lubricating oil can reduce total indirect energy usage
16 and greenhouse gas emissions without significant increase
17 in overall cost to the Department of Defense, the Sec-
18 retary shall implement policies to require closed loop recy-
19 cling of used oil whenever feasible.

20 (c) **DEFINITION.**—For purposes of this section, the
21 term “closed loop recycling” means the sale of used oil
22 to entities that re-refine used oil into base oil and vehicle
23 lubricants that meet Department of Defense and industry
24 standards, and the purchase of re-refined oil produced
25 through such re-refining process.

1 **Subtitle C—Workplace and Depot**
2 **Issues**

3 **SEC. 321. TIME LIMITATION ON DURATION OF PUBLIC-PRIV-**
4 **VATE COMPETITIONS.**

5 (a) TIME LIMITATION.—Section 2461(a) of title 10,
6 United States Code, is amended by adding at the end the
7 following new paragraph:

8 “(5)(A) The duration of a public-private competition
9 conducted pursuant to Office of Management and Budget
10 Circular A–76 or any other provision of law for any func-
11 tion of the Department of Defense performed by Depart-
12 ment of Defense civilian employees may not exceed a pe-
13 riod of 540 days, commencing on the date on which the
14 preliminary planning for the public-private competition be-
15 gins through the date on which a performance decision
16 is rendered with respect to the function.

17 “(B) The time period specified in subparagraph (A)
18 for a public-private competition does not include any day
19 during which the public-private competition is delayed by
20 reason of a protest before the Government Accountability
21 Office or the United States Court of Federal Claims un-
22 less the Secretary of Defense determines that the delay
23 is caused by issues being raised during the appellate proc-
24 ess that were not previously raised during the competi-
25 tion.”.

1 (b) EFFECTIVE DATE.—Paragraph (5) of section
2 2461(a) of title 10, United States Code, as added by sub-
3 section (a), shall apply with respect to a public-private
4 competition covered by such section that is being con-
5 ducted on or after the date of the enactment of this Act.

6 **SEC. 322. COMPREHENSIVE ANALYSIS AND DEVELOPMENT**
7 **OF SINGLE GOVERNMENT-WIDE DEFINITION**
8 **OF INHERENTLY GOVERNMENTAL FUNCTION.**

9 (a) DEVELOPMENT AND IMPLEMENTATION OF DEFINITION OF INHERENTLY GOVERNMENTAL FUNCTION.—

10 The Director of the Office of Management and Budget,
11 in consultation with appropriate representatives of the
12 Chief Acquisition Officers Council under section 16A of
13 the Office of Federal Procurement Policy Act (41 U.S.C.
14 414b) and the Chief Human Capital Council under section
15 1401 of title 5, United States Code, shall—

17 (1) review the definitions of the term “inher-
18 ently governmental function” described in subsection
19 (b) to determine whether such definitions are suffi-
20 ciently focused to ensure that only officers or em-
21 ployees of the Federal Government or members of
22 the Armed Forces perform inherently governmental
23 functions or other critical functions necessary for the
24 mission of a Federal department or agency;

1 (2) develop a single consistent definition for
2 such term that would—

3 (A) address any deficiencies in the existing
4 definitions, as determined pursuant to para-
5 graph (1);

6 (B) reasonably apply to all Federal depart-
7 ments and agencies;

8 (C) ensure that the head of each such de-
9 partment or agency is able to identify each po-
10 sition within that department or agency that
11 exercises an inherently governmental function
12 and should only be performed by officers or em-
13 ployees of the Federal Government or members
14 of the Armed Forces; and

15 (D) allow the head of each such depart-
16 ment or agency to identify each position within
17 that department or agency that, while the posi-
18 tion may not exercise an inherently govern-
19 mental function, nevertheless should only be
20 performed by officers or employees of the Fed-
21 eral Government or members of the Armed
22 Forces;

23 (3) in addition to the actions described under
24 paragraphs (1) and (2), provide criteria that would
25 identify positions within Federal departments and

1 agencies that are to be performed by officers or em-
2 ployees of the Federal Government or members of
3 the Armed Forces to ensure that the head of each
4 Federal department or agency—

5 (A) develops and maintains sufficient or-
6 ganic expertise and technical capability;

7 (B) develops guidance to implement the
8 definition of inherently governmental as de-
9 scribed in paragraph (2) in a manner that is
10 consistent with agency missions and operational
11 goals; and

12 (C) develops guidance to manage internal
13 decisions regarding staffing in an integrated
14 manner to ensure officers or employees of the
15 Federal Government or members of the Armed
16 Forces are filling critical management roles by
17 identifying—

18 (i) functions, activities, or positions,
19 or some combination thereof, or

20 (ii) additional mechanisms;

21 (4) in undertaking the actions described in
22 paragraphs (1) and (2), take into account the final
23 recommendations and related findings concerning
24 performance of inherently governmental functions in
25 the Final Report of the Acquisition Advisory Panel

1 established pursuant to section 1423 of the Services
2 Acquisition Reform Act of 2003 (title XIV of Public
3 Law 108–136; 41 U.S.C. 405 note) and any other
4 relevant reports or documents; and

5 (5) solicit the views of the public regarding the
6 matters identified in this section.

7 (b) DEFINITIONS OF INHERENTLY GOVERNMENTAL
8 FUNCTION.—The definitions of inherently governmental
9 function described in this subsection are the definitions
10 of such term that are contained in—

11 (1) the Federal Activities Inventory Reform Act
12 of 1998 (Public Law 105–270; 31 U.S.C. 501 note);

13 (2) section 2383 of title 10, United States
14 Code;

15 (3) Office of Management and Budget Circular
16 A–76;

17 (4) the Federal Acquisition Regulation; and

18 (5) any other relevant Federal law or regula-
19 tion, as determined by the Director of the Office of
20 Management and Budget in consultation with the
21 Chief Acquisition Officers Council and the Chief
22 Human Capital Council.

23 (c) REPORT TO CONGRESS.—Not later than one year
24 after the date of the enactment of this Act, the Director
25 of the Office of Management and Budget, in consultation

1 with the Chief Acquisition Officers Council and the Chief
2 Human Capital Council, shall submit to the Committees
3 on Armed Services of the Senate and House of Represent-
4 atives, the Committee on Homeland Security and Govern-
5 mental Affairs in the Senate, and the Committee on Over-
6 sight and Government Reform of the House of Represent-
7 atives a report on the actions taken by the Director under
8 this section. Such report shall contain each of the fol-
9 lowing:

10 (1) A description of the actions taken by the
11 Director under this section to develop a single defini-
12 tion of inherently governmental function.

13 (2) Such legislative recommendations as the Di-
14 rector determines are necessary to further the pur-
15 poses of this section.

16 (3) A description of such steps as may be nec-
17 essary—

18 (A) to ensure that the single definition de-
19 veloped under this section is consistently ap-
20 plied through all Federal regulations, circulars,
21 policy letters, agency guidance, and other docu-
22 ments;

23 (B) to repeal any existing Federal regula-
24 tions, circular, policy letters, agency guidance
25 and other documents determined to be super-

1 seded by the definition developed under this
2 section; and

3 (C) to develop any necessary implementing
4 guidance under this section for agency staffing
5 and contracting decisions, along with appro-
6 priate milestones.

7 (d) REGULATIONS.—Not later than 180 days after
8 submission of the report required by subsection (c), the
9 Director of the Office of Management and Budget shall
10 issue regulations to implement actions taken under this
11 section to develop a single definition of inherently govern-
12 mental function.

13 **SEC. 323. STUDY ON FUTURE DEPOT CAPABILITY.**

14 (a) STUDY REQUIRED.—Not later than 30 days after
15 the date of the enactment of this Act, the Secretary of
16 Defense shall enter into a contract with an independent
17 research entity that is a not-for-profit entity or a federally-
18 funded research and development center with appropriate
19 expertise in logistics and logistics analytical capability to
20 carry out a study on the capability and efficiency of the
21 depots of the Department of Defense to provide the logis-
22 tics capabilities and capacity necessary for national de-
23 fense.

24 (b) CONTENTS OF STUDY.—The study carried out
25 under subsection (a) shall—

1 (1) be a quantitative analysis of the post-reset
2 Department of Defense depot capability required to
3 provide life cycle sustainment of military legacy sys-
4 tems and new systems and military equipment;

5 (2) take into consideration direct input from
6 the Secretary of Defense and the logistics and acqui-
7 sition leadership of the military departments, includ-
8 ing materiel support and depot commanders;

9 (3) take into consideration input from regular
10 and reserve components of the Armed Forces, both
11 with respect to requirements for sustainment-level
12 maintenance and the capability and capacity to per-
13 form depot-level maintenance and repair;

14 (4) identify and address each type of activity
15 carried out at depots, installation directorates of lo-
16 gistics, regional sustainment-level maintenance sites,
17 reserve component maintenance capability sites, the-
18 ater equipment support centers, and Army field sup-
19 port brigade capabilities;

20 (5) examine relevant guidance provided and
21 regulations prescribed by the Secretary of Defense
22 and the Secretary of each of the military depart-
23 ments, including with respect to programming and
24 budgeting; and

1 (6) examine any relevant applicable laws, in-
2 cluding the relevant body of work performed by the
3 Government Accountability Office.

4 (c) ISSUES TO BE ADDRESSED.—The study required
5 under subsection (a) shall address each of the following
6 issues with respect to depots and depot capabilities:

7 (1) The life cycle sustainment maintenance
8 strategies and implementation plans of the Depart-
9 ment of Defense and the military departments that
10 cover—

11 (A) the role of each type of maintenance
12 activity;

13 (B) business operations;

14 (C) workload projection;

15 (D) outcome-based performance manage-
16 ment objectives;

17 (E) the adequacy of information tech-
18 nology systems, including workload manage-
19 ment systems;

20 (F) the workforce, including skills required
21 and development;

22 (G) budget and fiscal planning policies;
23 and

1 (H) capital investment strategies, including
2 the implementation of section 2476 of title 10,
3 United States Code.

4 (2) Current and future maintenance environ-
5 ments, including—

6 (A) performance-based logistics;

7 (B) supply chain management;

8 (C) condition-based maintenance;

9 (D) reliability-based maintenance;

10 (E) consolidation and centralization, in-
11 cluding—

12 (i) regionalization;

13 (ii) two-level maintenance; and

14 (iii) forward-based depot capacity;

15 (F) public-private partnerships;

16 (G) private-sector depot capability and ca-
17 pacity; and

18 (H) the impact of proprietary technical
19 documentation.

20 (d) AVAILABILITY OF INFORMATION.—The Secretary
21 of Defense and the Secretaries of each of the military de-
22 partments shall make available to the entity carrying out
23 the study under subsection (a) all necessary and relevant
24 information to allow the entity to conduct the study in
25 a quantitative and analytical manner.

1 (e) REPORTS TO COMMITTEES ON ARMED SERV-
2 ICES.—

3 (1) INTERIM REPORT.—The contract that the
4 Secretary enters into under subsection (a) shall pro-
5 vide that not later than one year after the com-
6 mencement of the study conducted under this sec-
7 tion, the chief executive officer of the entity that
8 carries out the study pursuant to the contract shall
9 submit to the Committees on Armed Services of the
10 Senate and House of Representatives an interim re-
11 port on the study.

12 (2) FINAL REPORT.—Such contract shall pro-
13 vide that not later than 22 months after the date on
14 which the Secretary of Defense enters into the con-
15 tract under subsection (a), the chief executive officer
16 of the entity that carries out the study pursuant to
17 the contract shall submit to the Committees on
18 Armed Services of the Senate and House of Rep-
19 resentatives a final report on the study. The report
20 shall include each of the following:

21 (A) A description of the depot maintenance
22 environment, as of the date of the conclusion of
23 the study, and the anticipated future environ-
24 ment, together with the quantitative data used

1 in conducting the assessment of such environ-
2 ments under the study.

3 (B) Recommendations with respect to what
4 would be required to maintain, in a post-reset
5 environment, an efficient and enduring Depart-
6 ment of Defense depot capability necessary for
7 national defense.

8 (C) Recommendations with respect to any
9 changes to any applicable law that would be ap-
10 propriate for a post-reset depot maintenance
11 environment.

12 (D) Recommendations with respect to the
13 methodology of the Department of Defense for
14 determining core logistics requirements, includ-
15 ing an assessment of risk.

16 (E) Proposed business rules that would
17 provide incentives for the Secretary of Defense
18 and the Secretaries of the military departments
19 to keep Department of Defense depots efficient
20 and cost effective, including the workload level
21 required for efficiency.

22 (F) A proposed strategy for enabling, re-
23 quiring, and monitoring the ability of the De-
24 partment of Defense depots to produce per-
25 formance-driven outcomes and meet materiel

1 readiness goals with respect to availability, reli-
2 ability, total ownership cost, and repair cycle
3 time.

4 (G) Comments provided by the Secretary
5 of Defense and the Secretaries of the military
6 departments on the findings and recommenda-
7 tions of the study.

8 (f) COMPTROLLER GENERAL REVIEW.—Not later
9 than 90 days after the date on which the report under
10 subsection (d) is submitted, the Comptroller General shall
11 review the report and submit to the Committees on Armed
12 Services of the Senate and House of Representatives an
13 assessment of the feasibility of the recommendations and
14 whether the findings are supported by the data and infor-
15 mation examined.

16 (g) DEFINITIONS.—In this section:

17 (1) The term “depot-level maintenance and re-
18 pair” has the meaning given that term under section
19 2460 of title 10, United States Code.

20 (2) The term “reset” means actions taken to
21 repair, enhance, or replace military equipment used
22 in support of operations underway as of the date of
23 the enactment of this Act and associated
24 sustainment.

1 “(6) Estimated duration of the initiative if such
2 initiative is deemed to be temporary.

3 “(b) RESTRICTION ON HIGH-PERFORMING ORGANI-
4 ZATIONS.—The Secretary of Defense, with respect to mat-
5 ters concerning the Defense Agencies, and the Secretary
6 of a military department, may not begin implementation
7 of a business process reengineering initiative to establish
8 a high performing organization until—

9 “(1) the Secretary submits to Congress the no-
10 tification required by subsection (d); and

11 “(2) the requirements of paragraphs (2) and
12 (3) of section 7106(b) of title 5 are complied with.

13 “(c) CERTAIN INITIATIVES PROHIBITED.—The Sec-
14 retary of Defense, or the Secretary of a military depart-
15 ment, may not implement a high-performing organization
16 if—

17 “(1) it were to result in a change of the collec-
18 tive bargaining status of an employee in the Depart-
19 ment of Defense or in the representation status of
20 a labor organization with exclusive representation
21 status, as provided in section 7114 of title 5; or

22 “(2) any planned reductions in staffing are
23 based on cost savings assumptions that are unre-
24 lated to the establishment of the high performing or-
25 ganization.

1 “(d) CONGRESSIONAL NOTIFICATION.—Forty-five
2 days before commencing a high-performing organization
3 under subsection (a), the Secretary of Defense or the Sec-
4 retary of the military department concerned shall submit
5 to Congress a notification describing the assessment re-
6 quired by subsection (a).

7 “(e) ANNUAL EVALUATION.—The Secretary of De-
8 fense or the Secretary of the military department con-
9 cerned shall conduct annual performance reviews of the
10 participating organizations or functions under the juris-
11 diction of the Secretary. The reviews shall be submitted
12 to Congress. Each review shall evaluate the performance
13 of the high performance organization in the following
14 areas;

15 “(1) Costs, savings, and overall financial per-
16 formance of the organization.

17 “(2) Organic knowledge, skills or expertise.

18 “(3) Efficiency and effectiveness of key func-
19 tions or processes.

20 “(4) Efficiency and effectiveness of the overall
21 organization.

22 “(f) DEFINITIONS.—In this section,

23 “(1) The term ‘high-performing organization’
24 means an organization whose performance exceeds

1 that of comparable providers, whether public or pri-
2 vate.

3 “(2) The term ‘business process reengineering
4 initiative’ means an approach to reinvent or consoli-
5 date functions whether they are inherently govern-
6 mental, military essential, or commercial activities,
7 or a reorganization that is undertaken at the direc-
8 tion of the Office of Management and Budget.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by inserting
11 after the item relating to section 129c the following new
12 item:

“129d. High-performing organizations.”.

13 **SEC. 325. TEMPORARY SUSPENSION OF STUDIES AND PUB-**
14 **LIC-PRIVATE COMPETITIONS REGARDING**
15 **CONVERSION OF FUNCTIONS OF THE DE-**
16 **PARTMENT OF DEFENSE PERFORMED BY CI-**
17 **VILIAN EMPLOYEES TO CONTRACTOR PER-**
18 **FORMANCE.**

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

20 (1) The turbulence caused by the efforts of the
21 Department of Defense to increase the size of the
22 Armed Forces, implement the decisions of the 2005
23 round of base realignments and closures, and exe-
24 cute transformational initiatives, combined with the
25 strain on the Armed Forces due to ongoing contin-

1 agency operations, could impede sound decisions re-
2 garding the conversion to contractor performance of
3 functions of the Department of Defense performed
4 by civilian employees.

5 (2) Public-private competitions may unneces-
6 sarily divert Department of Defense personnel and
7 resources away from operational obligations.

8 (3) The Secretary of Defense needs to ensure
9 that readiness is fully supported.

10 (b) SUSPENSION.—During the period beginning on
11 the date of the enactment of this Act and ending on Sep-
12 tember 30, 2011, no study or public-private competition
13 regarding the conversion to contractor performance of any
14 function of the Department of Defense performed by civil-
15 ian employees may be begun or announced pursuant to
16 section 2461 of title 10, United States Code, or otherwise
17 pursuant to Office of Management and Budget Circular
18 A-76.

19 **SEC. 326. CONSOLIDATION OF AIR FORCE AND AIR NA-**
20 **TIONAL GUARD AIRCRAFT MAINTENANCE.**

21 (a) ROLE OF NATIONAL GUARD BUREAU.—The Sec-
22 retary of the Air Force shall not implement the consolida-
23 tion of aircraft repair facilities and personnel of the active
24 Air Force with aircraft repair facilities and personnel of
25 the Air National Guard or the consolidation of aircraft

1 repair facilities and personnel of the Air National Guard
2 with aircraft repair facilities and personnel of the active
3 Air Force until the Secretary consults with, and obtains
4 the consent of, the National Guard Bureau.

5 (b) REPORT ON CRITERIA.—Not later than 30 days
6 after the date of the enactment of this Act, the Secretary
7 of the Air Force shall submit to the Committees on Armed
8 Services of the Senate and House of Representatives a re-
9 port stating all the criteria being used by the Department
10 of the Air Force and the Rand Corporation to evaluate
11 the feasibility of consolidating Air Force maintenance
12 functions into organizations that would integrate active,
13 Guard, and Reserve components into a total-force ap-
14 proach. The report shall include the assumptions that
15 were provided to or developed by the Rand Corporation
16 for their study of the feasibility of the consolidation pro-
17 posal.

18 (c) REPORT ON FEASIBILITY STUDY.—At least 90
19 days before any consolidation actions, the Secretary of the
20 Air Force shall submit to the Committees on Armed Serv-
21 ices of the Senate and House of Representatives a report
22 on the findings of the Rand Corporation feasibility study
23 and the Rand Corporation's recommendations, the Air
24 Force's assessment of the findings and recommendations,
25 any plans developed for implementation of the consolida-

1 tion, and a delineation of all infrastructure costs antici-
2 pated as a result of implementation.

3 **SEC. 327. GUIDANCE FOR PERFORMANCE OF CIVILIAN PER-**
4 **SONNEL WORK UNDER AIR FORCE CIVILIAN**
5 **PERSONNEL CONSOLIDATION PLAN.**

6 (a) GUIDANCE FOR CIVILIAN PERSONNEL MANAGE-
7 MENT CONSOLIDATION.—In determining which, if any, ci-
8 vilian personnel management functions may appropriately
9 be consolidated under one command or in a central or re-
10 gional location, the Secretary of the Air Force shall be
11 guided by the anticipated positive or negative impact upon
12 the productivity of the managed workforces at different
13 commands and the consequently anticipated positive or
14 negative impact upon mission accomplishment at the dif-
15 ferent commands. This analysis shall be customized for
16 each affected command, taking into account such factors
17 as the size and complexity of the civilian workforce and
18 the extent to which mission accomplishment is dependent
19 upon the productivity of the civilian workforce. What func-
20 tions are deemed “transactional” or “nontransactional”
21 may vary for each affected command. In general, more
22 of the civilian personnel management functions for small-
23 er, less civilian dependent commands may be consolidated
24 in a central or regional location or command while fewer

1 functions may be consolidated from larger, more civilian
2 dependent commands.

3 (b) PROHIBITION ON CONSOLIDATION OF CERTAIN
4 FUNCTIONS.—For the Large Civilian Centers, the Sec-
5 retary of the Air Force will not consolidate in a central
6 or regional location or command at least the following
7 functions:

8 (1) Staffing positions filled through internal or
9 external recruitment processes.

10 (2) Development of position classifications or
11 job descriptions.

12 (3) Employee management relations, including
13 performance management programs, conduct or dis-
14 cipline programs and labor management programs.

15 (4) Labor force planning and management, in-
16 cluding internal pay pool management and employee
17 performance reviews.

18 (5) Managing workers compensation program
19 pursuant to chapter 81 of title 5, United States
20 Code, or relevant State workers' compensation pro-
21 grams.

22 (c) LARGE CIVILIAN CENTER DEFINED.—In this sec-
23 tion, the term “Large Civilian Center” refers to installa-
24 tions or commands with operational missions primarily de-
25 pendent upon the productivity of civilian workforces typi-

1 cally numbering in the thousands and engaged in program
2 management, systems engineering, research or develop-
3 ment, logistics management, software management, man-
4 agement of existing aircraft systems, and depot level main-
5 tenance. Such an installation or command typically in-
6 cludes occupational series far in excess of those assigned
7 to other, more typical, Air Force installations or com-
8 mands.

9 **SEC. 328. REPORT ON REDUCTION IN NUMBER OF FIRE-**
10 **FIGHTERS ON AIR FORCE BASES.**

11 In an effort to ensure the Air Force is meeting the
12 minimum safety standards for staffing, equipment, and
13 training as required by Department of Defense Installa-
14 tion and Environment Instruction 6055.6, the Secretary
15 of the Air Force shall submit to Congress, not later than
16 90 days after the date of the enactment of this Act, a
17 report on the effect of the reduction in fire fighters on
18 Air Force bases as a result of PBD720. Such report shall
19 include the following:

20 (1) An evaluation of current fire fighting capa-
21 bility and whether the reduction has increased the
22 risk of harm to either fire fighters or those they may
23 serve in response to an emergency.

24 (2) An evaluation on whether there is adequate
25 capability within the surrounding municipal commu-

1 nities to support a base aircraft rescue or respond
2 to a fire involving a combat aircraft, cargo aircraft
3 or weapon system.

4 (4) An evaluation of the impact on certifi-
5 cations of the base fire departments as a result of
6 the reductions in fire fighting personnel and or func-
7 tions at the base.

8 (5) A plan to restore personnel needed to sup-
9 port the mission should it be determined that per-
10 sonnel reductions resulting from PBD720 have neg-
11 atively impacted the ability to perform their mission.

12 **Subtitle D—Energy Security**

13 **SEC. 331. ANNUAL REPORT ON OPERATIONAL ENERGY** 14 **MANAGEMENT AND IMPLEMENTATION OF** 15 **OPERATIONAL ENERGY STRATEGY.**

16 (a) REPORT REQUIRED.—Section 2925 of title 10,
17 United States Code, is amended by striking subsection (b)
18 and inserting the following new subsection:

19 “(b) ANNUAL REPORT RELATED TO OPERATIONAL
20 ENERGY.—(1) Simultaneous with the annual report re-
21 quired by subsection (a), the Secretary of Defense, acting
22 through the Director of Operational Energy Plans and
23 Programs, shall submit to the congressional defense com-
24 mittees a report on operational energy management and

1 the implementation of the operational energy strategy es-
2 tablished pursuant to section 139b of this title.

3 “(2) The annual report under this subsection shall
4 address and include the following:

5 “(A) Statistical information on operational en-
6 ergy demands, in terms of expenditures and con-
7 sumption, for the preceding five fiscal years, includ-
8 ing funding made available in regular defense appro-
9 priations Acts and any supplemental appropriation
10 Acts.

11 “(B) An estimate of operational energy de-
12 mands for the current fiscal year and next fiscal
13 year, including funding requested to meet oper-
14 ational energy demands in the budget submitted to
15 Congress under section 1105 of title 31 and in any
16 supplemental requests.

17 “(C) A description of each initiative related to
18 the operational energy strategy and a summary of
19 funds appropriated for each initiative in the previous
20 fiscal year and current fiscal year and requested for
21 each initiative for the next five fiscal years.

22 “(D) An evaluation of progress made by the
23 Department of Defense—

24 “(i) in implementing the operational en-
25 ergy strategy, including the progress of key ini-

1 tiatives and technology investments related to
2 operational energy demand and management;
3 and

4 “(ii) in meeting the operational energy
5 goals set forth in the strategy.

6 “(E) Such recommendations as the Director
7 considers appropriate for additional changes in orga-
8 nization or authority within the Department of De-
9 fense to enable further implementation of the energy
10 strategy and such other comments and recommenda-
11 tions as the Director considers appropriate.

12 “(3) If a report under this subsection is submitted
13 in a classified form, the Secretary shall concurrently sub-
14 mit to the congressional defense committees an unclassi-
15 fied version of the information required by this subsection.

16 “(4) In this subsection, the term ‘operational energy’
17 means the energy required for moving and sustaining mili-
18 tary forces and weapons platforms for military operations.
19 The term includes energy used by tactical power systems
20 and generators and weapons platforms.”.

21 (b) CLERICAL AMENDMENTS.—

22 (1) SECTION HEADING.—The heading of such
23 section is amended to read as follows:

1 **“§ 2925. Annual Department of Defense energy man-**
2 **agement reports”.**

3 (2) TABLE OF SECTIONS.—The table of sections
4 at the beginning of subchapter III of chapter 173 of
5 such title is amended by striking the item relating
6 to section 2925 and inserting the following new
7 item:

“2925. Annual Department of Defense energy management reports.”.

8 **SEC. 332. CONSIDERATION OF FUEL LOGISTICS SUPPORT**
9 **REQUIREMENTS IN PLANNING, REQUIRE-**
10 **MENTS DEVELOPMENT, AND ACQUISITION**
11 **PROCESSES.**

12 (a) PLANNING.—In the case of campaign analyses
13 and force planning processes that are used to establish
14 capability requirements and inform acquisition decisions,
15 the Secretary of Defense shall require that campaign anal-
16 yses and force planning processes consider the require-
17 ments for, and vulnerability of, fuel logistics and their re-
18 lationship to operational capability.

19 (b) CAPABILITY REQUIREMENTS DEVELOPMENT
20 PROCESS.—The Secretary of Defense shall develop and
21 implement a methodology to enable the implementation of
22 a fuel efficiency key performance parameter in the require-
23 ments development process.

24 (c) ACQUISITION PROCESS.—The Secretary of De-
25 fense shall require that the life-cycle cost analysis for new

1 capabilities include the fully burdened cost of fuel during
2 analysis of alternatives and evaluation of alternatives and
3 acquisition program design trades.

4 (d) IMPLEMENTATION PLAN.—The Secretary of De-
5 fense shall prepare a plan for implementing the require-
6 ments of this section. The plan shall be completed not
7 later than 180 days after the date of the enactment of
8 this Act and provide for implementation of the require-
9 ments not later than three years after such date.

10 (e) REPORT.—Until the certification required by sub-
11 section (g) is provided, the Secretary of Defense shall sub-
12 mit to the congressional defense committees a report, not
13 later than January 1 of each year, describing progress
14 made to implement the requirements of this section during
15 the preceding fiscal year.

16 (f) FULLY BURDENED COST OF FUEL DEFINED.—
17 In this section, the term “fully burdened cost of fuel”
18 means the commodity price for fuel plus the total cost of
19 all personnel and assets required to move and, when nec-
20 essary, protect the fuel from the point at which the fuel
21 is received from the commercial supplier to the point of
22 use.

23 (g) CERTIFICATION OF COMPLIANCE.—As soon as
24 practicable during the three-year period beginning on the
25 date of the enactment of this Act, the Secretary of Defense

1 shall certify to the congressional defense committees that
2 the Secretary has complied with the requirements of this
3 section. If the Secretary is unable to provide the certifi-
4 cation, the Secretary shall submit to the congressional de-
5 fense committees at the end of the three-year period a re-
6 port containing—

7 (1) an explanation of the reasons why the re-
8 requirements, or portions of the requirements, have
9 not been implemented; and

10 (2) a revised plan under subsection (d) to com-
11 plete implementation or a rationale regarding why
12 portions of the requirements cannot or should not be
13 implemented.

14 **SEC. 333. STUDY ON SOLAR ENERGY FOR USE AT FORWARD**
15 **OPERATING LOCATIONS.**

16 (a) **STUDY REQUIRED.**—The Secretary of Defense
17 shall provide for a study to examine the feasibility of using
18 solar energy to provide electricity at forward operating lo-
19 cations.

20 (b) **MATTERS EXAMINED.**—The study shall examine,
21 at a minimum, the following:

22 (1) The potential for solar energy to reduce the
23 fuel supply needed to provide electricity at forward
24 operating locations and the extent to which such re-
25 duction will decrease the risk of casualties by reduc-

1 ing the number of convoys needed to supply fuel to
2 forward operating locations.

3 (2) The cost of using solar energy to provide
4 electricity.

5 (3) The potential savings of using solar energy
6 to provide electricity compared to current methods.

7 (4) The environmental benefits of using solar
8 energy to provide electricity instead of the current
9 methods.

10 (5) The sustainability and operating require-
11 ments of solar energy systems for providing elec-
12 tricity compared to current methods.

13 (c) REPORT.—Not later than March 1, 2009, the
14 Secretary shall submit to the congressional defense com-
15 mittees a report on the results of the study required by
16 subsection (a).

17 **SEC. 334. STUDY ON COAL-TO-LIQUID FUELS.**

18 (a) STUDY REQUIRED.—The Secretary of Defense
19 shall conduct a study on alternatives to reduce the life
20 cycle emissions of coal-to-liquid fuels and potential uses
21 of coal-to-liquid fuels to meet the Department’s mobility
22 energy requirements.

23 (b) MATTERS EXAMINES.—The study shall examine,
24 at a minimum, the following:

1 (1) by striking “No Federal agency” and insert-
2 ing “(a) REQUIREMENT.—Except as provided in
3 subsection (b), no Federal agency”; and

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

5 “(b) EXCEPTION.—Subsection (a) does not prohibit
6 a Federal agency from entering into a contract to pur-
7 chase a generally available fuel that is not an alternative
8 or synthetic fuel or predominantly produced from a non-
9 conventional petroleum source, if—

10 “(1) the contract does not specifically require
11 the contractor to provide an alternative or synthetic
12 fuel or fuel from a nonconventional petroleum
13 source;

14 “(2) the purpose of the contract is not to obtain
15 an alternative or synthetic fuel or fuel from a non-
16 conventional petroleum source; and

17 “(3) the contract does not provide incentives for
18 a refinery upgrade or expansion to allow a refinery
19 to use or increase its use of fuel from a nonconven-
20 tional petroleum source.”.

21 **SEC. 336. STUDY OF CONSIDERATION OF GREENHOUSE GAS**

22 **EMISSIONS IN ACQUISITION PROCESSES.**

23 (a) STUDY.—The Secretary of Defense shall conduct
24 a study to develop procedures and methods to measure
25 and consider greenhouse gas emissions in the acquisition

1 process, and shall include in the study an examination of
2 the following:

3 (1) The processes and methods which would
4 need to be developed and adopted to allow the De-
5 partment of Defense to consider greenhouse gas
6 emissions in the planning, requirements develop-
7 ment, and acquisition processes.

8 (2) The internal and external data necessary to
9 allow the Department of Defense to consider green-
10 house gas emissions in the planning, requirements
11 development, and acquisition processes.

12 (3) A timetable for the implementation of such
13 procedures and methods in the acquisition process,
14 as well as an estimate of the costs associated with
15 such implementation.

16 (4) Such other factors as the Secretary con-
17 siders appropriate with respect to the development
18 and implementation of such procedures and meth-
19 ods.

20 (b) REPORT.—Not later than one year after the date
21 of the enactment of this Act, the Secretary shall submit
22 to the Congressional defense committees a report on the
23 results of the study conducted under subsection (a).

Subtitle E—Reports

1 **SEC. 341. COMPTROLLER GENERAL REPORT ON READINESS** 2 **OF ARMED FORCES.**

3 (a) REPORT REQUIRED.—

4 (1) IN GENERAL.—Not later than June 1,
5 2009, the Comptroller General shall submit to the
6 Committees on Armed Services of the Senate and
7 House of Representatives a report on the readiness
8 of the regular and reserve components of the Armed
9 Forces. The report shall be unclassified but may
10 contain a classified annex.

11 (2) ONE OR MORE REPORTS.—In complying
12 with the requirements of this section, the Comp-
13 troller General may submit a single report address-
14 ing all the elements specified in subsection (b) or
15 two or more reports addressing any combination of
16 such elements.

17 (b) ELEMENTS.—The elements specified in this sub-
18 section are the following:

19 (1) An analysis of the readiness status, as of
20 the date of the enactment of this Act, of the regular
21 and reserve components of the Army and the Marine
22 Corps, including any significant changes in any
23 trends with respect to such components since 2001.
24

1 (2) An analysis of the readiness status, as of
2 such date, of the regular and reserve components of
3 the Air Force and the Navy, including a description
4 of any major factors that affect the ability of the
5 Navy or Air Force to provide trained and ready
6 forces for ongoing operations and to meet overall
7 readiness goals.

8 (3) An analysis of the efforts of the Secretary
9 of each military department to address any major
10 factors affecting the readiness of the regular and re-
11 serve components under the jurisdiction of that Sec-
12 retary.

13 **SEC. 342. REPORT ON PLAN TO ENHANCE COMBAT SKILLS**
14 **OF NAVY AND AIR FORCE PERSONNEL.**

15 (a) REPORT REQUIRED.—At the same time as the
16 budget for fiscal year 2010 is submitted to Congress under
17 section 1105(a) of title 31, United States Code, the Sec-
18 retary of Defense shall submit to the Committees on
19 Armed Services of the Senate and House of Representa-
20 tives a report on—

21 (1) the plans of the Secretary of the Navy to
22 improve the combat skills of the members of the
23 Navy; and

1 (2) the plans of the Secretary of the Air Force
2 to improve the combat skills of the members of the
3 Air Force.

4 (b) ELEMENTS OF REPORT.—The report required
5 under subsection (a) shall include each of the following:

6 (1) The criteria that the Secretary of the Air
7 Force and the Secretary of the Navy use to select
8 permanent sites for their Common Battlefield Air-
9 men Training and Expeditionary Combat Skills
10 courses.

11 (2) An identification of the extent to which the
12 Secretary of the Navy and Secretary of the Air
13 Force coordinated with each other and with the Sec-
14 retary of the Army and the Commandant of the Ma-
15 rine Corps with respect to their plans to expand
16 combat skills training for members of the Navy and
17 Air Force, respectively, together with a complete list
18 of bases or locations that were considered as possible
19 sites for the coordinated training.

20 (3) The estimated implementation and
21 sustainment costs for the Air Force Common Battle-
22 field Airmen Training and Navy Expeditionary Com-
23 bat Skills courses.

24 (4) The estimated cost savings, if any, which
25 could result by carrying out such combat skills train-

1 ing at existing Department of Defense facilities or
2 by using existing ground combat training resources.

3 **SEC. 343. COMPTROLLER GENERAL REPORT ON THE USE**
4 **OF THE ARMY RESERVE AND NATIONAL**
5 **GUARD AS AN OPERATIONAL RESERVE.**

6 (a) REPORT REQUIRED.—Not later than June 1,
7 2009, the Comptroller General shall submit to the Com-
8 mittees on Armed Services of the Senate and House of
9 Representatives a report on the use of the Army Reserve
10 and National Guard forces as an operational reserve.

11 (b) ELEMENTS.—The report required by subsection
12 (a) shall include a description of current and programmed
13 resources, force structure, and organizational challenges
14 that the Army Reserve and National Guard forces may
15 face serving as an operational reserve, including—

16 (1) equipment availability, maintenance, and lo-
17 gistics issues;

18 (2) manning and force structure;

19 (3) training constraints limiting—

20 (A) facilities and ranges;

21 (B) access to military schools and skill
22 training; and

23 (C) access to the Combat Training Cen-
24 ters; and

1 (4) any conflicts with requirements under title
2 32, United States Code.

3 **SEC. 344. COMPTROLLER GENERAL REPORT ON LINK BE-**
4 **TWEEN PREPARATION AND USE OF ARMY RE-**
5 **SERVE COMPONENT FORCES TO SUPPORT**
6 **ONGOING OPERATIONS.**

7 (a) REPORT REQUIRED.—Not later than June 1,
8 2009, the Comptroller General shall submit to the Com-
9 mittees on Armed Services of the Senate and House of
10 Representatives a report on the link between the prepara-
11 tion and operational use of the Army’s reserve component
12 forces.

13 (b) ELEMENTS.—The report required by subsection
14 (a) shall include—

15 (1) an analysis of the Army’s ability to train
16 and employ reserve component units—

17 (A) to execute the wartime or primary mis-
18 sions for which the units are designed; and

19 (B) for non-traditional missions to which
20 such units are assigned, as of the date of the
21 enactment of this Act, in support of ongoing
22 operations, including factors affecting unit or
23 individual preparation, the effect of notification
24 timelines, and access to training facilities, in-

1 including the National Training Center and the
2 Joint Readiness Training Center; and

3 (2) an analysis of the effect of mobilization and
4 deployment laws, goals, and policies on the Army's
5 ability to train and employ reserve component units
6 for the purposes described in paragraph (1).

7 **SEC. 345. COMPTROLLER GENERAL REPORT ON ADEQUACY**
8 **OF FUNDING, STAFFING, AND ORGANIZATION**
9 **OF DEPARTMENT OF DEFENSE MILITARY MU-**
10 **NITIONS RESPONSE PROGRAM.**

11 (a) REPORT REQUIRED.—Not later than one year
12 after the date of the enactment of this Act, the Comp-
13 troller General shall submit to the Committees on Armed
14 Services of the Senate and House of Representatives a re-
15 port on the adequacy of the funding, staffing, and organi-
16 zation of the Military Munitions Response Program of the
17 Department of Defense.

18 (b) ELEMENTS.—The report required by subsection

19 (a) shall include—

20 (1) an analysis of the funding, staffing, and or-
21 ganization of the Military Munitions Response Pro-
22 gram; and

23 (2) an assessment of the Program mechanisms
24 for the accountability, reporting, and monitoring of
25 the progress of munitions response projects and

1 methods to reduce the length of time of such
2 projects.

3 **SEC. 346. REPORT ON OPTIONS FOR PROVIDING REPAIR**
4 **CAPABILITIES TO SUPPORT SHIPS OPER-**
5 **ATING NEAR GUAM.**

6 (a) REPORT REQUIRED.—Not later than March 1,
7 2009, the Secretary of the Navy shall submit to the com-
8 mittees on Armed Services of the Senate and House of
9 Representatives a report on the best option or combination
10 of options for providing voyage repair capabilities to sup-
11 port all United States Navy ships operating at or near
12 Guam.

13 (b) CONTENTS OF REPORT.—The report required
14 under subsection (a) shall include each of the following:

15 (1) The Secretary's estimate, based on the
16 quantitative data determined to be most appropriate
17 by the Secretary, of the requirements for voyage re-
18 pairs for all United States Navy vessels operating at
19 or near Guam, including—

20 (A) such requirements for ships operated
21 by the Military Sealift Command; and

22 (B) such requirements for United States
23 Navy vessels for which the designated homeport
24 of the vessel is anticipated to become Guam as

1 a result of the realignment of the Armed Forces
2 from Okinawa, Japan, to Guam.

3 (2) The recommendations of the Secretary for
4 ensuring that adequate voyage repair capabilities are
5 available for all United States Navy ships operating
6 at or near Guam and an estimate of the amount of
7 time required to implement such capabilities.

8 (3) The Secretary's assessment of the benefits
9 and limitations of each option for providing voyage
10 repairs to all United States Navy ships operating at
11 or near Guam and of the anticipated costs and stra-
12 tegic and operational risks associated with each such
13 option.

14 (4) A plan and schedule for implementing a
15 course of action to ensure that the required ship re-
16 pair capability is available by not later than October
17 31, 2012.

18 **Subtitle F—Other Matters**

19 **SEC. 351. EXTENSION OF ENTERPRISE TRANSITION PLAN** 20 **REPORTING REQUIREMENT.**

21 Section 2222(i) of title 10, United States Code, is
22 amended by striking “2009” and inserting “2013”.

1 **SEC. 352. DEMILITARIZATION OF LOANED, GIVEN, OR EX-**
2 **CHANGED DOCUMENTS, HISTORICAL ARTI-**
3 **FACTS, AND CONDEMNED OR OBSOLETE**
4 **COMBAT MATERIEL.**

5 Section 2572(d) of title 10, United States Code, is
6 amended—

7 (1) in paragraph (1), by adding at the end the
8 following new sentence: “The Secretary concerned
9 shall ensure that an item authorized to be donated
10 under this section is demilitarized, as determined
11 necessary by the Secretary or the Secretary’s
12 delegee, to the extent necessary to render the item
13 unserviceable in the interest of public safety.”; and

14 (2) in paragraph (2)(A), by inserting before the
15 period at the end the following: “, including any ex-
16 pense associated with demilitarizing an item under
17 paragraph (1), for which the recipient of the item
18 shall be responsible”.

19 **SEC. 353. REPEAL OF REQUIREMENT THAT SECRETARY OF**
20 **AIR FORCE PROVIDE TRAINING AND SUP-**
21 **PORT TO OTHER MILITARY DEPARTMENTS**
22 **FOR A-10 AIRCRAFT.**

23 (a) REPEAL.—Chapter 901 of title 10, United States
24 Code, is amended by striking section 9316.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by striking
3 the item relating to section 9316.

4 **SEC. 354. DISPLAY OF ANNUAL BUDGET REQUIREMENTS**
5 **FOR AIR SOVEREIGNTY ALERT MISSION.**

6 (a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICA-
7 TION DOCUMENTS.—For fiscal year 2010 and each subse-
8 quent fiscal year, the Secretary of Defense shall submit
9 to the President, for consideration by the President for
10 inclusion with the budget materials submitted to Congress
11 under section 1105(a) of title 31, United States Code, a
12 consolidated budget justification display that covers all
13 programs and activities of the Air Sovereignty Alert mis-
14 sion of the Air Force.

15 (b) REQUIREMENTS FOR BUDGET DISPLAY.—The
16 budget display under subsection (a) for a fiscal year shall
17 include for such fiscal year the following:

18 (1) The funding requirements for the Air Sov-
19 ereignty Alert mission, and the associated Command
20 and Control mission, including such requirements
21 for—

22 (A) pay and allowances;

23 (B) support costs;

24 (C) Medicare eligible retiree health fund
25 contributions;

1 (D) flying hours; and

2 (E) any other associated mission costs.

3 (2) The amount in the budget for the Air Force
4 for each of the items referred to in paragraph (1).

5 (3) The amount in the budget for the Air Na-
6 tional Guard for each such item.

7 **SEC. 355. SENSE OF CONGRESS THAT AIR SOVEREIGNTY**
8 **ALERT MISSION SHOULD RECEIVE SUFFI-**
9 **CIENT FUNDING AND RESOURCES.**

10 It is the sense of Congress that—

11 (1) since the tragic events of September 11,
12 2001, the Air National Guard has bravely performed
13 the Air Sovereignty Alert mission to defend the
14 homeland in support of Operation Noble Eagle;

15 (2) the Air National Guard continues to serve
16 as the backbone of this vital national security mis-
17 sion;

18 (3) the United States Air Force should include
19 full funding for the Air Sovereignty Alert mission in
20 the baseline budget of the Air Force;

21 (4) the United States Air Force should program
22 sufficient personnel, equipment, and aircraft re-
23 sources to the Air National Guard to fully and safely
24 perform the Air Sovereignty Alert mission;

1 (5) the capability of Air National Guard air-
2 craft assigned to the Air Sovereignty Alert mission
3 is rapidly deteriorating due to age and may impede
4 the ability of the Air National Guard to protect the
5 homeland;

6 (6) by 2015, many of the Air National Guard's
7 fighter aircraft will have exceeded their service life
8 and will be grounded, resulting in a breach of home-
9 land defense, a potential closure of Air National
10 Guard bases, the loss of critical personnel with the
11 accompanying loss of experience and training, and
12 the loss of the fighter capability of the Air National
13 Guard; and

14 (7) the United States Air Force should ensure
15 that the Air National Guard and the Air Sovereignty
16 Alert mission are provided with resources, personnel,
17 and aircraft needed to support this critical mission
18 now and in the future.

19 **SEC. 356. REVISION OF CERTAIN AIR FORCE REGULATIONS**
20 **REQUIRED.**

21 (a) REVISION REQUIRED.—Not later than 90 days
22 after the date of enactment of this Act, the Secretary of
23 the Air Force shall revise the Air Freight Transportation
24 Regulation Number 5, dated January 15, 1999, to con-
25 form with Defense Travel Regulations to ensure that

1 freight covered by Air Freight Transportation Regulation
2 Number 5 is carried in accordance with commercial best
3 practices that are based upon a mode-neutral approach.

4 (b) **MODE-NEUTRAL APPROACH DEFINED.**—For
5 purposes of this section, the term “mode-neutral ap-
6 proach” means a method of shipment that allows a shipper
7 to choose a carrier with a time-definite performance stand-
8 ard for delivery without specifying a particular mode of
9 conveyance and allows the carrier to select the mode of
10 conveyance using best commercial practices as long as the
11 mode of conveyance can reasonably be expected to ensure
12 the time-definite delivery requested by the shipper.

13 **SEC. 357. TRANSFER OF C-12 AIRCRAFT TO CALIFORNIA DE-**
14 **PARTMENT OF FORESTRY AND FIRE PROTEC-**
15 **TION.**

16 (a) **AUTHORITY.**—The Secretary of the Army may
17 convey to the California Department of Forestry and Fire
18 Protection (hereinafter in this section referred to as “CAL
19 FIRE”), all right, title, and interest of the United States
20 in three C-12 aircraft that the Secretary has determined
21 are surplus to need.

22 (b) **CONVEYANCE AT NO COST TO THE UNITED**
23 **STATES.**—The conveyance of an aircraft authorized by
24 this section shall be made at no cost to the United States.
25 Any costs associated with such conveyance, costs of deter-

1 mining compliance with terms of the conveyance, and costs
2 of operation and maintenance of the aircraft conveyed
3 shall be borne by CAL FIRE.

4 **SEC. 358. AVAILABILITY OF FUNDS FOR IRREGULAR WAR-**
5 **FARE SUPPORT PROGRAM.**

6 Of the amount appropriated pursuant to an author-
7 ization of appropriations or otherwise made available for
8 the Joint Improvised Explosive Device Defeat Organiza-
9 tion for fiscal year 2009, \$75,000,000 shall be available
10 for the Irregular Warfare Support program (program ele-
11 ment line 0603121D8Z, SO/LIC Advanced Development).

12 **SEC. 359. SENSE OF CONGRESS REGARDING PROCURE-**
13 **MENT AND USE OF MUNITIONS.**

14 It is the sense of Congress that the Secretary of De-
15 fense should—

16 (1) in making decisions with respect to procure-
17 ment of munitions, develop methods to account for
18 the full life-cycle costs of munitions, including the
19 effects of failure rates on the cost of disposal; and

20 (2) undertake a review of live-fire practices for
21 the purpose of reducing unexploded ordnance and
22 munitions-constituent contamination without imped-
23 ing military readiness.

1 **SEC. 360. LIMITATION ON OBLIGATION OF FUNDS FOR AIR**
2 **COMBAT COMMAND MANAGEMENT HEAD-**
3 **QUARTERS.**

4 Of the funds appropriated pursuant to an authoriza-
5 tion of appropriations or otherwise made available for Op-
6 eration and Maintenance, Air Force, for fiscal year 2009,
7 the amount that may be obligated for Air Force Com-
8 mander, Air Combat Command Management Head-
9 quarters, Sub-Activity Group 012E, for any fiscal quarter
10 of such fiscal year may not exceed 80 percent of the
11 amount of such funds obligated for such purpose for the
12 corresponding fiscal quarter of fiscal year 2008 until the
13 Secretary of Defense certifies to the congressional defense
14 committees that by not later than February 3, 2009, the
15 Future Year's Defense Plan will include funding for 76
16 commonly configured B-52 aircraft.

17 **SEC. 361. INCREASE OF DOMESTIC SOURCING OF MILITARY**
18 **WORKING DOGS USED BY THE DEPARTMENT**
19 **OF DEFENSE.**

20 (a) INCREASED CAPACITY.—The Secretary of De-
21 fense, acting through the Executive Agent for Military
22 Working Dogs (hereinafter in this section referred to as
23 the “Executive Agent”), shall—

24 (1) identify the number of military working
25 dogs required to fulfill the various missions of the
26 Department of Defense for which such dogs are

1 used, including force protection, facility and check
2 point security, and explosives and drug detection;

3 (2) take such steps as are practicable to ensure
4 an adequate number of military working dog teams
5 are available to meet and sustain the mission re-
6 quirements identified in paragraph (1);

7 (3) ensure that the Department's needs and
8 performance standards with respect to military
9 working dogs are readily available to dog breeders
10 and trainers; and

11 (4) coordinate with other Federal, State, or
12 local agencies, nonprofit organizations, universities,
13 or private sector entities, as appropriate, to increase
14 the training capacity for military working dog teams.

15 (b) MILITARY WORKING DOG PROCUREMENT.—The
16 Secretary, acting through the Executive Agent shall work
17 to ensure that military working dogs are procured as effi-
18 ciently as possible and at the best value to the Govern-
19 ment, while maintaining the necessary level of quality and
20 encouraging increased domestic breeding, with the ulti-
21 mate goal of procuring all military working dogs through
22 domestic breeders.

23 (c) MILITARY WORKING DOG DEFINED.—For pur-
24 poses of this section, the term “military working dog”

1 means a dog used in any official military capacity, as de-
 2 fined by the Secretary of Defense.

3 **SEC. 362. FUNDING FOR PROGRAMS RELATING TO DENTAL**
 4 **READINESS FOR THE ARMY RESERVE.**

5 Of the amount authorized in section 301(6) to be ap-
 6 propriated for fiscal year 2009 for the Army Reserve—

7 (1) \$22,300,000 is authorized for first term
 8 dental readiness; and

9 (2) \$8,500,000 is authorized for demobilization
 10 dental treatment.

11 **TITLE IV—MILITARY**
 12 **PERSONNEL AUTHORIZATIONS**

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active
 duty for operational support.

Sec. 416. Additional waiver authority of limitation on number of reserve compo-
 nent members authorized to be on active duty.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

13 **Subtitle A—Active Forces**

14 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

15 The Armed Forces are authorized strengths for active
 16 duty personnel as of September 30, 2009, as follows:

17 (1) The Army, 532,400.

1 (2) The Navy, 326,323.

2 (3) The Marine Corps, 194,000.

3 (4) The Air Force, 317,050.

4 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**
5 **STRENGTH MINIMUM LEVELS.**

6 Section 691(b) of title 10, United States Code, is
7 amended by striking paragraphs (1) through (4) and in-
8 serting the following new paragraphs:

9 “(1) For the Army, 532,400.

10 “(2) For the Navy, 326,323.

11 “(3) For the Marine Corps, 194,000.

12 “(4) For the Air Force, 317,050.”.

13 **Subtitle B—Reserve Forces**

14 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

15 (a) IN GENERAL.—The Armed Forces are authorized
16 strengths for Selected Reserve personnel of the reserve
17 components as of September 30, 2009, as follows:

18 (1) The Army National Guard of the United
19 States, 352,600.

20 (2) The Army Reserve, 205,000.

21 (3) The Navy Reserve, 66,700.

22 (4) The Marine Corps Reserve, 39,600.

23 (5) The Air National Guard of the United
24 States, 106,700.

25 (6) The Air Force Reserve, 67,400.

1 (7) The Coast Guard Reserve, 10,000.

2 (b) END STRENGTH REDUCTIONS.—The end
3 strengths prescribed by subsection (a) for the Selected Re-
4 serve of any reserve component shall be proportionately
5 reduced by—

6 (1) the total authorized strength of units orga-
7 nized to serve as units of the Selected Reserve of
8 such component which are on active duty (other
9 than for training) at the end of the fiscal year; and

10 (2) the total number of individual members not
11 in units organized to serve as units of the Selected
12 Reserve of such component who are on active duty
13 (other than for training or for unsatisfactory partici-
14 pation in training) without their consent at the end
15 of the fiscal year.

16 (c) END STRENGTH INCREASES.—Whenever units or
17 individual members of the Selected Reserve of any reserve
18 component are released from active duty during any fiscal
19 year, the end strength prescribed for such fiscal year for
20 the Selected Reserve of such reserve component shall be
21 increased proportionately by the total authorized strengths
22 of such units and by the total number of such individual
23 members.

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
2 **DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section
4 411(a), the reserve components of the Armed Forces are
5 authorized, as of September 30, 2009, the following num-
6 ber of Reserves to be serving on full-time active duty or
7 full-time duty, in the case of members of the National
8 Guard, for the purpose of organizing, administering, re-
9 cruiting, instructing, or training the reserve components:

10 (1) The Army National Guard of the United
11 States, 32,060.

12 (2) The Army Reserve, 17,070.

13 (3) The Navy Reserve, 11,099.

14 (4) The Marine Corps Reserve, 2,261.

15 (5) The Air National Guard of the United
16 States, 14,337.

17 (6) The Air Force Reserve, 2,733.

18 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
19 **(DUAL STATUS).**

20 The minimum number of military technicians (dual
21 status) as of the last day of fiscal year 2009 for the re-
22 serve components of the Army and the Air Force (notwith-
23 standing section 129 of title 10, United States Code) shall
24 be the following:

25 (1) For the Army Reserve, 8,395.

1 (2) For the Army National Guard of the United
2 States, 27,210.

3 (3) For the Air Force Reserve, 10,003.

4 (4) For the Air National Guard of the United
5 States, 22,452.

6 **SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF**
7 **NON-DUAL STATUS TECHNICIANS.**

8 (a) LIMITATIONS.—

9 (1) NATIONAL GUARD.—Within the limitation
10 provided in section 10217(c)(2) of title 10, United
11 States Code, the number of non-dual status techni-
12 cians employed by the National Guard as of Sep-
13 tember 30, 2009, may not exceed the following:

14 (A) For the Army National Guard of the
15 United States, 1,600.

16 (B) For the Air National Guard of the
17 United States, 350.

18 (2) ARMY RESERVE.—The number of non-dual
19 status technicians employed by the Army Reserve as
20 of September 30, 2009, may not exceed 595.

21 (3) AIR FORCE RESERVE.—The number of non-
22 dual status technicians employed by the Air Force
23 Reserve as of September 30, 2009, may not exceed
24 90.

1 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
2 this section, the term “non-dual status technician” has the
3 meaning given that term in section 10217(a) of title 10,
4 United States Code.

5 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
6 **THORIZED TO BE ON ACTIVE DUTY FOR**
7 **OPERATIONAL SUPPORT.**

8 During fiscal year 2009, the maximum number of
9 members of the reserve components of the Armed Forces
10 who may be serving at any time on full-time operational
11 support duty under section 115(b) of title 10, United
12 States Code, is the following:

13 (1) The Army National Guard of the United
14 States, 17,000.

15 (2) The Army Reserve, 13,000.

16 (3) The Navy Reserve, 6,200.

17 (4) The Marine Corps Reserve, 3,000.

18 (5) The Air National Guard of the United
19 States, 16,000.

20 (6) The Air Force Reserve, 14,000.

1 **SEC. 416. ADDITIONAL WAIVER AUTHORITY OF LIMITATION**
2 **ON NUMBER OF RESERVE COMPONENT MEM-**
3 **BERS AUTHORIZED TO BE ON ACTIVE DUTY.**

4 (a) **ADDITIONAL WAIVER AUTHORITY.**—Subsection
5 (a) of section 123a of title 10, United States Code, is
6 amended—

7 (1) by inserting “(1)” before “If at the end”;
8 and

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

11 “(2) When a designation of a major disaster or emer-
12 gency (as those terms are defined in section 102 of the
13 Robert T. Stafford Disaster Relief and Emergency Assist-
14 ance Act (42 U.S.C. 5122)) is in effect, the President may
15 waive any statutory limit that would otherwise apply dur-
16 ing the period of the designation on the number of mem-
17 bers of a reserve component who are authorized to be on
18 active duty under subparagraph (A) or (B) of section
19 115(b)(1) of this title, if the President determines the
20 waiver is necessary to provide assistance in responding to
21 the major disaster or emergency.”.

22 (b) **TERMINATION OF WAIVER.**—Subsection (b) of
23 such section is amended—

24 (1) by striking the subsection heading and in-
25 serting the following: “**TERMINATION OF WAIVER.**—
26 (1)”;

1 (2) by striking “subsection (a)” and inserting
2 “subsection (a)(1)”; and

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

5 “(2) A waiver granted under subsection (a)(2) shall
6 terminate not later than 90 days after the date on which
7 the designation of the major disaster or emergency that
8 was the basis for the waiver expires.”.

9 (c) CLERICAL AMENDMENTS.—

10 (1) SECTION HEADING.—The heading of such
11 section is amended to read as follows:

12 **“§ 123a. Suspension of end-strength and other**
13 **strength limitations in time of war or na-**
14 **tional emergency”.**

15 (2) TABLE OF SECTIONS.—The table of sections
16 at the beginning of chapter 3 of such title is amend-
17 ed by striking the item relating to section 123a and
18 inserting the following new item:

“123a. Suspension of end-strength and other strength limitations in time of war
or national emergency.”.

19 **Subtitle C—Authorization of**
20 **Appropriations**

21 **SEC. 421. MILITARY PERSONNEL.**

22 There is hereby authorized to be appropriated to the
23 Department of Defense for military personnel for fiscal
24 year 2009 a total of \$124,659,768,000. The authorization

1 in the preceding sentence supersedes any other authoriza-
 2 tion of appropriations (definite or indefinite) for such pur-
 3 pose for fiscal year 2009.

4 **TITLE V—MILITARY PERSONNEL** 5 **POLICY**

Subtitle A—Officer Personnel Policy Generally

- Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.
- Sec. 502. Requirements for issuance of posthumous commissions and warrants.
- Sec. 503. Extension of authority to reduce minimum length of active service required for voluntary retirement as an officer.
- Sec. 504. Increase in authorized number of general officers on active duty in the Marine Corps.

Subtitle B—Reserve Component Management

- Sec. 511. Extension to all military departments of authority to defer mandatory separation of military technicians (dual status).
- Sec. 512. Increase in authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet force structure requirements.
- Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.
- Sec. 514. Increase in mandatory retirement age for certain Reserve officers.
- Sec. 515. Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service.
- Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.
- Sec. 517. Study and report regarding personnel movements in Marine Corps Individual Ready Reserve.

Subtitle C—Joint Qualified Officers and Requirements

- Sec. 521. Joint duty requirements for promotion to general or flag officer.
- Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.
- Sec. 523. Promotion policy objectives for Joint Qualified Officers.
- Sec. 524. Length of joint duty assignments.
- Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.
- Sec. 526. Treatment of certain service as joint duty experience.

Subtitle D—General Service Authorities

- Sec. 531. Increase in authorized maximum reenlistment term.
- Sec. 532. Career intermission pilot program.

Subtitle E—Education and Training

- Sec. 541. Repeal of prohibition on phased increase in midshipmen and cadet strength limit at United States Naval Academy and Air Force Academy.
- Sec. 542. Promotion of foreign and cultural exchange activities at military service academies.
- Sec. 543. Compensation for civilian President of Naval Postgraduate School.
- Sec. 544. Increased authority to enroll defense industry employees in defense product development program.
- Sec. 545. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve components members supporting contingency operations.
- Sec. 546. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.
- Sec. 547. Increase in number of units of Junior Reserve Officers' Training Corps.
- Sec. 548. Correction of erroneous Army College Fund benefit amounts.
- Sec. 549. Expanded authority for institutions of professional military education to award degrees.
- Sec. 550. Enhancing education partnerships to improve accessibility and flexibility for members of the Armed Forces.

Subtitle F—Military Justice

- Sec. 551. Grade of Staff Judge Advocate to the Commandant of the Marine Corps.
- Sec. 552. Standing military protection order.
- Sec. 553. Mandatory notification of issuance of military protective order to civilian law enforcement.
- Sec. 554. Implementation of information database on sexual assault incidents in the Armed Forces.

Subtitle G—Decorations, Awards, and Honorary Promotions

- Sec. 561. Replacement of military decorations.
- Sec. 562. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.
- Sec. 563. Advancement of Brigadier General Charles E. Yeager, United States Air Force (retired), on the retired list.
- Sec. 564. Advancement of Rear Admiral Wayne E. Meyer, United States Navy (retired), on the retired list.
- Sec. 565. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.
- Sec. 566. Retroactive award of Army Combat Action Badge.

Subtitle H—Impact Aid

- Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 572. Calculation of payments under Department of Education's Impact Aid program.

Subtitle I—Military Families

- Sec. 581. Presentation of burial flag.
- Sec. 582. Education and training opportunities for military spouses.

Sec. 583. Sense of the Congress regarding honor guard details for funerals of veterans.

Subtitle J—Other Matters

Sec. 591. Inclusion of Reserves in providing Federal aid for State governments, enforcing Federal authority, and responding to major public emergencies.

Sec. 592. Interest payments on certain claims arising from correction of military records.

Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.

Sec. 594. Authority to order Reserve units to active duty to provide assistance in response to a major disaster or emergency.

Sec. 595. Senior Military Leadership Diversity Commission.

Sec. 596. Limitation on simultaneous deployment to combat zones of dual-military couples who have minor dependents.

Sec. 597. Additional funds to carry out funeral honor functions at funerals for veterans.

1 **Subtitle A—Officer Personnel**
 2 **Policy Generally**

3 **SEC. 501. MANDATORY SEPARATION REQUIREMENTS FOR**
 4 **REGULAR WARRANT OFFICERS FOR LENGTH**
 5 **OF SERVICE.**

6 Section 1305(a) of title 10, United States Code, is
 7 amended—

8 (1) by striking “A regular warrant officer who
 9 has at least 30 years of active service as a warrant
 10 officer that could be credited to him” and inserting
 11 “(1) A regular warrant officer (other than a regular
 12 Army warrant officer) who has at least 30 years of
 13 active service that could be credited to the officer”;
 14 and

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

1 “(2) In the case of a regular Army warrant officer,
2 the calculation of years of active service under paragraph
3 (1) shall include only years of active service as a warrant
4 officer.”.

5 **SEC. 502. REQUIREMENTS FOR ISSUANCE OF POSTHUMOUS**
6 **COMMISSIONS AND WARRANTS.**

7 (a) **POSTHUMOUS COMMISSIONS.**—Section 1521 of
8 title 10, United States Code, is amended—

9 (1) in subsection (a), by striking “in line of
10 duty” each place it appears; and

11 (2) by adding at the end the following new sub-
12 section:

13 “(c) A commission issued under subsection (a) in con-
14 nection with the promotion of a deceased member to a
15 higher commissioned grade shall require certification by
16 the Secretary concerned that, at the time of death of the
17 member, the member was qualified for appointment to
18 that higher grade.”.

19 (b) **POSTHUMOUS WARRANTS.**—Section 1522(a) of
20 such title is amended—

21 (1) by striking “in line of duty”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(c) A warrant issued under subsection (a) in connec-
25 tion with the promotion of a deceased member to a higher

1 grade shall require a finding by the Secretary of the mili-
2 tary department concerned that, at the time of death of
3 the member, the member was qualified for appointment
4 to that higher grade.”.

5 **SEC. 503. EXTENSION OF AUTHORITY TO REDUCE MINIMUM**
6 **LENGTH OF ACTIVE SERVICE REQUIRED FOR**
7 **VOLUNTARY RETIREMENT AS AN OFFICER.**

8 (a) ARMY.—Section 3911(b)(2) of title 10, United
9 States Code, is amended by inserting after “December 31,
10 2008,” the following: “and again during the one-year pe-
11 riod beginning on October 1, 2013,”.

12 (b) NAVY AND MARINE CORPS.—Section
13 6323(a)(2)(B) of such title is amended by inserting after
14 “December 31, 2008,” the following: “and again during
15 the one-year period beginning on October 1, 2013,”.

16 (c) AIR FORCE.—Section 8911(b)(2) of such title is
17 amended by inserting after “December 31, 2008,” the fol-
18 lowing: “and again during the one-year period beginning
19 on October 1, 2013,”.

20 **SEC. 504. INCREASE IN AUTHORIZED NUMBER OF GENERAL**
21 **OFFICERS ON ACTIVE DUTY IN THE MARINE**
22 **CORPS.**

23 (a) INCREASE.—Section 526(a)(4) of title 10, United
24 States Code, is amended by striking “80” and inserting
25 “81”.

1 (b) CONFORMING AMENDMENTS REGARDING DIS-
2 TRIBUTION OF MARINE GENERAL OFFICERS.—Section
3 525 of such title is amended—

4 (1) in the first sentence of subsection (a), by
5 striking “that armed force” and inserting “the Army
6 or Air Force, or more than 51 percent of the general
7 officers of the Marine Corps,”; and

8 (2) in subsection (b)(2)(B), by striking “17.5
9 percent” and inserting “19 percent”.

10 **Subtitle B—Reserve Component** 11 **Management**

12 **SEC. 511. EXTENSION TO ALL MILITARY DEPARTMENTS OF**
13 **AUTHORITY TO DEFER MANDATORY SEPARA-**
14 **TION OF MILITARY TECHNICIANS (DUAL STA-**
15 **TUS).**

16 Section 10216(f) of title 10, United States Code, is
17 amended by striking “Secretary of the Army” and insert-
18 ing “Secretary concerned”.

19 **SEC. 512. INCREASE IN AUTHORIZED STRENGTHS FOR MA-**
20 **RINE CORPS RESERVE OFFICERS ON ACTIVE**
21 **DUTY IN THE GRADES OF MAJOR AND LIEU-**
22 **TENANT COLONEL TO MEET FORCE STRUC-**
23 **TURE REQUIREMENTS.**

24 The table in section 12011(a) of title 10, United
25 States Code, relating to the number of officers of a reserve

1 component who may be serving in certain grades given the
 2 total number of members of that reserve component serv-
 3 ing on full-time reserve component duty, is amended by
 4 striking the portion of the table relating to the Marine
 5 Corps Reserve and inserting the following:

“Marine Corps Re- serve:”	Major	Lieutenant Colonel	Colonel
1,100	99	63	20
1,200	103	67	21
1,300	107	70	22
1,400	111	73	23
1,500	114	76	24
1,600	117	79	25
1,700	120	82	26
1,800	123	85	27
1,900	126	88	28
2,000	129	91	29
2,100	132	94	30
2,200	134	97	31
2,300	136	99	32
2,400	138	101	33
2,500	140	103	34
2,600	142	105	35”.

6 **SEC. 513. CLARIFICATION OF AUTHORITY TO CONSIDER**
 7 **FOR A VACANCY PROMOTION NATIONAL**
 8 **GUARD OFFICERS ORDERED TO ACTIVE DUTY**
 9 **IN SUPPORT OF A CONTINGENCY OPER-**
 10 **ATION.**

11 (a) **ADDITIONAL EXCEPTION.**—Subsection (d) of sec-
 12 tion 14317 of title 10, United States Code, is amended—

13 (1) in the first sentence—

14 (A) by striking “Except” and inserting
 15 “(1) Except”;

16 (B) by striking “unless the officer is or-
 17 dered” and inserting “unless the officer—

18 “(A) is ordered”;

1 (C) by striking the period at the end and
2 inserting “; or”; and

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

5 “(B) has been ordered to or is serving on active
6 duty in support of a contingency operation.”; and

7 (2) in the second sentence, by striking “If” and
8 inserting the following:

9 “(2) If”.

10 (b) CONSIDERATION FOR PROMOTION BY EXAMINA-
11 TION FOR FEDERAL RECOGNITION.—Subsection (e)(1)(B)
12 of such section is amended by inserting before the period
13 at the end the following: “, or by examination for Federal
14 recognition under title 32”.

15 **SEC. 514. INCREASE IN MANDATORY RETIREMENT AGE FOR**
16 **CERTAIN RESERVE OFFICERS.**

17 (a) SELECTIVE SERVICE AND PROPERTY AND FISCAL
18 OFFICERS.—Section 12647 of title 10, United States
19 Code, is amended by striking “60 years” and inserting
20 “62 years”.

21 (b) CERTAIN RESERVE OFFICERS IN GRADES OF
22 MAJOR THROUGH BRIGADIER GENERAL.—

23 (1) INCREASED AGE.—Section 14702(b) of such
24 title is amended—

1 (A) in the subsection heading, by striking
2 “AT AGE 60” and inserting “FOR AGE”; and

3 (B) by striking “subsection (a)(1) or
4 (a)(2).” and all that follows through the period
5 at the end of the last sentence and inserting the
6 following: “paragraph (1) or (2) of subsection
7 (a). An officer described in paragraph (1) of
8 such subsection may not be retained under this
9 section after the last day of the month in which
10 the officer becomes 62 years of age. An officer
11 described in paragraph (2) of such subsection
12 may not be retained under this section after the
13 last day of the month in which the officer be-
14 comes 60 years of age.”.

15 (c) CLERICAL AMENDMENTS.—

16 (1) SECTION HEADING.—The heading of section
17 14702 of such title is amended to read as follows:

18 “§ 14702. **Retention on reserve active-status list of**
19 **certain officers in the grade of major,**
20 **lieutenant colonel, colonel, or brigadier**
21 **general”.**

22 (2) TABLE OF SECTIONS.—The table of sections
23 at the beginning of chapter 1409 of such title is
24 amended by striking the item relating to section
25 14702 and inserting the following new item:

“14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general.”.

1 **SEC. 515. AGE LIMIT FOR RETENTION OF CERTAIN RE-**
2 **SERVE OFFICERS ON ACTIVE-STATUS LIST AS**
3 **EXCEPTION TO REMOVAL FOR YEARS OF**
4 **COMMISSIONED SERVICE.**

5 Section 14508 of title 10, United States Code, is
6 amended—

7 (1) by redesignating subsection (g) as sub-
8 section (h); and

9 (2) by inserting after subsection (f) the fol-
10 lowing new subsection (g):

11 “(g) RETENTION OF LIEUTENANT GENERALS.—A
12 reserve officer of the Army or Air Force in the grade of
13 lieutenant general who would otherwise be removed from
14 an active status under subsection (c) may, in the discre-
15 tion of the Secretary of the Army or the Secretary of the
16 Air Force, as the case may be, be retained in an active
17 status, but not later than the date on which the officer
18 becomes 66 years of age.”.

19 **SEC. 516. AUTHORITY TO RETAIN RESERVE CHAPLAINS**
20 **AND OFFICERS IN MEDICAL AND RELATED**
21 **SPECIALTIES UNTIL AGE 68.**

22 (a) RESERVE CHAPLAINS AND MEDICAL OFFI-
23 CERS.—Section 14703(b) of title 10, United States Code,

1 is amended by striking “67 years” and inserting “68
2 years”.

3 (b) NATIONAL GUARD CHAPLAINS AND MEDICAL OF-
4 FICERS.—Section 324 of title 32, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(c) Notwithstanding subsection (a)(1), an officer of
8 the National Guard serving as a chaplain, medical officer,
9 dental officer, nurse, veterinarian, Medical Service Corps
10 officer, or biomedical sciences officer may be retained,
11 with the officer’s consent, until the date on which the offi-
12 cer becomes 68 years of age.”.

13 **SEC. 517. STUDY AND REPORT REGARDING PERSONNEL**
14 **MOVEMENTS IN MARINE CORPS INDIVIDUAL**
15 **READY RESERVE.**

16 The Secretary of the Navy shall conduct a study to
17 analyze the policies and procedures used by the Marine
18 Corps Reserve during fiscal years 2001 through 2008 for
19 the movement of personnel in and out of the Individual
20 Ready Reserve. Not later than 90 days after the date of
21 the enactment of this Act, the Secretary shall submit to
22 the congressional defense committees a report containing
23 the results of the study.

1 **Subtitle C—Joint Qualified Officers**
2 **and Requirements**

3 **SEC. 521. JOINT DUTY REQUIREMENTS FOR PROMOTION TO**
4 **GENERAL OR FLAG OFFICER.**

5 (a) IN GENERAL.—Section 619a of title 10, United
6 States Code, is amended—

7 (1) in subsection (a), by striking “unless—”
8 and all that follows through “the joint specialty”
9 and inserting “unless the officer has been designated
10 as a Joint Qualified Officer”;

11 (2) in subsection (b)—

12 (A) by striking “paragraph (1) or para-
13 graph (2) of subsection (a), or both paragraphs
14 (1) and (2) of subsection (a),” in the matter
15 preceding paragraph (1) and inserting “sub-
16 section (a)”;

17 (B) in paragraph (4), by striking “within
18 that immediate organization is not less than
19 two years” and inserting “is not less than two
20 years and the officer has successfully completed
21 a program of education described in subsections
22 (b) and (c) of section 2155 of this title”; and
23 (3) by striking subsection (h).

24 (b) CLERICAL AMENDMENTS.—

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

3 **“§ 619a. Eligibility for consideration for promotion:**
4 **designation as Joint Qualified Officer re-**
5 **quired before promotion to general or**
6 **flag grade; exceptions”.**

7 (2) TABLE OF SECTIONS.—The table of sections
8 at the beginning of subchapter II of chapter 36 of
9 such title is amended by striking the item relating
10 to section 619a and inserting the following new item:

“619a. Eligibility for consideration for promotion: designation as Joint Qualified
Officer required before promotion to general or flag grade; ex-
ceptions.”.

11 **SEC. 522. TECHNICAL, CONFORMING, AND CLERICAL**
12 **CHANGES TO JOINT SPECIALTY TERMI-**
13 **NOLOGY.**

14 (a) REFERENCE TO JOINT QUALIFIED OFFICER.—

15 (1) IN GENERAL.—Subsection (a) of section
16 661 of title 10, United States Code, is amended in
17 the second sentence by striking “in such manner as
18 the Secretary of Defense directs” and inserting “as
19 a Joint Qualified Officer or in such other manner as
20 the Secretary of Defense directs”.

21 (2) SECTION HEADING.—The heading of such
22 section is amended to read as follows:

1 **“§ 661. Management policies for Joint Qualified Offi-**
2 **cers”.**

3 (3) TABLE OF SECTIONS.—The table of sections
4 at the beginning of chapter 38 of such title is
5 amended by striking the item related to section 661
6 and inserting the following new item:

“661. Management policies for Joint Qualified Officers.”.

7 (b) JOINT DUTY ASSIGNMENTS AFTER COMPLETION
8 OF JOINT PROFESSIONAL MILITARY EDUCATION.—Sec-
9 tion 663 of title 10, United States Code, is amended—

10 (1) in subsection (a)—

11 (A) in the subsection heading, by striking
12 “JOINT SPECIALTY” and inserting “JOINT
13 QUALIFIED”; and

14 (B) by striking “with the joint specialty”
15 and inserting “designated as a Joint Qualified
16 Officer”; and

17 (2) in subsection (b)(1), by striking “do not
18 have the joint specialty” and inserting “are not des-
19 ignated as a Joint Qualified Officer”.

20 (c) PROCEDURES FOR MONITORING CAREERS OF
21 JOINT QUALIFIED OFFICERS.—

22 (1) IN GENERAL.—Section 665 of such title is
23 amended—

1 (A) in subsection (a)(1)(A), by striking
2 “with the joint specialty” and inserting “des-
3 ignated as a Joint Qualified Officer”; and

4 (B) in subsection (b)(1), by striking “with
5 the joint specialty” and inserting “designated
6 as a Joint Qualified Officer”.

7 (2) SECTION HEADING.—The heading of such
8 section is amended to read as follows:

9 **“§ 665. Procedures for monitoring careers of Joint**
10 **Qualified Officers”.**

11 (3) TABLE OF SECTIONS.—The table of sections
12 at the beginning of chapter 38 of such title is
13 amended by striking the item related to section 665
14 and inserting the following new item:

“665. Procedures for monitoring careers of Joint Qualified Officers.”.

15 (d) JOINT SPECIALTY TERMINOLOGY IN ANNUAL
16 REPORT.—Section 667 of title 10, United States Code,
17 is amended—

18 (1) in paragraph (1)—

19 (A) in subparagraph (A), by striking “se-
20 lected for the joint specialty” and inserting
21 “designated as a Joint Qualified Officer”; and

22 (B) in subparagraph (B), by striking “se-
23 lection for the joint specialty” and inserting
24 “designation as a Joint Qualified Officer,”;

1 (2) in paragraph (2), by striking “with the joint
2 specialty” and inserting “designated as a Joint
3 Qualified Officer”;

4 (3) in paragraph (3), by striking “selected for
5 the joint specialty” each place it appears and insert-
6 ing “designated as a Joint Qualified Officer”;

7 (4) in paragraph (4)—

8 (A) in subparagraph (A), by striking “se-
9 lected for the joint specialty” and inserting
10 “designated as a Joint Qualified Officer”; and

11 (B) by striking subparagraph (B) and in-
12 serting the following new subparagraph:

13 “(B) a comparison of the number of offi-
14 cers who were designated as a Joint Qualified
15 Officer who had served in a Joint Duty Assign-
16 ment List billet and completed Joint Profes-
17 sional Military Education Phase II, with the
18 number designated as a Joint Qualified Officer
19 based on their aggregated joint experiences and
20 completion of Joint Professional Military Edu-
21 cation Phase II.”;

22 (5) by striking paragraphs (5) through (10),
23 (13), and (16), and redesignating paragraphs (11),
24 (12), (14) (15), (17), and (18) as paragraphs (7),
25 (8), (9), (10), (12), and (13), respectively;

1 (6) by inserting after paragraph (4) the fol-
2 lowing new paragraphs:

3 “(5) The promotion rate for officers designated
4 as a Joint Qualified Officer, compared with the pro-
5 motion rate for other officers considered for pro-
6 motion from within the promotion zone in the same
7 pay grade and the same competitive category. A
8 similar comparison will be made for officers both
9 below the promotion zone and above the promotion
10 zone.

11 “(6) An analysis of assignments of officers
12 after their designation as a Joint Qualified Officer.”;
13 and

14 (7) by inserting after paragraph (10), as redesi-
15 gnated by paragraph (5), the following new para-
16 graph:

17 “(11) The number of officers in the grade of
18 captain (or in the case of the Navy, lieutenant) and
19 above, certified at each level of joint qualification as
20 established in regulation and policy by the Secretary
21 of Defense with the advice of the Chairman of the
22 Joint Chiefs of Staff. Such numbers shall be re-
23 ported by service and grade of the officer.”.

1 **SEC. 523. PROMOTION POLICY OBJECTIVES FOR JOINT**
2 **QUALIFIED OFFICERS.**

3 Section 662 of title 10, United States Code, is
4 amended—

5 (1) in subsection (a), by striking “that—” and
6 all that follows through “served in joint duty assign-
7 ments” and inserting “that officers in the grade of
8 major (or in the case of the Navy, lieutenant com-
9 mander) or above who are designated as a Joint
10 Qualified Officer”; and

11 (2) in subsection (b), by striking “officers who
12 are serving in, or have served in, joint duty assign-
13 ments, especially with respect to the record of officer
14 selection boards in meeting the objectives of para-
15 graphs (1) and (2) of subsection (a).” and inserting
16 “officers in the grades of major (or in the case of
17 the Navy, lieutenant commander) through colonel
18 (or in the case of the Navy, captain) who are des-
19 ignated as a Joint Qualified Officer, especially with
20 respect to the record of officer selection boards in
21 meeting the objective of subsection (a).”.

22 **SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENTS.**

23 (a) **SERVICE EXCLUDED FROM TOUR LENGTH.—**
24 Subsection (d) of section 664 of title 10, United States
25 Code, is amended—

1 (1) in paragraph (1), by striking subparagraph
2 (D) and inserting the following new subparagraph:

3 “(D) a qualifying reassignment from a
4 joint duty assignment—

5 “(i) for unusual personal reasons, in-
6 cluding extreme hardship and medical con-
7 ditions, beyond the control of the officer or
8 the armed forces; or

9 “(ii) to another joint duty assignment
10 immediately after—

11 “(I) the officer was promoted to
12 a higher grade, if the reassignment
13 was made because no joint duty as-
14 signment was available within the
15 same organization that was commen-
16 surate with the officer’s new grade; or

17 “(II) the officer’s position was
18 eliminated in a reorganization.”; and

19 (2) by striking paragraph (3) and inserting the
20 following new paragraph:

21 “(3) Service in a joint duty assignment in a
22 case in which the officer’s tour of duty in that as-
23 signment brings the officer’s accrued service for pur-
24 poses of subsection (f)(3) to the applicable standard
25 prescribed in subsection (a).”.

1 (b) COMPUTING AVERAGE LENGTH OF JOINT DUTY
2 ASSIGNMENTS.—Subsection (e) of such section is amend-
3 ed by striking paragraph (2) and inserting the following
4 new paragraph:

5 “(2) In computing the average length of joint duty
6 assignments for purposes of paragraph (1), the Secretary
7 may exclude the following service:

8 “(A) Service described in subsection (c).

9 “(B) Service described in subsection (d).

10 “(C) Service described in subsection (f)(6).”.

11 (c) COMPLETION OF TOUR OF DUTY.—Subsection (f)
12 of such section is amended—

13 (1) in paragraph (3), by striking “Cumulative
14 service” and inserting “Accrued joint experience”;

15 (2) in paragraph (4), by striking “(except” and
16 all that follows through “any time)”; and

17 (3) by striking paragraph (6) and inserting the
18 following new paragraph:

19 “(6) A second and subsequent joint duty as-
20 signment that is less than the period required under
21 subsection (a), but not less than two years.”.

22 (d) ACCRUED JOINT EXPERIENCE AS FULL TOUR OF
23 DUTY.—Subsection (g) of such section is amended to read
24 as follows:

1 “(g) ACCRUED JOINT EXPERIENCE.—For the pur-
2 poses of subsection (f)(3), the Secretary of Defense may
3 prescribe, by regulation, certain joint experience, such as
4 temporary duty in joint assignments, joint individual
5 training, and participation in joint exercises, that may be
6 aggregated to equal a full tour of duty. The Secretary
7 shall prescribe the regulations with the advice of the
8 Chairman of the Joint Chiefs of Staff.”.

9 (e) CONSTRUCTIVE CREDIT.—Subsection (h) of such
10 section is amended—

11 (1) in paragraph (1), by striking “subsection
12 (f)(1), (f)(2), (f)(4), or (g)(2)” and inserting “para-
13 graphs (1), (2), and (4) of subsection (f)”;

14 (2) by striking paragraph (3).

15 (f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN
16 JOINT TASK FORCE ASSIGNMENTS.—Such section is fur-
17 ther amended by striking subsection (i).

18 **SEC. 525. DESIGNATION OF GENERAL AND FLAG OFFICER**
19 **POSITIONS ON JOINT STAFF AS POSITIONS**
20 **TO BE HELD ONLY BY RESERVE COMPONENT**
21 **OFFICERS.**

22 Section 526(b)(2)(A) of title 10, United States Code,
23 is amended by striking “a general and flag officer posi-
24 tion” and inserting “up to three general and flag officer
25 positions”.

1 **SEC. 526. TREATMENT OF CERTAIN SERVICE AS JOINT**
2 **DUTY EXPERIENCE.**

3 (a) VICE CHIEFS, ARMY AND AIR NATIONAL
4 GUARD.—Section 10506(a)(3) of title 10, United States
5 Code is amended—

6 (1) by redesignating subparagraphs (C), (D),
7 and (E) as subparagraphs (D), (E), and (F), respec-
8 tively; and

9 (2) by inserting after subparagraph (B) the fol-
10 lowing new subparagraph (C):

11 “(C) Service of an officer as adjutant general shall
12 be treated as joint duty experience for purposes of assign-
13 ment or promotion to any position designated by law as
14 open to a National Guard general officer.”.

15 (b) ADJUTANTS GENERAL AND SIMILAR OFFI-
16 CERS.—The service of an officer of the Armed Forces as
17 adjutant general, or as an officer (other than adjutant
18 general) of the National Guard of a State who performs
19 the duties of adjutant general under the laws of such
20 State, shall be treated as joint duty or joint duty experi-
21 ence for purposes of any provisions of law required such
22 duty or experience as a condition of assignment or pro-
23 motion.

24 (c) REPORT ON DUTY IN JOINT FORCE HEAD-
25 QUARTERS TO QUALIFY AS JOINT DUTY EXPERIENCE.—
26 Not later than April 1, 2009, the Chief of the National

1 Guard Bureau shall, in consultation with the adjutants
2 general of the National Guard, submit to the Chairman
3 of the Joint Chiefs of Staff and to Congress a report set-
4 ting forth the recommendations of the Chief of the Na-
5 tional Guard Bureau as to which duty of officers of the
6 National Guard in the Joint Force Headquarters of the
7 National Guard of the States should qualify as joint duty
8 or joint duty experience for purposes of the provisions of
9 law requiring such duty or experience as a condition of
10 assignment or promotion.

11 (d) REPORTS ON JOINT EDUCATION COURSES.—Not
12 later than April 1 of each of 2009, 2010, and 2011, the
13 Chairman of the Joint Chiefs of Staff shall submit to Con-
14 gress a report setting forth information on the joint edu-
15 cation courses available through the Department of De-
16 fense for purposes of the pursuit of joint careers by offi-
17 cers in the Armed Forces. Each report shall include, for
18 the preceding year, the following:

19 (1) A list and description of the joint education
20 courses so available during such year.

21 (2) A list and description of the joint education
22 courses listed under paragraph (1) that are available
23 to and may be completed by officers of the reserve
24 components of the Armed Forces in other than an

1 in-resident duty status under title 10 or 32, United
2 States Code.

3 (3) For each course listed under paragraph (1),
4 the number of officers from each Armed Force who
5 pursued such course during such year, including the
6 number of officers of the Army National Guard, and
7 of the Air National Guard, who pursued such course.

8 (e) MEMORANDUM OF UNDERSTANDING REGARDING
9 THE UNITED STATES NORTHERN COMMAND AND OTHER
10 COMBATANT COMMANDS.—

11 (1) MEMORANDUM REQUIRED.—Not later than
12 180 days after the date of the enactment of this Act,
13 the Commander of the United States Northern Com-
14 mand, the Commander of the United States Pacific
15 Command, and the Chief of the National Guard Bu-
16 reau shall, with the approval of the Secretary of De-
17 fense, jointly enter into a memorandum of under-
18 standing setting forth the operational relationships,
19 and individual roles and responsibilities, during re-
20 sponses to domestic emergencies among the United
21 States Northern Command, the United States Pa-
22 cific Command, and the National Guard Bureau.

23 (2) MODIFICATION.—The Commander of the
24 United States Northern Command, the Commander
25 of the United States Pacific Command, and the

1 Chief of the National Guard Bureau may from time
2 to time modify the memorandum of understanding
3 under this subsection to address changes in cir-
4 cumstances and for such other purposes as the Com-
5 mander of the United States Northern Command,
6 the Commander of the United States Pacific Com-
7 mand, and the Chief of the National Guard Bureau
8 jointly consider appropriate. Each such modification
9 shall be subject to the approval of the Secretary of
10 Defense.

11 (f) REPORT ON DEFENSE OF THE HOMELAND.—

12 (1) REVIEW.—The Secretary of Defense, in
13 consultation with the Chief of the National Guard
14 Bureau, shall conduct a review of the role of the De-
15 partment of Defense in the defense of the homeland.
16 In conducting that review, the Secretary shall—

17 (A) assess section II of the Final Report to
18 Congress and the Secretary of Defense of the
19 Commission on the National Guard and Re-
20 serves, dated January 31, 2008, and titled
21 “Transforming the National Guard and Re-
22 serves into a 21st-Century Operational Force”;
23 and

1 (B) comment on recommendation number
2 2 under section II of the report described in
3 subparagraph (A).

4 (2) REPORT.—Not later than April 1, 2009, the
5 Secretary of Defense shall issue to the Committee on
6 Armed Services of the Senate and the Committee on
7 Armed Services of the House of Representatives a
8 report on the review.

9 **Subtitle D—General Service**
10 **Authorities**

11 **SEC. 531. INCREASE IN AUTHORIZED MAXIMUM REENLIST-**
12 **MENT TERM.**

13 (a) INCREASE TO EIGHT-YEAR MAXIMUM.—Section
14 505(d) of title 10, United States Code, is amended—

15 (1) in paragraph (2), by striking “six years”
16 and inserting “eight years”; and

17 (2) in paragraph (3)(A), by striking “six years”
18 and inserting “eight years”.

19 (b) CONFORMING AMENDMENT REGARDING REEN-
20 LISTMENT BONUS.—Section 308(a)(2)(ii) of title 37,
21 United States Code, is amended by striking “not to exceed
22 six”.

1 **SEC. 532. CAREER INTERMISSION PILOT PROGRAM.**

2 (a) PROGRAM AUTHORIZED.—Chapter 40 of title 10,
3 United States Code, is amended by inserting after section
4 708 the following new section:

5 **“§ 708a. Career intermission pilot program**

6 “(a) PROGRAM AUTHORIZED.—(1) The Secretary of
7 a military department may establish a pilot program
8 under which an officer or enlisted member of an armed
9 force under the jurisdiction of the Secretary—

10 “(A) is released from active duty for a period
11 not to exceed the period specified in subsection
12 (c)(1) to meet personal or professional needs of the
13 member;

14 “(B) is transferred to the Ready Reserve of
15 that armed force during such period, as provided in
16 subsection (d); and

17 “(C) is returned to active duty at the end of
18 such period, as provided in subsection (c)(2).

19 “(2) The pilot program shall be known as the ‘Career
20 Intermission Pilot Program’ (in this section referred to as
21 the ‘program’).

22 “(b) NUMBER OF PARTICIPANTS.—No more than 20
23 officers and 20 enlisted members of each armed force
24 under the jurisdiction of the Secretary of a military de-
25 partment may be selected per year for participation in the
26 program.

1 “(c) MAXIMUM DURATION OF ABSENCE; RETURN TO
2 ACTIVE DUTY.—(1) The period during which a member
3 participating in the program will be released from active
4 duty shall be agreed upon by the Secretary concerned and
5 the member, but the period may not exceed three years
6 from the date of the member’s release from active duty.

7 “(2) A member participating in the program shall re-
8 turn to active duty at the end of the agreed-upon period
9 or such earlier date as the member may request.

10 “(d) RESERVE AGREEMENT.—(1) Before being re-
11 leased from active duty under the program, a member par-
12 ticipating in the program shall—

13 “(A) be appointed or enlisted in the Ready Re-
14 serve for the member’s armed force; and

15 “(B) enter into an agreement with the Sec-
16 retary concerned to serve on active duty in a regular
17 or reserve component, as determined by the Sec-
18 retary, for a period of not less than two months for
19 every month of program participation following the
20 member’s return to active duty.

21 “(2) During the period of release from active duty,
22 a member participating in the program shall report at
23 least once per month to a location designated by the Sec-
24 retary concerned and be required to maintain the job spe-

1 cialty qualifications the member held immediately before
2 being released from active duty under the program.

3 “(3) The Secretary of Defense shall issue regulations
4 specifying the guidelines regarding the conditions of re-
5 lease that must be considered and addressed in the agree-
6 ment required by this subsection. At a minimum, the Sec-
7 retary shall prescribe the procedures and standards to be
8 used to instruct a member on the obligations to be as-
9 sumed by the member under paragraph (2) while the
10 member is released from active duty.

11 “(e) EXCLUSION OF TIME IN PROGRAM.—Time spent
12 in the program shall not count toward—

13 “(1) determining eligibility for retirement or
14 transfer to the Ready Reserve under chapter 367,
15 571, 867, or 1223 of this title;

16 “(2) computation of retired or retainer pay
17 under chapter 71 or chapter 1223 of this title; or

18 “(3) computation of total years of commis-
19 sioned service under section 14706 of this title.

20 “(f) MEDICAL AND DENTAL CARE.—While a member
21 is participating in the program, the member shall remain
22 entitled to medical and dental care on the same basis as
23 a member of the armed forces on active duty, and depend-
24 ents of a member participating in the program shall re-
25 main entitled to medical and dental care on the same basis

1 as the dependents of a member of the armed forces on
2 active duty.

3 “(g) PROMOTION ELIGIBILITY.—(1) An officer par-
4 ticipating in the program shall not be eligible for consider-
5 ation for promotion under chapter 36 or 1405 of this title
6 during the period of the officer’s release from active duty.
7 Upon return to active duty—

8 “(A) the officer’s date of rank shall be adjusted
9 to a later date under regulations prescribed by the
10 Secretary of Defense; and

11 “(B) the officer shall be eligible for consider-
12 ation for promotion when officers of the same com-
13 petitive category, grade, and seniority are eligible for
14 consideration.

15 “(2) An enlisted member participating in the pro-
16 gram is ineligible for consideration for promotion during
17 the period of the member’s release from active duty and
18 until such time after the member’s return to active duty
19 when the member becomes eligible for promotion by rea-
20 son of time in grade and such other requirements as may
21 be specified in regulations.

22 “(h) BASIC PAY.—For each month during which a
23 member is released from active duty under the program,
24 the member is entitled to two times one-thirtieth of the
25 basic pay to which the member would be otherwise entitled

1 based on grade and years of service if the member re-
2 mained on active duty.

3 “(i) TRAVEL AND TRANSPORTATION ALLOW-
4 ANCES.—(1) Notwithstanding any other provision of law,
5 a member participating in the program is entitled to the
6 travel and transportation allowances under section 404 of
7 title 37 for travel—

8 “(A) performed from the member’s location, at
9 the time of the member’s release from active duty
10 under the program, to the location in the United
11 States designated as the member’s permanent resi-
12 dence; and

13 “(B) performed in connection with the mem-
14 ber’s return to active duty.

15 “(2) An allowance will be paid under this subsection
16 for travel to and from only one residence.

17 “(j) SPECIAL AND INCENTIVE PAYS AND BO-
18 NUSES.—While released from active duty under the pro-
19 gram, a member may not receive any special or incentive
20 pay or bonus under chapter 5 of title 37 to which the
21 member would otherwise be entitled. When the member
22 returns to active duty after the period of participation in
23 the program, the member shall receive all of the special
24 and incentive pays that the member was receiving before

1 being released from active duty and for which the member
2 remains qualified to receive upon the return to active duty.

3 “(k) DURATION OF PROGRAM AUTHORITY.—The au-
4 thority to conduct the program commences on January 1,
5 2009, and no member may be released from active duty
6 under the program after December 31, 2014.”.

7 (b) EXCLUSION FROM COMPUTATION OF RESERVE
8 OFFICER’S TOTAL YEARS OF SERVICE.—Section
9 14706(a) of such title is amended by adding at the end
10 the following new paragraph:

11 “(4) Service while participating in the Career
12 Intermission Pilot Program under section 708a of
13 this title.”.

14 (c) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 40 of such title is amended
16 by inserting after the item relating to section 708 the fol-
17 lowing new item:

“708a. Career intermission pilot program.”.

1 **Subtitle E—Education and**
2 **Training**

3 **SEC. 541. REPEAL OF PROHIBITION ON PHASED INCREASE**
4 **IN MIDSHIPMEN AND CADET STRENGTH**
5 **LIMIT AT UNITED STATES NAVAL ACADEMY**
6 **AND AIR FORCE ACADEMY.**

7 (a) NAVAL ACADEMY.—Section 6954(h)(1) of title
8 10, United States Code, is amended by striking the last
9 sentence.

10 (b) AIR FORCE ACADEMY.—Section 9342(j)(1) of
11 title 10, United States Code, is amended by striking the
12 last sentence.

13 **SEC. 542. PROMOTION OF FOREIGN AND CULTURAL EX-**
14 **CHANGE ACTIVITIES AT MILITARY SERVICE**
15 **ACADEMIES.**

16 (a) UNITED STATES MILITARY ACADEMY.—

17 (1) IN GENERAL.—Chapter 403 of title 10,
18 United States Code, is amended by inserting after
19 section 4345 the following new section:

20 **“§ 4345a. Foreign and cultural exchange activities**

21 “(a) ATTENDANCE AUTHORIZED.—The Secretary of
22 the Army may authorize the Academy to permit students,
23 officers, and other representatives of a foreign country to
24 attend the Academy for periods of not more than two
25 weeks if the Secretary determines that the attendance of

1 such persons contributes significantly to the development
2 of foreign language, cross cultural interactions and under-
3 standing, and cultural immersion of cadets.

4 “(b) COSTS AND EXPENSES.—The Secretary may
5 pay the travel, subsistence, and similar personal expenses
6 of persons incurred to attend the Academy under sub-
7 section (a).

8 “(c) EFFECT OF ATTENDANCE.—Persons attending
9 the Academy under subsection (a) are not considered to
10 be students enrolled at the Academy and are in addition
11 to persons receiving instruction at the Academy under sec-
12 tion 4344 or 4345 of this title.

13 “(d) SOURCE OF FUNDS; LIMITATION.—(1) The
14 Academy shall bear the costs of the attendance of persons
15 under subsection (a) from funds appropriated for the
16 Academy and from such additional funds as may be avail-
17 able to the Academy from a source, other than appro-
18 priated funds, to support cultural immersion, regional
19 awareness, or foreign language training activities in con-
20 nection with their attendance.

21 “(2) Expenditures from appropriated funds in sup-
22 port of activities under this section may not exceed
23 \$40,000 during any fiscal year.”.

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of such chapter is amended

1 by inserting after the item relating to section 4345
2 the following new item:

“4345a. Foreign and cultural exchange activities.”.

3 (b) NAVAL ACADEMY.—

4 (1) IN GENERAL.—Chapter 603 of title 10,
5 United States Code, is amended by inserting after
6 section 6957a the following new section:

7 **“§ 6957b. Foreign and cultural exchange activities**

8 “(a) ATTENDANCE AUTHORIZED.—The Secretary of
9 the Navy may authorize the Naval Academy to permit stu-
10 dents, officers, and other representatives of a foreign
11 country to attend the Naval Academy for periods of not
12 more than two weeks if the Secretary determines that the
13 attendance of such persons contributes significantly to the
14 development of foreign language, cross cultural inter-
15 actions and understanding, and cultural immersion of
16 midshipmen.

17 “(b) COSTS AND EXPENSES.—The Secretary may
18 pay the travel, subsistence, and similar personal expenses
19 of persons incurred to attend the Naval Academy under
20 subsection (a).

21 “(c) EFFECT OF ATTENDANCE.—Persons attending
22 the Naval Academy under subsection (a) are not consid-
23 ered to be students enrolled at the Naval Academy and
24 are in addition to persons receiving instruction at the
25 Naval Academy under section 6957 or 6957a of this title.

1 “(d) SOURCE OF FUNDS; LIMITATION.—(1) The
2 Naval Academy shall bear the costs of the attendance of
3 persons under subsection (a) from funds appropriated for
4 the Naval Academy and from such additional funds as
5 may be available to the Naval Academy from a source,
6 other than appropriated funds, to support cultural immer-
7 sion, regional awareness, or foreign language training ac-
8 tivities in connection with their attendance.

9 “(2) Expenditures from appropriated funds in sup-
10 port of activities under this section may not exceed
11 \$40,000 during any fiscal year.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of such chapter is amended
14 by inserting after the item relating to section 6957a
15 the following new item:

“6957b. Foreign and cultural exchange activities.”.

16 (c) AIR FORCE ACADEMY.—

17 (1) IN GENERAL.—Chapter 903 of title 10,
18 United States Code, is amended by inserting after
19 section 9345 the following new section:

20 **“§ 9345a. Foreign and cultural exchange activities**

21 “(a) ATTENDANCE AUTHORIZED.—The Secretary of
22 the Air Force may authorize the Air Force Academy to
23 permit students, officers, and other representatives of a
24 foreign country to attend the Air Force Academy for peri-
25 ods of not more than two weeks if the Secretary deter-

1 mines that the attendance of such persons contributes sig-
2 nificantly to the development of foreign language, cross
3 cultural interactions and understanding, and cultural im-
4 mersion of cadets.

5 “(b) COSTS AND EXPENSES.—The Secretary may
6 pay the travel, subsistence, and similar personal expenses
7 of persons incurred to attend the Air Force Academy
8 under subsection (a).

9 “(c) EFFECT OF ATTENDANCE.—Persons attending
10 the Air Force Academy under subsection (a) are not con-
11 sidered to be students enrolled at the Air Force Academy
12 and are in addition to persons receiving instruction at the
13 Air Force Academy under section 9344 or 9345 of this
14 title.

15 “(d) SOURCE OF FUNDS; LIMITATION.—(1) The Air
16 Force Academy shall bear the costs of the attendance of
17 persons under subsection (a) from funds appropriated for
18 the Air Force Academy and from such additional funds
19 as may be available to the Air Force Academy from a
20 source, other than appropriated funds, to support cultural
21 immersion, regional awareness, or foreign language train-
22 ing activities in connection with their attendance.

23 “(2) Expenditures from appropriated funds in sup-
24 port of activities under this section may not exceed
25 \$40,000 during any fiscal year.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by inserting after the item relating to section 9345
4 the following new item:

“9345a. Foreign and cultural exchange activities.”.

5 **SEC. 543. COMPENSATION FOR CIVILIAN PRESIDENT OF**
6 **NAVAL POSTGRADUATE SCHOOL.**

7 Section 7042 of title 10, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(c)(1) If the individual holding the position of Presi-
11 dent of the Naval Postgraduate School is a civilian, the
12 Secretary shall pay the individual such compensation for
13 the individual’s service as President as the Secretary pre-
14 scribes, except that—

15 “(A) basic pay for the President may not ex-
16 ceed the rate of compensation authorized for posi-
17 tions in level I of the Executive Schedule under sec-
18 tion 5312 of title 5; and

19 “(B) total aggregate compensation for the
20 President, including bonuses, awards, allowances, or
21 other similar cash payments, may not exceed the
22 total annual compensation payable under section
23 104 of title 3.

24 “(2) The limitations in section 5373 of title 5 do not
25 apply to the authority of the Secretary under this sub-

1 section to prescribe the salary and other related benefits
2 for the position of President of the Naval Postgraduate
3 School.”.

4 **SEC. 544. INCREASED AUTHORITY TO ENROLL DEFENSE IN-**
5 **DUSTRY EMPLOYEES IN DEFENSE PRODUCT**
6 **DEVELOPMENT PROGRAM.**

7 Section 7049(a) of title 10, United States Code, is
8 amended by striking “25” and inserting “125”.

9 **SEC. 545. REQUIREMENT OF COMPLETION OF SERVICE**
10 **UNDER HONORABLE CONDITIONS FOR PUR-**
11 **POSES OF ENTITLEMENT TO EDUCATIONAL**
12 **ASSISTANCE FOR RESERVE COMPONENTS**
13 **MEMBERS SUPPORTING CONTINGENCY OP-**
14 **ERATIONS.**

15 (a) **REQUIREMENT OF HONORABLE SERVICE.**—Sec-
16 tion 16164(a)(2) of title 10, United States Code, is
17 amended by striking “other than dishonorable conditions”
18 and inserting “honorable conditions”.

19 (b) **EFFECTIVE DATE.**—The amendment made by
20 subsection (a) shall take effect on the date of the enact-
21 ment of this Act and apply to persons described in section
22 16163 of title 10, United States Code, who separate on
23 or after that date from a reserve component.

1 **SEC. 546. CONSISTENT EDUCATION LOAN REPAYMENT AU-**
2 **THORITY FOR HEALTH PROFESSIONALS IN**
3 **REGULAR COMPONENTS AND SELECTED RE-**
4 **SERVE.**

5 Section 16302(c) of title 10, United States Code, is
6 amended by striking paragraphs (2) and (3) and inserting
7 the following new paragraph:

8 “(2) The annual maximum amount of a loan that
9 may be repaid under this section shall be the same as the
10 maximum amount in effect for the same year under sub-
11 section (e)(2) of section 2173 of this title for the education
12 loan repayment program under such section.”.

13 **SEC. 547. INCREASE IN NUMBER OF UNITS OF JUNIOR RE-**
14 **SERVE OFFICERS’ TRAINING CORPS.**

15 (a) **PLAN FOR INCREASE.**—The Secretary of Defense,
16 in consultation with the Secretaries of the military depart-
17 ments, shall develop and implement a plan to establish and
18 support 4,000 Junior Reserve Officers’ Training Corps
19 units not later than fiscal year 2020.

20 (b) **EXCEPTIONS.**—The requirement imposed in sub-
21 section (a) shall not apply—

22 (1) if the Secretary fails to receive an adequate
23 number or requests for Junior Reserve Officers’
24 Training Corps units by public and private sec-
25 ondary educational institutions; or

1 (2) during a time of national emergency when
2 the Secretaries of the military departments deter-
3 mine that funding must be allocated elsewhere.

4 (c) COOPERATION.—The Secretary of Defense, as
5 part of the plan to establish and support additional Junior
6 Reserve Officers' Training Corps units, shall work with
7 local educational agencies to increase the employment in
8 Junior Reserve Officers' Training Corps units of retired
9 members of the Armed Forces who are retired under chap-
10 ter 61 of title 10, United States Code, especially members
11 who were wounded or injured while deployed in a contin-
12 gency operation.

13 (d) REPORT ON PLAN.—Upon completion of the plan,
14 the Secretary of Defense shall provide a report to the con-
15 gressional defense committees containing, at a minimum,
16 the following:

17 (1) A description of how the Secretaries of the
18 military departments expect to achieve the number
19 of units of the Junior Reserve Officers' Training
20 Corps specified in subsection (a), including how
21 many units will be established per year by each serv-
22 ice.

23 (2) The annual funding necessary to support
24 the increase in units, including the personnel costs
25 associated.

1 (3) The number of qualified private and public
2 schools, if any, who have requested a Junior Reserve
3 Officers' Training Corps unit that are on a waiting
4 list.

5 (4) Efforts to improve the increased distribu-
6 tion of units geographically across the United
7 States.

8 (5) Efforts to increase distribution of units in
9 educationally and economically deprived areas.

10 (6) Efforts to enhance employment opportuni-
11 ties for qualified former military members retired for
12 disability, especially those wounded while deployed in
13 a contingency operation.

14 (e) TIME FOR SUBMISSION.—The plan required
15 under subsection (a), along with the report required by
16 subsection (d), shall be submitted to the congressional de-
17 fense committees not later than March 31, 2009. The Sec-
18 retary of Defense shall submit an up-dated report annu-
19 ally thereafter until the number of units of the Junior Re-
20 serve Officers' Training Corps specified in subsection (a)
21 is achieved.

22 (f) ADDITIONAL CURRICULUM ELEMENT.—The Sec-
23 retary of each military department shall develop and im-
24 plement a segment of the Junior Reserve Officers' Train-
25 ing Corps curriculum that includes the contribution and

1 defense historiography of gender and ethnic specific
2 groups.

3 **SEC. 548. CORRECTION OF ERRONEOUS ARMY COLLEGE**
4 **FUND BENEFIT AMOUNTS.**

5 (a) CORRECTION AND PAYMENT AUTHORITY.—Dur-
6 ing the period beginning on January 1, 2009, and ending
7 on June 30, 2009, the Secretary of the Army may—

8 (1) consider, through the Army Board for the
9 Correction of Military Records, a request for the
10 correction of military records relating to the amount
11 of the Army College Fund benefit to which a mem-
12 ber or former member of the Armed Forces may be
13 entitled under an Army Incentive Program contract;
14 and

15 (2) pay such amounts as the Secretary con-
16 siders necessary to ensure fairness and equity with
17 regard to the request if the Secretary determines
18 that the correction of the records is appropriate.

19 (b) EXCEPTION TO PAYMENT LIMITS.—A payment
20 under subsection (a)(2) may be made without regard to
21 any limits on the total combined amounts established for
22 the Army College Fund and the Montgomery G.I. Bill.

23 (c) FUNDING SOURCE.—Payments under subsection
24 (a)(2) shall be made solely from funds appropriated for
25 military personnel programs for fiscal year 2009.

1 **SEC. 549. EXPANDED AUTHORITY FOR INSTITUTIONS OF**
2 **PROFESSIONAL MILITARY EDUCATION TO**
3 **AWARD DEGREES.**

4 (a) NATIONAL DEFENSE INTELLIGENCE COL-
5 LEGE.—

6 (1) IN GENERAL.—Section 2161 of title 10,
7 United States Code, is amended to read as follows:

8 **“§ 2161. Degree granting authority for National De-**
9 **fense Intelligence College**

10 “(a) AUTHORITY.—Under regulations prescribed by
11 the Secretary of Defense, the President of the National
12 Defense Intelligence College may, upon the recommenda-
13 tion of the faculty of the National Defense Intelligence
14 College, confer appropriate degrees upon graduates who
15 meet the degree requirements.

16 “(b) LIMITATION.—A degree may not be conferred
17 under this section unless—

18 “(1) the Secretary of Education has rec-
19 ommended approval of the degree in accordance with
20 the Federal Policy Governing Granting of Academic
21 Degrees by Federal Agencies; and

22 “(2) the curriculum leading to that degree is
23 accredited by the appropriate civilian academic ac-
24 crediting agency or organization, as determined by
25 the Secretary of Education.

1 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-
2 MENTS.—(1) When seeking to establish degree granting
3 authority under this section, the Secretary of Defense
4 shall submit to the Committees on Armed Services of the
5 Senate and House of Representatives—

6 “(A) a copy of the self assessment question-
7 naire required by the Federal Policy Governing
8 Granting of Academic Degrees by Federal Agencies,
9 at the time the assessment is submitted to the De-
10 partment of Education’s National Advisory Com-
11 mittee on Institutional Quality and Integrity; and

12 “(B) the subsequent recommendations and ra-
13 tionale of the Secretary of Education regarding the
14 establishment of the degree granting authority.

15 “(2) Upon any modification, redesignation or termi-
16 nation of existing degree granting authority, the Secretary
17 of Defense shall submit to the Committees on Armed Serv-
18 ices of the Senate and House of Representatives a report
19 containing the rationale for the proposed modification, re-
20 designation or termination and any subsequent rec-
21 ommendation of the Secretary of Education on the pro-
22 posed modification, redesignation or termination.

23 “(3) The Secretary of Defense shall submit to the
24 Committees on Armed Services of the Senate and House
25 of Representatives a report containing an explanation of

1 any action by the appropriate academic accrediting agency
2 or organization not to accredit the curriculum leading to
3 any new or existing degree.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of chapter 108 of such title
6 is amended by striking the item relating to section
7 2161 and inserting the following new item:

“2161. Degree granting authority for National Defense Intelligence College.”.

8 (b) NATIONAL DEFENSE UNIVERSITY.—

9 (1) IN GENERAL.—Section 2163 of such title is
10 amended to read as follows:

11 **“§ 2163. Degree granting authority for National De-**
12 **fense University**

13 “(a) AUTHORITY.—Under regulations prescribed by
14 the Secretary of Defense, the President of the National
15 Defense University may, upon the recommendation of the
16 faculty of the National Defense University, confer appro-
17 priate degrees upon graduates who meet the degree re-
18 quirements.

19 “(b) LIMITATION.—A degree may not be conferred
20 under this section unless—

21 “(1) the Secretary of Education has rec-
22 ommended approval of the degree in accordance with
23 the Federal Policy Governing Granting of Academic
24 Degrees by Federal Agencies; and

1 “(2) the curriculum leading to that degree is
2 accredited by the appropriate civilian academic ac-
3 crediting agency or organization, as determined by
4 the Secretary of Education.

5 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-
6 MENTS.—(1) When seeking to establish degree granting
7 authority under this section, the Secretary of Defense
8 shall submit to the Committees on Armed Services of the
9 Senate and House of Representatives—

10 “(A) a copy of the self assessment question-
11 naire required by the Federal Policy Governing
12 Granting of Academic Degrees by Federal Agencies,
13 at the time the assessment is submitted to the De-
14 partment of Education’s National Advisory Com-
15 mittee on Institutional Quality and Integrity; and

16 “(B) the subsequent recommendations and ra-
17 tionale of the Secretary of Education regarding the
18 establishment of the degree granting authority.

19 “(2) Upon any modification, redesignation or termi-
20 nation of existing degree granting authority, the Secretary
21 of Defense shall submit to the Committees on Armed Serv-
22 ices of the Senate and House of Representatives a report
23 containing the rationale for the proposed modification, re-
24 designation or termination and any subsequent rec-

1 ommendation of the Secretary of Education on the pro-
2 posed modification, redesignation or termination.

3 “(3) The Secretary of Defense shall submit to the
4 Committees on Armed Services of the Senate and House
5 of Representatives a report containing an explanation of
6 any action by the appropriate academic accrediting agency
7 or organization not to accredit the curriculum leading to
8 any new or existing degree.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 108 of such title
11 is amended by striking the item relating to section
12 2163 and inserting the following new item:

“2163. Degree granting authority for National Defense University.”.

13 (c) UNITED STATES ARMY COMMAND AND GENERAL
14 STAFF COLLEGE.—

15 (1) IN GENERAL.—Section 4314 of such title is
16 amended to read as follows:

17 **“§4314. Degree granting authority for United States**
18 **Army Command and General Staff Col-**
19 **lege**

20 “(a) AUTHORITY.—Under regulations prescribed by
21 the Secretary of the Army, the Commandant of the United
22 States Army Command and General Staff College may,
23 upon the recommendation of the faculty and dean of the
24 college, confer appropriate degrees upon graduates who
25 meet the degree requirements.

1 “(b) LIMITATION.—A degree may not be conferred
2 under this section unless—

3 “(1) the Secretary of Education has rec-
4 ommended approval of the degree in accordance with
5 the Federal Policy Governing Granting of Academic
6 Degrees by Federal Agencies; and

7 “(2) the curriculum leading to that degree is
8 accredited by the appropriate civilian academic ac-
9 crediting agency or organization, as determined by
10 the Secretary of Education.

11 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-
12 MENTS.—(1) When seeking to establish degree granting
13 authority under this section, the Secretary of Defense
14 shall submit to the Committees on Armed Services of the
15 Senate and House of Representatives—

16 “(A) a copy of the self assessment question-
17 naire required by the Federal Policy Governing
18 Granting of Academic Degrees by Federal Agencies,
19 at the time the assessment is submitted to the De-
20 partment of Education’s National Advisory Com-
21 mittee on Institutional Quality and Integrity; and

22 “(B) the subsequent recommendations and ra-
23 tionale of the Secretary of Education regarding the
24 establishment of the degree granting authority.

1 “(2) Upon any modification, redesignation or termi-
2 nation of existing degree granting authority, the Secretary
3 of Defense shall submit to the Committees on Armed Serv-
4 ices of the Senate and House of Representatives a report
5 containing the rationale for the proposed modification, re-
6 designation or termination and any subsequent rec-
7 ommendation of the Secretary of Education on the pro-
8 posed modification, redesignation or termination.

9 “(3) The Secretary of Defense shall submit to the
10 Committees on Armed Services of the Senate and House
11 of Representatives a report containing an explanation of
12 any action by the appropriate academic accrediting agency
13 or organization not to accredit the curriculum leading to
14 any new or existing degree.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-
16 tions at the beginning of chapter 401 of such title
17 is amended by striking the item relating to section
18 4314 and inserting the following new item:

“4314. Degree granting authority for United States Army Command and Gen-
eral Staff College.”.

19 (d) UNITED STATES ARMY WAR COLLEGE.—

20 (1) IN GENERAL.—Section 4321 of title 10,
21 United States Code, is amended to read as follows:

1 **“§ 4321. Degree granting authority for United States**
2 **Army War College**

3 “(a) **AUTHORITY.**—Under regulations prescribed by
4 the Secretary of the Army, the Commandant of the United
5 States Army War College may, upon the recommendation
6 of the faculty and dean of the college, confer appropriate
7 degrees upon graduates who meet the degree require-
8 ments.

9 “(b) **LIMITATION.**—A degree may not be conferred
10 under this section unless—

11 “(1) the Secretary of Education has rec-
12 ommended approval of the degree in accordance with
13 the Federal Policy Governing Granting of Academic
14 Degrees by Federal Agencies; and

15 “(2) the curriculum leading to that degree is
16 accredited by the appropriate civilian academic ac-
17 crediting agency or organization, as determined by
18 the Secretary of Education.

19 “(c) **CONGRESSIONAL NOTIFICATION REQUIRE-**
20 **MENTS.**—(1) When seeking to establish degree granting
21 authority under this section, the Secretary of Defense
22 shall submit to the Committees on Armed Services of the
23 Senate and House of Representatives—

24 “(A) a copy of the self assessment question-
25 naire required by the Federal Policy Governing
26 Granting of Academic Degrees by Federal Agencies,

1 at the time the assessment is submitted to the De-
2 partment of Education’s National Advisory Com-
3 mittee on Institutional Quality and Integrity; and

4 “(B) the subsequent recommendations and ra-
5 tionale of the Secretary of Education regarding the
6 establishment of the degree granting authority.

7 “(2) Upon any modification, redesignation or termi-
8 nation of existing degree granting authority, the Secretary
9 of Defense shall submit to the Committees on Armed Serv-
10 ices of the Senate and House of Representatives a report
11 containing the rationale for the proposed modification, re-
12 designation or termination and any subsequent rec-
13 ommendation of the Secretary of Education on the pro-
14 posed modification, redesignation or termination.

15 “(3) The Secretary of Defense shall submit to the
16 Committees on Armed Services of the Senate and House
17 of Representatives a report containing an explanation of
18 any action by the appropriate academic accrediting agency
19 or organization not to accredit the curriculum leading to
20 any new or existing degree.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of chapter 401 of such title
23 is amended by striking the item relating to section
24 4321 and inserting the following new item:

“4321. Degree granting authority for United States Army War College.”.

1 (e) UNITED STATES NAVAL POSTGRADUATE
2 SCHOOL.—

3 (1) IN GENERAL.—Section 7048 of such title is
4 amended to read as follows:

5 **“§ 7048. Degree granting authority for United States**
6 **Naval Postgraduate School**

7 “(a) AUTHORITY.—Under regulations prescribed by
8 the Secretary of the Navy, the President of the Naval
9 Postgraduate School may, upon the recommendation of
10 the faculty of the Naval Postgraduate School, confer ap-
11 propriate degrees upon graduates who meet the degree re-
12 quirements.

13 “(b) LIMITATION.—A degree may not be conferred
14 under this section unless—

15 “(1) the Secretary of Education has rec-
16 ommended approval of the degree in accordance with
17 the Federal Policy Governing Granting of Academic
18 Degrees by Federal Agencies; and

19 “(2) the curriculum leading to that degree is
20 accredited by the appropriate civilian academic ac-
21 crediting agency or organization, as determined by
22 the Secretary of Education.

23 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-
24 MENTS.—(1) When seeking to establish degree granting
25 authority under this section, the Secretary of Defense

1 shall submit to the Committees on Armed Services of the
2 Senate and House of Representatives—

3 “(A) a copy of the self assessment question-
4 naire required by the Federal Policy Governing
5 Granting of Academic Degrees by Federal Agencies,
6 at the time the assessment is submitted to the De-
7 partment of Education’s National Advisory Com-
8 mittee on Institutional Quality and Integrity; and

9 “(B) the subsequent recommendations and ra-
10 tionale of the Secretary of Education regarding the
11 establishment of the degree granting authority.

12 “(2) Upon any modification, redesignation or termi-
13 nation of existing degree granting authority, the Secretary
14 of Defense shall submit to the Committees on Armed Serv-
15 ices of the Senate and House of Representatives a report
16 containing the rationale for the proposed modification, re-
17 designation or termination and any subsequent rec-
18 ommendation of the Secretary of Education on the pro-
19 posed modification, redesignation or termination.

20 “(3) The Secretary of Defense shall submit to the
21 Committees on Armed Services of the Senate and House
22 of Representatives a report containing an explanation of
23 any action by the appropriate academic accrediting agency
24 or organization not to accredit the curriculum leading to
25 any new or existing degree.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of chapter 605 of such title
3 is amended by striking the item relating to section
4 7048 and inserting the following new item:

“7048. Degree granting authority for United States Naval Postgraduate
School.”.

5 (f) NAVAL WAR COLLEGE.—

6 (1) IN GENERAL.—Section 7101 of such title is
7 amended to read as follows:

8 **“§ 7101. Degree granting authority for Naval War Col-
9 lege**

10 “(a) AUTHORITY.—Under regulations prescribed by
11 the Secretary of the Navy, the President of the Naval War
12 College may, upon the recommendation of the faculty of
13 the Naval War College components, confer appropriate de-
14 grees upon graduates who meet the degree requirements.

15 “(b) LIMITATION.—A degree may not be conferred
16 under this section unless—

17 “(1) the Secretary of Education has rec-
18 ommended approval of the degree in accordance with
19 the Federal Policy Governing Granting of Academic
20 Degrees by Federal Agencies; and

21 “(2) the curriculum leading to that degree is
22 accredited by the appropriate civilian academic ac-
23 crediting agency or organization, as determined by
24 the Secretary of Education.

1 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-
2 MENTS.—(1) When seeking to establish degree granting
3 authority under this section, the Secretary of Defense
4 shall submit to the Committees on Armed Services of the
5 Senate and House of Representatives—

6 “(A) a copy of the self assessment question-
7 naire required by the Federal Policy Governing
8 Granting of Academic Degrees by Federal Agencies,
9 at the time the assessment is submitted to the De-
10 partment of Education’s National Advisory Com-
11 mittee on Institutional Quality and Integrity; and

12 “(B) the subsequent recommendations and ra-
13 tionale of the Secretary of Education regarding the
14 establishment of the degree granting authority.

15 “(2) Upon any modification, redesignation or termi-
16 nation of existing degree granting authority, the Secretary
17 of Defense shall submit to the Committees on Armed Serv-
18 ices of the Senate and House of Representatives a report
19 containing the rationale for the proposed modification, re-
20 designation or termination and any subsequent rec-
21 ommendation of the Secretary of Education on the pro-
22 posed modification, redesignation or termination.

23 “(3) The Secretary of Defense shall submit to the
24 Committees on Armed Services of the Senate and House
25 of Representatives a report containing an explanation of

1 any action by the appropriate academic accrediting agency
2 or organization not to accredit the curriculum leading to
3 any new or existing degree.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of chapter 609 of such title
6 is amended by striking the item relating to section
7 7101 and inserting the following new item:

“7101. Degree granting authority for Naval War College.”.

8 (g) MARINE CORPS UNIVERSITY.—

9 (1) IN GENERAL.—Section 7102 of such title is
10 amended to read as follows:

11 **“§ 7102. Degree granting authority for Marine Corps**
12 **University**

13 “(a) AUTHORITY.—Under regulations prescribed by
14 the Secretary of the Navy, the President of the Marine
15 Corps University may, upon the recommendation of the
16 directors and faculty of the Marine Corps University, con-
17 fer appropriate degrees upon graduates who meet the de-
18 gree requirements.

19 “(b) LIMITATION.—A degree may not be conferred
20 under this section unless—

21 “(1) the Secretary of Education has rec-
22 ommended approval of the degree in accordance with
23 the Federal Policy Governing Granting of Academic
24 Degrees by Federal Agencies; and

1 “(2) the curriculum leading to that degree is
2 accredited by the appropriate civilian academic ac-
3 crediting agency or organization, as determined by
4 the Secretary of Education.

5 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-
6 MENTS.—(1) When seeking to establish degree granting
7 authority under this section, the Secretary of Defense
8 shall submit to the Committees on Armed Services of the
9 Senate and House of Representatives—

10 “(A) a copy of the self assessment question-
11 naire required by the Federal Policy Governing
12 Granting of Academic Degrees by Federal Agencies,
13 at the time the assessment is submitted to the De-
14 partment of Education’s National Advisory Com-
15 mittee on Institutional Quality and Integrity; and

16 “(B) the subsequent recommendations and ra-
17 tionale of the Secretary of Education regarding the
18 establishment of the degree granting authority.

19 “(2) Upon any modification, redesignation or termi-
20 nation of existing degree granting authority, the Secretary
21 of Defense shall submit to the Committees on Armed Serv-
22 ices of the Senate and House of Representatives a report
23 containing the rationale for the proposed modification, re-
24 designation or termination and any subsequent rec-

1 ommendation of the Secretary of Education on the pro-
2 posed modification, redesignation or termination.

3 “(3) The Secretary of Defense shall submit to the
4 Committees on Armed Services of the Senate and House
5 of Representatives a report containing an explanation of
6 any action by the appropriate academic accrediting agency
7 or organization not to accredit the curriculum leading to
8 any new or existing degree.

9 “(d) BOARD OF ADVISORS.—The Secretary of the
10 Navy shall establish a board of advisors for the Marine
11 Corps University. The Secretary shall ensure that the
12 board is established so as to meet all requirements of the
13 appropriate regional accrediting association.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of chapter 609 of such title
16 is amended by striking the item relating to section
17 7102 and inserting the following new item:

“7102. Degree granting authority for Marine Corps University.”.

18 (h) UNITED STATES AIR FORCE INSTITUTE OF
19 TECHNOLOGY.—

20 (1) IN GENERAL.—Section 9314 of such title is
21 amended to read as follows:

22 **“§ 9314. Degree granting authority for United States**
23 **Air Force Institute of Technology**

24 “(a) AUTHORITY.—Under regulations prescribed by
25 the Secretary of the Air Force, the commander of Air Uni-

1 versity may, upon the recommendation of the faculty of
2 the United States Air Force Institute of Technology, con-
3 fer appropriate degrees upon graduates of the United
4 States Air Force Institute of Technology who meet the
5 degree requirements.

6 “(b) LIMITATION.—A degree may not be conferred
7 under this section unless—

8 “(1) the Secretary of Education has rec-
9 ommended approval of the degree in accordance with
10 the Federal Policy Governing Granting of Academic
11 Degrees by Federal Agencies; and

12 “(2) the curriculum leading to that degree is
13 accredited by the appropriate civilian academic ac-
14 crediting agency or organization, as determined by
15 the Secretary of Education.

16 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-
17 MENTS.—(1) When seeking to establish degree granting
18 authority under this section, the Secretary of Defense
19 shall submit to the Committees on Armed Services of the
20 Senate and House of Representatives—

21 “(A) a copy of the self assessment question-
22 naire required by the Federal Policy Governing
23 Granting of Academic Degrees by Federal Agencies,
24 at the time the assessment is submitted to the De-

1 partment of Education’s National Advisory Com-
2 mittee on Institutional Quality and Integrity; and

3 “(B) the subsequent recommendations and ra-
4 tionale of the Secretary of Education regarding the
5 establishment of the degree granting authority.

6 “(2) Upon any modification, redesignation or termi-
7 nation of existing degree granting authority, the Secretary
8 of Defense shall submit to the Committees on Armed Serv-
9 ices of the Senate and House of Representatives a report
10 containing the rationale for the proposed modification, re-
11 designation or termination and any subsequent rec-
12 ommendation of the Secretary of Education on the pro-
13 posed modification, redesignation or termination.

14 “(3) The Secretary of Defense shall submit to the
15 Committees on Armed Services of the Senate and House
16 of Representatives a report containing an explanation of
17 any action by the appropriate academic accrediting agency
18 or organization not to accredit the curriculum leading to
19 any new or existing degree.

20 “(d) CIVILIAN FACULTY.—(1) The Secretary of the
21 Air Force may employ as many civilian faculty members
22 at the United States Air Force Institute of Technology
23 as is consistent with the needs of the Air Force and with
24 Department of Defense personnel limits.

1 “(2) The Secretary shall prescribe regulations deter-
2 mining—

3 “(A) titles and duties of civilian members of the
4 faculty; and

5 “(B) pay of civilian members of the faculty,
6 notwithstanding chapter 53 of title 5, but subject to
7 the limitation set out in section 5373 of title 5.

8 “(e) REIMBURSEMENT.—(1) The Department of the
9 Army, the Department of the Navy, and the Department
10 of Homeland Security shall bear the cost of the instruction
11 at the Air Force Institute of Technology that is received
12 by members of the armed forces detailed for that instruc-
13 tion by the Secretaries of the Army, Navy, and Homeland
14 Security, respectively.

15 “(2) Members of the Army, Navy, Marine Corps, and
16 Coast Guard may only be detailed for instruction at the
17 Institute on a space-available basis.

18 “(3) In the case of an enlisted member of the Army,
19 Navy, Marine Corps, and Coast Guard permitted to re-
20 ceive instruction at the Institute, the Secretary of the Air
21 Force shall charge that member only for such costs and
22 fees as the Secretary considers appropriate (taking into
23 consideration the admission of enlisted members on a
24 space- available basis).

1 “(f) ACCEPTANCE OF RESEARCH GRANTS.—(1) The
2 Secretary of the Air Force may authorize the Com-
3 mandant of the United States Air Force Institute of Tech-
4 nology to accept qualifying research grants. Any such
5 grant may only be accepted if the work under the grant
6 is to be carried out by a professor or instructor of the
7 Institute for a scientific, literary, or educational purpose.

8 “(2) A qualifying research grant under this sub-
9 section is a grant that is awarded on a competitive basis
10 by an entity referred to in paragraph (3) for a research
11 project with a scientific, literary, or educational purpose.

12 “(3) A grant may be accepted under this subsection
13 only from a corporation, fund, foundation, educational in-
14 stitution, or similar entity that is organized and operated
15 primarily for scientific, literary, or educational purposes.

16 “(4) The Secretary shall establish an account for ad-
17 ministering funds received as research grants under this
18 section. The Commandant of the Institute shall use the
19 funds in the account in accordance with applicable provi-
20 sions of the regulations and the terms and condition of
21 the grants received.

22 “(5) Subject to such limitations as may be provided
23 in appropriations Acts, appropriations available for the In-
24 stitute may be used to pay expenses incurred by the Insti-

1 tute in applying for, and otherwise pursuing, the award
2 of qualifying research grants.

3 “(6) The Secretary shall prescribe regulations for the
4 administration of this subsection.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions at the beginning of chapter 901 of such title
7 is amended by striking the item relating to section
8 9314 and inserting the following new item:

“9314. Degree granting authority for United States Air Force Institute of Tech-
nology.”.

9 (i) AIR UNIVERSITY.—

10 (1) IN GENERAL.—Section 9317 of such title is
11 amended to read as follows:

12 **“§ 9317. Degree granting authority for Air University**

13 “(a) AUTHORITY.—Except as provided in sections
14 9314 and 9315 of this title, under regulations prescribed
15 by the Secretary of the Air Force, the commander of Air
16 University may, upon the recommendation of the faculty
17 of the Air University components, confer appropriate de-
18 grees upon graduates who meet the degree requirements.

19 “(b) LIMITATION.—A degree may not be conferred
20 under this section unless—

21 “(1) the Secretary of Education has rec-
22 ommended approval of the degree in accordance with
23 the Federal Policy Governing Granting of Academic
24 Degrees by Federal Agencies; and

1 “(2) the curriculum leading to that degree is
2 accredited by the appropriate civilian academic ac-
3 crediting agency or organization, as determined by
4 the Secretary of Education.

5 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-
6 MENTS.—(1) When seeking to establish degree granting
7 authority under this section, the Secretary of Defense
8 shall submit to the Committees on Armed Services of the
9 Senate and House of Representatives—

10 “(A) a copy of the self assessment question-
11 naire required by the Federal Policy Governing
12 Granting of Academic Degrees by Federal Agencies,
13 at the time the assessment is submitted to the De-
14 partment of Education’s National Advisory Com-
15 mittee on Institutional Quality and Integrity; and

16 “(B) the subsequent recommendations and ra-
17 tionale of the Secretary of Education regarding the
18 establishment of the degree granting authority.

19 “(2) Upon any modification, redesignation or termi-
20 nation of existing degree granting authority, the Secretary
21 of Defense shall submit to the Committees on Armed Serv-
22 ices of the Senate and House of Representatives a report
23 containing the rationale for the proposed modification, re-
24 designation or termination and any subsequent rec-

1 commendation of the Secretary of Education on the pro-
2 posed modification, redesignation or termination.

3 “(3) The Secretary of Defense shall submit to the
4 Committees on Armed Services of the Senate and House
5 of Representatives a report containing an explanation of
6 any action by the appropriate academic accrediting agency
7 or organization not to accredit the curriculum leading to
8 any new or existing degree.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 901 of such title
11 is amended by striking the item relating to section
12 9317 and inserting the following new item:

“9317. Degree granting authority for Air University.”.

13 (j) EFFECTIVE DATE.—This section shall apply to
14 any degree granting authority established, modified, reded-
15 igned or terminated on or after the date of enactment
16 of this Act.

17 **SEC. 550. ENHANCING EDUCATION PARTNERSHIPS TO IM-**
18 **PROVE ACCESSIBILITY AND FLEXIBILITY FOR**
19 **MEMBERS OF THE ARMED FORCES.**

20 (a) AUTHORITY.—The Secretary of a military depart-
21 ment may enter into one or more education partnership
22 agreements with educational institutions in the United
23 States for the purpose of—

1 (1) developing plans to improve the accessibility
2 and flexibility of college courses available to eligible
3 members of the Armed Forces;

4 (2) improving the application process for the
5 Armed Forces tuition assistance programs and rais-
6 ing awareness regarding educational opportunities
7 available to such members;

8 (3) developing curriculum, distance education
9 programs, and career counseling designed to meet
10 the professional, financial, academic, and social
11 needs of such members; and

12 (4) assessing how resources may be applied
13 more effectively to meet the educational needs of
14 such members.

15 (b) COST.—Except as provided in this section, execu-
16 tion of an education partnership agreement with an edu-
17 cational institution shall be at no cost to the Government.

18 (c) EDUCATIONAL INSTITUTION DEFINED.—In this
19 section, the term “educational institution” means an ac-
20 credited college, university, or technical school in the
21 United States.

1 **Subtitle F—Military Justice**

2 **SEC. 551. GRADE OF STAFF JUDGE ADVOCATE TO THE COM-**
3 **MANDANT OF THE MARINE CORPS.**

4 Section 5046(a) of title 10, United States Code, is
5 amended by striking the last sentence and inserting the
6 following new sentence: “The Staff Judge Advocate to the
7 Commandant of the Marine Corps, while so serving, has
8 the grade of major general.”.

9 **SEC. 552. STANDING MILITARY PROTECTION ORDER.**

10 (a) **IN GENERAL.**—Chapter 80 of title 10, United
11 States Code, is amended by adding at the end the fol-
12 lowing new section:

13 **“SEC. 1567. STANDING MILITARY PROTECTIVE ORDER.**

14 “The issuance of a military protective order by a mili-
15 tary commander shall be deemed a standing order until—

16 “(1) the allegation prompting the protective
17 order is resolved by investigation, courts martial, or
18 other command determined adjudication; or

19 “(2) the military commander issues a new
20 order.”.

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

“1567. Standing military protective order.”.

1 **SEC. 553. MANDATORY NOTIFICATION OF ISSUANCE OF**
2 **MILITARY PROTECTIVE ORDER TO CIVILIAN**
3 **LAW ENFORCEMENT.**

4 (a) IN GENERAL.—Chapter 80 of title 10, United
5 States Code, is amended by inserting after section 1567,
6 as added by section 552, the following new section:

7 **“SEC. 1567a. MANDATORY NOTIFICATION OF ISSUANCE OF**
8 **MILITARY PROTECTIVE ORDER TO CIVILIAN**
9 **LAW ENFORCEMENT.**

10 “In the event a military protective order is issued
11 against a member of the armed forces and any individual
12 involved in the order does not reside on a military installa-
13 tion at any time during the duration of the military pro-
14 tective order, the commander of the military installation
15 shall notify the appropriate civilian authorities of—

16 “(1) the issuance of the protective order;

17 “(2) the duration of the protective order; and

18 “(3) the individuals involved in the order.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item relating to section 1567 the following new
22 item:

“1567a. Mandatory notification of issuance of military protective order to civil-
ian law enforcement.”.

1 **SEC. 554. IMPLEMENTATION OF INFORMATION DATABASE**
2 **ON SEXUAL ASSAULT INCIDENTS IN THE**
3 **ARMED FORCES.**

4 (a) **DATABASE REQUIRED.**—The Secretary of De-
5 fense shall implement a centralized, case-level database for
6 the collection, in a manner consistent with Department of
7 Defense regulations for restricted reporting, and mainte-
8 nance of information regarding sexual assaults involving
9 a member of the Armed Forces, including information, if
10 available, about the nature of the assault, the victim, the
11 offender, and the outcome of any legal proceedings in con-
12 nection with the assault.

13 (b) **AVAILABILITY OF DATABASE.**—The database
14 shall be available to personnel of the Sexual Assault Pre-
15 vention and Response Office of the Department of De-
16 fense.

17 (c) **IMPLEMENTATION.**—

18 (1) **PLAN FOR IMPLEMENTATION.**—Not later
19 than 90 days after the date of the enactment of this
20 Act, the Secretary of Defense shall submit to the
21 congressional defense committees a plan to provide
22 for the implementation of the database.

23 (2) **COMPLETION.**—Not later than 15 months
24 after the date of enactment of this Act, the Sec-
25 retary shall complete implementation of the data-
26 base.

1 (d) REPORTS.—The database shall be used to develop
2 and implement congressional reports, as required by—

3 (1) section 577(f) of the Ronald W. Reagan
4 National Defense Authorization Act for Fiscal Year
5 2005 (Public Law 108–375);

6 (2) section 596(c) of the National Defense Au-
7 thorization Act for Fiscal Year 2006 (Public Law
8 109–163);

9 (3) section 532 of the John Warner National
10 Defense Authorization Act for Fiscal Year 2007
11 (Public Law 109–364); and

12 (4) sections 4361, 6980, and 9361 of title 10,
13 United States Code.

14 (e) TERMINOLOGY.—Section 577(b) of the Ronald W.
15 Reagan National Defense Authorization Act for Fiscal
16 Year 2005 (Public Law 108–375) is amended by adding
17 at the end the following new paragraph:

18 “(12) The Secretary shall implement clear, con-
19 sistent, and streamlined sexual assault terminology
20 for use across the Department of Defense, to include
21 a clear definition of the following terms:

22 “(A) Restricted reports.

23 “(B) Unrestricted reports.

24 “(C) Substantiated reports.”.

1 **Subtitle G—Decorations, Awards,**
2 **and Honorary Promotions**

3 **SEC. 561. REPLACEMENT OF MILITARY DECORATIONS.**

4 (a) **REPLACEMENT REQUIRED.**—Chapter 57 of title
5 10, United States Code, is amended by adding at the end
6 the following new section:

7 **“§ 1135. Replacement of military decorations**

8 “(a) **REPLACEMENT.**—In addition to other authori-
9 ties available to the Secretary concerned to replace a mili-
10 tary decoration, the Secretary concerned shall replace, on
11 a one-time basis and without charge, a military decoration
12 upon the request of the recipient of the military decoration
13 or the immediate next of kin of a deceased recipient.

14 “(b) **EXCEPTION.**—Subsection (a) does not apply to
15 the medal of honor.

16 “(c) **MILITARY DECORATION DEFINED.**—In this sec-
17 tion, the term ‘decoration’ means any decoration or award
18 that may be presented or awarded to a member of the
19 armed forces.”.

20 (b) **CLERICAL AMENDMENT.**—The table of sections
21 at the beginning of such chapter is amended by adding
22 at the end the following new item:

“1135. Replacement of military decorations.”.

1 **SEC. 562. AUTHORIZATION AND REQUEST FOR AWARD OF**
2 **MEDAL OF HONOR TO RICHARD L.**
3 **ETCHBERGER FOR ACTS OF VALOR DURING**
4 **THE VIETNAM WAR.**

5 (a) AUTHORIZATION.—Notwithstanding the time lim-
6 itations specified in section 8744 of title 10, United States
7 Code, or any other time limitation with respect to the
8 awarding of certain medals to persons who served in the
9 Armed Forces, the President is authorized and requested
10 to award the Medal of Honor under section 8741 of such
11 title to former Chief Master Sergeant Richard L.
12 Etchberger for the acts of valor during the Vietnam War
13 described in subsection (b).

14 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
15 referred to in subsection (a) are the actions of then Chief
16 Master Sergeant Richard L. Etchberger as Ground Radar
17 Superintendent of Detachment 1, 1043rd Radar Evalua-
18 tion Squadron on March 11, 1968, during the Vietnam
19 War for which he was originally awarded the Air Force
20 cross.

21 **SEC. 563. ADVANCEMENT OF BRIGADIER GENERAL**
22 **CHARLES E. YEAGER, UNITED STATES AIR**
23 **FORCE (RETIRED), ON THE RETIRED LIST.**

24 (a) ADVANCEMENT.—Brigadier General Charles E.
25 Yeager, United States Air Force (retired), is entitled to

1 hold the rank of major general while on the retired list
2 of the Air Force.

3 (b) **ADDITIONAL BENEFITS NOT TO ACCRUE.**—The
4 advancement of Charles E. Yeager on the retired list of
5 the Air Force under subsection (a) shall not affect the re-
6 tired pay or other benefits from the United States to
7 which Charles E. Yeager is now or may in the future be
8 entitled based upon his military service or affect any bene-
9 fits to which any other person may become entitled based
10 on his service.

11 **SEC. 564. ADVANCEMENT OF REAR ADMIRAL WAYNE E.**
12 **MEYER, UNITED STATES NAVY (RETIRED), ON**
13 **THE RETIRED LIST.**

14 (a) **ADVANCEMENT AUTHORIZED.**—The President is
15 authorized and requested to appoint, by and with the ad-
16 vice and consent of the Senate, Rear Admiral Wayne E.
17 Meyer, United States Navy (retired), to the grade of vice
18 admiral on the retired list of the Navy.

19 (b) **ADDITIONAL BENEFITS NOT TO ACCRUE.**—The
20 advancement of Wayne E. Meyer on the retired list of the
21 Navy under subsection (a) shall not affect the retired pay
22 or other benefits from the United States to which Wayne
23 E. Meyer is now or may in the future be entitled based
24 upon his military service or affect any benefits to which
25 any other person may become entitled based on his service.

1 **SEC. 565. AWARD OF VIETNAM SERVICE MEDAL TO VET-**
2 **ERANS WHO PARTICIPATED IN MAYAGUEZ**
3 **RESCUE OPERATION.**

4 (a) **IN GENERAL.**—The Secretary of the military de-
5 partment concerned shall, upon the application of an indi-
6 vidual who is an eligible veteran, award that individual the
7 Vietnam Service Medal, notwithstanding any otherwise ap-
8 plicable requirements for the award of that medal. Any
9 such award shall be made in lieu of any Armed Forces
10 Expeditionary Medal awarded the individual for the indi-
11 vidual’s participation in the Mayaguez rescue operation.

12 (b) **ELIGIBLE VETERAN.**—For purposes of this sec-
13 tion, the term “eligible veteran” means a member or
14 former member of the Armed Forces who was awarded
15 the Armed Forces Expeditionary Medal for participation
16 in military operations known as the Mayaguez rescue oper-
17 ation of May 12–15, 1975.

18 **SEC. 566. RETROACTIVE AWARD OF ARMY COMBAT ACTION**
19 **BADGE.**

20 (a) **AUTHORITY TO AWARD.**—The Secretary of the
21 Army may award the Army Combat Action Badge (estab-
22 lished by order of the Secretary of the Army through
23 Headquarters, Department of the Army Letter 600–05–
24 1, dated June 3, 2005) to a person who, while a member
25 of the Army, participated in combat during which the per-
26 son personally engaged, or was personally engaged by, the

1 enemy at any time during the period beginning on Decem-
2 ber 7, 1941, and ending on September 18, 2001 (the date
3 of the otherwise applicable limitation on retroactivity for
4 the award of such decoration), if the Secretary determines
5 that the person has not been previously recognized in an
6 appropriate manner for such participation.

7 (b) **PROCUREMENT OF BADGE.**—The Secretary of
8 the Army may make arrangements with suppliers of the
9 Army Combat Action Badge so that eligible recipients of
10 the Army Combat Action Badge pursuant to subsection
11 (a) may procure the badge directly from suppliers, thereby
12 eliminating or at least substantially reducing administra-
13 tive costs for the Army to carry out this section.

14 **Subtitle H—Impact Aid**

15 **SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
16 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
17 **PENDENTS OF MEMBERS OF THE ARMED**
18 **FORCES AND DEPARTMENT OF DEFENSE CI-**
19 **VILIAN EMPLOYEES.**

20 (a) **ASSISTANCE TO SCHOOLS WITH SIGNIFICANT**
21 **NUMBERS OF MILITARY DEPENDENT STUDENTS.**—Of the
22 amount authorized to be appropriated pursuant to section
23 301(5) for operation and maintenance for Defense-wide
24 activities, \$50,000,000 shall be available only for the pur-
25 pose of providing assistance to local educational agencies

1 under subsection (a) of section 572 of the National De-
2 fense Authorization Act for Fiscal Year 2006 (Public Law
3 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

4 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT
5 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE
6 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-
7 thorized to be appropriated pursuant to section 301(5) for
8 operation and maintenance for Defense-wide activities,
9 \$15,000,000 shall be available only for the purpose of pro-
10 viding assistance to local educational agencies under sub-
11 section (b) of such section 572.

12 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
13 this section, the term “local educational agency” has the
14 meaning given that term in section 8013(9) of the Ele-
15 mentary and Secondary Education Act of 1965 (20 U.S.C.
16 7713(9)).

17 **SEC. 572. CALCULATION OF PAYMENTS UNDER DEPART-**
18 **MENT OF EDUCATION’S IMPACT AID PRO-**
19 **GRAM.**

20 Paragraph (2) of section 8003(c) of the Elementary
21 and Secondary Education Act of 1965 (20 U.S.C.
22 7703(c)) is amended to read as follows:

23 “(2) EXCEPTION.—Calculation of payments for
24 a local educational agency shall be based on data

1 from the fiscal year for which the agency is making
2 an application for payment—

3 “(A) if such agency is newly established by
4 a State (first year of operation only); or

5 “(B) if—

6 “(i) such agency was eligible to re-
7 ceive a payment under this section in the
8 previous fiscal year;

9 “(ii) such agency has had an overall
10 increase (as determined by the Secretary of
11 Education in consultation with the Sec-
12 retary of Defense, the Secretary of Inte-
13 rior, or other Federal agencies) of not less
14 than 100 students or 10 percent as de-
15 scribed in—

16 “(I) subparagraphs (A), (B), and
17 (D) of subsection (a)(1); or

18 “(II) subparagraphs (C), (E),
19 (F) and (G) of subsection (a)(1) if
20 those children described in subpara-
21 graphs (C), (E), (F) and (G) are civil-
22 ian dependents of employees of the
23 Department of Defense; and

24 “(iii) such increase occurred during
25 the period between the end of the school

1 year preceding the fiscal year for which the
2 application is being made and the begin-
3 ning of the school year immediately pre-
4 ceding that fiscal year as the result of clo-
5 sure or realignment of military installa-
6 tions under the base closure process or the
7 relocation of members of the Armed Forces
8 and civilian employees of the Department
9 of Defense as part of force structure
10 changes or movements of units or per-
11 sonnel between military installations.”.

12 **Subtitle I—Military Families**

13 **SEC. 581. PRESENTATION OF BURIAL FLAG.**

14 (a) INCLUSION OF SURVIVING SPOUSE; CONSOLIDA-
15 TION OF FLAG-RELATED AUTHORITIES.—Subsection (e)
16 of section 1482 of title 10, United States Code, is amend-
17 ed—

18 (1) by designating the current text as para-
19 graph (2) and redesignating current paragraphs (1)
20 and (2) as subparagraphs (A) and (B), respectively;

21 (2) by inserting before paragraph (2), as so
22 designated, the following:

23 “(e) PRESENTATION OF FLAG OF THE UNITED
24 STATES.—(1) In the case of a decedent covered by section
25 1481 of this title, the Secretary concerned may pay the

1 necessary expenses for the presentation of a flag of the
2 United States—

3 “(A) to the person designated under subsection
4 (c) to direct disposition of the remains;

5 “(B) to the parents or parent of the decedent,
6 if the person presented a flag under subparagraph
7 (A) is other than a parent of the decedent; and

8 “(C) to the surviving spouse (including a re-
9 married surviving spouse) of the decedent, if the
10 person presented a flag under subparagraph (A) is
11 other than the spouse.”; and

12 (3) by inserting at the end the following new
13 paragraphs:

14 “(3) A flag to be presented to a person under sub-
15 paragraph (B) or (C) of paragraph (1) shall be of equal
16 size to the flag presented under subparagraph (A) of such
17 paragraph to the person designated to direct disposition
18 of the remains of the decedent.

19 “(4) This subsection does not apply to a military pris-
20 oner who dies while in the custody of the Secretary con-
21 cerned and while under a sentence that includes a dis-
22 charge.

23 “(5) In this subsection, the term ‘parent’ includes a
24 natural parent, a stepparent, a parent by adoption, or a
25 person who for a period of not less than one year before

1 the death of the decedent stood in loco parentis to the
2 decedent. Preference under paragraph (1)(B) shall be
3 given to the persons who exercised a parental relationship
4 at the time of, or most nearly before, the death of the
5 decedent.”.

6 (b) REPEAL OF SUPERSEDED PROVISIONS.—Sub-
7 section (a) of such section is amended by striking para-
8 graphs (10) and (11).

9 **SEC. 582. EDUCATION AND TRAINING OPPORTUNITIES FOR**
10 **MILITARY SPOUSES.**

11 (a) EMPLOYMENT AND CAREER OPPORTUNITIES FOR
12 SPOUSES.—Subchapter I of chapter 88 of title 10, United
13 States Code, is amended by inserting after section 1784
14 the following new section:

15 **“§ 1784a. Education and training opportunities for**
16 **military spouses to expand employment**
17 **and career opportunities**

18 “(a) PROGRAMS AND TUITION ASSISTANCE.—(1)
19 The Secretary of Defense may establish programs to assist
20 the spouse of a member of the armed forces described in
21 subsection (b) in achieving—

22 “(A) the education and training required for a
23 degree or credential at an accredited college, univer-
24 sity, or technical school in the United States that ex-

1 pands employment and career opportunities for the
2 spouse; or

3 “(B) the education prerequisites and profes-
4 sional licensure or credential required, by a govern-
5 ment or government sanctioned licensing body, for
6 an occupation that expands employment and career
7 opportunities for the spouse.

8 “(2) As an alternative to, or in addition to, estab-
9 lishing a program under this subsection, the Secretary
10 may provide tuition assistance to an eligible spouse who
11 is pursuing education, training, or a license or credential
12 to expand the spouse’s employment and career opportuni-
13 ties.

14 “(b) ELIGIBLE SPOUSES.—Assistance under this sec-
15 tion is limited to a spouse of a member of the armed forces
16 who is serving on active duty.

17 “(c) EXCEPTIONS.—Subsection (b) does not in-
18 clude—

19 “(1) a person who is married to, but legally
20 separated from, a member of the armed forces under
21 court order or statute of any State or territorial pos-
22 session of the United States; and

23 “(2) a spouse of a member of the armed forces
24 who is also a member of the armed forces.

1 “(d) REGULATIONS.—The Secretary of Defense shall
2 prescribe regulations to govern the availability and use of
3 assistance under this section. The Secretary shall ensure
4 that programs established under this section do not result
5 in inequitable treatment for spouses of members of the
6 armed forces who are also members, since they are ex-
7 cluded from participation in the programs under sub-
8 section (c)(2).”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such subchapter is amended by insert-
11 ing after the item relating to section 1784 the following
12 new item:

“1784a. Education and training opportunities for military spouses to expand
employment and career opportunities.”.

13 **SEC. 583. SENSE OF THE CONGRESS REGARDING HONOR**
14 **GUARD DETAILS FOR FUNERALS OF VET-**
15 **ERANS.**

16 It is the sense of the Congress that the Secretaries
17 of the military departments should, to the maximum ex-
18 tent practicable, provide honor guard details for the funer-
19 als of veterans as is required under section 1491 of title
20 10, United States Code, as added by section 567(b) of
21 Public Law 105–261 (112 Stat. 2030).

1 **Subtitle J—Other Matters**

2 **SEC. 591. INCLUSION OF RESERVES IN PROVIDING FED-**
3 **ERAL AID FOR STATE GOVERNMENTS, EN-**
4 **FORCING FEDERAL AUTHORITY, AND RE-**
5 **SPONDING TO MAJOR PUBLIC EMERGENCIES.**

6 (a) FEDERAL AID FOR STATE GOVERNMENTS.—Sec-
7 tion 331 of title 10, United States Code, is amended by
8 striking “armed forces, as he” and inserting “armed
9 forces (including units and members of the Army Reserve,
10 Navy Reserve, Air Force Reserve, Marine Corps Reserve,
11 and Coast Guard Reserve ordered to active duty for this
12 purpose), as the President”.

13 (b) ENFORCEMENT OF FEDERAL AUTHORITY.—Sec-
14 tion 332 of such title is amended—

15 (1) by striking “he may” and inserting “the
16 President may”; and

17 (2) by striking “armed forces, as he” and in-
18 serting “armed forces (including units and members
19 of the Army Reserve, Navy Reserve, Air Force Re-
20 serve, Marine Corps Reserve, and Coast Guard Re-
21 serve ordered to active duty for this purpose), as the
22 President”.

23 (c) RESPONSE TO PUBLIC EMERGENCIES.—Section
24 333(a)(1) of such title is amended by inserting after “Fed-
25 eral service” the following: “and units and members of the

1 Army Reserve, Navy Reserve, Air Force Reserve, Marine
2 Corps Reserve, and Coast Guard Reserve ordered to active
3 duty for this purpose”.

4 **SEC. 592. INTEREST PAYMENTS ON CERTAIN CLAIMS ARISING**
5 **FROM CORRECTION OF MILITARY**
6 **RECORDS.**

7 (a) INTEREST PAYABLE ON CLAIMS.—Subsection (c)
8 of section 1552 of title 10, United States Code, is amend-
9 ed by adding at the end the following new paragraph:

10 “(4) If the correction of military records under this
11 section involves setting aside a conviction by court-martial,
12 the payment of a claim under this subsection in connection
13 with the correction of the records shall include interest
14 at not less than the rate of interest in effect under section
15 1035 of this title at the time the payment is made. The
16 interest shall be calculated on an annual basis, and com-
17 pounded, using the amount of the lost pay, allowances,
18 compensation, emoluments, or other pecuniary benefits in-
19 volved, and the amount of any fine or forfeiture paid, be-
20 ginning from the date of the conviction through the date
21 on which the payment is made.”.

22 (b) CONFORMING AMENDMENT REGARDING CORREC-
23 TIONS BOARD AUTHORITY TO OVERTURN CONVIC-
24 TIONS.—Subsection (f) of such section is amended by in-

1 serring “convened after May 4, 1950, and” after “court-
2 martial cases”.

3 (c) CLERICAL AMENDMENTS.—Subsection (c) of such
4 section is further amended—

5 (1) by redesignating paragraphs (1), (2), and
6 (3) as subparagraphs (A), (B), and (C), respectively;

7 (2) by inserting “(1)” after “(c)”;

8 (3) by striking “If the claimant” and inserting
9 the following:

10 “(2) If the claimant”; and

11 (4) by striking “A claimant’s acceptance” and
12 inserting the following:

13 “(3) A claimant’s acceptance”.

14 (d) RETROACTIVE EFFECTIVENESS OF AMEND-
15 MENTS.—The amendment made by subsection (a) shall
16 apply with respect to any sentence of a court-martial set
17 aside by a Corrections Board on or after October 1, 2007,
18 when the Corrections Board includes an order or rec-
19 ommendation for the payment of a claim for the loss of
20 pay, allowances, compensation, emoluments, or other pe-
21 cuniary benefits, or for the repayment of a fine or for-
22 feiture, that arose as a result of the conviction. In this
23 subsection, the term “Corrections Board” has the mean-
24 ing given that term in section 1557 of title 10, United
25 States Code.

1 **SEC. 593. EXTENSION OF LIMITATION ON REDUCTIONS OF**
2 **PERSONNEL OF AGENCIES RESPONSIBLE**
3 **FOR REVIEW AND CORRECTION OF MILITARY**
4 **RECORDS.**

5 Section 1559(a) of title 10, United States Code, is
6 amended by striking “October 1, 2008” and inserting
7 “December 31, 2010”.

8 **SEC. 594. AUTHORITY TO ORDER RESERVE UNITS TO AC-**
9 **TIVE DUTY TO PROVIDE ASSISTANCE IN RE-**
10 **SPONSE TO A MAJOR DISASTER OR EMER-**
11 **GENCY.**

12 Section 12304(b) of title 10, United States Code, is
13 amended—

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

16 (2) by inserting “(1)” before “The authority”;
17 and

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

20 “(2) The authority under subsection (a) includes au-
21 thority to order any unit of the Selected Reserve of the
22 Army Reserve, Navy Reserve, Air Force Reserve, Marine
23 Corps Reserve, or Coast Guard Reserve to active duty to
24 provide assistance in responding to a major disaster or
25 emergency (as those terms are defined in section 102 of

1 the Robert T. Stafford Disaster Relief and Emergency As-
2 sistance Act (42 U.S.C. 5122)).”.

3 **SEC. 595. SENIOR MILITARY LEADERSHIP DIVERSITY COM-**
4 **MISSION.**

5 (a) ESTABLISHMENT OF COMMISSION.—There is
6 hereby established a commission to be known as the “Sen-
7 ior Military Leadership Diversity Commission”.

8 (b) COMPOSITION.—

9 (1) MEMBERSHIP.—The commission shall be
10 composed of 23 members, as follows:

11 (A) The Director of the Defense Manpower
12 Management Center.

13 (B) The Director of the Defense Equal
14 Opportunity Management Institute.

15 (C) 1 senior military leader from each of
16 the Army, Navy, Air Force, and Marine Corps
17 who serves or has served in a leadership posi-
18 tion with either a military department com-
19 mand or combatant command shall be ap-
20 pointed by the Secretary of Defense.

21 (D) 1 retired general or flag officer from
22 each of the Army, Navy, Air Force, and Marine
23 Corps shall be appointed by the Secretary of
24 Defense.

1 (E) 1 retired senior noncommissioned offi-
2 cer from each of the Army, Navy, Air Force,
3 and Marine Corps shall be appointed by the
4 Secretary of Defense.

5 (F) 5 retired senior officers who served in
6 leadership positions with either a military de-
7 partment command or combatant command
8 shall be appointed by the Secretary of Defense,
9 of which no less than 3 shall represent the
10 views of minority veterans.

11 (G) 4 individuals with expertise in culti-
12 vating diverse leaders in private or non-profit
13 organizations shall be appointed by the Sec-
14 retary of Defense.

15 (2) CHAIRMAN.—The Secretary of Defense
16 shall designate one member described in paragraphs
17 (1)(F) or (1)(G) as chairman of the commission.

18 (3) PERIOD OF APPOINTMENT; VACANCIES.—
19 Members shall be appointed for the life of the com-
20 mission. Any vacancy in the commission shall be
21 filled in the same manner as the original appoint-
22 ment.

23 (4) DEADLINE FOR APPOINTMENT.—All mem-
24 bers of the commission shall be appointed not later

1 than 60 days after the date of the enactment of this
2 Act.

3 (5) QUORUM.—12 members of the commission
4 shall constitute a quorum but a lesser number may
5 hold hearings.

6 (c) MEETINGS.—

7 (1) INITIAL MEETING.—The commission shall
8 conduct its first meeting not later than 30 days
9 after the date on which a majority of the appointed
10 members of the commission have been appointed.

11 (2) MEETINGS.—The commission shall meet at
12 the call of the chairman.

13 (d) DUTIES.—

14 (1) STUDY.—The commission shall study the
15 diversity within the senior leadership of the Armed
16 Forces. The study shall be a comprehensive evalua-
17 tion and assessment of policies that provide opportu-
18 nities for the advancement of minority members of
19 the Armed Forces.

20 (2) SCOPE OF STUDY.—In carrying out the
21 study, the commission shall examine the following:

22 (A) Efforts to develop and maintain di-
23 verse leadership at all levels of the Armed
24 Forces.

1 (B) The successes and failures of devel-
2 oping and maintaining a diverse leadership,
3 particularly at the general and flag officer posi-
4 tions.

5 (C) The effect of expanding Department of
6 Defense secondary educational programs to di-
7 verse civilian populations, to include service
8 academy preparatory schools.

9 (D) The ability of current recruitment and
10 retention practices to attract and maintain a di-
11 verse pool of qualified individuals in sufficient
12 numbers in officer pre-commissioning programs.

13 (E) The ability of current activities to in-
14 crease continuation rates for ethnic and gender
15 specific members of the Armed Forces.

16 (F) The benefits of conducting an annual
17 conference attended by civilian military, active-
18 duty and retired military, and corporate leaders
19 on diversity, to include a review of current pol-
20 icy and the annual demographic data from the
21 Defense Equal Opportunity Management Insti-
22 tute.

23 (G) The status of prior recommendations
24 made to the Department of Defense and to

1 Congress concerning diversity initiatives within
2 the Armed Forces.

3 (H) The incorporation of private sector
4 practices that have been successful in culti-
5 vating diverse leadership.

6 (I) The establishment and maintenance of
7 fair promotion and command opportunities for
8 ethnic and gender specific members of the
9 Armed Forces at the O-5 grade level and
10 above.

11 (J) An assessment of pre-command billet
12 assignments of ethnic-specific members of the
13 Armed Forces.

14 (K) An assessment of command selection
15 of ethnic-specific members of the Armed
16 Forces.

17 (3) CONSULTATION WITH PRIVATE PARTIES.—
18 In carrying out the study under this subsection, the
19 commission may consult with appropriate private,
20 for profit, and non-profit organizations and advocacy
21 groups to learn methods for developing, imple-
22 menting, and sustaining senior diverse leadership
23 within the Department of Defense.

24 (e) REPORTS.—

1 (1) IN GENERAL.—Not later than 12 months
2 after the date on which the commission first meets,
3 the commission shall submit to the President and
4 Congress a report on the study. The report shall in-
5 clude the following—

6 (A) the findings and conclusions of the
7 commission;

8 (B) the recommendations of the commis-
9 sion for improving diversity within the Depart-
10 ment of Defense; and

11 (C) other information and recommenda-
12 tions the commission considers appropriate.

13 (2) INTERIM REPORTS.—The commission may
14 submit to the President and Congress interim re-
15 ports as the Commission considers appropriate.

16 (f) POWERS OF THE COMMISSION.—

17 (1) HEARINGS.—The commission may hold
18 such hearings, sit and act at such times and places,
19 take such testimony, and receive such evidence as
20 the commission considers appropriate.

21 (2) INFORMATION FROM FEDERAL AGENCIES.—
22 Upon request by the chairman of the commission,
23 any department or agency of the Federal Govern-
24 ment may provide information that the commission
25 considers necessary to carry out its duties.

1 (g) INCLUSION OF COAST GUARD IN SENIOR MILI-
2 TARY LEADERSHIP DIVERSITY COMMISSION.—

3 (1) EXPANSION OF COMMISSION.—The commis-
4 sion shall include two additional members, as fol-
5 lows:

6 (A) 1 retired flag officer of the Coast
7 Guard appointed by the Secretary of Homeland
8 Security, in consultation with the Commandant
9 of the Coast Guard.

10 (B) 1 senior commissioned officer or non-
11 commissioned officer of the Coast Guard on ac-
12 tive duty appointed by the Secretary of Home-
13 land Security, in consultation with the Com-
14 mandant of the Coast Guard.

15 (2) ARMED FORCES DEFINED.—In this section,
16 the term “Armed Forces” means the Army, Navy,
17 Air Force, Marine Corps, and Coast Guard.

18 (h) TERMINATION OF COMMISSION.—The commis-
19 sion shall terminate 60 days after the date on which the
20 commission submits the report under subsection (e)(1).

21 **SEC. 596. LIMITATION ON SIMULTANEOUS DEPLOYMENT TO**
22 **COMBAT ZONES OF DUAL-MILITARY COUPLES**
23 **WHO HAVE MINOR DEPENDENTS.**

24 (a) AUTHORITY TO OBTAIN DEFERMENT.—In the
25 case of a member of the Armed Forces with minor depend-

1 ents who has a spouse who is also a member of the Armed
2 Forces, and the spouse is deployed in an area for which
3 imminent danger pay is authorized under section 310 of
4 title 37, United States Code, the member may request a
5 deferment of a deployment to such an area until the
6 spouse returns from such deployment.

7 (b) REPEAL OF LIMITED AUTHORITY.—Section 586
8 of the National Defense Authorization Act for Fiscal Year
9 2008 (Public Law 11—181; 112 Stat. 132; 10 U.S.C. 991
10 note) is amended by striking the second sentence.

11 **SEC. 597. ADDITIONAL FUNDS TO CARRY OUT FUNERAL**
12 **HONOR FUNCTIONS AT FUNERALS FOR VET-**
13 **ERANS.**

14 (a) ADDITIONAL FUNDS.—The amount made avail-
15 able in section 421 is hereby increased by \$3,000,000, of
16 which \$1,000,000 shall be available to the Secretary of
17 the Army, \$1,000,000 shall be available to the Secretary
18 of the Navy, and \$1,000,000 shall be available to the Sec-
19 retary of the Air Force to comply with the requirements
20 of section 1491 of title 10, United States Code.

21 (b) CORRESPONDING OFFSET.—The amount pro-
22 vided in section 201(1) for research, development, test,
23 and evaluation, Army, is hereby reduced by \$3,000,000,
24 to be derived from the basic research under the University
25 Research Initiatives.

1 **TITLE VI—COMPENSATION AND**

2 **OTHER PERSONNEL BENEFITS**

Subtitle A—Pay and Allowances

- Sec. 601. Fiscal year 2009 increase in military basic pay.
- Sec. 602. Permanent prohibition on charges for meals received at military treatment facilities by members receiving continuous care.
- Sec. 603. Equitable treatment of senior enlisted members in computation of basic allowance for housing.
- Sec. 604. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.
- Sec. 605. Availability of portion of a second family separation allowance for married couples with dependents.
- Sec. 606. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.
- Sec. 607. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.
- Sec. 608. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.

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 title 37 bonuses and special pays.
- Sec. 615. Extension of authorities relating to payment of referral bonuses.
- Sec. 616. Increase in maximum bonus and stipend amounts authorized under Nurse Officer Candidate Accession Program.
- Sec. 617. Maximum length of nuclear officer incentive pay agreements for service.
- Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
- Sec. 619. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies.
- Sec. 620. Temporary targeted bonus authority to increase direct accessions of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

- Sec. 631. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.
- Sec. 632. Additional weight allowance for transportation of materials associated with employment of a member's spouse or community support volunteer or charity activities.

Sec. 633. Transportation of family pets during evacuation of nonessential personnel.

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 641. Equity in computation of disability retired pay for reserve component members wounded in action.
- Sec. 642. Effect of termination of subsequent marriage on payment of Survivor Benefit Plan annuity to surviving spouse or former spouse who previously transferred annuity to dependent children.
- Sec. 643. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
- Sec. 644. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.
- Sec. 645. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
- Sec. 646. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.
- Sec. 647. Presumption of death for participants in Survivor Benefit Plan in missing status.
- Sec. 648. Eligibility for disability retired pay and separation pay of certain former cadets and midshipmen with prior enlisted service.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

- Sec. 651. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve components and retired members.
- Sec. 652. Requirements for private operation of commissary store functions.
- Sec. 653. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.
- Sec. 654. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.
- Sec. 655. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.
- Sec. 656. Use of appropriated funds to pay post allowances or overseas cost of living allowances to nonappropriated fund instrumentality employees serving overseas.
- Sec. 657. Study regarding sale of alcoholic wine and beer in commissary stores in addition to exchange stores.

Subtitle F—Other Matters

- Sec. 661. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.
- Sec. 662. Continuation of entitlement to bonuses and similar benefits for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.
- Sec. 663. Providing injured members of the Armed Forces information concerning benefits.

Sec. 664. Postal benefits program for members of the Armed Forces serving in Iraq or Afghanistan.

1 **Subtitle A—Pay and Allowances**

2 **SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC**
3 **PAY.**

4 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The
5 adjustment to become effective during fiscal year 2009 re-
6 quired by section 1009 of title 37, United States Code,
7 in the rates of monthly basic pay authorized members of
8 the uniformed services shall not be made.

9 (b) **INCREASE IN BASIC PAY.**—Effective on January
10 1, 2009, the rates of monthly basic pay for members of
11 the uniformed services are increased by 3.9 percent.

12 **SEC. 602. PERMANENT PROHIBITION ON CHARGES FOR**
13 **MEALS RECEIVED AT MILITARY TREATMENT**
14 **FACILITIES BY MEMBERS RECEIVING CON-**
15 **TINUOUS CARE.**

16 Section 402(h) of title 37, United States Code, is
17 amended by striking paragraph (3).

18 **SEC. 603. EQUITABLE TREATMENT OF SENIOR ENLISTED**
19 **MEMBERS IN COMPUTATION OF BASIC AL-**
20 **LOWANCE FOR HOUSING.**

21 Section 403(b)(2) of title 37, United States Code, is
22 amended by adding at the end the following new sentence:
23 “After June 30, 2009, the determination of what con-
24 stitutes adequate housing for members in the pay grade

1 E-8 with dependents shall be equivalent to the higher
2 standard in effect for members in the pay grade E-9 with
3 dependents.”.

4 **SEC. 604. INCREASE IN MAXIMUM AUTHORIZED PAYMENT**
5 **OR REIMBURSEMENT AMOUNT FOR TEM-**
6 **PORARY LODGING EXPENSES.**

7 (a) INCREASE.—Section 404a(e) of title 37, United
8 States Code, is amended by striking “\$180 a day” and
9 inserting “\$290 a day”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect on October 1, 2008.

12 **SEC. 605. AVAILABILITY OF PORTION OF A SECOND FAMILY**
13 **SEPARATION ALLOWANCE FOR MARRIED**
14 **COUPLES WITH DEPENDENTS.**

15 (a) AVAILABILITY.—Section 427(d) of title 37,
16 United States Code, is amended—

17 (1) by inserting “(1)” before “A member”;

18 (2) by striking “Section 421” and inserting the
19 following:

20 “(3) Section 421”;

21 (3) by striking “However” and inserting “Ex-
22 cept as provided in paragraph (2)”;

23 (4) by inserting before paragraph (3), as so
24 designated, the following new paragraph:

1 “(2) If a married couple, both of whom are members
2 of the uniformed services, with dependents are simulta-
3 neously assigned to duties described in subparagraph (A),
4 (B), or (C) of subsection (a)(1) and the members resided
5 together with their dependents immediately before their
6 assignments, the Secretary concerned shall pay one of the
7 members the full amount of the monthly allowance speci-
8 fied in such subsection and the other member one-half of
9 the monthly allowance amount until one of the members
10 is no longer assigned to duties described in such subpara-
11 graphs. Upon expiration of the partial allowance, para-
12 graph (1) shall continue to apply to the remaining member
13 so long as the member is assigned to duties described in
14 subparagraph (A), (B), or (C) of such subsection.”.

15 (b) APPLICATION OF AMENDMENT.—Paragraph (2)
16 of subsection (d) of section 427 of title 37, United States
17 Code, as added by subsection (a), shall apply with respect
18 to members of the uniformed services described in such
19 paragraph who perform service covered by subparagraph
20 (A), (B), or (C) of subsection (a)(1) such section on or
21 after October 1, 2008.

1 **SEC. 606. STABILIZATION OF PAY AND ALLOWANCES FOR**
2 **SENIOR ENLISTED MEMBERS AND WARRANT**
3 **OFFICERS APPOINTED AS OFFICERS AND OF-**
4 **FICERS REAPPOINTED IN A LOWER GRADE.**

5 (a) IN GENERAL.—Section 907 of title 37, United
6 States Code, is amended to read as follows:

7 **“§ 907. Members appointed or reappointed as officers:**
8 **no reduction in pay and allowances**

9 “(a) STABILIZATION OF PAY AND ALLOWANCES.—A
10 member of the armed forces who accepts an appointment
11 or reappointment as an officer without a break in service
12 shall, for service as an officer, be paid the greater of—

13 “(1) the pay and allowances to which the officer
14 is entitled as an officer; or

15 “(2) the pay and allowances to which the officer
16 would be entitled if the officer were in the last grade
17 the officer held before the appointment or reappoint-
18 ment as an officer.

19 “(b) COVERED PAYS.—(1) Subject to paragraphs (2)
20 and (3), for the purposes of this section, the pay of a grade
21 formerly held by an officer described in subsection (a) in-
22 clude special and incentive pays under chapter 5 of this
23 title.

24 “(2) In determining the amount of the pay of a grade
25 formerly held by an officer, special and incentive pays may
26 be considered only so long as the officer continues to per-

1 form the duty that creates the entitlement to, or eligibility
2 for, that pay and would otherwise be eligible to receive
3 that pay in the former grade.

4 “(3) Special and incentive pays that are dependent
5 on a member being in an enlisted status may not be con-
6 sidered in determining the amount of the pay of a grade
7 formerly held by an officer.

8 “(c) COVERED ALLOWANCES.—(1) Subject to para-
9 graph (2), for the purposes of this section, the allowances
10 of a grade formerly held by an officer described in sub-
11 section (a) include allowances under chapter 7 of this title.

12 “(2) The clothing allowance under section 418 of this
13 title may not be considered in determining the amount of
14 the allowances of a grade formerly held by an officer de-
15 scribed in subsection (a) if the officer is entitled to a uni-
16 form allowance under section 415 of this title.

17 “(d) RATES OF PAY AND ALLOWANCES.—For the
18 purposes of this section, the rates of pay and allowances
19 of a grade that an officer formerly held are those rates
20 that the officer would be entitled to had the officer re-
21 mained in that grade and continued to receive the in-
22 creases in pay and allowances authorized for that grade,
23 as otherwise provided in this title or other provisions of
24 law.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 17 of such title is amended
3 by striking the item relating to section 907 and inserting
4 the following new item:

“907. Members appointed or reappointed as officers: no reduction in pay and allowances.”.

5 **SEC. 607. EXTENSION OF AUTHORITY FOR INCOME RE-**
6 **PLACEMENT PAYMENTS FOR RESERVE COM-**
7 **PONENT MEMBERS EXPERIENCING EX-**
8 **TENDED AND FREQUENT MOBILIZATION FOR**
9 **ACTIVE DUTY SERVICE.**

10 Section 910(g) of title 37, United States Code, is
11 amended by striking “December 31, 2008” and inserting
12 “December 31, 2009”.

13 **SEC. 608. GUARANTEED PAY INCREASE FOR MEMBERS OF**
14 **THE ARMED FORCES OF ONE-HALF OF ONE**
15 **PERCENTAGE POINT HIGHER THAN EMPLOY-**
16 **MENT COST INDEX.**

17 Section 1009(c)(2) of title 37, United States Code,
18 is amended by striking “fiscal years 2004, 2005, and
19 2006” and inserting “fiscal years 2010 through 2013”.

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL**
4 **PAY AUTHORITIES FOR RESERVE FORCES.**

5 (a) **SELECTED RESERVE REENLISTMENT BONUS.**—
6 Section 308b(g) of title 37, United States Code, is amend-
7 ed by striking “December 31, 2008” and inserting “De-
8 cember 31, 2009”.

9 (b) **SELECTED RESERVE AFFILIATION OR ENLIST-**
10 **MENT BONUS.**—Section 308c(i) of such title is amended
11 by striking “December 31, 2008” and inserting “Decem-
12 ber 31, 2009”.

13 (c) **SPECIAL PAY FOR ENLISTED MEMBERS AS-**
14 **SIGNED TO CERTAIN HIGH PRIORITY UNITS.**—Section
15 308d(c) of such title is amended by striking “December
16 31, 2008” and inserting “December 31, 2009”.

17 (d) **READY RESERVE ENLISTMENT BONUS FOR PER-**
18 **SONS WITHOUT PRIOR SERVICE.**—Section 308g(f)(2) of
19 such title is amended by striking “December 31, 2008”
20 and inserting “December 31, 2009”.

21 (e) **READY RESERVE ENLISTMENT AND REENLIST-**
22 **MENT BONUS FOR PERSONS WITH PRIOR SERVICE.**—Sec-
23 tion 308h(e) of such title is amended by striking “Decem-
24 ber 31, 2008” and inserting “December 31, 2009”.

1 (f) SELECTED RESERVE ENLISTMENT BONUS FOR
2 PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such
3 title is amended by striking “December 31, 2008” and in-
4 serting “December 31, 2009”.

5 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**
6 **PAY AUTHORITIES FOR HEALTH CARE PRO-**
7 **FESSIONALS.**

8 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
9 GRAM.—Section 2130a(a)(1) of title 10, United States
10 Code, is amended by striking “December 31, 2008” and
11 inserting “December 31, 2009”.

12 (b) REPAYMENT OF EDUCATION LOANS FOR CER-
13 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
14 LECTED RESERVE.—Section 16302(d) of such title is
15 amended—

16 (1) by striking “before” and inserting “on or
17 before”; and

18 (2) by striking “January 1, 2009” and insert-
19 ing “December 31, 2009”.

20 (c) ACCESSION BONUS FOR REGISTERED NURSES.—
21 Section 302d(a)(1) of title 37, United States Code, is
22 amended by striking “December 31, 2008” and inserting
23 “December 31, 2009”.

24 (d) INCENTIVE SPECIAL PAY FOR NURSE ANES-
25 THETISTS.—Section 302e(a)(1) of such title is amended

1 by striking “December 31, 2008” and inserting “Decem-
2 ber 31, 2009”.

3 (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH
4 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-
5 CIALTIES.—Section 302g(e) of such title is amended by
6 striking “December 31, 2008” and inserting “December
7 31, 2009”.

8 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—
9 Section 302h(a)(1) of such title is amended by striking
10 “December 31, 2008” and inserting “December 31,
11 2009”.

12 (g) ACCESSION BONUS FOR PHARMACY OFFICERS.—
13 Section 302j(a) of such title is amended by striking “De-
14 cember 31, 2008” and inserting “December 31, 2009”.

15 (h) ACCESSION BONUS FOR MEDICAL OFFICERS IN
16 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
17 302k(f) of such title is amended by striking “December
18 31, 2008” and inserting “December 31, 2009”.

19 (i) ACCESSION BONUS FOR DENTAL SPECIALIST OF-
20 FICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—
21 Section 302l(g) of such title is amended by striking “De-
22 cember 31, 2008” and inserting “December 31, 2009”.

1 **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**
2 **THORITIES FOR NUCLEAR OFFICERS.**

3 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
4 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
5 312(f) of title 37, United States Code, is amended by
6 striking “December 31, 2008” and inserting “December
7 31, 2009”.

8 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
9 312b(c) of such title is amended by striking “December
10 31, 2008” and inserting “December 31, 2009”.

11 (c) NUCLEAR CAREER ANNUAL INCENTIVE
12 BONUS.—Section 312c(d) of such title is amended by
13 striking “December 31, 2008” and inserting “December
14 31, 2009”.

15 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAY-**
16 **MENT OF OTHER TITLE 37 BONUSES AND SPE-**
17 **CIAL PAYS.**

18 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
19 tion 301b(a) of title 37, United States Code, is amended
20 by striking “December 31, 2008” and inserting “Decem-
21 ber 31, 2009”.

22 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g)
23 of such title is amended by striking “December 31, 2008”
24 and inserting “December 31, 2009”.

25 (c) REENLISTMENT BONUS FOR ACTIVE MEM-
26 BERS.—Section 308(g) of such title is amended by strik-

1 ing “December 31, 2008” and inserting “December 31,
2 2009”.

3 (d) ENLISTMENT BONUS.—Section 309(e) of such
4 title is amended by striking “December 31, 2008” and in-
5 serting “December 31, 2009”.

6 (e) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-
7 ICAL SKILLS.—Section 324(g) of such title is amended by
8 striking “December 31, 2008” and inserting “December
9 31, 2009”.

10 (f) INCENTIVE BONUS FOR CONVERSION TO MILI-
11 TARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL
12 SHORTAGE.—Section 326(g) of such title is amended by
13 striking “December 31, 2008” and inserting “December
14 31, 2009”.

15 (g) ACCESSION BONUS FOR OFFICER CAN-
16 DIDATES.—Section 330(f) of such title is amended by
17 striking “December 31, 2008” and inserting “December
18 31, 2009”.

19 (h) RETENTION BONUS FOR MEMBERS WITH CRIT-
20 ICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY
21 UNITS.—Section 355(i) of such title, as redesignated by
22 section 661(c) of the National Defense Authorization Act
23 for Fiscal Year 2008, is amended by striking “December
24 31, 2008” and inserting “December 31, 2009”.

1 **SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAY-**
2 **MENT OF REFERRAL BONUSES.**

3 (a) HEALTH PROFESSIONS REFERRAL BONUS.—
4 Subsection (i) of section 1030 of title 10, United States
5 Code, as added by section 671(b) of the National Defense
6 Authorization Act for Fiscal Year 2008, is amended by
7 striking “December 31, 2008” and inserting “December
8 31, 2009”.

9 (b) ARMY REFERRAL BONUS.—Subsection (h) of sec-
10 tion 3252 of title 10, United States Code, as added by
11 section 671(a) of the National Defense Authorization Act
12 for Fiscal Year 2008, is amended by striking “December
13 31, 2008” and inserting “December 31, 2009”.

14 **SEC. 616. INCREASE IN MAXIMUM BONUS AND STIPEND**
15 **AMOUNTS AUTHORIZED UNDER NURSE OFFI-**
16 **CER CANDIDATE ACCESSION PROGRAM.**

17 (a) ACCESSION BONUS.—Paragraph (1) of section
18 2130a(a) of title 10, United States Code, is amended—

19 (1) by striking “\$10,000” and inserting
20 “\$20,000”; and

21 (2) by striking “\$5,000” and inserting
22 “\$10,000”.

23 (b) MONTHLY STIPEND.—Paragraph (2) of such sec-
24 tion is amended by striking “\$1,000” and inserting
25 “\$1,250”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on October 1, 2008.

3 **SEC. 617. MAXIMUM LENGTH OF NUCLEAR OFFICER INCEN-**
4 **TIVE PAY AGREEMENTS FOR SERVICE.**

5 Section 312(a)(3) of title 37, United States Code, is
6 amended by striking “three, four, or five years” and in-
7 serting “not less than three years”.

8 **SEC. 618. TECHNICAL CHANGES REGARDING CONSOLIDA-**
9 **TION OF SPECIAL PAY, INCENTIVE PAY, AND**
10 **BONUS AUTHORITIES OF THE UNIFORMED**
11 **SERVICES.**

12 (a) ELIGIBILITY REQUIREMENTS FOR NUCLEAR OF-
13 FICER BONUS AND INCENTIVE PAY.—Section 333 of title
14 37, United States Code, is amended—

15 (1) in subsection (a)(2), by striking “and oper-
16 ational”; and

17 (2) in subsection (b)(2), by striking “and oper-
18 ational”.

19 (b) RELATIONSHIP OF AVIATION INCENTIVE PAY TO
20 OTHER PAY AND ALLOWANCES.—Section 334(f)(1) of
21 such title is amended by striking “section 351” and insert-
22 ing “section 351(a)(2)”.

23 (c) HEALTH PROFESSIONS INCENTIVE PAY.—Sec-
24 tion 335(e)(1)(D)(i) of such title is amended by striking
25 “dental surgeons” and inserting “dental officers”.

1 (d) NO PRO-RATED PAYMENT OF CERTAIN HAZ-
2 ARDOUS DUTY PAYS.—Section 351(c) of such title is
3 amended by striking “subsection (a)” and inserting “para-
4 graph (1) or (3) of subsection (a)”.

5 (e) AVAILABILITY OF HAZARDOUS DUTY PAY.—Sec-
6 tion 351(f) of such title is amended—

7 (1) by striking “in administering subsection
8 (a)” and inserting “in connection with determining
9 whether a triggering event has occurred for the pro-
10 vision of hazardous duty pay under subsection
11 (a)(1)”; and

12 (2) by striking the last sentence.

13 (f) TERMINATION PROVISION FOR HAZARDOUS DUTY
14 PAY.—Section 351(i) of such title is amended by inserting
15 before the period the following: “, unless receipt of the
16 hazardous duty pay is specified in an agreement entered
17 into between the member and the Secretary concerned be-
18 fore that date”.

19 **SEC. 619. USE OF NEW SKILL INCENTIVE PAY AND PRO-**
20 **FICIENCY BONUS AUTHORITIES TO ENCOUR-**
21 **AGE TRAINING IN CRITICAL FOREIGN LAN-**
22 **GUAGES AND FOREIGN CULTURAL STUDIES.**

23 (a) ELIGIBILITY FOR SKILL PROFICIENCY BONUS.—
24 Subsection (b) of section 353 of title 37, United States
25 Code, is amended to read as follows:

1 “(b) SKILL PROFICIENCY BONUS.—

2 “(1) AVAILABILITY; ELIGIBLE PERSONS.—The
3 Secretary concerned may pay a proficiency bonus to
4 a member of a regular or reserve component of the
5 uniformed services who—

6 “(A) is entitled to basic pay under section
7 204 of this title or compensation under section
8 206 of this title or is enrolled in an officer
9 training program; and

10 “(B) is determined to have, and maintains,
11 certified proficiency under subsection (d) in a
12 skill designated as critical by the Secretary con-
13 cerned or is in training to acquire proficiency in
14 a critical foreign language or expertise in for-
15 eign cultural studies or a related skill des-
16 ignated as critical by the Secretary concerned.

17 “(2) INCLUSION OF CERTAIN SENIOR ROTC
18 MEMBERS.—A proficiency bonus may be paid under
19 this subsection to a student who is enrolled in the
20 Senior Reserve Officers’ Training Corps program
21 even though the student is in the first year of the
22 four-year course under the program. During the pe-
23 riod covered by the proficiency bonus, the student
24 shall also be entitled to a monthly subsistence allow-
25 ance under section 209(c) of this title even though

1 the student has not entered into an agreement under
2 section 2103a of title 10. However, if the student re-
3 ceives incentive pay under subsection (g)(2) for the
4 same period, the student may receive only a single
5 monthly subsistence allowance under section 209(c)
6 of this title.”.

7 (b) AVAILABILITY OF INCENTIVE PAY FOR PARTICI-
8 PATION IN FOREIGN LANGUAGE EDUCATION OR TRAIN-
9 ING PROGRAMS.—Such section is further amended—

10 (1) by redesignating subsections (g), (h), and
11 (i) as subsections (h), (i), and (j), respectively; and

12 (2) by inserting after subsection (f) the fol-
13 lowing new subsection (g):

14 “(g) FOREIGN LANGUAGE STUDIES IN OFFICER
15 TRAINING PROGRAMS.—

16 “(1) AVAILABILITY OF INCENTIVE PAY.—The
17 Secretary concerned may pay incentive pay to a per-
18 son enrolled in an officer training program to also
19 participate in an education or training program to
20 acquire proficiency in a critical foreign language or
21 expertise in foreign cultural studies or a related skill
22 designated as critical by the Secretary concerned.

23 “(2) INCLUSION OF CERTAIN SENIOR ROTC
24 MEMBERS.—Incentive pay may be paid under this
25 subsection to a student who is enrolled in the Senior

1 Reserve Officers' Training Corps program even
2 though the student is in the first year of the four-
3 year course under the program. While the student
4 receives the incentive pay, the student shall also be
5 entitled to a monthly subsistence allowance under
6 section 209(c) of this title even though the student
7 has not entered into an agreement under section
8 2103a of title 10. However, if the student receives
9 a proficiency bonus under subsection (b)(2) covering
10 the same month, the student may receive only a sin-
11 gle monthly subsistence allowance under section
12 209(c) of this title.

13 “(3) CRITICAL FOREIGN LANGUAGE DE-
14 FINED.—In this section, the term ‘critical foreign
15 language’ includes Arabic, Korean, Japanese, Chi-
16 nese, Pashto, Persian-Farsi, Serbian-Croatian, Rus-
17 sian, Portuguese, or other language designated as
18 critical by the Secretary concerned.”.

19 (c) PILOT PROGRAM FOR FOREIGN LANGUAGE PRO-
20 FICIENCY TRAINING FOR RESERVE MEMBERS.—

21 (1) PILOT PROGRAM REQUIRED.—The Sec-
22 retary of Defense shall conduct a pilot program to
23 provide a skill proficiency bonus under section
24 353(b) of title 37, United States Code, to a member
25 of a reserve component of the uniformed services

1 who is entitled to compensation under section 206 of
2 such title while the member participates in an edu-
3 cation or training program to acquire proficiency in
4 a critical foreign language or expertise in foreign
5 cultural studies or a related skill designated as crit-
6 ical under such section 353.

7 (2) DURATION OF PILOT PROGRAM.—The Sec-
8 retary shall conduct the pilot program during the pe-
9 riod beginning on October 1, 2008, and ending on
10 December 31, 2013. Incentive pay may not be pro-
11 vided under the pilot program after December 31,
12 2013.

13 (3) REPORTING REQUIREMENT.—Not later than
14 March 31, 2012, the Secretary shall submit to Con-
15 gress a report containing the results of the pilot pro-
16 gram and the recommendations of the Secretary re-
17 garding whether to continue or expand the pilot pro-
18 gram.

19 (d) EXPEDITED IMPLEMENTATION.—Notwith-
20 standing section 662 of the National Defense Authoriza-
21 tion Act for Fiscal Year 2008 (Public Law 110–181; 122
22 Stat. 180; 37 U.S.C. 301 note), the Secretary of a military
23 department may immediately implement the amendments
24 made by subsections (a) and (b) in order to ensure the
25 prompt availability of proficiency bonuses and incentive

1 pay under section 353 of title 37, United States Code, as
2 amended by such subsections, for persons enrolled in offi-
3 cer training programs.

4 **SEC. 620. TEMPORARY TARGETED BONUS AUTHORITY TO**
5 **INCREASE DIRECT ACCESSIONS OF OFFICERS**
6 **IN CERTAIN HEALTH PROFESSIONS.**

7 (a) DESIGNATION OF CRITICALLY SHORT WARTIME
8 HEALTH SPECIALTIES.—For purposes of section 335 of
9 title 37, United States Code, as added by section 661 of
10 the National Defense Authorization Act for Fiscal Year
11 2008 (Public Law 110–181), the following health profes-
12 sions are designated as a critically short wartime specialty
13 under subsection (a)(2) of such section:

14 (1) Psychologists who have been awarded a di-
15 ploma as a Diplomate in Psychology by the Amer-
16 ican Board of Professional Psychology and are fully
17 licensed and such other mental health practitioners
18 as the Secretary concerned determines to be nec-
19 essary.

20 (2) Registered nurses.

21 (b) SPECIAL AGREEMENT AUTHORITY.—Under the
22 authority provided by this section, the Secretary concerned
23 may enter into an agreement under subsection (f) of sec-
24 tion 335 of title 37, United States Code, to pay a health
25 professions bonus under such section to a person who ac-

1 cepts a commission or appointment as an officer and
 2 whose health profession specialty is specified in subsection
 3 (a).

4 (c) EFFECTIVE PERIOD.—This section shall take ef-
 5 fect on October 1, 2008. The designations made by sub-
 6 section (a) and the authority to enter into an agreement
 7 under subsection (b) expire on September 30, 2010.

8 **Subtitle C—Travel and** 9 **Transportation Allowances**

10 **SEC. 631. INCREASED WEIGHT ALLOWANCE FOR TRANS-** 11 **PORTATION OF BAGGAGE AND HOUSEHOLD** 12 **EFFECTS FOR CERTAIN ENLISTED MEMBERS.**

13 (a) ALLOWANCE.—The table in section 406(b)(1)(C)
 14 of title 37, United States Code, is amended by striking
 15 the items relating to pay grades E–5 through E–9 and
 16 inserting the following new items:

Pay Grade	Without Dependents	With Dependents
“E–9	13,500	15,500
E–8	12,500	14,500
E–7	11,500	13,500
E–6	8,500	11,500
E–5	7,500	9,500”.

17 (b) EFFECTIVE DATE.—The amendment made by
 18 subsection (a) shall take effect on October 1, 2008.

1 **SEC. 632. ADDITIONAL WEIGHT ALLOWANCE FOR TRANS-**
2 **PORTATION OF MATERIALS ASSOCIATED**
3 **WITH EMPLOYMENT OF A MEMBER'S SPOUSE**
4 **OR COMMUNITY SUPPORT VOLUNTEER OR**
5 **CHARITY ACTIVITIES.**

6 (a) **ADDITIONAL WEIGHT ALLOWANCE.**—Section
7 406(b)(1) of title 37, United States Code, is amended by
8 adding at the end the following new subparagraph:

9 “(H) In connection with a change of permanent sta-
10 tion of a member, the Secretary concerned shall increase
11 the weight allowance otherwise applicable under subpara-
12 graph (C) for the member by 200 pounds for the purpose
13 of facilitating the shipment of materials associated with
14 the employment of the member’s spouse or community
15 support volunteer or charity activities of the member and
16 any dependents of the member.”.

17 **SEC. 633. TRANSPORTATION OF FAMILY PETS DURING**
18 **EVACUATION OF NONESSENTIAL PER-**
19 **SONNEL.**

20 Section 406(b)(1) of title 37, United States Code, is
21 amended by inserting after subparagraph (H), as added
22 by section 632, the following new subparagraph:

23 “(I) In connection with an evacuation from a perma-
24 nent station located in a foreign area, a member is entitled
25 to transportation of not more than two family household
26 pets, including shipment and the payment of quarantine

1 fees, if any. As an alternative to the provision of transpor-
2 tation for the pets, the Secretary concerned may reim-
3 burse the member or provide a monetary allowance under
4 subparagraph (F) if other commercial transportation
5 means are used. A member is not entitled to transpor-
6 tation under this subparagraph for horses, livestock, or
7 pets weighing in excess of 150 pounds or for animals that
8 the Secretary concerned determines are exotic pets or en-
9 dangered species.”.

10 **Subtitle D—Retired Pay and** 11 **Survivor Benefits**

12 **SEC. 641. EQUITY IN COMPUTATION OF DISABILITY RE-** 13 **TIRED PAY FOR RESERVE COMPONENT MEM-** 14 **BERS WOUNDED IN ACTION.**

15 Section 1208(b) of title 10, United States Code, is
16 amended—

17 (1) by striking “A member” and inserting “(1)
18 Except as provided in paragraph (2), a member”;
19 and

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

22 “(2) If a member of the uniformed services who is
23 not a member of a regular component is retired under this
24 chapter or is placed on the temporary disability retired
25 list under this chapter because of a disability incurred

1 after the date of the enactment of this paragraph for
2 which the member is awarded the Purple Heart, the mem-
3 ber shall be credited, for the purposes of this chapter, with
4 the number of years of service that would be counted if
5 computing the member's years of service under section
6 12732 of this title.”.

7 **SEC. 642. EFFECT OF TERMINATION OF SUBSEQUENT MAR-**
8 **RIAGE ON PAYMENT OF SURVIVOR BENEFIT**
9 **PLAN ANNUITY TO SURVIVING SPOUSE OR**
10 **FORMER SPOUSE WHO PREVIOUSLY TRANS-**
11 **FERRED ANNUITY TO DEPENDENT CHIL-**
12 **DREN.**

13 Section 1450(b)(3) of title 10, United States Code,
14 is amended by adding at the end the following new sen-
15 tence: “The payment of an annuity to a surviving spouse
16 or former spouse under this paragraph shall be resumed
17 even though the surviving spouse or former spouse pre-
18 viously transferred the annuity to a child or children under
19 section 1448(d)(2)(B) of this title if, when the marriage
20 is so terminated, the child or children, due to loss of de-
21 pendent status, death, or other cause, are no longer eligi-
22 ble for the annuity under such section.”.

1 **SEC. 643. EXTENSION TO SURVIVORS OF CERTAIN MEM-**
2 **BERS WHO DIE ON ACTIVE DUTY OF SPECIAL**
3 **SURVIVOR INDEMNITY ALLOWANCE FOR PER-**
4 **SONS AFFECTED BY REQUIRED SURVIVOR**
5 **BENEFIT PLAN ANNUITY OFFSET FOR DE-**
6 **PENDENCY AND INDEMNITY COMPENSATION.**

7 (a) EXTENSION.—Subsection (m) of section 1450 of
8 title 10, United States Code, as added by section 644 of
9 the National Defense Authorization Act for Fiscal Year
10 2008, is amended in paragraph (1)(B) by striking “section
11 1448(a)(1) of this title” and inserting “subsection (a)(1)
12 of section 1448 of this title or by reason of coverage under
13 subsection (d) of such section”.

14 (b) APPLICATION OF AMENDMENT.—The amendment
15 made by subsection (a) shall apply with respect to the
16 month beginning on October 1, 2008, and subsequent
17 months as provided by paragraph (6) of subsection (m)
18 of section 1450 of title 10, United States Code, as added
19 by section 644 of the National Defense Authorization Act
20 for Fiscal Year 2008.

1 **SEC. 644. ELECTION TO RECEIVE RETIRED PAY FOR NON-**
2 **REGULAR SERVICE UPON RETIREMENT FOR**
3 **SERVICE IN AN ACTIVE RESERVE STATUS**
4 **PERFORMED AFTER ATTAINING ELIGIBILITY**
5 **FOR REGULAR RETIREMENT.**

6 (a) ELECTION AUTHORITY; REQUIREMENTS.—Sub-
7 section (a) of section 12741 of title 10, United States
8 Code, is amended to read as follows:

9 “(a) AUTHORITY TO ELECT TO RECEIVE RESERVE
10 RETIRED PAY.—(1) A person may elect to receive retired
11 pay under this chapter, instead of receiving retired or re-
12 tainer pay under chapter 65, 367, 571, or 867 of this title,
13 if—

14 “(A) the person satisfies the requirements spec-
15 ified in paragraphs (1) and (2) of section 12731(a)
16 of this title for entitlement to retired pay under this
17 chapter;

18 “(B) the person served in an active status in
19 the Selected Reserve of the Ready Reserve after be-
20 coming eligible for retirement under chapter 65,
21 367, 571, or 867 of this title (without regard to
22 whether the person actually retired or received re-
23 tired or retainer pay under one of those chapters);

24 “(C) the person completed not less than two
25 years of service in such active status (excluding any
26 period of active service); and

1 “(D) the service of the person in such active
2 status is determined by the Secretary concerned to
3 have been satisfactory.

4 “(2) The Secretary concerned may reduce the two-
5 year service requirement specified in paragraph (1)(C) in
6 the case of a person who—

7 “(A) completed at least six months of service in
8 a position of adjutant general required under section
9 314 of title 32 or in a position of assistant adjutant
10 general subordinate to such a position of adjutant
11 general; and

12 “(B) failed to complete the minimum two years
13 of service solely because the appointment of the per-
14 son to such position was terminated or vacated as
15 described in section 324(b) of title 32.”.

16 (b) ACTIONS TO EFFECTUATE ELECTION.—Sub-
17 section (b) of such section is amended by striking para-
18 graph (1) and inserting the following new paragraph:

19 “(1) terminate the eligibility of the person to
20 retire under chapter 65, 367, 571, or 867 of this
21 title, if the person is not already retired under one
22 of those chapters, and terminate entitlement of the
23 person to retired or retainer pay under one of those
24 chapters, if the person was already receiving retired
25 or retainer pay under one of those chapters; and”.

1 (c) CONFORMING AMENDMENT TO REFLECT NEW
2 VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Sub-
3 section (d) of such section is amended—

4 (1) in paragraph (1), by striking “attains 60
5 years of age” and inserting “attains the eligibility
6 age applicable to the person under section 12731(f)
7 of this title”; and

8 (2) in paragraph (2)(A), by striking “attains 60
9 years of age” and inserting “attains the eligibility
10 age applicable to the person under such section”.

11 (d) REPEAL OF RESTRICTION ON ELECTION TO RE-
12 CEIVE RESERVE RETIRED PAY.—Section 12731(a) of
13 such title is amended—

14 (1) by inserting “and” at the end of paragraph
15 (2);

16 (2) by striking “; and” at the end of paragraph
17 (3) and inserting a period; and

18 (3) by striking paragraph (4).

19 (e) CLERICAL AMENDMENTS.—

20 (1) SECTION HEADING.—The heading for sec-
21 tion 12741 of such title is amended to read as fol-
22 lows:

1 **“§ 12741. Retirement for service in an active status**
2 **performed in the Selected Reserve of the**
3 **Ready Reserve after eligibility for reg-**
4 **ular retirement”.**

5 (2) TABLE OF SECTIONS.—The table of sections
6 at the beginning of chapter 1223 of such title is
7 amended by striking the item relating to section
8 12741 and inserting the following new item:

“12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.”.

9 (f) RETROACTIVE APPLICABILITY.—The amend-
10 ments made by this section shall take effect as of January
11 1, 2008.

12 **SEC. 645. RECOMPUTATION OF RETIRED PAY AND ADJUST-**
13 **MENT OF RETIRED GRADE OF RESERVE RE-**
14 **TIREES TO REFLECT SERVICE AFTER RE-**
15 **TIREMENT.**

16 (a) RECOMPUTATION.—Section 10145 of title 10,
17 United States Code, is amended by adding at the end the
18 following new subsection:

19 “(e)(1) If a member of the Retired Reserve is recalled
20 to an active status under subsection (d) in the Selected
21 Reserve of the Ready Reserve and completes not less than
22 two years of service in such active status, the member is
23 entitled to—

1 “(A) the recomputation of the retired pay of
2 the member determined under section 12739 of this
3 title; and

4 “(B) in the case of a commissioned officer, an
5 adjustment in the retired grade of the member in
6 the manner provided in section 1370 of this title.

7 “(2) The Secretary concerned may reduce the two-
8 year service requirement specified in paragraph (1) in the
9 case of a member who—

10 “(A) is recalled to serve in a position of adju-
11 tant general required under section 314 of title 32
12 or in a position of assistant adjutant general subor-
13 dinate to such a position of adjutant general;

14 “(B) completes at least six months of service in
15 such position; and

16 “(C) fails to complete the minimum two years
17 of service solely because the appointment of the
18 member to such position is terminated or vacated as
19 described in section 324(b) of title 32.”.

20 (b) RETROACTIVE APPLICABILITY.—The amendment
21 made by this section shall take effect as of January 1,
22 2008.

1 **SEC. 646. CORRECTION OF UNINTENDED REDUCTION IN**
2 **SURVIVOR BENEFIT PLAN ANNUITIES DUE TO**
3 **PHASED ELIMINATION OF TWO-TIER ANNU-**
4 **ITY COMPUTATION AND SUPPLEMENTAL AN-**
5 **NUIITY.**

6 Effective as of October 28, 2004, and as if included
7 therein as enacted, section 644(c) of the Ronald W.
8 Reagan National Defense Authorization Act for Fiscal
9 Year 2005 (Public Law 108–375; 118 Stat. 1961; 19
10 U.S.C. 1450 note) is amended by adding at the end the
11 following new paragraph:

12 “(3) SAVINGS PROVISION.—If, as a result of the
13 recomputation of annuities under section 1450 of
14 title 10, United States Code, and supplemental sur-
15 vivor annuities under section 1457 of such title, as
16 required by paragraph (1), the total amount of both
17 annuities to be paid to an annuitant for a month
18 would be less (because of the offset required by sec-
19 tion 1450(c) of such title for dependency and indem-
20 nity compensation) than the amount that would be
21 paid to the annuitant in the absence of recomputa-
22 tion, the Secretary of Defense shall take such ac-
23 tions as are necessary to adjust the annuity amounts
24 to eliminate the reduction.”.

1 **SEC. 647. PRESUMPTION OF DEATH FOR PARTICIPANTS IN**
2 **SURVIVOR BENEFIT PLAN IN MISSING STA-**
3 **TUS.**

4 (a) **CONDITIONS ON PRESUMPTION.**—In the case of
5 a participant in the Survivor Benefit Plan who has been
6 determined by the Secretary of State to have been kid-
7 napped in Iraq or Afghanistan on or after August 1, 2007,
8 the Secretary of a military department may not make a
9 determination under section 1450(l) of title 10, United
10 States Code, that the participant is missing, with the pre-
11 sumption of death, until the earlier of—

12 (1) a period of at least 7 years expires after the
13 date of the determination of the Secretary of State;
14 or

15 (2) the date on which the participant is con-
16 firmed dead and a death certificate is delivered to
17 the next of kin of the participant.

18 (b) **RESUMPTION OF RETIRED PAY; PAYMENT OF**
19 **BACK PAY.**—In the case of a participant in the Survivor
20 Benefit Plan described in subsection (a) who was pre-
21 sumed to be dead before the date of the enactment of this
22 Act under section 1450(l) of title 10, United States Code,
23 the Secretary of a military department concerned shall—

24 (1) resume payment of any retired pay to which
25 the participant is entitled to as a retired member of

1 the Armed Forces pending satisfaction of the condi-
2 tions specified in subsection (a); and

3 (2) pay retired pay for periods occurring before
4 the date of the enactment of this Act for which re-
5 tired pay was not paid because of the presumption
6 of death.

7 **SEC. 648. ELIGIBILITY FOR DISABILITY RETIRED PAY AND**
8 **SEPARATION PAY OF CERTAIN FORMER CA-**
9 **DETS AND MIDSHIPMEN WITH PRIOR EN-**
10 **LISTED SERVICE.**

11 Section 1217(a) of title 10, United States Code, is
12 amended by striking “incurred after October 28, 2004.”
13 and inserting “incurred—

14 “(1) after October 28, 2004; or

15 “(2) after January 1, 2000, in the case of a
16 cadet or midshipman who was discharged from an
17 enlisted grade in order to accept an appointment as
18 a cadet or midshipman.”.

1 **Subtitle E—Commissary and Non-**
2 **appropriated Fund Instrumen-**
3 **tality Benefits and Operations**

4 **SEC. 651. USE OF COMMISSARY STORES SURCHARGES DE-**
5 **RIVED FROM TEMPORARY COMMISSARY INI-**
6 **TIATIVES FOR RESERVE COMPONENTS AND**
7 **RETIRED MEMBERS.**

8 Section 2484(h) of title 10, United States Code, is
9 amended—

10 (1) by redesignating paragraphs (3) and (4) as
11 paragraphs (4) and (5), respectively;

12 (2) in such paragraph (4), as so redesignated,
13 by striking “paragraph (1) or (2)” and inserting
14 “paragraph (1), (2), or (3)”; and

15 (3) by inserting after paragraph (2) the fol-
16 lowing new paragraph:

17 “(3)(A) The Secretary of Defense may use the pro-
18 ceeds derived from surcharges imposed under subsection
19 (d) in connection with sales of commissary merchandise
20 through initiatives described in subparagraph (B) to offset
21 the cost of such initiatives.

22 “(B) Subparagraph (A) applies with respect to initia-
23 tives, utilizing temporary and mobile equipment, intended
24 to provide members of reserve components, Retired mem-
25 bers, and other persons eligible for commissary benefits,

1 but without reasonable access to commissary stores, im-
2 proved access to commissary merchandise.”.

3 **SEC. 652. REQUIREMENTS FOR PRIVATE OPERATION OF**
4 **COMMISSARY STORE FUNCTIONS.**

5 Section 2485(a)(2) of title 10, United States Code,
6 is amended in the last sentence by striking “December 31,
7 2008” and inserting “December 31, 2013”.

8 **SEC. 653. ADDITIONAL EXCEPTION TO LIMITATION ON USE**
9 **OF APPROPRIATED FUNDS FOR DEPART-**
10 **MENT OF DEFENSE GOLF COURSES.**

11 Section 2491a of title 10, United States Code, is
12 amended—

13 (1) by redesignating paragraph (2) of sub-
14 section (b) as subsection (c) and, in such subsection
15 (as so redesignated)—

16 (A) by inserting “REGULATIONS.—” before
17 “The Secretary”; and

18 (B) by striking “this subsection” and in-
19 serting “subsection (b)”; and

20 (2) by inserting after paragraph (1) of sub-
21 section (b) the following new paragraph:

22 “(2) Subsection (a) does not apply to the purchase
23 and maintenance of specialized golf carts designed to ac-
24 commodate persons with disabilities and the use of the golf

1 carts at a facility or installation where the Secretary deter-
2 mines the golf carts can be safely operated.”.

3 **SEC. 654. ENHANCED ENFORCEMENT OF PROHIBITION ON**
4 **SALE OR RENTAL OF SEXUALLY EXPLICIT**
5 **MATERIAL ON MILITARY INSTALLATIONS.**

6 (a) ESTABLISHMENT OF RESALE ACTIVITIES RE-
7 VIEW BOARD.—Section 2495b of title 10, United States
8 Code, is amended—

9 (1) by redesignating subsections (c) and (d) as
10 subsections (d) and (e), respectively; and

11 (2) by inserting after subsection (b) the fol-
12 lowing new subsection:

13 “(c) RESALE ACTIVITIES REVIEW BOARD.—(1) The
14 Secretary of Defense shall establish a nine-member board
15 to make recommendations to the Secretary regarding
16 whether material sold or rented, or proposed for sale or
17 rental, on property under the jurisdiction of the Depart-
18 ment of Defense is barred from sale or rental by sub-
19 section (a).

20 “(2)(A) The Secretary of Defense shall appoint six
21 members of the board to broadly represent the interests
22 of the patron base served by the defense commissary sys-
23 tem and the exchange system. The Secretary shall appoint
24 one of the members to serve as the chairman of the board.
25 At least one member appointed under this subparagraph

1 shall be a person with experience managing or advocating
2 for military family programs and who is also an eligible
3 patron of the defense commissary system and the ex-
4 change system.

5 “(B) The Secretary of each of the military depart-
6 ments shall appoint one member of the board.

7 “(C) A vacancy on the board shall be filled in the
8 same manner as the original appointment.

9 “(3) The Secretary of Defense may detail persons to
10 serve as staff for the board. At a minimum, the Secretary
11 shall ensure that the board is assisted at meetings by mili-
12 tary resale and legal advisors.

13 “(4) The recommendations made by the board under
14 paragraph (1) shall be made available to the public. The
15 Secretary of Defense shall publicize the availability of such
16 recommendations by such means as the Secretary con-
17 siders appropriate.

18 “(5) Members of the board shall be allowed travel ex-
19 pense, including per diem in lieu of subsistence, at rates
20 authorized for employees of agencies under subchapter I
21 of chapter 57 of title 5 while away from their homes or
22 regular places of business in the performance of services
23 for the board.”.

24 (b) DEADLINE FOR ESTABLISHMENT AND INITIAL
25 MEETING.—

1 (1) ESTABLISHMENT.—The board required by
2 subsection (c) of section 2495b of title 10, United
3 States Code, as added by subsection (a), shall be es-
4 tablished, and its initial nine members appointed,
5 not later than 120 days after the date of the enact-
6 ment of this Act.

7 (2) MEETINGS.—The board shall conduct an
8 initial meeting within one year after the date of the
9 appointment of the initial members of the board. At
10 the discretion of the board, the board may consider
11 all materials previously reviewed under such section
12 as available for reconsideration for a minimum of
13 180 days following the initial meeting of the board.

14 **SEC. 655. REQUIREMENT TO BUY MILITARY DECORATIONS,**
15 **RIBBONS, BADGES, MEDALS, INSIGNIA, AND**
16 **OTHER UNIFORM ACCOUTERMENTS PRO-**
17 **DUCE IN THE UNITED STATES.**

18 (a) REQUIREMENT.—Subchapter III of chapter 147
19 of title 10, United States Code, is amended by adding at
20 the end the following new section:

21 **“§ 2495c. Requirement to buy military decorations**
22 **and other uniform accouterments from**
23 **American sources; exceptions**

24 “(a) BUY-AMERICAN REQUIREMENT.—A military ex-
25 change store or other nonappropriated fund instrumen-

1 tality of the Department of Defense may not purchase for
2 resale any military decorations, ribbons, badges, medals,
3 insignia, and other uniform accouterments that are not
4 produced in the United States.

5 “(b) EXCEPTION.—Subsection (a) does not apply to
6 the extent that the Secretary of Defense determines
7 that—

8 “(1) a satisfactory quality and sufficient quan-
9 tity of an item covered by such subsection and pro-
10 duced in the United States cannot be procured; or

11 “(2) the purchase of the item produced outside
12 the United States is in the best interests of members
13 of the armed forces.

14 “(c) CONGRESSIONAL NOTIFICATION.—As soon as
15 practicable after an exception is granted under subsection
16 (b), the Secretary of Defense shall submit to Congress a
17 report explaining the reasons for the exception.

18 “(d) UNITED STATES DEFINED.—In this section, the
19 term ‘United States’ includes the Commonwealth of Puer-
20 to Rico, Guam, the United States Virgin Islands, the Com-
21 monwealth of the Northern Mariana Islands, American
22 Samoa, and any other territory or possession of the United
23 States.”.

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

“2495c. Requirement to buy military decorations and other uniform
 accouterments from American sources; exceptions.”.

4 **SEC. 656. USE OF APPROPRIATED FUNDS TO PAY POST AL-**
 5 **LOWANCES OR OVERSEAS COST OF LIVING**
 6 **ALLOWANCES TO NONAPPROPRIATED FUND**
 7 **INSTRUMENTALITY EMPLOYEES SERVING**
 8 **OVERSEAS.**

9 (a) AUTHORITY TO USE APPROPRIATED FUNDS.—
 10 Chapter 81 of title 10, United States Code, is amended
 11 by inserting after section 1587a the following new section:

12 **“§ 1587b. Employees of nonappropriated fund instru-**
 13 **mentalities: payment of overseas post al-**
 14 **lowances or overseas cost of living allow-**
 15 **ances**

16 **“(a) USE OF APPROPRIATED FUNDS TO PAY ALLOW-**
 17 **ANCES.—**Subject to the availability of appropriated funds
 18 for this purpose, the Secretary of Defense may pay post
 19 allowances or cost of living allowances to an non-
 20 appropriated fund instrumentality employee who is a cit-
 21 izen of the United States and is employed in a full-time
 22 position at a location outside of the continental United
 23 States.

1 “(b) DURATION.—The Secretary of Defense may use
2 the authority provided by this section to pay post allow-
3 ances or cost of living allowances that have been due to
4 an nonappropriated fund instrumentality employee or
5 former employee since December 1, 2001, but have not
6 been previously paid. No allowance may be provided under
7 this section after December 31, 2011.

8 “(c) DEFINITIONS.—In this section:

9 “(1) The term ‘nonappropriated fund instru-
10 mentality employee’ has the meaning given that
11 term in section 1587 of this title.

12 “(2) The term ‘continental United States’
13 means the 48 contiguous States and the District of
14 Columbia.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 1587a the following new
18 item:

“1587b. Employees of nonappropriated fund instrumentalities: payment of over-
seas post allowances or overseas cost of living allowances.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on October 1, 2008.

1 **SEC. 657. STUDY REGARDING SALE OF ALCOHOLIC WINE**
2 **AND BEER IN COMMISSARY STORES IN ADDI-**
3 **TION TO EXCHANGE STORES.**

4 (a) **STUDY REQUIRED.**—The Secretary of Defense
5 shall conduct a study evaluating the propriety, patron con-
6 venience, and financial utility of including alcoholic wine
7 and beer as an authorized commissary merchandise cat-
8 egory for sale in, at, or by commissary stores.

9 (b) **PILOT PROGRAM.**—

10 (1) **AUTHORIZED.**—In connection with the
11 study required by subsection (a), the Secretary may
12 conduct a pilot program involving the sale of alco-
13 holic wine and beer in commissary stores if the Sec-
14 retary determines that such a pilot program would
15 be useful in making the evaluations required by such
16 subsection.

17 (2) **SCOPE.**—If the Secretary determines that
18 the pilot program would be useful, the Secretary
19 shall conduct the pilot program at a minimum of 10
20 locations for a period of not less than four months
21 nor greater than one year.

22 (c) **REPORT.**—Within 120 days after completion of
23 the study required in subsection (a), the Secretary shall
24 submit to Congress a report containing the findings and
25 recommendations of the Secretary developed as a result
26 of the study and the results of the pilot program, if con-

1 ducted under subsection (b). The Secretary may delay the
2 submission of the report pending the conclusion of the
3 pilot program.

4 **Subtitle F—Other Matters**

5 **SEC. 661. BONUS TO ENCOURAGE ARMY PERSONNEL AND** 6 **OTHER PERSONS TO REFER PERSONS FOR** 7 **ENLISTMENT IN THE ARMY.**

8 (a) AVAILABILITY OF BONUS TO TRAINED CIVIL-
9 IANS.—Subsection (a)(2) of section 3252 of title 10,
10 United States Code, is amended by adding at the end the
11 following new subparagraph:

12 “(F) A member of the general public who has
13 completed a training course provided by the Sec-
14 retary, directly or through an entity contracted to
15 provide such training, regarding the appropriate pro-
16 cedures used to recruit persons for enlistment in the
17 Army.”.

18 (b) TIME FOR PAYMENT OF BONUS.—Subsection (b)
19 of such section is amended—

20 (1) by striking “or” at the end of paragraph
21 (1);

22 (2) by striking the period at the end of para-
23 graph (2) and inserting “; or”; and

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

1 “(3) when the individual concerned contacts an
2 entity contracted to recruit persons for enlistment in
3 the Army.”.

4 (c) PAYMENT METHODS.—Such section is further
5 amended—

6 (1) in subsection (d), by striking the second
7 sentence; and

8 (2) by striking subsection (e) and inserting the
9 following new subsection:

10 “(e) PAYMENT METHODS.—At the discretion of the
11 Secretary, a bonus payable for a referral of a person under
12 subsection (a) may be paid—

13 “(1) directly to the individual referred to in
14 subsection (b) making the referral; or

15 “(2) through an entity contracted to make
16 bonus payments under this section.”.

17 (d) CLERICAL AMENDMENTS.—

18 (1) SECTION HEADING.—The heading of such
19 section is amended to read as follows:

20 “§ 3252. Bonus to encourage Army personnel and
21 **other persons to refer persons for enlist-**
22 **ment in the Army”.**

23 (2) TABLE OF SECTIONS.—The table of sections
24 at the beginning of chapter 333 of such title is

1 amended by striking the item relating to section
2 3252 and inserting the following new item:

“3252. Bonus to encourage Army personnel and other persons to refer persons
for enlistment in the Army.”.

3 **SEC. 662. CONTINUATION OF ENTITLEMENT TO BONUSES**
4 **AND SIMILAR BENEFITS FOR MEMBERS OF**
5 **THE UNIFORMED SERVICES WHO DIE, ARE**
6 **SEPARATED OR RETIRED FOR DISABILITY,**
7 **OR MEET OTHER CRITERIA.**

8 (a) DISCRETION TO PROVIDE EXCEPTION TO TERMI-
9 NATION AND REPAYMENT REQUIREMENTS UNDER CER-
10 TAIN CIRCUMSTANCES.—Section 303a(e) of title 37,
11 United States Code, is amended—

12 (1) in the subsection heading, by inserting “;
13 TERMINATION OF ENTITLEMENT TO UNPAID
14 AMOUNTS” after “MET”;

15 (2) in paragraph (1)—

16 (A) by striking “A member” and inserting
17 “(A) Except as provided in paragraph (2), a
18 member”; and

19 (B) by striking “the requirements, except
20 in certain circumstances authorized by the Sec-
21 retary concerned.” and inserting “the eligibility
22 requirements and may not receive any unpaid
23 amounts of the bonus or similar benefit after
24 the member fails to satisfy the requirements,

1 unless the Secretary concerned determines that
2 the imposition of the repayment requirement
3 and termination of the payment of unpaid
4 amounts of the bonus or similar benefit with re-
5 gard to the member would be contrary to a per-
6 sonnel policy or management objective, would
7 be against equity and good conscience, or would
8 be contrary to the best interests of the United
9 States.”; and

10 (3) by redesignating paragraph (2) as subpara-
11 graph (B) of paragraph (1).

12 (b) MANDATORY PAYMENT OF UNPAID AMOUNTS
13 UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF
14 UNEARNED AMOUNTS.—Section 303a(e) of title 37,
15 United States Code, is amended by inserting after para-
16 graph (1), as amended by subsection (a), the following
17 new paragraph (2):

18 “(2)(A) If a member of the uniformed services dies
19 (other than as a result the member’s misconduct) or is
20 retired or separated for disability under chapter 61 of title
21 10, the Secretary concerned—

22 “(i) shall not require repayment by the member
23 or the member’s estate of the unearned portion of
24 any bonus or similar benefit previously paid to the
25 member; and

1 “(ii) shall require the payment to the member
2 or the member’s estate of the remainder of any
3 bonus or similar benefit that was not yet paid to the
4 member, but to which the member was entitled im-
5 mediately before the death, retirement, or separation
6 of the member, and would be paid if not for the
7 death, retirement, or separation of the member.

8 “(B) The amount to be paid under subparagraph
9 (A)(ii) shall be equal to the full amount specified by the
10 agreement or contract applicable to the bonus or similar
11 benefit as if the member continued to be entitled to the
12 bonus or similar benefit following the death, retirement,
13 or separation.

14 “(C) Amounts to be paid to a member or the mem-
15 ber’s estate under subparagraph (A)(ii) shall be paid in
16 a lump sum not later than 90 days after the date of the
17 death, retirement, or separation of the member, whichever
18 applies.”.

19 (c) CONFORMING AMENDMENTS REFLECTING CON-
20 SOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—

21 (1) CONFORMING AMENDMENTS.—Section 373
22 of title 37, United States Code, as added by section
23 661 of the National Defense Authorization Act for
24 Fiscal Year 2008, is amended—

25 (A) in subsection (a)—

1 (i) in the subsection heading, by in-
2 sserting “AND TERMINATION” after “RE-
3 PAYMENT”; and

4 (ii) by inserting before the period at
5 the end the following: “, and the member
6 may not receive any unpaid amounts of the
7 bonus, incentive pay, or similar benefit
8 after the member fails to satisfy such serv-
9 ice or eligibility requirement”; and

10 (B) by striking subsection (b) and insert-
11 ing the following new subsection:

12 “(b) EXCEPTIONS.—

13 “(1) DISCRETION TO PROVIDE EXCEPTION TO
14 TERMINATION AND REPAYMENT REQUIREMENTS.—

15 Pursuant to the regulations prescribed to administer
16 this section, the Secretary concerned may grant an
17 exception to the repayment requirement and require-
18 ment to terminate the payment of unpaid amounts
19 of a bonus, incentive pay, or similar benefit if the
20 Secretary concerned determines that the imposition
21 of the repayment and termination requirements with
22 regard to a member of the uniformed services would
23 be contrary to a personnel policy or management ob-
24 jective, would be against equity and good conscience,

1 or would be contrary to the best interests of the
2 United States.

3 “(2) MANDATORY PAYMENT OF UNPAID
4 AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO RE-
5 PAYMENT OF UNEARNED AMOUNTS.—(A) If a mem-
6 ber of the uniformed services dies (other than as a
7 result the member’s misconduct) or is retired or sep-
8 arated for disability under chapter 61 of title 10, the
9 Secretary concerned—

10 “(i) shall not require repayment by the
11 member or the member’s estate of the unearned
12 portion of any bonus, incentive pay, or similar
13 benefit previously paid to the member; and

14 “(ii) shall require the payment to the
15 member or the member’s estate of the remain-
16 der of any bonus, incentive pay, or similar ben-
17 efit that was not yet paid to the member, but
18 to which the member was entitled immediately
19 before the death, retirement, or separation of
20 the member, and would be paid if not for the
21 death, retirement, or separation of the member.

22 “(B) The amount to be paid under subpara-
23 graph (A)(ii) shall be equal to the full amount speci-
24 fied by the agreement or contract applicable to the
25 bonus, incentive pay, or similar benefit as if the

1 member continued to be entitled to the bonus, incen-
2 tive pay, or similar benefit following the death, re-
3 tirement, or separation.

4 “(C) Amounts to be paid to a member or the
5 member’s estate under subparagraph (A)(ii) shall be
6 paid in a lump sum not later than 90 days after the
7 date of the death, retirement, or separation of the
8 member, whichever applies.”.

9 (2) CLERICAL AMENDMENTS.—

10 (A) SECTION HEADING.—The heading of
11 such section is amended to read as follows:

12 **“§ 373. Repayment of unearned portion of bonus, in-**
13 **centive pay, or similar benefit, and termi-**
14 **nation of remaining payments, when con-**
15 **ditions of payment not met”.**

16 (B) TABLE OF CONTENTS.—The table of
17 sections at the beginning of chapter 5 of title
18 37, United States Code, is amended by striking
19 the item relating to section 373 and inserting
20 the following new item:

“373. Repayment of unearned portion of bonus, incentive pay, or similar benefit,
and termination of remaining payments, when conditions of
payment not met.”.

1 **SEC. 663. PROVIDING INJURED MEMBERS OF THE ARMED**
2 **FORCES INFORMATION CONCERNING BENE-**
3 **FITS.**

4 Section 1651 of the National Defense Authorization
5 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
6 476; 10 U.S.C. 1071 note) is amended to read as follows:

7 **“SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED**
8 **FORCES ON COMPENSATION AND BENEFITS**
9 **AVAILABLE FOR SERIOUS INJURIES AND ILL-**
10 **NESSES.**

11 “(a) INFORMATION ON AVAILABLE COMPENSATION
12 AND BENEFITS.—Not later than March 31, 2009, the Sec-
13 retary of Defense shall develop and maintain a comprehen-
14 sive description of the compensation and other benefits to
15 which a member of the Armed Forces, and the family of
16 such member, would be entitled upon the separation or
17 retirement of the member from the Armed Forces as a
18 result of a serious injury or illness. Such description shall
19 be published—

20 “(1) in a handbook; and

21 “(2) on a publically available, searchable Inter-
22 net website or comparable successor facility.

23 “(b) CONTENTS.—The comprehensive description
24 shall include the following:

25 “(1) The range of compensation and benefits
26 based on grade, length of service, degree of disability

1 at separation or retirement, and other factors affect-
2 ing compensation and benefits as the Secretary con-
3 siders appropriate.

4 “(2) Information concerning the Disability
5 Evaluation System of each military department, in-
6 cluding—

7 “(A) an explanation of the process of the
8 Disability Evaluation System;

9 “(B) a general timeline of the process of
10 the Disability Evaluation System;

11 “(C) the role and responsibilities of the
12 military department throughout the process of
13 the Disability Evaluation System; and

14 “(D) the role and responsibilities of a
15 member of the Armed Forces throughout the
16 process of the Disability Evaluation System.

17 “(3) Benefits administered by the Department
18 of Veterans Affairs that a member of the Armed
19 Forces would be entitled upon the separation or re-
20 tirement from the Armed Forces as a result of a se-
21 rious injury or illness.

22 “(4) A list of State veterans service organiza-
23 tions and their contact information and Internet
24 website addresses.

1 “(c) CONSULTATION.—The Secretary of Defense
2 shall develop and maintain the comprehensive description
3 required by subsection (a) in consultation with the Sec-
4 retary of Veterans Affairs, the Secretary of Health and
5 Human Services, and the Commissioner of Social Secu-
6 rity.

7 “(d) UPDATE.—The Secretary of Defense shall up-
8 date—

9 “(1) the handbook on a periodic basis, but not
10 less often than annually; and

11 “(2) the Internet website or comparable suc-
12 cessor facility immediately after any change has
13 been made to the compensation or other benefits de-
14 scribed in subsection (a).

15 “(e) PROVISION TO MEMBERS.—The Secretary of the
16 military department concerned shall provide the handbook
17 to each member of the Armed Forces under the jurisdic-
18 tion of that Secretary as soon as practicable following an
19 injury or illness for which the member may retire or sepa-
20 rate from the Armed Forces.

21 “(f) PROVISION TO REPRESENTATIVES.—If a mem-
22 ber is incapacitated or otherwise unable to receive the
23 handbook, the handbook shall be provided to the next of
24 kin or a legal representative of the member, as determined
25 in accordance with regulations prescribed by the Secretary

1 of the military department concerned for purposes of this
2 section.”.

3 **SEC. 664. POSTAL BENEFITS PROGRAM FOR MEMBERS OF**
4 **THE ARMED FORCES SERVING IN IRAQ OR**
5 **AFGHANISTAN.**

6 (a) AVAILABILITY OF POSTAL BENEFITS.—The Sec-
7 retary of Defense, in consultation with the United States
8 Postal Service, shall provide for a program under which
9 postal benefits are provided to qualified individuals in ac-
10 cordance with this section.

11 (b) QUALIFIED INDIVIDUAL.—In this section, the
12 term “qualified individual” means a member of the Armed
13 Forces on active duty (as defined in section 101 of title
14 10, United States Code) who—

15 (1) is serving in Iraq or Afghanistan; or

16 (2) is hospitalized at a facility under the juris-
17 diction of the Department of Defense as a result of
18 a disease or injury incurred as a result of service in
19 Iraq or Afghanistan.

20 (c) POSTAL BENEFITS DESCRIBED.—

21 (1) VOUCHERS.—The postal benefits provided
22 under the program shall consist of such coupons or
23 other similar evidence of credit, whether in printed,
24 electronic, or other format (in this section referred
25 to as a “voucher”), as the Secretary of Defense, in

1 consultation with the Postal Service, shall determine,
2 which entitle the bearer or user to make qualified
3 mailings free of postage.

4 (2) QUALIFIED MAILING.—In this section, the
5 term “qualified mailing” means the mailing of a sin-
6 gle mail piece which—

7 (A) is first-class mail (including any
8 sound- or video-recorded communication) not
9 exceeding 13 ounces in weight and having the
10 character of personal correspondence or parcel
11 post not exceeding 10 pounds in weight;

12 (B) is sent from within an area served by
13 a United States post office; and

14 (C) is addressed to a qualified individual.

15 (3) COORDINATION RULE.—Postal benefits
16 under the program are in addition to, and not in lieu
17 of, any reduced rates of postage or other similar
18 benefits which might otherwise be available by or
19 under law, including any rates of postage resulting
20 from the application of section 3401(b) of title 39,
21 United States Code.

22 (d) NUMBER OF VOUCHERS.—A member of the
23 Armed Forces shall be eligible for one voucher for every
24 second month in which the member is a qualified indi-
25 vidual.

1 (e) LIMITATIONS ON USE; DURATION.—A voucher
2 may not be used—

3 (1) for more than a single qualified mailing; or

4 (2) after the earlier of—

5 (A) the expiration date of the voucher, as
6 designated by the Secretary of Defense; or

7 (B) the end of the one-year period begin-
8 ning on the date on which the regulations pre-
9 scribed under subsection (f) take effect.

10 (f) REGULATIONS.—Not later than 30 days after the
11 date of the enactment of this Act, the Secretary of Defense
12 (in consultation with the Postal Service) shall prescribe
13 such regulations as may be necessary to carry out the pro-
14 gram, including—

15 (1) procedures by which vouchers will be pro-
16 vided or made available in timely manner to quali-
17 fied individuals; and

18 (2) procedures to ensure that the number of
19 vouchers provided or made available with respect to
20 any qualified individual complies with subsection (d).

21 (g) TRANSFERS TO POSTAL SERVICE.—

22 (1) BASED ON ESTIMATES.—The Secretary of
23 Defense shall transfer to the Postal Service, out of
24 amounts available to carry out the program and in
25 advance of each calendar quarter during which post-

1 al benefits may be used under the program, an
2 amount equal to the amount of postal benefits that
3 the Secretary estimates will be used during such
4 quarter, reduced or increased (as the case may be)
5 by any amounts by which the Secretary finds that
6 a determination under this section for a prior quar-
7 ter was greater than or less than the amount finally
8 determined for such quarter.

9 (2) BASED ON FINAL DETERMINATION.—A
10 final determination of the amount necessary to cor-
11 rect any previous determination under this section,
12 and any transfer of amounts between the Postal
13 Service and the Department of Defense based on
14 that final determination, shall be made not later
15 than six months after the end of the one-year period
16 referred to in subsection (e)(2)(B).

17 (3) CONSULTATION REQUIRED.—All estimates
18 and determinations under this subsection of the
19 amount of postal benefits under the program used in
20 any period shall be made by the Secretary of De-
21 fense in consultation with the Postal Service.

22 (h) FUNDING.—

23 (1) INCREASE.—The amount authorized to be
24 appropriated by section 421 for military personnel is
25 hereby increased by \$10,000,000, and such amount

1 shall be available for postal benefits provided in this
 2 section.

3 (2) OFFSETTING REDUCTION.—Funds author-
 4 ized to be appropriated in fiscal year 2009 for Mili-
 5 tary Personnel are reduced by \$10,000,000.

6 **TITLE VII—HEALTH CARE**
 7 **PROVISIONS**

Subtitle A—Improvements to Health Benefits

- Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
- Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
- Sec. 703. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
- Sec. 704. Chiropractic health care for members on active duty.
- Sec. 705. Requirement to recalculate TRICARE Reserve Select premiums based on actual cost data.
- Sec. 706. Program for health care delivery at military installations projected to grow.
- Sec. 707. Guidelines for combined Federal medical facilities.
- Sec. 708. Reserve component behavioral health care provider locator and appointment assistance demonstration project.

Subtitle B—Preventive Care

- Sec. 711. Waiver of copayments for preventive services for certain TRICARE beneficiaries.
- Sec. 712. Military health risk management demonstration project.
- Sec. 713. Smoking cessation program under TRICARE.
- Sec. 714. Preventive health allowance.

Subtitle C—Wounded Warrior Matters

- Sec. 721. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.
- Sec. 722. Clarification to center of excellence relating to military eye injuries.
- Sec. 723. National Casualty Care Research Center.
- Sec. 724. Peer-reviewed research program on extremity war injuries.
- Sec. 725. Review of policies and processes related to the delivery of mail to wounded members of the Armed Forces.
- Sec. 726. Post-deployment mental health screening demonstration project.

Subtitle D—Other Matters

- Sec. 731. Report on stipend for members of reserve components for health care for certain dependents.

- Sec. 732. Report on providing the Extended Care Health Option Program to autistic dependents of military retirees.
- Sec. 733. Sense of Congress regarding autism therapy services.
- Sec. 734. Report on implementation of recommendations contained in report on health effects of exposure to depleted uranium.
- Sec. 735. Suicide Risk by Military Occupation.
- Sec. 736. Implementation of recommendations of Department of Defense Mental Health Task Force.
- Sec. 737. Transitional health care for certain members of the Armed Forces who agree to serve in the Selected Reserve of the Ready Reserve.

1 **Subtitle A—Improvements to**
 2 **Health Benefits**

3 **SEC. 701. ONE-YEAR EXTENSION OF PROHIBITION ON IN-**
 4 **CREASES IN CERTAIN HEALTH CARE COSTS**
 5 **FOR MEMBERS OF THE UNIFORMED SERV-**
 6 **ICES.**

7 (a) CHARGES UNDER CONTRACTS FOR MEDICAL
 8 CARE.—Section 1097(e) of title 10, United States Code,
 9 is amended by striking “September 30, 2008” and insert-
 10 ing “September 30, 2009”.

11 (b) CHARGES FOR INPATIENT CARE.—Section
 12 1086(b)(3) of such title is amended by striking “Sep-
 13 tember 30, 2008” and inserting “September 30, 2009”.

14 **SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN CO-**
 15 **PAYMENTS UNDER RETAIL PHARMACY SYS-**
 16 **TEM OF PHARMACY BENEFITS PROGRAM.**

17 During the period beginning on October 1, 2008, and
 18 ending on September 30, 2009, the cost sharing require-
 19 ments established under paragraph (6) of section
 20 1074g(a) of title 10, United States Code, for pharma-

1 ceutical agents available through retail pharmacies cov-
2 ered by paragraph (2)(E)(ii) of such section may not ex-
3 ceed amounts as follows:

4 (1) In the case of generic agents, \$3.

5 (2) In the case of formulary agents, \$9.

6 (3) In the case of nonformulary agents, \$22.

7 **SEC. 703. PROHIBITION ON CONVERSION OF MILITARY**
8 **MEDICAL AND DENTAL POSITIONS TO CIVIL-**
9 **IAN MEDICAL AND DENTAL POSITIONS.**

10 (a) PROHIBITION.—The Secretary of a military de-
11 partment may not convert any military medical or dental
12 position to a civilian medical or dental position on or after
13 October 1, 2008.

14 (b) RESTORATION OF CERTAIN POSITIONS TO MILI-
15 TARY POSITIONS.—In the case of any military medical or
16 dental position that is converted to a civilian medical or
17 dental position during the period beginning on October 1,
18 2004, and ending on September 30, 2008, if the position
19 is not filled by a civilian by September 30, 2008, the Sec-
20 retary of the military department concerned shall restore
21 the position to a military medical or dental position that
22 can be filled only by a member of the Armed Forces who
23 is a health professional.

24 (c) DEFINITIONS.—In this section:

1 (1) The term “military medical or dental posi-
2 tion” means a position for the performance of health
3 care functions (or coded to work within a military
4 treatment facility) within the Armed Forces held by
5 a member of the Armed Forces.

6 (2) The term “civilian medical or dental posi-
7 tion” means a position for the performance of health
8 care functions within the Department of Defense
9 held by an employee of the Department or of a con-
10 tractor of the Department.

11 (3) The term “conversion”, with respect to a
12 military medical or dental position, means a change
13 of the position to a civilian medical or dental posi-
14 tion, effective as of the date of the manning author-
15 ization document of the military department making
16 the change (through a change in designation from
17 military to civilian in the document, the elimination
18 of the listing of the position as a military position
19 in the document, or through any other means indi-
20 cating the change in the document or otherwise).

21 (d) REPEAL.—Section 721 of the National Defense
22 Authorization Act for Fiscal Year 2008 (Public Law 110–
23 181) is repealed.

1 **SEC. 704. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON**
2 **ACTIVE DUTY.**

3 (a) REQUIREMENT FOR CHIROPRACTIC CARE.—Sub-
4 ject to such regulations as the Secretary of Defense may
5 prescribe, the Secretary shall provide chiropractic services
6 for members of the uniformed services who are entitled
7 to care under section 1074(a) of title 10, United States
8 Code. Such chiropractic services may be provided only by
9 a doctor of chiropractic.

10 (b) DEMONSTRATION PROJECTS.—The Secretary of
11 Defense may conduct one or more demonstration projects
12 to provide chiropractic services to deployed members of the
13 uniformed services. Such chiropractic services may be pro-
14 vided only by a doctor of chiropractic.

15 (c) DEFINITIONS.—In this section:

16 (1) The term “chiropractic services”—

17 (A) includes diagnosis (including by diag-
18 nostic X-ray tests), evaluation and manage-
19 ment, and therapeutic services for the treat-
20 ment of a patient’s health condition, including
21 neuromusculoskeletal conditions and the sub-
22 luxation complex, and such other services deter-
23 mined appropriate by the Secretary and as au-
24 thorized under State law; and

25 (B) does not include the use of drugs or
26 surgery.

1 (2) The term “doctor of chiropractic” means
2 only a doctor of chiropractic who is licensed as a
3 doctor of chiropractic, chiropractic physician, or chi-
4 ropractor by a State, the District of Columbia, or a
5 territory or possession of the United States.

6 **SEC. 705. REQUIREMENT TO RECALCULATE TRICARE RE-**
7 **SERVE SELECT PREMIUMS BASED ON AC-**
8 **TUAL COST DATA.**

9 (a) **CALCULATION BASED ON ACTUAL COST DATA.**—
10 Paragraph (3) of section 1076d(d) of title 10, United
11 States Code, is amended to read as follows:

12 “(3) The monthly amount of the premium in effect
13 for a month for TRICARE Standard coverage under this
14 section shall be not more than the lesser of—

15 “(A) the amount equal to 28 percent of the
16 total average monthly amount for that coverage, as
17 determined by the Secretary based on actual cost
18 data for the preceding fiscal year; or

19 “(B) the amount in effect for the month of
20 March 2006.”.

21 (b) **EFFECTIVE DATE.**—Paragraph (3) of section
22 1076d(d) of title 10, United States Code, as amended by
23 this section, shall apply with respect to fiscal year 2009
24 and fiscal years thereafter.

1 **SEC. 706. PROGRAM FOR HEALTH CARE DELIVERY AT MILI-**
2 **TARY INSTALLATIONS PROJECTED TO GROW.**

3 (a) PROGRAM.—Not later than 90 days after the date
4 of the enactment of this Act, the Secretary of Defense
5 shall develop a plan to establish a program to build cooper-
6 ative health care arrangements and agreements between
7 military installations projected to grow and local and re-
8 gional non-military health care systems.

9 (b) REQUIREMENTS OF PLAN.—In developing the
10 plan, the Secretary of Defense shall—

11 (1) identify and analyze health care delivery op-
12 tions involving the private sector and health care
13 services in military facilities located on military in-
14 stallations;

15 (2) develop methods for determining the cost
16 avoidance or savings resulting from innovative part-
17 nerships between the Department of Defense and
18 the private sector;

19 (3) develop requirements for Department of De-
20 fense health care providers to deliver health care in
21 civilian community hospitals; and

22 (4) collaborate with State and local authorities
23 to create an arrangement to share and exchange, be-
24 tween the Department of Defense and nonmilitary
25 health care systems, personal health information,
26 and data of military personnel and their families.

1 (c) COORDINATION WITH OTHER ENTITIES.—The
2 plan shall include requirements for coordination with Fed-
3 eral, State, and local entities, TRICARE managed care
4 support contractors, and other contracted assets around
5 installations selected for participation in the program.

6 (d) CONSULTATION REQUIREMENTS.—The Secretary
7 of Defense shall develop the plan in consultation with the
8 Secretaries of the military departments.

9 (e) SELECTION OF MILITARY INSTALLATIONS.—The
10 program shall be implemented at each installation partici-
11 pating in the pilot program conducted pursuant to section
12 721 of the Ronald W. Reagan National Defense Author-
13 ization Act for Fiscal Year 2005 (Public Law 108–375;
14 118 Stat. 1988) and other military installations selected
15 by the Secretary of Defense. Each selected military instal-
16 lation shall meet the following criteria:

17 (1) The military installation has members of
18 the Armed Forces on active duty and members of re-
19 serve components of the Armed Forces that use the
20 installation as a training and operational base, with
21 members routinely deploying in support of the global
22 war on terrorism.

23 (2) The military population of an installation
24 will significantly increase by 2013 due to actions re-
25 lated to either Grow the Force initiatives or rec-

1 ommendations of the Defense Base Realignment and
2 Closure Commission.

3 (3) There is a military treatment facility on the
4 installation that has—

5 (A) no inpatient or trauma center care ca-
6 pabilities; and

7 (B) no current or planned capacity that
8 would satisfy the proposed increase in military
9 personnel at the installation.

10 (4) There is a civilian community hospital near
11 the military installation, and the military treatment
12 facility has—

13 (A) no inpatient services or limited capa-
14 bility to expand inpatient care beds, intensive
15 care, and specialty services; and

16 (B) limited or no capability to provide
17 trauma care.

18 (f) REPORTS.—Not later than one year after the date
19 of the enactment of this Act, and every year thereafter,
20 the Secretary of Defense shall submit to the Committees
21 on Armed Services of the Senate and House of Represent-
22 atives an annual report describing the results of the pro-
23 gram.

1 **SEC. 707. GUIDELINES FOR COMBINED FEDERAL MEDICAL**
2 **FACILITIES.**

3 Before a facility may be designated a combined Fed-
4 eral medical facility of the Department of Defense and the
5 Department of Veterans Affairs, the Secretary of Defense
6 and the Secretary of Veterans Affairs shall issue a signed
7 agreement that specifies, at a minimum, a binding oper-
8 ational agreement on the following areas:

- 9 (1) Patient priority categories.
10 (2) Budgeting.
11 (3) Staffing.
12 (4) Construction.
13 (5) Physical plant management.

14 **SEC. 708. RESERVE COMPONENT BEHAVIORAL HEALTH**
15 **CARE PROVIDER LOCATOR AND APPOINT-**
16 **MENT ASSISTANCE DEMONSTRATION**
17 **PROJECT.**

18 (a) DEMONSTRATION PROJECT.—The Secretary of
19 Defense shall conduct a demonstration project to assess
20 the feasibility and efficacy of providing a behavioral health
21 care provider locator and appointment assistance service
22 to members of the reserve components of the Armed
23 Forces.

24 (b) ELEMENTS.—The demonstration project shall in-
25 clude, at a minimum, a toll-free hotline, staffed and avail-
26 able 24 hours a day 7 days a week, to help members of

1 the reserve components find behavioral health care pro-
2 viders and schedule outpatient appointments in the
3 TRICARE network.

4 (c) ELIGIBILITY.—In order to be eligible for the dem-
5 onstration project, a member of the Armed Forces shall
6 meet the following requirements:

7 (1) Be a member of the Selected Reserve.

8 (2) Be enrolled in TRICARE Reserve Select.

9 (d) IMPLEMENTATION.—The demonstration project
10 shall be implemented not later than 180 days after the
11 date of the enactment of this Act.

12 (e) SUNSET.—The authority for the demonstration
13 project required by this section shall expire on September
14 30, 2011.

15 (f) REPORTS.—The Secretary of Defense shall sub-
16 mit to the congressional defense committees the following
17 reports:

18 (1) PLAN.—Not later than 90 days after the
19 date of the enactment of this Act, a report con-
20 taining a plan to implement the demonstration
21 project required by this section.

22 (2) UPDATES.—Not later than 180 days after
23 such date of enactment and every 180 days there-
24 after, a report containing an update on the dem-
25 onstration project.

1 (3) FINAL EVALUATION.—Not later than Janu-
2 ary 1, 2012, a report containing a final written eval-
3 uation, including recommendations for the extension
4 or expansion of the demonstration project.

5 **Subtitle B—Preventive Care**

6 **SEC. 711. WAIVER OF COPAYMENTS FOR PREVENTIVE** 7 **SERVICES FOR CERTAIN TRICARE BENE-** 8 **FICIARIES.**

9 (a) WAIVER OF CERTAIN COPAYMENTS.—Subject to
10 subsection (b) and under regulations prescribed by the
11 Secretary of Defense, the Secretary shall—

12 (1) waive all copayments under sections
13 1079(b) and 1086(b) of title 10, United States
14 Code, for preventive services for all beneficiaries who
15 would otherwise pay copayments; and

16 (2) ensure that a beneficiary pays nothing for
17 preventive services during a year even if the bene-
18 ficiary has not paid the amount necessary to cover
19 the beneficiary's deductible for the year.

20 (b) EXCLUSION FOR MEDICARE-ELIGIBLE BENE-
21 FICIARIES.—Subsection (a) shall not apply to a medicare-
22 eligible beneficiary.

23 (c) REFUND OF COPAYMENTS.—

24 (1) AUTHORITY.—Under regulations prescribed
25 by the Secretary of Defense, the Secretary may pay

1 a refund to a medicare-eligible beneficiary excluded
2 by subsection (b), subject to the availability of ap-
3 propriations specifically for such refunds, consisting
4 of an amount up to the difference between—

5 (A) the amount the beneficiary pays for co-
6 payments for preventive services during fiscal
7 year 2009; and

8 (B) the amount the beneficiary would have
9 paid during such fiscal year if the copayments
10 for preventive services had been waived pursu-
11 ant to subsection (a) during that year.

12 (2) COPAYMENTS COVERED.—The refunds
13 under paragraph (1) are available only for copay-
14 ments paid by medicare-eligible beneficiaries during
15 fiscal year 2009.

16 (3) FUNDING.—Of the amounts authorized to
17 be appropriated under title XIV of this Act for the
18 Defense Health Program, \$10,000,000 is authorized
19 for the purposes of the refund authorized under this
20 subsection.

21 (d) DEFINITIONS.—In this section:

22 (1) PREVENTIVE SERVICES.—The term “pre-
23 ventive services” includes, taking into consideration
24 the age and gender of the beneficiary:

25 (A) Colorectal screening.

- 1 (B) Breast screening.
- 2 (C) Cervical screening.
- 3 (D) Prostate screening.
- 4 (E) Annual physical exam.
- 5 (F) Vaccinations

6 (2) **MEDICARE-ELIGIBLE.**—The term “medi-
7 care-eligible” has the meaning provided by section
8 1111((b) of title 10, United States Code.

9 **SEC. 712. MILITARY HEALTH RISK MANAGEMENT DEM-**
10 **ONSTRATION PROJECT.**

11 (a) **DEMONSTRATION PROJECT REQUIRED.**—The
12 Secretary of Defense shall conduct a demonstration
13 project designed to evaluate the efficacy of providing in-
14 centives to encourage healthy behaviors on the part of eli-
15 gible military health system beneficiaries.

16 (b) **ELEMENTS OF DEMONSTRATION PROJECT.**—

17 (1) **WELLNESS ASSESSMENT.**—The Secretary
18 shall develop a wellness assessment to be offered to
19 beneficiaries enrolled in the demonstration project.
20 The wellness assessment shall incorporate nationally
21 recognized standards for health and healthy behav-
22 iors and shall be offered to determine a baseline and
23 at appropriate intervals determined by the Sec-
24 retary. The wellness assessment shall include the fol-
25 lowing:

1 (A) A self-reported health risk assessment.

2 (B) Physiological and biometric measures,

3 including at least—

4 (i) blood pressure;

5 (ii) glucose level;

6 (iii) lipids; and

7 (iv) nicotine use.

8 (2) POPULATION ENROLLED.—Non-medicare el-
9 igible retired beneficiaries of the military health sys-
10 tem and their dependents who are enrolled in
11 TRICARE Prime and who reside in the demonstra-
12 tion project service area shall be enrolled in the dem-
13 onstration project.

14 (3) GEOGRAPHIC COVERAGE OF DEMONSTRA-
15 TION PROJECT.—The demonstration project shall be
16 conducted in at least three geographic areas within
17 the United States where TRICARE Prime is of-
18 fered, as determined by the Secretary. The area cov-
19 ered by the project shall be referred to as the dem-
20 onstration project service area.

21 (4) PROGRAMS.—The Secretary shall develop
22 programs to assist enrollees to improve healthy be-
23 haviors, as identified by the wellness assessment.

24 (5) INCLUSION OF INCENTIVES REQUIRED.—
25 For the purpose of conducting the demonstration

1 project, the Secretary may offer monetary and non-
2 monetary incentives to enrollees to encourage par-
3 ticipation in the demonstration project.

4 (c) EVALUATION OF DEMONSTRATION PROJECT.—

5 The Secretary shall annually evaluate the demonstration
6 project for the following:

7 (1) The extent to which the health risk assess-
8 ment and the physiological and biometric measures
9 of beneficiaries are improved from the baseline (as
10 determined in the wellness assessment).

11 (2) In the case of baseline health risk assess-
12 ments and physiological and biometric measures that
13 reflect healthy behaviors, the extent to which the
14 measures are maintained.

15 (d) IMPLEMENTATION PLAN.—The Secretary of De-
16 fense shall submit a plan to implement the health risk
17 management demonstration project required by this sec-
18 tion not later than 90 days after the date of the enactment
19 of this Act.

20 (e) DURATION OF PROJECT.—The health risk man-
21 agement demonstration project shall be implemented for
22 a period of three years, beginning not later than March
23 1, 2009, and ending three years after that date.

24 (f) REPORT.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall submit to the Committees on Armed Services
3 of the Senate and the House of Representatives an
4 annual report on the effectiveness of the health risk
5 management demonstration project in improving the
6 health risk measures of military health system bene-
7 ficiaries enrolled in the demonstration project. The
8 first report shall be submitted not later than one
9 year after the date of the enactment of this Act, and
10 subsequent reports shall be submitted for each year
11 of the demonstration project with the final report
12 being submitted not later than 90 days after the ter-
13 mination of the demonstration project.

14 (2) MATTERS COVERED.—Each report shall ad-
15 dress, at a minimum, the following:

16 (A) The number of beneficiaries who were
17 enrolled in the project.

18 (B) The number of enrolled beneficiaries
19 who participate in the project.

20 (C) The incentives to encourage healthy
21 behaviors that were provided to the bene-
22 ficiaries in each beneficiary category, and the
23 extent to which the incentives encouraged
24 healthy behaviors.

1 (D) An assessment of the effectiveness of
2 the demonstration project.

3 (E) Recommendations for adjustments to
4 the demonstration project.

5 (F) The estimated costs avoided as a re-
6 sult of decreased health risk conditions on the
7 part of each of the beneficiary categories.

8 (G) Recommendations for extending the
9 demonstration project or implementing a per-
10 manent wellness assessment program.

11 (H) Identification of legislative authorities
12 required to implement a permanent program.

13 **SEC. 713. SMOKING CESSATION PROGRAM UNDER TRICARE.**

14 (a) **TRICARE SMOKING CESSATION PROGRAM.**—

15 Not later than 180 days after the date of the enactment
16 of this Act, the Secretary of Defense shall establish a
17 smoking cessation program under the TRICARE pro-
18 gram, to be made available to all beneficiaries under the
19 TRICARE program who are not medicare-eligible. The
20 Secretary may prescribe such regulations as may be nec-
21 essary to implement the program.

22 (b) **ELEMENTS.**—The program shall include, at a
23 minimum, the following elements:

24 (1) The availability, at no cost to the bene-
25 ficiary, of pharmaceuticals used for smoking ces-

1 sation, with a limitation on the availability of such
2 pharmaceuticals to the national mail-order pharmacy
3 program under the TRICARE program if appro-
4 priate.

5 (2) Access to a toll-free quit line that is avail-
6 able 24 hours a day, 7 days a week.

7 (3) Access to printed and Internet web-based
8 tobacco cessation material.

9 (c) PLAN.—Not later than 90 days after the date of
10 the enactment of this Act, the Secretary shall submit to
11 the congressional defense committees a plan to implement
12 the program.

13 (d) REFUND OF COPAYMENTS.—

14 (1) AUTHORITY.—Under regulations prescribed
15 by the Secretary of Defense, the Secretary may pay
16 a refund to a medicare-eligible beneficiary otherwise
17 excluded by this section, subject to the availability of
18 appropriations specifically for such refunds, con-
19 sisting of an amount up to the difference between—

20 (A) the amount the beneficiary pays for co-
21 payments for smoking cessation services de-
22 scribed in subsection (b) during fiscal year
23 2009; and

24 (B) the amount the beneficiary would have
25 paid during such fiscal year if the beneficiary

1 had not been excluded under subsection (a)
2 from the smoking cessation program under that
3 subsection.

4 (2) COPAYMENTS COVERED.—The refunds
5 under paragraph (1) are available only for copay-
6 ments paid by medicare-eligible beneficiaries during
7 fiscal year 2009.

8 (3) FUNDING.—Of the amounts authorized to
9 be appropriated under title XIV for the Defense
10 Health Program, \$3,000,000 is authorized for the
11 purposes of the refund authorized under this sub-
12 section.

13 (e) REPORT.—Not later than one year after the date
14 of the enactment of this Act, the Secretary shall submit
15 to the congressional defense committees a report covering
16 the following:

17 (1) The status of the program.

18 (2) The number of participants in the program.

19 (3) The cost of the program.

20 (4) The costs avoided that are attributed to the
21 program.

22 (5) The success rates of the program compared
23 to other nationally recognized smoking cessation pro-
24 grams.

1 (6) Findings regarding the success rate of par-
2 ticipants in the program.

3 (7) Recommendations to modify the policies and
4 procedures of the program.

5 (8) Recommendations concerning the future
6 utility of the program.

7 (f) DEFINITIONS.—In this section:

8 (1) TRICARE PROGRAM.—The term
9 “TRICARE program” has the meaning provided by
10 section 1072(7) of title 10, United States Code.

11 (2) MEDICARE-ELIGIBLE.—The term “medi-
12 care-eligible” has the meaning provided by section
13 1111(b) of title 10, United States Code.

14 **SEC. 714. PREVENTIVE HEALTH ALLOWANCE.**

15 (a) ALLOWANCE.—Chapter 7 of title 37, United
16 States Code, is amended by adding at the end the fol-
17 lowing new section:

18 **“§ 438. Preventive health services allowance**

19 “(a) DEMONSTRATION PROJECT.—During the period
20 beginning on January 1, 2009, and ending on December
21 31, 2011, the Secretary of Defense shall conduct a dem-
22 onstration project designed to evaluate the efficacy of pro-
23 viding an annual allowance (to be known as a ‘preventive
24 health services allowance’) to members of the armed forces
25 described in subsection (b) to increase the use of preven-

1 tive health services by such members and their depend-
2 ents.

3 “(b) ELIGIBLE MEMBERS.—(1) Subject to the nu-
4 merical limitations specified in paragraph (2), a member
5 of the armed forces who is serving on active duty for a
6 period of more than 30 days and meets the medical and
7 dental readiness requirements for the armed force of the
8 member may receive a preventive health services allow-
9 ance.

10 “(2) Not more than 1,500 members of each of the
11 Army, Navy, Air Force, and Marine Corps may receive
12 a preventive health services allowance during any year, of
13 which half in each armed force shall be members without
14 dependents and half shall be members with dependents.

15 “(c) AMOUNT OF ALLOWANCE.—The Secretary of the
16 military department concerned shall pay a preventive
17 health services allowance to a member selected to receive
18 the allowance in an amount equal to—

19 “(1) \$500 per year, in the case of a member
20 without dependents; and

21 “(2) \$1,000 per year, in the case of a member
22 with dependents.

23 “(d) AUTHORIZED PREVENTIVE HEALTH SERV-
24 ICES.—(1) The Secretary of Defense shall specify the
25 types of preventive health services that may be procured

1 using a preventive health services allowance and the fre-
2 quency at which such services may be procured.

3 “(2) At a minimum, authorized preventive health
4 services shall include, taking into consideration the age
5 and gender of the member and dependents of the member:

6 “(A) Colorectal screening.

7 “(B) Breast screening.

8 “(C) Cervical screening.

9 “(D) Prostate screening.

10 “(E) Annual physical exam.

11 “(F) Annual dental exam.

12 “(G) Vaccinations.

13 “(3) The Secretary of Defense shall ensure that
14 members selected to receive the preventive health services
15 allowance and their dependents are provided a reasonable
16 opportunity to receive the services authorized under this
17 subsection in their local area.

18 “(e) DATA COLLECTION.—At a minimum, the Sec-
19 retary of Defense shall monitor and record the health of
20 members receiving a preventive health services allowance
21 and their dependents and the results the testing required
22 to qualify for payment of the allowance, if conducted. The
23 Secretary shall assess the medical utility of the testing re-
24 quired to qualify for payment of a preventive health allow-
25 ance.

1 “(f) REPORTING REQUIREMENT.—Not later than
 2 March 31, 2010, and March 31, 2012, the Secretary of
 3 Defense shall submit to Congress a report on the status
 4 of the demonstration project, including findings regarding
 5 the medical status of participants, recommendations to
 6 modify the policies and procedures of the program, and
 7 recommendations concerning the future utility of the
 8 project.

9 “(g) REGULATIONS.—The Secretary of Defense shall
 10 prescribe regulations to carry out this section.”.

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

“438. Preventive health care allowance.”.

14 **Subtitle C—Wounded Warrior**
 15 **Matters**

16 **SEC. 721. CENTER OF EXCELLENCE IN PREVENTION, DIAG-**
 17 **NOSIS, MITIGATION, TREATMENT, AND REHA-**
 18 **BILITATION OF HEARING LOSS AND AUDI-**
 19 **TORY SYSTEM INJURIES.**

20 (a) IN GENERAL.—The Secretary of Defense shall es-
 21 tablish within the Department of Defense a center of ex-
 22 cellence in the prevention, diagnosis, mitigation, treat-
 23 ment, and rehabilitation of hearing loss and auditory sys-
 24 tem injury to carry out the responsibilities specified in
 25 subsection (c).

1 (b) PARTNERSHIPS.—The Secretary shall ensure that
2 the center collaborates to the maximum extent practicable
3 with the Secretary of Veterans Affairs, institutions of
4 higher education, and other appropriate public and private
5 entities (including international entities) to carry out the
6 responsibilities specified in subsection (c).

7 (c) RESPONSIBILITIES.—

8 (1) IN GENERAL.—The center shall—

9 (A) implement a comprehensive plan and
10 strategy for the Department of Defense, as de-
11 veloped by the Secretary of Defense, for a reg-
12 istry of information for the tracking of the di-
13 agnosis, surgical intervention or other operative
14 procedure, other treatment, and follow up for
15 each case of hearing loss and auditory system
16 injury incurred by a member of the Armed
17 Forces while serving on active duty;

18 (B) ensure the electronic exchange with
19 the Secretary of Veterans Affairs of information
20 obtained through tracking under subparagraph
21 (A); and

22 (C) enable the Secretary of Veterans Af-
23 fairs to access the registry and add information
24 pertaining to additional treatments or surgical
25 procedures and eventual hearing outcomes for

1 veterans who were entered into the registry and
2 subsequently received treatment through the
3 Veterans Health Administration.

4 (2) DESIGNATION OF REGISTRY.—The registry
5 under this subsection shall be known as the “Hear-
6 ing Loss and Auditory System Injury Registry”
7 (hereinafter referred to as the “Registry”).

8 (3) CONSULTATION IN DEVELOPMENT.—The
9 center shall develop the Registry in consultation with
10 audiologists, speech and language pathologists,
11 otolaryngologists, and other specialist personnel of
12 the Department of Defense and the audiologists,
13 speech and language pathologists, otolaryngologists,
14 and other specialist personnel of the Department of
15 Veterans Affairs. The mechanisms and procedures of
16 the Registry shall reflect applicable expert research
17 on military and other hearing loss.

18 (4) MECHANISMS.—The mechanisms of the
19 Registry for tracking under paragraph (1)(A) shall
20 ensure that each military medical treatment facility
21 or other medical facility shall submit to the center
22 for inclusion in the Registry information on the di-
23 agnosis, surgical intervention or other operative pro-
24 cedure, other treatment, and follow up for each case
25 of hearing loss and auditory system injury described

1 in that paragraph as follows (to the extent applica-
2 ble):

3 (A) Not later than 30 days after surgery
4 or other operative intervention, including a sur-
5 gery or other operative intervention carried out
6 as a result of a follow-up examination.

7 (B) Not later than 180 days after the
8 hearing loss and auditory system injury is re-
9 ported or recorded in the medical record.

10 (5) COORDINATION OF CARE AND BENEFITS.—

11 (A) The center shall provide notice to the National
12 Center for Rehabilitative Auditory Research
13 (NCRAR) of the Department of Veterans Affairs
14 and to the auditory system impairment services of
15 the Veterans Health Administration on each member
16 of the Armed Forces described in subparagraph (B)
17 for purposes of ensuring the coordination of the pro-
18 vision of ongoing auditory system rehabilitation ben-
19 efits and services by the Department of Veterans Af-
20 fairs after the separation or release of such member
21 from the Armed Forces.

22 (B) A member of the Armed Forces described
23 in this subparagraph is a member of the Armed
24 Forces with significant hearing loss or auditory sys-
25 tem injury incurred while serving on active duty, in-

1 including a member with auditory dysfunction related
2 to traumatic brain injury.

3 (d) UTILIZATION OF REGISTRY INFORMATION.—The
4 Secretary of Defense and the Secretary of Veterans Af-
5 fairs shall jointly ensure that information in the Registry
6 is available to appropriate audiologists, speech and lan-
7 guage pathologists, otolaryngologists, and other specialist
8 personnel of the Department of Defense and the Depart-
9 ment of Veterans Affairs for purposes of encouraging and
10 facilitating the conduct of research, and the development
11 of best practices and clinical education, on hearing loss
12 or auditory system injury incurred by members of the
13 Armed Forces.

14 (e) INCLUSION OF RECORDS OF OIF/OEF VET-
15 ERANS.—The Secretary of Defense shall take appropriate
16 actions to include in the Registry such records of members
17 of the Armed Forces who incurred a hearing loss or audi-
18 tory system injury while serving on active duty on or after
19 September 11, 2001, but before the establishment of the
20 Registry, as the Secretary considers appropriate for pur-
21 poses of the Registry.

22 **SEC. 722. CLARIFICATION TO CENTER OF EXCELLENCE RE-**
23 **LATING TO MILITARY EYE INJURIES.**

24 Section 1623(d) of Public Law 110–181 is amended
25 by striking “in combat” at the end.

1 **SEC. 723. NATIONAL CASUALTY CARE RESEARCH CENTER.**

2 (a) REDESIGNATION OF RESEARCH PROGRAM AS
3 CENTER.—Not later than October 1, 2009, the Secretary
4 of Defense shall designate a center be known as the “Na-
5 tional Casualty Care Research Center” (in this section re-
6 ferred to as the “Center”), which shall consist of the pro-
7 gram known as the combat casualty care research pro-
8 gram at the Army Medical Research and Materiel Com-
9 mand as modified in accordance with this section.

10 (b) DIRECTOR.—There shall be a director of the Cen-
11 ter, who shall be appointed by the Secretary after con-
12 sultation with the commanding general of the Medical Re-
13 search and Materiel Command.

14 (c) ACTIVITIES OF THE CENTER.—In addition to the
15 functions already performed by the combat casualty care
16 research program, the Center shall—

17 (1) provide a public-private partnership for
18 funding clinical and experimental studies in combat
19 injury;

20 (2) integrate laboratory and clinical research to
21 hasten improvements in care to both civilians and
22 members of the Armed Forces who are injured;

23 (3) ensure that data from both military and ci-
24 vilian entities, including the Joint Theater Trauma
25 Registry and the National Trauma Data Bank, are

1 optimally used to establish research agendas and
2 measure improvements in outcomes; and

3 (4) fund the full spectrum of injury research
4 and evaluation, including—

5 (A) laboratory, translational, and clinical
6 research;

7 (B) point of wounding and pre-hospital
8 care;

9 (C) early resuscitative management;

10 (D) initial and definitive surgical care;

11 (E) rehabilitation and reintegration into
12 society; and

13 (F) coordinate multi-institutional civilian/
14 military collaboration and trauma research.

15 (d) AUTHORIZATION.—In addition to amounts au-
16 thorized for the combat casualty care research program
17 of the Army Medical Research and Materiel Command,
18 there is authorized to be appropriated \$1,000,000 for the
19 Center established pursuant to this section.

20 (e) FUNDING ADJUSTMENTS.—For the amounts au-
21 thorized in subsection (d):

22 (1) The amount for the Defense Health Pro-
23 gram, Research and Development, is hereby in-
24 creased by \$1,000,000, to be available for the

1 United States Army Medical Research and Materiel
2 Command.

3 (2) The amount for Weapons Procurement,
4 Navy, is hereby reduced by \$1,000,000, to be de-
5 rived from other missiles.

6 **SEC. 724. PEER-REVIEWED RESEARCH PROGRAM ON EX-**
7 **TREMITY WAR INJURIES.**

8 (a) ESTABLISHMENT OF PEER-REVIEWED
9 ORTHOPAEDIC EXTREMITY TRAUMA RESEARCH PRO-
10 GRAM.—Not later than 180 days after the date of the en-
11 actment of this Act, the Secretary of Defense shall estab-
12 lish a competitive, peer-reviewed research program within
13 the Defense Health Program’s research and development
14 function to conduct peer-reviewed medical research at
15 military and civilian institutions designed to develop sci-
16 entific information aimed at saving injured extremities,
17 avoiding amputations, and preserving and restoring the
18 function of injured extremities. Such research shall ad-
19 dress military medical needs and include the full range
20 of scientific inquiry encompassing basic, translational, and
21 clinical research.

22 (b) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the Secretary of Defense
24 shall submit to Congress a report on the plans for estab-
25 lishment, management, and operation of the Peer-Re-

1 viewed Research Program on Extremity War Injuries re-
2 quired under this section.

3 (c) EFFECTIVE DATE.—This section shall be in effect
4 until September 30, 2013.

5 **SEC. 725. REVIEW OF POLICIES AND PROCESSES RELATED**
6 **TO THE DELIVERY OF MAIL TO WOUNDED**
7 **MEMBERS OF THE ARMED FORCES.**

8 (a) REVIEW OF DELIVERY POLICY AND PROC-
9 ESSES.—The Secretary of Defense shall review the policies
10 and processes related to the delivery of letters, packages,
11 messages, and other communications that are intended as
12 measures of support and addressed generally to wounded
13 and injured members of the Armed Forces (such as “To
14 any Wounded Warrior” or “To Any Wounded Service
15 Member”) in military medical treatment facilities and
16 other locations where members of the Armed Forces are
17 treated and rehabilitated.

18 (b) SPECIFIC PROCESSES.—In conducting the review
19 under subsection (a), the Secretary of Defense shall deter-
20 mine the following:

21 (1) Whether the current Department of Defense
22 prohibition on the direct delivery of such letters,
23 packages, messages, and other communications to
24 wounded and injured members of the Armed Forces
25 should be modified.

1 (2) The adequacy, particularly from the per-
2 spective of wounded and injured members of the
3 Armed Forces, of the current governmental and non-
4 governmental delivery processes.

5 (c) CORRECTIVE ACTIONS.—Based on the review
6 under subsection (a), the Secretary of Defense may take
7 actions to correct or modify the policies and processes re-
8 lated to the delivery of letters, packages, messages, and
9 other communications to wounded and injured members
10 of the Armed Forces as the Secretary determines appro-
11 priate.

12 (d) REPORT.—Not later than 90 days after the date
13 of the enactment of this Act, the Secretary of Defense
14 shall submit to the Committee on Armed Services of the
15 Senate and the Committee on Armed Services of the
16 House of Representatives a report on the results of the
17 review under subsection (a) and the ongoing and projected
18 actions to correct or modify the policies and processes re-
19 lated to the delivery of letters, packages, messages, and
20 other communications to wounded and injured members
21 of the Armed Forces.

22 **SEC. 726. POST-DEPLOYMENT MENTAL HEALTH SCREENING**
23 **DEMONSTRATION PROJECT.**

24 (a) DEMONSTRATION PROJECT REQUIRED.—The
25 Secretary of Defense shall conduct a demonstration

1 project to assess the feasibility and efficacy of providing
2 a face to face post-deployment mental health screening be-
3 tween a member of the Armed Forces and a mental health
4 provider.

5 (b) ELEMENTS.—The demonstration project shall in-
6 clude, at a minimum, the following elements:

7 (1) A combat stress evaluation conducted in
8 person by a qualified mental health professional
9 within 120 to 180 days after the date on which the
10 member returns from combat theater.

11 (2) Phone follow-ups by a case manager, not
12 necessarily stationed at the military installation, at
13 the following intervals after the initial post-deploy-
14 ment screening:

15 (A) Six months.

16 (B) Twelve months.

17 (C) Eighteen months.

18 (D) Twenty-four months.

19 (c) CONSULTATION.—The Secretary of Defense shall
20 develop the demonstration project in consultation with the
21 Secretary of Veterans Affairs and the Secretary of Health
22 and Human Services. The Secretary of Defense may also
23 coordinate the program with any accredited college, uni-
24 versity, hospital-based or community-based mental health
25 center the Secretary considers appropriate.

1 (d) SELECTION OF MILITARY INSTALLATION.—The
2 demonstration project shall be conducted at two military
3 installations, one active duty and one reserve component
4 demobilization station, selected by the Secretary of De-
5 fense. The installations selected shall have members of the
6 Armed Forces on active duty and members of the reserve
7 components that use the installation as a training and op-
8 erating base, with members routinely deploying in support
9 of operations in Iraq, Afghanistan, and other assignments
10 related to the global war on terrorism.

11 (e) PERSONNEL REQUIREMENTS.—The Secretary of
12 Defense shall ensure an adequate number of the following
13 personnel in the program:

14 (1) Qualified mental health professionals that
15 are licensed psychologists, psychiatrists, psychiatric
16 nurses, or clinical social workers.

17 (2) Suicide prevention counselors.

18 (f) TIMELINE.—

19 (1) The demonstration project required by this
20 subsection shall be implemented not later than Sep-
21 tember 30, 2009.

22 (2) Authority for this demonstration project
23 shall expire on September 30, 2011.

24 (g) REPORTS.—The Secretary of Defense shall sub-
25 mit to the congressional defense committees—

1 (1) a plan to implement the demonstration
2 project, including site selection and criteria for
3 choosing the site, not later than June 1, 2009,

4 (2) an interim report every 180 days thereafter;
5 and

6 (3) a final report detailing the results not later
7 than January 1, 2012.

8 **Subtitle D—Other Matters**

9 **SEC. 731. REPORT ON STIPEND FOR MEMBERS OF RESERVE** 10 **COMPONENTS FOR HEALTH CARE FOR CER-** 11 **TAIN DEPENDENTS.**

12 The Secretary of Defense shall submit to the congres-
13 sional defense committees a report on the extent to which
14 the Secretary has exercised the authority provided in sec-
15 tion 704 of the National Defense Authorization Act for
16 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188;
17 10 U.S.C. 1076 note).

18 **SEC. 732. REPORT ON PROVIDING THE EXTENDED CARE** 19 **HEALTH OPTION PROGRAM TO AUTISTIC DE-** 20 **PENDENTS OF MILITARY RETIREES.**

21 (a) REPORT REQUIRED.—Not later than 90 days
22 after the date of the enactment of this Act, the Secretary
23 of Defense shall submit to the congressional defense com-
24 mittees a report that contains a plan for including autistic
25 dependents of military retirees in the Extended Care

1 Health Option program (hereafter in this section referred
2 to as the “ECHO program”).

3 (b) CONTENTS OF REPORT.—The report required
4 under subsection (a) shall include the following:

5 (1) The most current data on the number of
6 military retirees with autistic dependents and an es-
7 timate of the number of future military retirees with
8 autistic dependents.

9 (2) The cost estimates of providing extended
10 benefits under the ECHO program to autistic de-
11 pendents of all current and future military retirees.

12 (3) The feasibility of including autistic depend-
13 ents of military retirees in any ongoing demonstra-
14 tion or pilot programs within the ECHO program.

15 (4) The statutory and regulatory impediments
16 to including autistic dependents of military retirees
17 in the ECHO program.

18 **SEC. 733. SENSE OF CONGRESS REGARDING AUTISM THER-**

19 **APY SERVICES.**

20 (a) MINIMUM COST SHARE PER MONTH.—The Sec-
21 retary of Defense shall ensure that autistic children of
22 members of the Armed Forces enrolled in the Extended
23 Care Health Option program shall be eligible to receive
24 a minimum of \$5,000 per month of autistic therapy serv-
25 ices.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Secretary of Defense should ensure that the
3 process in determining eligibility for autistic therapy serv-
4 ices provided to the children of members of the Armed
5 Forces is conducted in an expeditious manner and without
6 delay.

7 (c) STUDY AND REPORT.—

8 (1) STUDY.—The Secretary of Defense shall
9 conduct a study on autistic therapy services in the
10 Department of Defense. The study shall include—

11 (A) an evaluation of whether such services
12 would be better managed under the TRICARE
13 program; and

14 (B) the potential benefits and costs of a
15 transition of the management of such services
16 from the exceptional family member programs
17 to the TRICARE program.

18 (2) REPORT.—Not later than July 30, 2009,
19 the Secretary shall submit to the Committees on
20 Armed Services of the Senate and the House of Rep-
21 resentatives a report on the results of the study.

22 (d) DEFINITIONS.—In this section:

23 (1) AUTISTIC THERAPY SERVICES.—The term
24 “autistic therapy services” includes applied behavior
25 analysis.

1 (2) TRICARE PROGRAM.—The term
2 “TRICARE program” has the meaning provided by
3 section 1072 of title 10, United States Code.

4 (3) EXTENDED CARE HEALTH OPTION.—The
5 term “Extended Care Health Option” means the
6 program of extended benefits provided pursuant to
7 subsections (d), (e), and (f) of section 1079 of title
8 10, United States Code.

9 (e) FUNDING.—Of the amount authorized to be ap-
10 propriated by section 1511(a), \$29,000,000 is authorized
11 to be used to carry out this section.

12 **SEC. 734. REPORT ON IMPLEMENTATION OF RECOMMENDA-**
13 **TIONS CONTAINED IN REPORT ON HEALTH**
14 **EFFECTS OF EXPOSURE TO DEPLETED URA-**
15 **NIUM.**

16 Not later than 120 days after the date of the enact-
17 ment of this Act, the Secretary of Defense shall submit
18 to Congress a report describing the measures underway
19 to implement the recommendations contained in the report
20 entitled “Review of the Toxicologic and Radiologic Risks
21 to Military Personnel from Exposure to Depleted Uranium
22 During and After Combat”, which was conducted pursu-
23 ant to section 716 of the John Warner National Defense
24 Authorization Act for Fiscal Year 2007 (Public Law 109–
25 364; 120 Stat. 2391).

1 **SEC. 735. SUICIDE RISK BY MILITARY OCCUPATION.**

2 (a) STUDY.—The Secretary of Defense shall conduct
3 a study to identify the mental health risks associated with
4 the performance of military duties.

5 (b) ELEMENTS.—The study shall include the fol-
6 lowing elements:

7 (1) An assessment of suicide incidence by mili-
8 tary occupation.

9 (2) An identification of military occupations
10 with a high incidence of suicide.

11 (3) An evaluation of current suicide prevention
12 programs for those military occupations with a high
13 incidence of suicide.

14 (4) An assessment of the need for additional
15 suicide prevention programs specific to military oc-
16 cupations with a high incidence of suicide.

17 (c) REPORT.—Not later than 120 days after the date
18 of enactment of this Act, the Secretary of Defense shall
19 submit to the Congressional Defense Committees a report
20 on the findings of the study. The report shall include any
21 recommendations for improving suicide prevention pro-
22 grams for military occupations with a high incidence of
23 suicide.

1 **SEC. 736. IMPLEMENTATION OF RECOMMENDATIONS OF**
2 **DEPARTMENT OF DEFENSE MENTAL HEALTH**
3 **TASK FORCE.**

4 (a) **IN GENERAL.**—The Comptroller General of the
5 United States shall conduct a review of the implementa-
6 tion by the Department of Defense of recommendations
7 made by the Department of Defense Task Force on Men-
8 tal Health (in this section referred to as the “Task
9 Force”) developed pursuant to section 723 of the National
10 Defense Authorization Act for Fiscal Year 2006 (Public
11 Law 109–163; 119 Stat. 3348) to ensure a full continuum
12 of psychological health services and care for members of
13 the Armed Forces and their families.

14 (b) **REPORT REQUIRED.**—Not later than one year
15 after the date of the enactment of this Act, the Comp-
16 troller General shall submit to the congressional defense
17 committees a report on the results of the review required
18 by this section. The report shall include such recommenda-
19 tions as the Comptroller General considers appropriate.

20 **SEC. 737. TRANSITIONAL HEALTH CARE FOR CERTAIN**
21 **MEMBERS OF THE ARMED FORCES WHO**
22 **AGREE TO SERVE IN THE SELECTED RE-**
23 **SERVE OF THE READY RESERVE.**

24 (a) **PROVISION OF TRANSITIONAL HEALTH CARE.**—
25 Section 1145(a)(2) of title 10, United States Code, is

1 amended by adding at the end the following new subpara-
2 graph:

3 “(E) A member who is separated from active
4 duty who agrees to become a member of the Selected
5 Reserve of the Ready Reserve of a reserve compo-
6 nent.”.

7 (b) EFFECTIVE DATE.—Subparagraph (E) of section
8 1145(a)(2) of title 10, United States Code, as added by
9 subsection (a), shall apply with respect to members of the
10 Armed Forces separated from active duty after the date
11 of the enactment of this Act.

12 (c) OFFSET.—The amount in section 201(4) for re-
13 search, development, test, and evaluation, Defense-wide,
14 is hereby reduced by \$22,000,000, to be derived from the
15 Missile Defense Agency.

16 **TITLE VIII—ACQUISITION POL-**
17 **ICY, ACQUISITION MANAGE-**
18 **MENT, AND RELATED MAT-**
19 **TERS**

Subtitle A—Acquisition Policy and Management

- Sec. 801. Review of impact of illegal subsidies on acquisition of KC-45 aircraft.
- Sec. 802. Assessment of urgent operational needs fulfillment.
- Sec. 803. Preservation of tooling for major defense acquisition programs.
- Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.
- Sec. 805. Domestic industrial base considerations during source selection.
- Sec. 806. Commercial software reuse preference.
- Sec. 807. Comprehensive proposal analysis required during source selection.

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

- Sec. 811. Acquisition workforce expedited hiring authority.

- Sec. 812. Definition of system for Defense Acquisition Challenge Program.
- Sec. 813. Career path and other requirements for military personnel in the acquisition field.
- Sec. 814. Technical data rights for non-FAR agreements.
- Sec. 815. Clarification that cost accounting standards apply to Federal contracts performed outside the United States.

Subtitle C—Provisions Relating to Inherently Governmental Functions

- Sec. 821. Policy on personal conflicts of interest by employees of Department of Defense contractors.
- Sec. 822. Development of guidance on personal services contracts.
- Sec. 823. Limitation on performance of product support integrator functions.
- Sec. 824. Performance by private security contractors of inherently governmental functions in an area of combat operations.

Subtitle D—Defense Industrial Security

- Sec. 831. Requirements relating to facility clearances.
- Sec. 832. Foreign ownership control or influence.
- Sec. 833. Congressional oversight relating to facility clearances and foreign ownership control or influence; definitions.

Subtitle E—Other Matters

- Sec. 841. Clarification of status of Government rights in the designs of department of defense vessels, boats, and craft, and components thereof.
- Sec. 842. Expansion of authority to retain fees from licensing of intellectual property.
- Sec. 843. Transfer of sections of title 10 relating to Milestone A and Milestone B for clarity.
- Sec. 844. Earned value management study and report.
- Sec. 845. Report on market research.
- Sec. 846. System development and demonstration benchmark report.
- Sec. 847. Additional matters required to be reported by contractors performing security functions in areas of combat operations.
- Sec. 848. Report relating to munitions.
- Sec. 849. Additional contractor requirements and responsibilities relating to alleged crimes by or against contractor personnel in Iraq and Afghanistan.
- Sec. 850. Requirement for Department of Defense to adopt an acquisition strategy for Defense Base Act insurance.
- Sec. 851. Motor carrier fuel surcharges.
- Sec. 852. Requirement for defense contract clause prohibiting certain uses of foreign shell companies.

1 **Subtitle A—Acquisition Policy and**
2 **Management**

3 **SEC. 801. REVIEW OF IMPACT OF ILLEGAL SUBSIDIES ON**
4 **ACQUISITION OF KC-45 AIRCRAFT.**

5 (a) REVIEW OF ILLEGAL SUBSIDIES REQUIRED.—

6 The Secretary of the Air Force, not later than 10 days
7 after a ruling by the World Trade Organization that either
8 or both of the United States or the European Union, or
9 any political entity within the United States or the Euro-
10 pean Union, has provided illegal subsidies to a manufac-
11 turer of large commercial aircraft, shall begin a review,
12 as described in subsection (b), of the impact of such illegal
13 subsidies on the source selection for the KC-45 Aerial Re-
14 fueling Aircraft Program.

15 (b) PERFORMANCE OF THE REVIEW.—In performing
16 the review required by subsection (a), the Secretary of Air
17 Force shall comply with the following requirements:

18 (1) The Secretary shall seek information from
19 the public on the potential impact of illegal subsidies
20 on the source selection process for the KC-45 Aerial
21 Refueling Aircraft Program through a notice and
22 comment process. The Secretary shall adopt such
23 procedures for handling information provided under
24 such notice and comment process as are necessary to

1 protect national security and confidential business
2 information.

3 (2) The Secretary shall consult with experts
4 within the Department of Defense, the Office of
5 Management and Budget, the Office of the United
6 States Trade Representative, and other agencies and
7 offices of the Federal government, as appropriate,
8 on the potential impact of illegal subsidies on the
9 source selection process for the KC-45 Aerial Re-
10 fueling Aircraft Program.

11 (3) The Secretary shall request information
12 from each of the offerors in the source selection
13 process for the KC-45 Aerial Refueling Aircraft
14 Program on the potential impact of illegal subsidies
15 on such process.

16 (c) COMPLETION OF REVIEW.—The Secretary of the
17 Air Force shall complete the review required by subsection
18 (a) not later than 90 days after the World Trade Organi-
19 zation has ruled on all illegal subsidy cases involving large
20 commercial aircraft pending at the World Trade Organiza-
21 tion as of the date of the enactment of this Act.

22 (d) DETERMINATION AND REMEDY REQUIRED.—If
23 the Secretary of the Air Force determines, after per-
24 forming the review required by subsection (a), that an ille-
25 gal subsidy or subsidies had a material impact on the

1 source selection process for the KC-45 Aerial Refueling
2 Aircraft Program sufficient to bring into question the fair-
3 ness of such source selection process, the Secretary shall
4 take such measures as are necessary and appropriate to
5 ensure that the effect of such subsidy or subsidies is re-
6 moved and the source selection process for the KC-45
7 Aerial Refueling Aircraft Program is fair to all offerors.

8 (e) DEFINITIONS.—In this section:

9 (1) The term “illegal subsidy” means a subsidy
10 found to constitute a violation of the Agreement on
11 Subsidies and Countervailing Measures.

12 (2) The term “Agreement on Subsidies and
13 Countervailing Measures” means the agreement de-
14 scribed in section 101(d)(12) of the Uruguay Round
15 Agreements Act (19 U.S.C. 3511(d)(12)).

16 (3) The term “source selection”, with respect to
17 a program of the Department of Defense, means the
18 selection, through the use of competitive procedures
19 or such other procurement procedures as may be ap-
20 plicable, of a contractor to perform a contract to
21 carry out the program.

22 **SEC. 802. ASSESSMENT OF URGENT OPERATIONAL NEEDS**
23 **FULFILLMENT.**

24 (a) ASSESSMENT REQUIRED.—The Secretary of De-
25 fense shall commission a study and report by a federally

1 funded research and development center to assess the ef-
2 fectiveness of the processes used by the Department of De-
3 fense for the generation of urgent operational need re-
4 quirements, and the acquisition processes used to fulfill
5 such requirements. Such assessment shall include the fol-
6 lowing:

7 (1) A description and evaluation of the effec-
8 tiveness of the procedures used to generate
9 warfighting requirements through the urgent oper-
10 ational need process.

11 (2) An evaluation of the extent to which urgent
12 operational need statements are used to document
13 required capability gaps or are used to request spe-
14 cific acquisition outcomes, such as specific systems
15 or equipment.

16 (3) A description and evaluation of the effec-
17 tiveness of the processes used by each of the military
18 departments to prioritize and fulfill urgent oper-
19 ational needs, including the rapid acquisition proc-
20 esses of the military departments.

21 (4) A description and evaluation of the effec-
22 tiveness of the procedures used to generate
23 warfighting requirements through the joint urgent
24 operational need process.

1 (5) An evaluation of the extent to which joint
2 urgent operational need statements are used to doc-
3 ument urgent joint capability gaps or are used—

4 (A) to avoid using service-specific urgent
5 operational need and acquisition processes;

6 (B) to document non-urgent capability
7 gaps; or

8 (C) to request specific acquisition out-
9 comes, such as specific systems or equipment.

10 (6) A description and evaluation of the effec-
11 tiveness of the processes used by the various ele-
12 ments of the Department of Defense to prioritize
13 and fulfill joint urgent operational needs, including
14 the Joint Improvised Explosive Device Defeat Orga-
15 nization and the Joint Rapid Acquisition Cell.

16 (7) An evaluation of the extent to which joint
17 acquisition entities maintain oversight, once a mili-
18 tary department or defense agency has been des-
19 igned as responsible for execution and fielding of
20 a capability in response to a joint urgent operational
21 need statement, including oversight of—

22 (A) the responsiveness of the military de-
23 partment or agency in execution;

1 (B) the field performance of the capability
2 delivered in response to the joint urgent oper-
3 ational need statement; and

4 (C) the concurrent development of a long-
5 term acquisition and sustainment strategy.

6 (8) Recommendations regarding—

7 (A) common definitions and standards for
8 urgent operational needs statements and joint
9 urgent operational need statements;

10 (B) best practices and process improve-
11 ments for the creation, evaluation,
12 prioritization, and fulfillment of urgent oper-
13 ational need statements and joint urgent oper-
14 ational need statements; and

15 (C) the extent to which rapid acquisition
16 processes should be consolidated or expanded.

17 (b) SUBMISSION TO CONGRESS.—Not later than 180
18 days after the date of the enactment of this Act, the Sec-
19 retary of Defense shall submit to the congressional defense
20 committees the report resulting from the study conducted
21 pursuant to subsection (a).

22 (c) DEFINITIONS.—In this section:

23 (1) The term “urgent operational need” or “ur-
24 gent operational need statement” means a high pri-

1 ority capability gap from an ongoing, named oper-
2 ation—

3 (A) that is validated and resourced by a
4 specific military department or defense agency;
5 and

6 (B) that, if not addressed immediately, will
7 seriously endanger personnel or pose a major
8 threat to ongoing operations.

9 (2) The term “joint urgent operational need”
10 means a high priority capability gap from an ongo-
11 ing, named operation—

12 (A) that is identified by a combatant com-
13 mander;

14 (B) that requires validation and resourcing
15 by the Joint Chiefs of Staff;

16 (C) that falls outside of the established
17 processes of the military departments; and

18 (D) that, if not addressed immediately will
19 seriously endanger personnel or pose a major
20 threat to ongoing operations.

21 **SEC. 803. PRESERVATION OF TOOLING FOR MAJOR DE-**
22 **FENSE ACQUISITION PROGRAMS.**

23 (a) **GUIDANCE REQUIRED.**—The Secretary of De-
24 fense shall issue guidance requiring that all unique tooling
25 associated with the production of hardware for a major

1 defense acquisition program be preserved and stored
2 through the end of the service life of the end item associ-
3 ated with such a program. Such guidance shall—

4 (1) provide that either a component of the De-
5 partment of Defense or a contractor (or subcon-
6 tractor at any tier) may be responsible for preserva-
7 tion and storage of such tooling;

8 (2) require that the milestone decision authority
9 approve a plan for the preservation and storage of
10 such tooling prior to granting a Milestone C ap-
11 proval;

12 (3) if such tooling is to be preserved and stored
13 by a component of the Department of Defense, re-
14 quire the component to ensure adequate funds and
15 facilities are available to preserve and store such
16 tooling through the projected service life of the end
17 item;

18 (4) if such tooling is to be preserved and stored
19 by a contractor, or a subcontractor at any tier, re-
20 quire that any production contract (or subcontract)
21 awarded in support of the major defense acquisition
22 program include a contract clause regarding the
23 preservation and storage of such tooling; and

24 (5) provide a mechanism for the Secretary of
25 Defense to waive such requirement if—

1 (A) the Secretary determines that such a
2 waiver is in the best interest of national secu-
3 rity; and

4 (B) notifies the congressional defense com-
5 mittees at least 15 days before taking such ac-
6 tion.

7 (b) DEFINITIONS.—In this section:

8 (1) MAJOR DEFENSE ACQUISITION PROGRAM.—
9 The term “major defense acquisition program” has
10 the meaning provided in section 2430 of title 10,
11 United States Code.

12 (2) MILESTONE DECISION AUTHORITY.—The
13 term “milestone decision authority” has the meaning
14 provided in section 2366a(f)(2).

15 (3) MILESTONE C APPROVAL.—The term “Mile-
16 stone C approval” has the meaning provided in sec-
17 tion 2366(e)(8) of title 10, United States Code.

18 **SEC. 804. PROHIBITION ON PROCUREMENT FROM BENE-**
19 **FICIARIES OF FOREIGN SUBSIDIES.**

20 (a) PROHIBITION.—Except as provided in subsections
21 (c) and (d), the Secretary of Defense may not enter into
22 a contract for the procurement of goods or services from
23 any foreign person to which the government of a foreign
24 country that is a member of the World Trade Organization
25 has provided a subsidy if—

1 (1) the United States has requested consulta-
2 tions with that foreign country under the Agreement
3 on Subsidies and Countervailing Measures on the
4 basis, in whole or in part, that the subsidy is a pro-
5 hibited subsidy under that Agreement; and

6 (2) either—

7 (A) the dispute before the World Trade
8 Organization has not been resolved; or

9 (B) the World Trade Organization has
10 ruled that the subsidy provided by the foreign
11 country is a prohibited subsidy under the
12 Agreement on Subsidies and Countervailing
13 Measures.

14 (b) ADDITIONAL APPLICABILITY.—

15 (1) JOINT VENTURES.—The prohibition under
16 subsection (a) with respect to a foreign person also
17 applies to any joint venture, cooperative organiza-
18 tion, partnership, or contracting team of which that
19 foreign person is a member.

20 (2) SUBCONTRACTS AND TASK AND DELIVERY
21 ORDERS.—The prohibition under subsection (a) with
22 respect to a contract also applies to any sub-
23 contracts at any tier entered into under the contract
24 and any task orders or delivery orders at any tier
25 issued under the contract.

1 (c) EXCEPTIONS TO APPLICABILITY.—

2 (1) INAPPLICABILITY TO PROGRAMS WITH
3 MILESTONE B APPROVAL.—The prohibition under
4 subsection (a) shall not apply to any contract under
5 a major defense acquisition program that has re-
6 ceived Milestone B approval as of the date of the en-
7 actment of this Act.

8 (2) INAPPLICABILITY TO CERTAIN PROCURE-
9 MENTS.—The prohibition under subsection (a) shall
10 not apply to a contract for the procurement of goods
11 or services from a foreign person being provided a
12 subsidy if—

13 (A) in any case in which goods or services
14 are the subject of the consultation requested by
15 the United States (as described in subsection
16 (a)(1)), the goods or services to be procured
17 under the contract are not related to the goods
18 and services that are the subject of the con-
19 sultation; or

20 (B) in any case in which the subject of the
21 consultation requested by the United States (as
22 described in subsection (a)) is not a good or
23 service (but is law, regulations, or other policies
24 of the foreign country), the Department of De-
25 fense contracting officer for the contract has

1 certified that the foreign person has dem-
2 onstrated that the cost of the offeror's proposal
3 is not materially affected by the subsidy.

4 (d) WAIVER.—The President may waive the prohibi-
5 tion in this section with respect to a specific contract if
6 the President (without delegation) determines that failure
7 to waive the prohibition would result in a significant and
8 imminent threat to national security. The President shall
9 submit to Congress a notice of any waiver granted under
10 this subsection within 7 days after granting it.

11 (e) DURATION OF PROHIBITION.—In the case of a
12 subsidy that the World Trade Organization has ruled is
13 a prohibited subsidy as described in subsection (a)(2)(B),
14 the prohibition under subsection (a) shall not apply to a
15 contract for the procurement of goods or services that
16 were the subject of the consultation after—

17 (1) the dispute is resolved; and

18 (2) either—

19 (A) a mutual agreement has been reached
20 between the United States and the foreign gov-
21 ernment with respect to the prohibited subsidy;

22 or

23 (B) the foreign government has agreed to
24 comply with the requirements of the ruling

1 issued by the World Trade Organization in the
2 dispute.

3 (f) DEFINITIONS.—In this section:

4 (1) The term “Agreement on Subsidies and
5 Countervailing Measures” means the agreement de-
6 scribed in section 101(d)(12) of the Uruguay Round
7 Agreements Act (19 U.S.C. 3501(d)(12)).

8 (2) The term “foreign person” means—

9 (A) an individual who is not a United
10 States person or an alien lawfully admitted for
11 permanent residence into the United States; or

12 (B) a corporation, partnership, or other
13 nongovernmental entity which is not a United
14 States person.

15 (3) The term “United States person” means—

16 (A) a natural person who is a citizen of the
17 United States or who owes permanent alle-
18 giance to the United States; and

19 (B) a corporation or other legal entity
20 which is organized under the laws of the United
21 States, any State or territory thereof, or the
22 District of Columbia, if natural persons de-
23 scribed in subparagraph (A) own, directly or in-
24 directly, more than 50 percent of the out-

1 standing capital stock or other beneficial inter-
2 est in such legal entity.

3 (4) The term “major defense acquisition pro-
4 gram” means a Department of Defense acquisition
5 program that is a major defense acquisition program
6 for purposes of section 2430 of title 10, United
7 States Code.

8 (5) The term “Milestone B approval” has the
9 meaning provided that term in section 2366(e)(7) of
10 such title.

11 **SEC. 805. DOMESTIC INDUSTRIAL BASE CONSIDERATIONS**
12 **DURING SOURCE SELECTION.**

13 (a) REGULATIONS REQUIRED.—Not later than 120
14 days after the date of the enactment of this Act, the Sec-
15 retary of Defense shall prescribe regulations regarding the
16 application of a domestic industrial base evaluation factor
17 during source selection for a major defense acquisition
18 program of the Department of Defense. Such regulations
19 shall—

20 (1) allow the source selection authority to con-
21 sider impacts on the domestic industrial base as an
22 evaluation factor during the source selection process;

23 (2) provide the source selection authority flexi-
24 bility with regard to the importance assigned to such
25 an evaluation factor; and

1 (3) provide defense acquisition officials with the
2 authority to impose penalties on the contractor
3 awarded the contract resulting from the source se-
4 lection, including fines and contract termination,
5 if—

6 (A) the domestic industrial base evaluation
7 factor was used during source selection;

8 (B) the evaluation factor had a material
9 effect on the outcome of the source selection;
10 and

11 (C) the official determines that the poten-
12 tial contractor knowingly or willfully misrepre-
13 sented impacts to the domestic industrial base
14 during source selection.

15 (b) IMPACTS ON DOMESTIC INDUSTRIAL BASE.—For
16 purposes of the regulations, the Secretary shall consider,
17 at a minimum, the following to be impacts on the domestic
18 industrial base:

19 (1) The creation or maintenance of domestic ca-
20 pability for production of critical supplies.

21 (2) The creation or maintenance of domestic
22 jobs.

23 (3) The creation or maintenance of domestic
24 scientific and technological competencies or manu-
25 facturing skills.

1 (c) REPORT REQUIRED.—The Secretary of Defense
2 shall notify the congressional defense committees at least
3 30 days before the issuance of a request for proposal for
4 any major defense acquisition program that will not use
5 a domestic industrial base evaluation factor during the
6 source selection process. Such notification shall include—

7 (1) a brief description of the major defense ac-
8 quisition program;

9 (2) a justification for not using a domestic in-
10 dustrial base evaluation factor; and

11 (3) an assessment of potential impacts on the
12 domestic industrial base, if known, as a result of not
13 using a domestic industrial base evaluation factor.

14 (d) DEFINITIONS.—In this section:

15 (1) DOMESTIC INDUSTRIAL BASE.—The term
16 “domestic industrial base” means—

17 (A) persons and organizations that are en-
18 gaged in research, development, production, or
19 maintenance activities conducted within the
20 United States and United States territories;
21 and

22 (B) includes, at a minimum, prime con-
23 tractors, as well as second and third tier sub-
24 contractors, engaged in such activities.

1 (2) MAJOR DEFENSE ACQUISITION PROGRAM.—

2 The term “major defense acquisition program” has
3 the meaning provided in section 2430 of title 10,
4 United States Code.

5 (3) SOURCE SELECTION.—The term “source se-
6 lection”, with respect to a major defense acquisition
7 program, means the selection, through the use of
8 competitive procedures or such other procurement
9 procedures as may be applicable, of a contractor to
10 perform a contract to carry out the program.

11 (4) SOURCE SELECTION AUTHORITY.—The
12 term “source selection authority”, with respect to a
13 major defense acquisition program, means the offi-
14 cial in the Department of Defense designated as re-
15 sponsible for the source selection for that program.

16 **SEC. 806. COMMERCIAL SOFTWARE REUSE PREFERENCE.**

17 (a) IN GENERAL.—The Secretary of Defense shall
18 ensure that contracting officials identify and evaluate, at
19 all stages of the acquisition process (including concept re-
20 finement, concept decision, and technology development),
21 opportunities for the use of commercial computer software
22 and, if practicable, use such software instead of developing
23 new software.

24 (b) REGULATIONS.—The Secretary of Defense shall
25 review and revise the Defense Federal Acquisition Regula-

1 tion Supplement, Part 207.103, to clarify that the pref-
2 erence for commercial items in the acquisition process in-
3 cludes a preference for commercial computer software, and
4 the preference applies at all stages of the acquisition proc-
5 ess.

6 **SEC. 807. COMPREHENSIVE PROPOSAL ANALYSIS RE-**
7 **QUIRED DURING SOURCE SELECTION.**

8 (a) REGULATIONS REQUIRED.—Not later than 120
9 days after the date of the enactment of this Act, the Sec-
10 retary of Defense shall prescribe regulations regarding the
11 comprehensive evaluation of a proposal for a major de-
12 fense acquisition program for which a significant propor-
13 tion of the research, design, development, manufacturing,
14 assembly, or test and evaluation will be performed outside
15 the United States. Such regulations shall—

16 (1) require the offeror of such a proposal, in
17 addition to providing a breakdown of costs as re-
18 quired by the Federal Acquisition Regulation, to
19 provide a breakdown of costs not borne by the offer-
20 or as a result of activities performed outside the
21 United States, and such costs shall—

22 (A) include, at a minimum, costs borne by
23 a foreign government that are not borne by a
24 local, State, or Federal Government in the
25 United States, such as government-borne—

1 (i) health care;

2 (ii) retirement compensation; and

3 (iii) workman's compensation;

4 (B) not include direct labor and material
5 costs; and

6 (C) be limited to those costs that would
7 otherwise be allowable and allocable to the con-
8 tract for the major defense acquisition program
9 if all activities were performed in the United
10 States;

11 (2) be applicable only to proposals submitted in
12 response to a solicitation from the Department of
13 Defense that requires cost or pricing data;

14 (3) require the contracting officer responsible
15 for conducting proposal analysis to consider such
16 costs in any cost and price analysis performed; and

17 (4) require the contracting officer to certify,
18 prior to source selection, that the contracting officer
19 has no reasonable grounds to believe that the final
20 assessed price excludes any cost or other element of
21 price (such as the monetary policy of a foreign gov-
22 ernment) that other offers performing in the United
23 States could not also exclude.

24 (b) ADDITIONAL APPLICABILITY WITH RESPECT TO
25 SUBCONTRACTORS.—The regulations under subsection (a)

1 also shall apply with respect to any subcontractor (at any
2 tier) of a prospective contractor if the subcontractor is ex-
3 pected to perform outside the United States a significant
4 portion of the research, design, development, manufac-
5 turing, assembly, or test and evaluation under the pro-
6 posal being evaluated.

7 (c) DEFINITION.—In this section, the term “major
8 defense acquisition program” means a Department of De-
9 fense acquisition program that is a major defense acqui-
10 sition program for the purposes of section 2430 of title 10,
11 United States Code.

12 **Subtitle B—Amendments to Gen-**
13 **eral Contracting Authorities,**
14 **Procedures, and Limitations**

15 **SEC. 811. ACQUISITION WORKFORCE EXPEDITED HIRING**
16 **AUTHORITY.**

17 Section 1705 of title 10, United States Code, is
18 amended by adding at the end the following new sub-
19 section:

20 “(h) EXPEDITED HIRING AUTHORITY.—

21 “(1) For purposes of sections 3304, 5333, and
22 5753 of title 5, United States Code, the Secretary
23 of Defense may—

1 “(A) designate any category of acquisition
2 positions within the Department of Defense as
3 shortage category positions; and

4 “(B) utilize the authorities in such sections
5 to recruit and appoint highly qualified persons
6 directly to positions so designated.

7 “(2) The Secretary may not appoint a person to
8 a position of employment under this subsection after
9 September 30, 2012.”.

10 **SEC. 812. DEFINITION OF SYSTEM FOR DEFENSE ACQUISITION CHALLENGE PROGRAM.**
11

12 Section 2359b of title 10, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(1) SYSTEM DEFINED.—In this section, the term
16 ‘system’—

17 “(1) means—

18 “(A) the organization of hardware, soft-
19 ware, material, facilities, personnel, data, and
20 services needed to perform a designated func-
21 tion with specified results (such as the gath-
22 ering of specified data, its processing, and its
23 delivery to users); or

24 “(B) a combination of two or more inter-
25 related pieces (or sets) of equipment arranged

1 in a functional package to perform an oper-
2 ational function or to satisfy a requirement; and

3 “(2) includes a major system (as defined in sec-
4 tion 2302(5) of this title).”.

5 **SEC. 813. CAREER PATH AND OTHER REQUIREMENTS FOR**
6 **MILITARY PERSONNEL IN THE ACQUISITION**
7 **FIELD.**

8 (a) ACQUISITION PERSONNEL REQUIREMENTS.—

9 (1) IN GENERAL.—Chapter 87 of title 10,
10 United States Code, is amended by inserting after
11 section 1722 the following new section:

12 **“§ 1722a. Special requirements for military personnel**
13 **in the acquisition field**

14 “(a) REQUIREMENT FOR POLICY AND GUIDANCE RE-
15 GARDING MILITARY PERSONNEL IN ACQUISITION.—The
16 Secretary of Defense shall require the Secretary of each
17 military department (with respect to the military depart-
18 ments) and the Under Secretary of Defense for Acquisi-
19 tion, Technology, and Logistics (with respect to the Office
20 of the Secretary of Defense, the unified combatant com-
21 mands, the Defense Agencies, and Defense Field Activi-
22 ties), to establish policies and issue guidance to ensure the
23 proper development, assignment, and employment of mem-
24 bers of the armed forces in the acquisition field to achieve
25 the objectives of this section as specified in subsection (b).

1 “(b) OBJECTIVES.—Policies established and guidance
2 issued pursuant to subsection (a) shall ensure, at a min-
3 imum, the following:

4 “(1) A career path in the acquisition field that
5 attracts the highest quality officers and enlisted per-
6 sonnel.

7 “(2) A number of command positions and sen-
8 ior non-commissioned officer positions, including ac-
9 quisition billets reserved for general officers and flag
10 officers under subsection (c), sufficient to ensure
11 that members of the armed forces have opportunities
12 for promotion and advancement in the acquisition
13 field.

14 “(3) A number of qualified, trained members of
15 the armed forces eligible for and active in the acqui-
16 sition field sufficient to ensure the appropriate use
17 of military personnel in contingency contracting.

18 “(c) RESERVATION OF ACQUISITION BILLETS FOR
19 GENERAL OFFICERS AND FLAG OFFICERS.—(1) The Sec-
20 retary of Defense shall establish for each military depart-
21 ment a minimum number of billets coded or classified for
22 acquisition personnel that are reserved for general officers
23 and flag officers and shall ensure that the policies estab-
24 lished and guidance issued pursuant to subsection (a) by
25 the Secretary of that military department reserve at least

1 that minimum number of billets and fill the billets with
2 qualified and trained general officers and flag officers.

3 “(2) The Secretary of Defense shall ensure that a
4 sufficient number of billets for acquisition personnel who
5 are general officers or flag officers exist within the Office
6 of the Secretary of Defense, the unified combatant com-
7 mands, the Defense Agencies, and the Defense Field Ac-
8 tivities.

9 “(3) The Secretary of Defense shall ensure that a
10 portion of the billets referred to in paragraphs (1) and
11 (2) involve command of organizations primarily focused on
12 contracting.

13 “(d) RELATIONSHIP TO LIMITATION ON PREF-
14 ERENCE FOR MILITARY PERSONNEL.—Any designation or
15 reservation of a position for a member of the armed forces
16 as a result of a policy established or guidance issued pur-
17 suant to this section shall be deemed to meet the require-
18 ments for an exception under paragraph (2) of section
19 1722(b) of this title from the limitation in paragraph (1)
20 of such section.

21 “(e) REPORT.—Not later than January 1 of each
22 year, the Secretary of each military department shall sub-
23 mit to the Under Secretary of Defense for Acquisition,
24 Technology, and Logistics a report describing how the
25 Secretary fulfilled the objectives of this section in the pre-

1 ceding calendar year. The report shall include information
2 on the reservation of acquisition billets for general officers
3 and flag officers within the department.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of such chapter is amended
6 by inserting after the item relating to section 1722
7 the following new item:

“1722a. Special requirements for military personnel in the acquisition field.”.

8 (b) ADDITIONAL ITEM FOR INCLUSION IN STRATEGIC
9 PLAN.—Section 543(f)(3)(E) of the National Defense Au-
10 thorization Act for Fiscal Year 2008 (Public Law 110–
11 181; 122 Stat 116) is amended by inserting after “officer
12 assignments and grade requirements” the following: “, in-
13 cluding requirements relating to the reservation of billets
14 in the acquisition field for general and flag officers,”.

15 **SEC. 814. TECHNICAL DATA RIGHTS FOR NON-FAR AGREE-**
16 **MENTS.**

17 (a) RIGHTS IN TECHNICAL DATA FOR NON-FAR
18 AGREEMENTS.—

19 (1) IN GENERAL.—Chapter 137 of title 10,
20 United States Code, is amended by inserting after
21 section 2320 the following new section:

22 **“§ 2320a. Rights in technical data for non-FAR agree-**
23 **ments**

24 **“(a) POLICY GUIDANCE.—**

1 “(1) The Secretary of Defense shall issue policy
2 guidance with respect to the use of a non-FAR
3 agreement for the development of a major weapon
4 system or an item of personnel protective equipment.

5 “(2) The guidance shall—

6 “(A) define the legitimate interest of the
7 United States and a party to such an agree-
8 ment in technical data pertaining to an item or
9 process to be developed under the agreement,
10 including, at a minimum, the interest of—

11 “(i) the United States in increasing
12 competition and lowering costs by devel-
13 oping and locating alternative sources of
14 supply and manufacture;

15 “(ii) the United States in the ability
16 to conduct emergency repair and overhaul;
17 or

18 “(iii) the party to the agreement to
19 restrict the release of technical data relat-
20 ing to an item or process developed at pri-
21 vate expense; and

22 “(B) require that specific rights in tech-
23 nical data shall be established during agreement
24 negotiations and be based upon negotiations be-
25 tween the United States and the potential party

1 to the agreement, except in any case in which
2 the Secretary of Defense determines, on the
3 basis of criteria established in such policy guid-
4 ance, that the establishment of rights during or
5 through agreement negotiations would not be
6 practicable.

7 “(b) PROVISIONS IN NON-FAR AGREEMENTS.—
8 Whenever practicable, a non-FAR agreement described in
9 subsection (a) shall contain appropriate provisions relating
10 to technical data, including provisions—

11 “(1) defining the respective rights of the United
12 States and the party to the agreement regarding any
13 technical data to be delivered under the agreement;

14 “(2) specifying the technical data to be deliv-
15 ered under the agreement and delivery schedules for
16 such delivery;

17 “(3) establishing or referencing procedures for
18 determining the acceptability of technical data to be
19 delivered under the agreement;

20 “(4) to the maximum practicable extent, identi-
21 fying, in advance of delivery, technical data which is
22 to be delivered with restrictions on the right of the
23 United States to use such data;

24 “(5) requiring the party to the agreement to re-
25 vise any technical data delivered under the agree-

1 ment to reflect engineering design changes made
2 during the performance of the agreement and affect-
3 ing the form, fit, and function of the items specified
4 in the agreement and to deliver such revised tech-
5 nical data to an agency within a time specified in
6 the agreement; and

7 “(6) establishing remedies to be available to the
8 United States when technical data required to be de-
9 livered or made available under the agreement is
10 found to be incomplete or inadequate or to not sat-
11 isfy the requirements of the agreement concerning
12 technical data.

13 “(c) ASSESSMENT OF LONG-TERM TECHNICAL DATA
14 NEEDS.—The Secretary of Defense shall require the pro-
15 gram manager for a major weapon system or an item of
16 personnel protective equipment that is to be developed
17 using a non-FAR agreement described in subsection (a)
18 to assess the long-term technical data needs of such sys-
19 tems and items, in accordance with the requirements of
20 section 2320(e) of this title.

21 “(d) DEFINITIONS.—In this section:

22 “(1) The term ‘non-FAR agreement’ means an
23 agreement that is not subject to laws pursuant to
24 which the Federal Acquisition Regulation is pre-
25 scribed, including—

1 “(A) a transaction authorized under sec-
2 tion 2371 of this title; and

3 “(B) a cooperative research and develop-
4 ment agreement.

5 “(2) The term ‘party’, with respect to a non-
6 FAR agreement, means a non-Federal entity and in-
7 cludes any of the following:

8 “(A) A contractor and its subcontractors
9 (at any tier).

10 “(B) A joint venture.

11 “(C) A consortium.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of such chapter is amended
14 by inserting after the item relating to section 2320
15 the following new item:

“2320a. Rights in technical data for non-FAR agreements.”.

16 (b) REPORT ON LIFE CYCLE PLANNING FOR TECH-
17 NICAL DATA NEEDS.—Not later than 120 days after the
18 date of enactment of this Act, the Secretary of Defense
19 shall submit to the Committees on Armed Services of the
20 Senate and the House of Representatives a report on the
21 implementation of the requirements in section 2320(e) of
22 title 10, United States Code, for the assessment of long-
23 term technical data needs to sustain major weapon sys-
24 tems. Such report shall include—

1 (1) a description of all relevant guidance or
2 policies issued;

3 (2) the extent to which program managers have
4 received training to better assess the long-term tech-
5 nical data needs of major weapon systems and sub-
6 systems;

7 (3) a description of the data rights strategies
8 developed prior to the issuance of contract solicita-
9 tions released since October 17, 2006; and

10 (4) a characterization of the extent to which
11 such strategies made use of priced contract options
12 for the future delivery of technical data or acquired
13 all relevant technical data upon contract award.

14 **SEC. 815. CLARIFICATION THAT COST ACCOUNTING STAND-**
15 **ARDS APPLY TO FEDERAL CONTRACTS PER-**
16 **FORMED OUTSIDE THE UNITED STATES.**

17 (a) CLARIFICATION.—Section 26(f)(2)(A) of the Of-
18 fice of Federal Procurement Policy Act (41 U.S.C.
19 422(f)(2)(A)) is amended by adding at the end the fol-
20 lowing: “, whether the contracts or subcontracts are per-
21 formed inside or outside the United States”.

22 (b) IMPLEMENTING REGULATIONS.—Not later than
23 180 days after the date of the enactment of this Act, the
24 cost accounting standards promulgated under section 26

1 of such Act shall be amended to take into account the
2 amendment made by subsection (a).

3 **Subtitle C—Provisions Relating to**
4 **Inherently Governmental Func-**
5 **tions**

6 **SEC. 821. POLICY ON PERSONAL CONFLICTS OF INTEREST**
7 **BY EMPLOYEES OF DEPARTMENT OF DE-**
8 **FENSE CONTRACTORS.**

9 (a) **POLICY REQUIRED.**—Not later than 180 days
10 after the date of the enactment of this Act, the Secretary
11 of Defense shall develop a standard policy aimed at pre-
12 venting personal conflicts of interest by employees of De-
13 partment of Defense contractors that is similar to the pol-
14 icy of the Department of Defense aimed at preventing
15 such conflicts by Department of Defense civilian employ-
16 ees.

17 (b) **ELEMENTS OF POLICY.**—The policy required
18 under subsection (a) shall—

19 (1) provide a definition of the term “personal
20 conflict of interest” as it relates to employees of De-
21 partment of Defense contractors;

22 (2) identify types of contracts that raise height-
23 ened concerns for potential personal conflicts of in-
24 terest; and

1 (3) require each contractor that participates in
2 the Department's decision-making in such mission-
3 critical areas as the development, award, and admin-
4 istration of Government contracts, and each con-
5 tractor that is closely supporting inherently govern-
6 mental functions, to—

7 (A) identify and prevent personal conflicts
8 of interest for employees of the contractor who
9 are performing such functions;

10 (B) report any personal conflict-of-interest
11 violation to the applicable contracting officer or
12 contracting officer's representative as soon as it
13 is identified;

14 (C) maintain effective oversight to verify
15 compliance with personal conflict-of-interest
16 safeguards; and

17 (D) have procedures in place to screen for
18 potential conflicts of interest for all employees
19 in a position to make or materially influence
20 findings, recommendations, and decisions re-
21 garding Department of Defense contracts and
22 other advisory and assistance functions, either
23 by screening on a task-by-task basis or on an
24 annual basis.

1 (c) CONTRACT CLAUSE.—The Secretary shall include
2 in each contract entered into by the Secretary for the per-
3 formance of functions described in subsection (b)(3) a
4 clause that reflects the personal conflicts-of-interest policy
5 developed under this section and that sets forth the con-
6 tractor’s responsibility under such policy.

7 (d) PANEL ON CONTRACTING INTEGRITY REC-
8 OMMENDATIONS.—The Department of Defense Panel on
9 Contracting Integrity, established by the section 813 of
10 the John Warner National Defense Authorization Act for
11 Fiscal Year 2007 (Public Law 109–364), shall consider
12 and make recommendations on the feasibility of applying
13 certain procurement integrity rules to employees of De-
14 partment of Defense contractors to include such rules re-
15 lated to—

16 (1) improper business practices and personal
17 conflicts of interest under Federal Acquisition Regu-
18 lations 3.104;

19 (2) public corruption;

20 (3) financial conflicts of interest;

21 (4) seeking other employment conflicts of inter-
22 est;

23 (5) gifts and travel; and

24 (6) misuse of position or endorsement.

1 **SEC. 822. DEVELOPMENT OF GUIDANCE ON PERSONAL**
2 **SERVICES CONTRACTS.**

3 Not later than 120 days after the date of the enact-
4 ment of this Act, the Secretary of Defense shall develop
5 guidance to—

6 (1) establish a clear definition of the term “per-
7 sonal services contract”;

8 (2) require a clear distinction between employ-
9 ees of the Department of Defense and employees of
10 Department of Defense contractors;

11 (3) provide appropriate safeguards with respect
12 to when, where, and to what extent the Secretary
13 may enter into a contract for the procurement of
14 personal services; and

15 (4) assess and take steps to mitigate the risk
16 that, as implemented and administered, non-personal
17 services contracts may become personal services con-
18 tracts.

19 **SEC. 823. LIMITATION ON PERFORMANCE OF PRODUCT**
20 **SUPPORT INTEGRATOR FUNCTIONS.**

21 (a) LIMITATION.—

22 (1) IN GENERAL.—Chapter 141 of title 10,
23 United States Code, is amended by adding at the
24 end the following new section:

1 **“§ 2410r. Performance-based logistics arrangements:**
2 **limitation on product support integrator**
3 **functions**

4 “(a) LIMITATION.—A function that is a product sup-
5 port integrator function may be performed only by a mem-
6 ber of the armed forces or an employee of the Department
7 of Defense.

8 “(b) DEFINITIONS.—In this section:

9 “(1) The term ‘product support integrator func-
10 tion’ means, with respect to a performance-based lo-
11 gistics arrangement, the function of integrating all
12 sources of support, both public and private, to
13 achieve the specific outcomes specified in the ar-
14 rangement.

15 “(2) The term ‘performance-based logistics ar-
16 rangement’ means a performance-based contract,
17 task order, or other arrangement for the logistics
18 support—

19 “(A) of a weapon system or major end
20 item over the life cycle of the system or item;
21 or

22 “(B) of parts, assemblies, subassemblies,
23 or platforms of a weapon system or major end
24 item.

1 “(3) The term ‘performance-based’ has the
2 meaning given such term in section 2331(g) of this
3 title.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of such chapter is amended
6 by adding after the item relating to section 2410q
7 the following new item:

 “2410r. Performance-based logistics arrangements: limitation on product sup-
 port integrator functions.”.

8 (b) EFFECTIVE DATE.—Section 2410r of title 10,
9 United States Code, as added by subsection (a), shall
10 apply to performance-based logistics arrangements en-
11 tered into after September 30, 2010.

12 **SEC. 824. PERFORMANCE BY PRIVATE SECURITY CONTRAC-**
13 **TORS OF INHERENTLY GOVERNMENTAL**
14 **FUNCTIONS IN AN AREA OF COMBAT OPER-**
15 **ATIONS.**

16 (a) MODIFICATION OF REGULATIONS.—Not later
17 than 60 days after the date of the enactment of this Act,
18 the regulations prescribed by the Secretary of Defense
19 pursuant to section 862(a) of the National Defense Au-
20 thorization Act for Fiscal Year 2008 (Public Law 110–
21 181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modi-
22 fied to ensure that private security contractors are not au-
23 thorized to perform inherently governmental functions in
24 an area of combat operations.

1 (b) GUIDANCE.—After the issuance of regulations to
2 implement the actions required by section 322 of this Act,
3 the Secretary of Defense shall issue supplementary guid-
4 ance to describe functions that should not be performed
5 by private security contractors because they constitute in-
6 herently governmental functions.

7 (c) PERIODIC REVIEW OF PERFORMANCE OF FUNC-
8 TIONS.—

9 (1) IN GENERAL.—The Secretary of Defense
10 shall, in coordination with the heads of other appro-
11 priate agencies, periodically review the performance
12 of private security functions in areas of combat op-
13 erations to ensure that such functions are authorized
14 and performed in a manner consistent with the re-
15 quirements of this section.

16 (2) REPORTS.—Not later than June 1 of each
17 of 2009, 2010, and 2011, the Secretary shall submit
18 to the congressional defense committees a report on
19 the results of the most recent review conducted
20 under paragraph (1).

1 **Subtitle D—Defense Industrial**
 2 **Security**

3 **SEC. 831. REQUIREMENTS RELATING TO FACILITY CLEAR-**
 4 **ANCES.**

5 Chapter 21 of title 10, United States Code, is amend-
 6 ed by adding at the end the following new subchapter:

7 “SUBCHAPTER III—DEFENSE INDUSTRIAL
 8 SECURITY

“Sec. 438. Facility clearances: requirements.

9 **“§ 438. Facility clearances: requirements**

10 “(a) FACILITY CLEARANCES: GENERAL PROVI-
 11 SIONS.—

12 “(1) ACCESS TO CLASSIFIED INFORMATION BY
 13 CONTRACTORS.—A contractor of the Department of
 14 Defense may not be granted custody of classified in-
 15 formation unless the contractor has a facility clear-
 16 ance.

17 “(2) REQUIREMENTS FOR ENTITIES WITH FA-
 18 CILITY CLEARANCES.—An entity may not be granted
 19 a facility clearance by the Department of Defense or
 20 continue to hold such a facility clearance unless the
 21 entity agrees to comply with, and maintains compli-
 22 ance with, the requirements set forth in this sub-
 23 chapter.

1 “(3) AUTHORITY TO REVOKE OR SUSPEND FA-
2 CILITY CLEARANCES.—The Secretary of Defense
3 may revoke or suspend a facility clearance granted
4 by the Department of Defense at any time.

5 “(b) GENERAL REQUIREMENTS FOR FACILITY
6 CLEARANCES.—The Secretary of Defense shall require an
7 entity granted a facility clearance by the Department of
8 Defense to comply with the following requirements:

9 “(1) The entity shall safeguard classified infor-
10 mation in its possession.

11 “(2) The entity shall safeguard covered con-
12 trolled unclassified information in its possession.

13 “(3) The entity shall ensure that it complies
14 with Department of Defense security agreements,
15 contract provisions regarding security, and relevant
16 regulations of the Department of Defense pertaining
17 to industrial security.

18 “(4) The entity shall ensure that its business
19 and management practices do not result in the com-
20 promise of classified information or adversely affect
21 the performance of classified contracts.

22 “(5) The entity shall undergo a determination
23 under section 439 of this title of whether the entity
24 is under foreign ownership control or influence and
25 shall comply with ongoing notification requirements

1 under that section related to foreign ownership and
2 control.

3 “(c) REQUIREMENTS FOR DIRECTORS OF ENTITIES
4 WITH FACILITY CLEARANCES.—

5 “(1) REQUIREMENTS.—Except as provided in
6 paragraph (3), the Secretary of Defense shall re-
7 quire an entity with a facility clearance to require
8 the directors on the entity’s board of directors to en-
9 sure, in their capacity as fiduciaries of the entity,
10 that the entity employs and maintains policies and
11 procedures that meet the general requirements for
12 facility clearances listed in subsection (b).

13 “(2) BY-LAWS REQUIREMENT.—The require-
14 ments of paragraph (1) shall be set forth in the by-
15 laws of the entity.

16 “(3) EXCEPTIONS.—(A) The Secretary of De-
17 fense may waive the requirements of paragraph (1)
18 for reasons of national security. In the event the
19 Secretary grants such a waiver, the Secretary shall
20 submit to the Committees on Armed Services of the
21 Senate and the House of Representatives a notifica-
22 tion that such a waiver has been granted and a jus-
23 tification for granting the waiver.

24 “(B) The requirements of paragraph (1) shall
25 not apply to an entity determined by the Secretary

1 of Defense under section 439(a) of this title to be
2 under foreign ownership control or influence.

3 “(d) REQUIREMENTS RELATING TO SECURITY MAN-
4 AGEMENT OF ENTITIES WITH FACILITY CLEARANCES.—

5 “(1) DESIGNATION OF EMPLOYEE RESPON-
6 SIBLE FOR SECURITY.—The Secretary of Defense
7 shall require an entity, in consultation with and sub-
8 ject to the approval of the chairman of its board of
9 directors, to designate an employee who meets the
10 requirements of paragraph (2) to be responsible for
11 the following:

12 “(A) Reporting to the board of directors of
13 the entity as its principal advisor concerning
14 the general requirements for facility clearances
15 listed in subsection (b), the manner in which
16 they are carried out through the policies and
17 procedures required by subsection (c), and the
18 related Federal requirements for classified in-
19 formation.

20 “(B) Supervising and directing security
21 measures necessary for implementing such re-
22 quirements, policies, and procedures.

23 “(C) Establishing and administering all
24 intracompany procedures to prevent unauthor-
25 ized disclosure and export of controlled unclas-

1 sified information and ensuring that the entity
2 otherwise complies with the requirements of
3 Federal export control laws.

4 “(2) QUALIFICATIONS OF EMPLOYEE.—An em-
5 ployee may not be designated to be responsible for
6 the matters described in paragraph (1) unless the
7 employee—

8 “(A) is a citizen of the United States;

9 “(B) obtains a security clearance at the
10 same level as the facility clearance; and

11 “(C) completes security training that
12 meets the requirements of the Department of
13 Defense.

14 “(e) REQUIREMENTS RELATING TO MANAGEMENT
15 RESPONSIBILITIES FOR ENTITIES WITH FACILITY
16 CLEARANCES.—The Secretary of Defense shall require an
17 entity with a facility clearance to provide a certification
18 of security responsibilities to the Secretary. The certifi-
19 cation of security responsibilities shall—

20 “(1) affirm the entity’s responsibility—

21 “(A) to identify the key management per-
22 sonnel of the entity involved in the performance
23 of classified contracts or in the setting of poli-
24 cies and practices for such contracts and to des-

1 ignite a security manager with primary respon-
2 sibility for security functions;

3 “(B) to ensure that such key management
4 personnel of the entity meet all eligibility re-
5 quirements for the performance of classified
6 contracts;

7 “(C) to provide such key management per-
8 sonnel of the entity with all the authority and
9 capability necessary to safeguard classified in-
10 formation and covered controlled unclassified
11 information in the performance of classified
12 contracts in accordance with regulations pre-
13 scribed by the Secretary; and

14 “(D) to manage all subcontractors and
15 suppliers of the entity performing work on a
16 classified contract to ensure that use of such
17 subcontractors and suppliers does not result in
18 the compromise of classified information or ad-
19 versely affect the performance of classified con-
20 tracts;

21 “(2) be signed by an appropriate member of the
22 board of directors of the entity or a similar executive
23 body determined by the Secretary to function as an
24 equivalent to a board of directors;

1 “(3) be disseminated to all appropriate per-
2 sonnel of the entity; and

3 “(4) be updated as necessary according to pro-
4 cedures proscribed by the Secretary.

5 “(f) REPORTING REQUIREMENTS.—The Secretary of
6 Defense shall require an entity with a facility clearance
7 to submit to the Department of Defense a report on any
8 event—

9 “(1) that affects the status of the facility clear-
10 ance;

11 “(2) that affects proper safeguarding of classi-
12 fied information or that indicates classified informa-
13 tion has been lost or compromised;

14 “(3) that affects the entity’s compliance with
15 Department of Defense security agreements, con-
16 tract provisions regarding security, and relevant reg-
17 ulations of the Department of Defense pertaining to
18 industrial security; or

19 “(4) that is related to the entity’s business and
20 management practices that results in the com-
21 promise of classified information.”.

22 **SEC. 832. FOREIGN OWNERSHIP CONTROL OR INFLUENCE.**

23 (a) IN GENERAL.—Subchapter III of chapter 21 of
24 title 10, United States Code, as added by section 831, is
25 amended by adding at the end the following new section:

1 **“§ 439. Foreign ownership control or influence**

2 “(a) DETERMINATION OF FOREIGN OWNERSHIP
3 CONTROL OR INFLUENCE.—

4 “(1) IN GENERAL.—Before granting a facility
5 clearance to an entity, and while such entity holds
6 a facility clearance, the Secretary of Defense shall
7 determine whether an entity is under foreign owner-
8 ship control or influence (in this subchapter referred
9 to as ‘FOCI’).

10 “(2) DESCRIPTION OF FOCL.—For purposes of
11 paragraph (1), the Secretary shall determine an en-
12 tity to be under FOCL if a foreign interest has the
13 power, direct or indirect, whether or not exercised,
14 and whether or not exercisable through the owner-
15 ship of the entity’s securities, by contractual ar-
16 rangements or other means, to direct or decide mat-
17 ters affecting the management or operations of that
18 entity in a manner that may result in—

19 “(A) unauthorized access to classified in-
20 formation;

21 “(B) unauthorized access to covered con-
22 trolled unclassified information;

23 “(C) an adverse effect on the performance
24 of classified contracts; or

25 “(D) an adverse effect on the entity’s com-
26 pliance with Department of Defense security

1 agreements, appropriate contract provisions re-
2 garding security, and relevant Department reg-
3 ulations pertaining to industrial security.

4 “(b) FOCI FACTORS.—

5 “(1) IN GENERAL.—The following factors relat-
6 ing to an entity, a foreign interest, or a government
7 of a foreign interest shall be considered by the Sec-
8 retary of Defense in determining under this section
9 whether an entity is under foreign ownership control
10 or influence and the protective measures that may
11 be required to mitigate the FOCI of the entity:

12 “(A) Record of economic and government
13 espionage against United States targets by the
14 entity, by any foreign interest in the entity, and
15 by the government of any such foreign interest.

16 “(B) Record of enforcement of covered
17 controlled unclassified information or engage-
18 ment in unauthorized technology transfer.

19 “(C) The type and sensitivity of the infor-
20 mation expected to be accessed in performing a
21 classified contract.

22 “(D) The source, nature, and extent of
23 FOCI, including whether foreign interests hold
24 a majority or substantial minority position in
25 the entity, taking into consideration the imme-

1 diate, intermediate, and ultimate parent enti-
2 ties, sister entities, joint ventures, and hedge
3 funds.

4 “(E) Record of compliance with pertinent
5 United States laws, regulations, and contracts
6 by the entity, by the foreign interest (if any) in
7 the entity, and by parent entities, sister enti-
8 ties, joint ventures, and hedge funds.

9 “(F) The nature of any bilateral and mul-
10 tilateral security and information exchange
11 agreements that may pertain to the entity, any
12 foreign interest in the entity, and the govern-
13 ment of any such foreign interest.

14 “(G) Ownership, control, or influence of
15 the entity, in whole or in part, by a foreign gov-
16 ernment.

17 “(2) MINORITY POSITION.—For purposes of
18 paragraph (1)(D), a minority position shall be con-
19 sidered substantial if—

20 “(A) it consists of greater than 5 percent
21 of the ownership interests;

22 “(B) it consists of greater than 10 percent
23 of the voting interest; or

24 “(C) the minority position controls a seat
25 on the entity’s board of directors.

1 “(c) MITIGATION OF FOREIGN OWNERSHIP CONTROL
2 OR INFLUENCE.—

3 “(1) PROTECTIVE MEASURES AUTHORIZED FOR
4 MITIGATION OF FOCI.—With respect to any entity
5 with a facility clearance under FOCI, as determined
6 under subsection (a), the Secretary of Defense may
7 impose any security method, safeguard, or restric-
8 tion the Secretary believes necessary to ensure that
9 the entity complies with the general requirements for
10 facility clearances listed in subsection (b) of section
11 438 of this title.

12 “(2) GOVERNMENT SECURITY COMMITTEE RE-
13 QUIREMENT FOR MITIGATION OF FOCI.—

14 “(A) IN GENERAL.—As part of the mitiga-
15 tion of foreign ownership control or influence of
16 an entity determined to be under FOCI, the
17 Secretary of Defense shall require the entity to
18 establish a permanent committee of the entity’s
19 board of directors, or equivalent executive body,
20 to be known as the entity’s ‘Government Secu-
21 rity Committee’, for purposes of carrying out
22 the requirements of this paragraph.

23 “(B) RESPONSIBILITIES OF GSC.—The re-
24 sponsibilities of the Government Security Com-
25 mittee of an entity are to ensure that the entity

1 employs and maintains policies and procedures
2 that ensure that the entity complies with the
3 general requirements for facility clearances list-
4 ed in subsection (b) of section 438 of this title.

5 “(C) ROLE OF SECURITY MANAGER IN
6 GSC.—The employee of the entity designated
7 pursuant to section 438(d)(1) as the security
8 manager shall be the principal advisor to the
9 Government Security Committee and attend
10 committee meetings. The chairman of the Gov-
11 ernment Security Committee must concur with
12 the appointment and replacement of persons
13 filling the position of security manager selected
14 by management of the entity. The functions of
15 the security manager shall be carried out under
16 the authority of the Government Security Com-
17 mittee.

18 “(3) RELATIONSHIP TO FACILITY CLEAR-
19 ANCE.—In the case of an entity with a facility clear-
20 ance under FOCl, as determined under subsection
21 (a), the following provisions apply with respect to
22 the status of the facility clearance of the entity:

23 “(A) CONTINUATION IN EFFECT WHILE
24 NEGOTIATING MITIGATION MEASURE.—The fa-
25 cility clearance of the entity shall continue in

1 effect if the entity is negotiating with the Sec-
2 retary a mitigation measure and the Secretary
3 determines that there is no indication that clas-
4 sified information or covered controlled unclas-
5 sified information is at risk of compromise.

6 “(B) INVALIDATION IF NO MITIGATION
7 MEASURE WITHIN SIX MONTHS.—(i) Subject to
8 subparagraph (C), the Secretary shall invalidate
9 the facility clearance of the entity if an accept-
10 able mitigation measure has not been agreed to
11 by the Secretary and the entity by the end of
12 the six-month period beginning on the date of
13 the determination by the Secretary that the en-
14 tity is under FOCL.

15 “(ii) The six-month period described in
16 clause (i) may be extended for one additional
17 three-month period upon request by the entity
18 if the Secretary approves an extension.

19 “(C) REVOCATION IF POSSIBILITY OF UN-
20 AUTHORIZED ACCESS OR ADVERSE EFFECT.—
21 The Secretary shall revoke the facility clearance
22 of the entity at any time if, regardless of wheth-
23 er the entity is negotiating a mitigation meas-
24 ure with the Secretary, the Secretary deter-
25 mines that security measures cannot be taken

1 to remove the possibility of unauthorized access
2 or an adverse effect on classified contracts.

3 “(d) NOTIFICATION TO DEPARTMENT OF DEFENSE
4 REGARDING CHANGE IN FOCI.—The Secretary of De-
5 fense shall require an entity to notify the Secretary when
6 material changes occur to information previously sub-
7 mitted to the Department of Defense pertaining to the
8 FOCI factors affecting the entity as soon as such informa-
9 tion is known to the entity.

10 “(e) NOTIFICATION TO DEPARTMENT OF DEFENSE
11 REGARDING MERGERS, ACQUISITIONS, OR TAKEOVERS BY
12 FOREIGN PERSONS.—The Secretary of Defense shall re-
13 quire that when an entity with a facility clearance enters
14 into negotiations for a proposed merger, acquisition, or
15 takeover by a foreign person, the entity shall submit to
16 the Secretary of Defense a notification of the commence-
17 ment of such negotiations and a plan to negate the FOCI
18 resulting from the transaction.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such subchapter is amended by adding
21 at the end the following new item:

“Sec. 439. Foreign ownership control or influence.”.

1 **SEC. 833. CONGRESSIONAL OVERSIGHT RELATING TO FA-**
2 **CILITY CLEARANCES AND FOREIGN OWNER-**
3 **SHIP CONTROL OR INFLUENCE; DEFINI-**
4 **TIONS.**

5 (a) NOTIFICATIONS AND REPORTS.—Subchapter III
6 of chapter 21 of title 10, United States Code, as added
7 by section 831, is further amended by adding at the end
8 the following new section:

9 **“§ 440. Notifications and reports**

10 “(a) NOTIFICATIONS REQUIRED.—The Secretary of
11 Defense shall submit to the Committees on Armed Serv-
12 ices of the Senate and the House of Representatives a no-
13 tification within 30 days after the occurrence of any of
14 the following:

15 “(1) The revocation or suspension by the Sec-
16 retary of a facility clearance of an entity previously
17 determined to be under foreign ownership control or
18 influence.

19 “(2) The receipt by the Secretary of a notifica-
20 tion under section 439(d) from an entity that the
21 entity has entered into negotiations for a proposed
22 merger, acquisition, or takeover by a foreign person.

23 “(b) BIENNIAL REPORT.—(1) The Secretary of De-
24 fense shall, not later than September 1, 2009, and bian-
25 nually thereafter, submit to the Committees on Armed

1 Services of the Senate and the House of Representatives
2 a report containing the following:

3 “(A) Specific, cumulative, and, as appropriate,
4 trend information on the numbers of entities—

5 “(i) holding facility clearances;

6 “(ii) that have reported a material change
7 relating to FOCI factors;

8 “(iii) that have measures in place to miti-
9 gate foreign ownership control or influence; or

10 “(iv) that have had a facility clearance sus-
11 pended or revoked.

12 “(B) Specific, cumulative, and, as appropriate,
13 trend information, on—

14 “(i) the entities that have filed for or
15 maintain facility clearances;

16 “(ii) the number of such entities deter-
17 mined to be under foreign ownership control or
18 influence;

19 “(iii) the countries from which such enti-
20 ties have originated;

21 “(iv) the number that went through the
22 Committee on Foreign Investment in the
23 United States; and

24 “(v) the types of security arrangements
25 and conditions that the Government Security

1 Committees of entities have used to mitigate
2 foreign ownership control or influence.

3 “(C) An analysis of trends in the Industrial Se-
4 curity Program, including an assessment of the
5 number and types of errors found in compliance
6 within the Program.

7 “(D) An analysis of the details of companies
8 that have committed violations of the Industrial Se-
9 curity Program and the frequency of the violations,
10 including the number of companies that have com-
11 mitted recurring violations.

12 “(E) A description of the corrective actions, if
13 any, taken by the Defense Security Service to ad-
14 dress the violations.

15 “(2) The information required under paragraph
16 (1)(B) shall be organized and set forth separately in the
17 report by defense sector within the defense industrial base.

18 “(3) The report shall be submitted in an unclassified
19 form, but may contain a classified annex.”.

20 (b) DEFINITIONS.—Subchapter III of chapter 21 of
21 title 10, United States Code, as added by section 831, is
22 further amended by adding at the end the following new
23 section:

24 “§ 440a. **Definitions**

25 “In this subchapter:

1 “(1) ENTITY.—The term ‘entity’ includes a cor-
2 poration, company, association, firm, partnership,
3 society, or joint stock company, but does not include
4 an individual.

5 “(2) FACILITY CLEARANCE.—The term ‘facility
6 clearance’, with respect to an entity, means an ad-
7 ministrative determination by the Secretary of De-
8 fense that the entity is eligible for—

9 “(A) access to classified information; or

10 “(B) award of a classified contract.

11 “(3) CLASSIFIED INFORMATION.—The term
12 ‘classified information’ means any information that
13 has been determined pursuant to Executive Order
14 12958 or any predecessor order to require protection
15 against unauthorized disclosure and is so designated.
16 The classifications ‘top secret’, ‘secret’, and ‘con-
17 fidential’ are used to designate such information.

18 “(4) CLASSIFIED CONTRACT.—The term ‘classi-
19 fied contract’ means any contract requiring access to
20 classified information by a contractor or the contrac-
21 tor’s employees in the performance of the contract
22 or in any phase of precontract activity or post-con-
23 tract activity.

24 “(5) COVERED CONTROLLED UNCLASSIFIED IN-
25 FORMATION.—The term ‘covered controlled unclassi-

1 fied information’ means unclassified information the
2 export of which—

3 “(A) is controlled, in the case of technical
4 data that is inherently military in nature, by
5 the International Traffic in Arms Regulations
6 (ITAR); and

7 “(B) is controlled, in the case of technical
8 data that has both military and commercial
9 uses, by the Export Administration Regulations
10 (EAR).”.

11 (c) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such subchapter is amended by adding
13 at the end the following new items:

 “Sec. 440. Notifications and reports.
 “Sec. 440a. Definitions.”.

14 (d) REGULATIONS.—The Secretary of Defense shall
15 prescribe regulations to carry out subchapter III of chap-
16 ter 21 of title 10, United States Code, not later than Sep-
17 tember 1, 2009.

18 (e) STUDY AND REPORT.—

19 (1) IN GENERAL.—The Secretary of Defense
20 shall conduct a study on investments in entities cov-
21 ered by subchapter III of chapter 21 of title 10,
22 United States Code, as added by this title. The
23 study shall examine investments in such entities
24 by—

- 1 (A) foreign governments;
- 2 (B) entities controlled by or acting on be-
- 3 half of a foreign government;
- 4 (C) persons of foreign countries; and
- 5 (D) hedge funds.

6 (2) REPORT.—Not later than 180 days after

7 the date of the enactment of this Act, the Secretary

8 of Defense shall submit to Congress a report on the

9 results of the study conducted under paragraph (1).

10 The information in the report shall be organized and

11 set forth separately by defense sector within the de-

12 fense industrial base.

13 **Subtitle E—Other Matters**

14 **SEC. 841. CLARIFICATION OF STATUS OF GOVERNMENT**

15 **RIGHTS IN THE DESIGNS OF DEPARTMENT**

16 **OF DEFENSE VESSELS, BOATS, AND CRAFT,**

17 **AND COMPONENTS THEREOF.**

18 (a) IN GENERAL.—Chapter 633 of title 10, United

19 States Code, is amended by adding at the end the fol-

20 lowing new section:

21 **“§ 7317. Status of Government rights in the designs of**

22 **vessels, boats, and craft, and components**

23 **thereof**

24 “Government rights in the design of a vessel, boat,

25 or craft, or its components, including the hull, decks, and

1 superstructure, shall be determined solely by operation of
 2 section 2320 of this title or by the instrument under which
 3 the design was developed for the Government.”.

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

“7317. Status of Government rights in the designs of vessels, boats, and craft,
 and components thereof.”.

7 **SEC. 842. EXPANSION OF AUTHORITY TO RETAIN FEES**
 8 **FROM LICENSING OF INTELLECTUAL PROP-**
 9 **ERTY.**

10 Section 2260 of title 10, United States Code, is
 11 amended—

12 (1) in subsection (a), by inserting “or the Sec-
 13 retary of Homeland Security” after “Secretary of
 14 Defense”; and

15 (2) in subsection (f)—

16 (A) by striking “(f) DEFINITIONS.—In this
 17 section, the” and inserting the following:

18 “(f) DEFINITIONS.—In this section:

19 “(1) The”; and

20 (B) by adding at the end the following new
 21 paragraph:

22 “(2) The term ‘Secretary concerned’ has the
 23 meaning provided in section 101(a)(9) of this title
 24 and also includes—

1 “(A) the Secretary of Defense, with respect
2 to matters concerning the Defense Agencies and
3 Department of Defense Field Activities; and

4 “(B) the Secretary of Homeland Security,
5 with respect to matters concerning the Coast
6 Guard when it is not operating as a service in
7 the Department of the Navy.”.

8 **SEC. 843. TRANSFER OF SECTIONS OF TITLE 10 RELATING**
9 **TO MILESTONE A AND MILESTONE B FOR**
10 **CLARITY.**

11 (a) **REVERSAL OF ORDER OF SECTIONS.**—Section
12 2366b of title 10, United States Code, is transferred so
13 as to appear before section 2366a of such title.

14 (b) **REDESIGNATION OF SECTIONS.**—Section 2366b
15 (relating to Milestone A) and section 2366a (relating to
16 Milestone B) of such title, as so transferred, are redesign-
17 nated as sections 2366a and 2366b, respectively.

18 (c) **TECHNICAL AMENDMENT.**—The table of sections
19 at the beginning of chapter 139 of title 10, United States
20 Code, is amended by striking the items relating sections
21 2366a and 2366b and inserting the following new items:

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

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

22 (d) **CONFORMING AMENDMENTS.**—

1 (1) SECTION 181 OF TITLE 10, UNITED STATES
2 CODE.—Section 181(b)(4) of title 10, United States
3 Code, is amended by striking “section 2366a(a)(4),
4 section 2366b(b),” and inserting “section 2366a(b),
5 section 2366b(a)(4),”.

6 (2) NATIONAL DEFENSE AUTHORIZATION ACT
7 FOR FISCAL YEAR 2008.—The National Defense Au-
8 thorization Act for Fiscal Year 2008 (Public Law
9 110–181) is amended—

10 (A) in section 212(1) by striking “2366a”
11 and inserting “2366b”; and

12 (B) in section 816—

13 (i) in subsection (a)(2) by striking
14 “2366a” and inserting “2366b”;

15 (ii) in subsection (a)(3) by striking
16 “2366b of title 10, United States Code, as
17 added by section 943 of this Act” and in-
18 serting “2366a of title 10, United States
19 Code”; and

20 (iii) in subsection (c)(2) by striking
21 “2366a” each place such term appears (in-
22 cluding in the paragraph heading) and in-
23 serting “2366b”.

24 (3) JOHN WARNER NATIONAL DEFENSE AU-
25 THORIZATION ACT FOR FISCAL YEAR 2007.—The

1 John Warner National Defense Authorization Act
2 for Fiscal Year 2007 (Public Law 109–364) is
3 amended in section 812 (120 Stat. 2317), in each of
4 subsections (c)(2)(A) and (d)(2), by striking
5 “2366a” and inserting “2366b”.

6 **SEC. 844. EARNED VALUE MANAGEMENT STUDY AND RE-**
7 **PORT.**

8 (a) STUDY.—The Secretary of Defense shall conduct
9 a study that—

10 (1) assesses weaknesses in earned value man-
11 agement implementation, including a review of the
12 methodology, accuracy of data, training, and infor-
13 mation technology systems used to develop earned
14 value management data;

15 (2) audits the accuracy of the earned value
16 management data provided by vendors to the Fed-
17 eral Government concerning acquisition categories I
18 and II programs; and

19 (3) measures the success of utilizing earned
20 value management to deliver program objectives.

21 (b) REPORT.—Not later than 180 days after the date
22 of the enactment of this Act, the Secretary of Defense
23 shall submit to the appropriate committees a report that—

1 (1) identifies recommendations for improving
2 the implementation of earned value management, in-
3 cluding alternatives; and

4 (2) contains the findings of the study conducted
5 under subsection (a).

6 (c) DEFINITIONS.—In this section:

7 (1) APPROPRIATE COMMITTEES.—The term
8 “appropriate committees” means the Committee on
9 Armed Services of the Senate and the Committee on
10 Armed Services of the House of Representatives.

11 (2) EARNED VALUE MANAGEMENT.—The term
12 “earned value management” has the meaning given
13 that term in section 300 of part 7 of Office of Man-
14 agement and Budget Circular A–11.

15 **SEC. 845. REPORT ON MARKET RESEARCH.**

16 (a) REPORT REQUIRED.—Not later than October 1,
17 2009, the Secretary of Defense shall submit to the Com-
18 mittees on Armed Services of the Senate and the House
19 of Representatives a report on the market research con-
20 ducted by the Secretary in implementing section 2377 of
21 title 10, United States Code.

22 (b) SAMPLE EXAMINED.—For purposes of the report,
23 the Secretary shall examine a representative sample of
24 contracts and task or delivery orders, each of which—

1 (1) is for an amount in excess of \$5,000,000;
2 and

3 (2) is for the acquisition of a mission critical or
4 a complex military system in which computer soft-
5 ware is a component or subcomponent.

6 (c) MATTERS COVERED.—The report shall contain
7 the following:

8 (1) A statement of the total number of con-
9 tracts and task or delivery orders awarded in fiscal
10 year 2007 for a mission critical or complex military
11 system in which software is a component or sub-
12 component.

13 (2) A statement of the number of contracts and
14 task or delivery orders in the sample examined for
15 purposes of the report (as described in subsection
16 (b)), and a description of those contracts and orders.

17 (3) For the sampled contracts and orders, a de-
18 scription of how often market research was per-
19 formed on the sampled contracts and orders.

20 (4) For the sampled contracts and orders, a de-
21 scription of whether a Government employee or a
22 contractor employee performed the market research
23 and how the market research was performed.

24 (5) For the sampled contracts and orders, an
25 identification of—

1 (A) instances when the market research
2 identified software that was available as a com-
3 mercial item and that could be used to meet the
4 Government's requirements;

5 (B) instances when the software was modi-
6 fied or proposed to be modified to meet the De-
7 partment's requirements; or

8 (C) instances when the Department's re-
9 quirements were modified to meet the capability
10 of the commercial item software.

11 (6) An identification of the training tools the
12 Secretary of Defense has developed to assist con-
13 tracting officials in performing market research.

14 (7) An identification of actions the Department
15 of Defense intends to take to further implement sec-
16 tion 2377 of title 10, United States Code, and sec-
17 tion 826(b) of the National Defense Authorization
18 Act for Fiscal year 2007 (Public Law 110–181; 10
19 U.S.C. 2377 note), including dissemination of best
20 practices and corrective actions where necessary.

21 **SEC. 846. SYSTEM DEVELOPMENT AND DEMONSTRATION**

22 **BENCHMARK REPORT.**

23 (a) SYSTEM DEVELOPMENT AND DEMONSTRATION
24 BENCHMARK REPORT.—

1 (1) BENCHMARK REPORT REQUIRED.—The Sec-
2 retary of a military department shall submit a sys-
3 tem development and demonstration benchmark re-
4 port as an annex to the baseline description required
5 in section 2435 of title 10, United States Code, for
6 each major defense acquisition program identified in
7 subsection (b). Such a system development and dem-
8 onstration benchmark report shall be based upon the
9 most recent contractor proposal, the capabilities de-
10 velopment document, and the systems requirements
11 document approved prior to Milestone B approval
12 and shall include the following information:

13 (A) The key performance parameters and
14 technical requirements identified in the capabili-
15 ties development document and systems require-
16 ments document.

17 (B) A detailed description of performance
18 capabilities proposed by the contractor, matched
19 to the capabilities and requirements in the ca-
20 pabilities development document and systems
21 requirements document.

22 (C) A target cost for system development
23 and demonstration, excluding incentive or
24 award fees and including both government and
25 non-government costs.

1 (D) A detailed outline of negotiated con-
2 tract incentive or award fees.

3 (E) A detailed outline of contract ceiling
4 price, target cost, target profit, and contract
5 share line.

6 (F) A schedule of key events.

7 (G) An identification of critical tech-
8 nologies and associated technology readiness
9 levels estimated for each upon both the initi-
10 ation and the conclusion of system development
11 and demonstration.

12 (H) Estimated percentage completion of
13 detail design at each scheduled design readiness
14 review and the scheduled Milestone C approval
15 date.

16 (I) A discussion of development risk and
17 concurrency within the program.

18 (J) Any other factors that the milestone
19 decision authority considers relevant.

20 (2) TIMELINE FOR SUBMISSION OF BENCHMARK
21 REPORT.—A system development and demonstration
22 benchmark report for a major defense acquisition
23 program identified in subsection (b) shall be sub-
24 mitted to the congressional defense committees and
25 prepared under this section—

1 (A) not later than 30 days after the date
2 of the enactment of this Act, if the Department
3 of Defense has entered into a contract for sys-
4 tem development and demonstration for such a
5 major defense acquisition program prior to the
6 date of enactment of this Act; or

7 (B) in accordance with the requirements
8 for the establishment of a baseline description
9 required by section 2435 of title 10, United
10 States Code, in any other case.

11 (3) ALTERATIONS.—No alterations or revisions
12 may be made to a system development and dem-
13 onstration benchmark report after the first such re-
14 port is prepared in accordance with paragraph (2).

15 (b) MAJOR DEFENSE ACQUISITION PROGRAMS IN-
16 CLUDED.—For the purposes of this section, the major de-
17 fense acquisition programs to be included in the pilot pro-
18 gram are the following:

19 (1) BAMS, broad area maritime surveillance
20 unmanned aerial vehicle.

21 (2) CSAR-X, combat search and rescue heli-
22 copter.

23 (3) JLTV, joint light tactical vehicle.

24 (4) KC-45A, aerial refueling tanker.

1 (5) VH-71, presidential helicopter, increment
2 II.

3 (6) Warrior-Alpha, unmanned aerial vehicle.

4 (c) SYSTEM DEVELOPMENT AND DEMONSTRATION
5 CHANGES.—The Under Secretary of Defense for Acquisi-
6 tion, Technology, and Logistics shall establish a Configu-
7 ration Steering Board for each major defense acquisition
8 program identified in subsection (b). The Board shall
9 oversee any proposed alteration to the requirements or to
10 the proposed technical configuration for such a major de-
11 fense acquisition program during system development and
12 demonstration. If such an alteration would increase the
13 cost to the Government, extend the schedule by more than
14 30 days, or alter the proposed performance capabilities,
15 as established in the system development and demonstra-
16 tion baseline required by subsection (a), the Configuration
17 Steering Board shall not approve the alteration until—

18 (1) the chair of the Configuration Steering
19 Board has submitted to the congressional defense
20 committees a written description of the alteration
21 and an explanation of the rationale for the alter-
22 ation; and

23 (2) not less than 15 days have expired since the
24 date of submission of such description and expla-
25 nation to those committees.

1 (d) ADDITIONAL REPORTING REQUIREMENTS.—

2 (1) IN GENERAL.—The Secretary of a military
3 department shall submit a semi-annual contract per-
4 formance assessment report to the milestone decision
5 authority and to the congressional defense commit-
6 tees on each major defense acquisition program
7 identified in subsection (b). The report shall be in
8 unclassified form, but may have a classified annex or
9 an annex that is restricted to protect source selec-
10 tion, business-sensitive, or proprietary information.

11 (2) CONTENTS.—Each such report shall de-
12 scribe contract execution regarding contract cost
13 performance, schedule performance, and incentive or
14 award fee reviews and outlays, and an estimated
15 cost at completion of the end item compared to the
16 system development and demonstration benchmark
17 report required in subsection (a)(1).

18 (3) FIRST REPORT.—The first such report shall
19 be submitted not later than 180 days after—

20 (A) system design and development con-
21 tract award; or

22 (B) after enactment of this Act in the case
23 of a system design and development contract
24 that was awarded before the date of the enact-
25 ment of this Act.

1 (4) TERMINATION OF REPORTING REQUIRE-
2 MENT.—The reporting requirement shall terminate
3 upon a full rate production decision for each major
4 defense acquisition program identified in subsection
5 (b).

6 (e) PROHIBITION ON MILESTONE C APPROVAL.—(1)
7 Except as provided in paragraph (2), the Milestone C ap-
8 proval shall not be granted if the milestone decision au-
9 thority determines, on the basis of a report submitted pur-
10 suant to subsection (d), or has other reason to believe,
11 that—

12 (A) the cost (including any increase for ex-
13 pected inflation or currency exchange rates) for
14 system development and demonstration has in-
15 creased by more than 25 percent over the sys-
16 tem development and demonstration baseline
17 established in (a)(1), or

18 (B) the schedule for key events is delayed
19 by more than 15 percent of the total number of
20 months between the award of the system devel-
21 opment and demonstration contract and the
22 scheduled Milestone C approval date, as pro-
23 vided in the system development and dem-
24 onstration baseline established in subsection
25 (a)(1).

1 (2) The Under Secretary of Defense for Acqui-
2 sition, Technology, and Logistics may waive the pro-
3 hibition in paragraph (1) upon certification to the
4 congressional defense committees, along with sup-
5 porting rationale, that proceeding to low rate initial
6 production is in the best interest of the Department
7 of Defense.

8 (f) DEFINITIONS.—In this section:

9 (1) CONFIGURATION STEERING BOARD.—The
10 term “Configuration Steering Board” means the
11 committee described in the memorandum regarding
12 Configuration Steering Boards from the Under Sec-
13 retary of Defense for Acquisition, Technology, and
14 Logistics dated July 30, 2007, for the secretaries of
15 the military departments, Chairman of the Joint
16 Chiefs of Staff, Under Secretaries of Defense, and
17 Commander, U.S. Special Operations Command.

18 (2) MILESTONE B APPROVAL.—The term “Mile-
19 stone B approval” has the meaning provided in sec-
20 tion 2366(e)(7) of title 10, United States Code.

21 (3) MILESTONE C APPROVAL.—The term “Mile-
22 stone C approval” has the meaning provided in sec-
23 tion 2366(e)(8) of title 10, United States Code.

24 (4) MAJOR DEFENSE ACQUISITION PROGRAM.—
25 The term “major defense acquisition program” has

1 the meaning provided in section 2430 of title 10,
2 United States Code.

3 **SEC. 847. ADDITIONAL MATTERS REQUIRED TO BE RE-**
4 **PORTED BY CONTRACTORS PERFORMING SE-**
5 **CURITY FUNCTIONS IN AREAS OF COMBAT**
6 **OPERATIONS.**

7 Section 862(a)(2)(D) of the National Defense Au-
8 thorization Act for Fiscal Year 2008 (Public Law 110-
9 181) is amended—

10 (1) by striking “or” at the end of clause (ii);

11 and

12 (2) by adding at the end the following new
13 clauses:

14 “(iv) a weapon is discharged against
15 personnel performing private security func-
16 tions in an area of combat operations or
17 personnel performing such functions be-
18 lieve a weapon was so discharged; or

19 “(v) active, non-lethal counter-
20 measures (other than the discharge of a
21 weapon) are employed by the personnel
22 performing private security functions in an
23 area of combat operations in response to a
24 perceived immediate threat to such per-
25 sonnel;”.

1 **SEC. 848. REPORT RELATING TO MUNITIONS.**

2 Not later than March 1, 2009, the Secretary of De-
3 fense shall submit to the congressional defense committees
4 a report detailing how 60mm and 81mm munitions used
5 by the Armed Forces are procured, including, where rel-
6 evant, an explanation of the decision to procure such mu-
7 nitions from non-domestic sources and the justification for
8 awarding contracts to non-domestic sources. The report
9 shall also include a plan to develop a domestic producer
10 as the source for 60mm and 81mm munitions used by the
11 Armed Forces by 2012.

12 **SEC. 849. ADDITIONAL CONTRACTOR REQUIREMENTS AND**
13 **RESPONSIBILITIES RELATING TO ALLEGED**
14 **CRIMES BY OR AGAINST CONTRACTOR PER-**
15 **SONNEL IN IRAQ AND AFGHANISTAN.**

16 (a) REQUIREMENTS FOR DEFENSE CONTRACTORS.—

17 (1) IN GENERAL.—Not later than 90 days after
18 the date of the enactment of this Act, the Secretary
19 of Defense shall develop requirements relating to
20 covered offenses allegedly perpetrated by or against
21 contractor personnel in the case of defense contrac-
22 tors performing covered contracts.

23 (2) SPECIFIC MATTERS COVERED.—The re-
24 quirements developed under paragraph (1) shall in-
25 clude the following:

1 (A) REPORTING REQUIREMENT.—A re-
2 quirement for defense contractors to report, in
3 a manner prescribed by the Secretary of De-
4 fense, covered offenses allegedly perpetrated by
5 or against contractor personnel.

6 (B) ASSISTANCE.—A requirement for de-
7 fense contractors to provide for victim and wit-
8 ness safety, medical assistance, and psycho-
9 logical assistance in the case of a covered of-
10 fense. The Secretary of Defense shall prescribe
11 regulations to carry out this subparagraph, and
12 the regulations shall be in accordance with reg-
13 ulations of the Department of Defense relating
14 to restricted reporting for sexual assaults.

15 (C) INFORMATION.—A requirement that
16 the contractor provide to all contractor per-
17 sonnel who will perform work on the contract,
18 before beginning such work, information on the
19 following:

20 (i) How and where to report an al-
21 leged covered offense.

22 (ii) Where to seek the assistance re-
23 quired by subparagraph (B).

24 (3) IMPLEMENTATION AS CONDITION OF CUR-
25 RENT AND FUTURE CONTRACTS.—

1 (A) CURRENT CONTRACTS.—With respect
2 to any covered contract in effect on the date of
3 the enactment of this Act, the contract shall be
4 modified to include the requirements under
5 paragraph (1) as a condition of the contract.

6 (B) FUTURE CONTRACTS.—With respect to
7 any covered contract entered into by the De-
8 partment of Defense after the date of the en-
9 actment of this Act, the requirements developed
10 under paragraph (1) shall be included as a con-
11 dition of the covered contract.

12 (b) GOVERNMENT REQUIREMENTS.—Beginning not
13 later than 180 days after the date of the enactment of
14 this Act, the Secretary of Defense shall make publicly
15 available a numerical accounting of alleged covered of-
16 fenses reported under this section. The information shall
17 be updated no less frequently than quarterly.

18 (c) DEFINITIONS.—In this section:

19 (1) COVERED CONTRACT.—The term “covered
20 contract”—

21 (A) means a contract with the Department
22 of Defense performed—

23 (i) in Iraq or Afghanistan; or

1 (ii) in any area designated by the Sec-
2 retary as being in support of the United
3 States mission in Iraq or Afghanistan; and

4 (B) includes—

5 (i) any subcontract at any tier under
6 the contract; and

7 (ii) any task order or delivery order
8 issued under the contract or such a sub-
9 contract.

10 (2) COVERED OFFENSE.—The term “covered
11 offense”, with respect to a covered contract, means
12 an offense under chapter 212 of title 18, United
13 States Code—

14 (A) that is a crime of violence (as defined
15 in section 16 of such title 18); and

16 (B) that is committed—

17 (i) by or against contractor personnel;
18 and

19 (ii) in geographic areas where the cov-
20 ered contract is performed.

21 (3) CONTRACTOR PERSONNEL.—The term
22 “contractor personnel” means any person per-
23 forming work under a covered contract, including in-
24 dividuals and subcontractors at any tier.

1 **SEC. 850. REQUIREMENT FOR DEPARTMENT OF DEFENSE**
2 **TO ADOPT AN ACQUISITION STRATEGY FOR**
3 **DEFENSE BASE ACT INSURANCE.**

4 (a) **IN GENERAL.**—The Secretary of Defense shall
5 adopt an acquisition strategy for insurance required by the
6 Defense Base Act (42 U.S.C. 1651 et seq.) which mini-
7 mizes the cost of such insurance to the Department of De-
8 fense.

9 (b) **CRITERIA.**—The Secretary shall ensure that the
10 acquisition strategy adopted pursuant to subsection (a)
11 addresses the following criteria:

12 (1) Minimize overhead costs associated with ob-
13 taining such insurance, such as direct or indirect
14 costs for contract management and contract admin-
15 istration.

16 (2) Minimize costs for coverage of such insur-
17 ance consistent with realistic assumptions regarding
18 the likelihood of incurred claims by contractors of
19 the Department.

20 (3) Provide for a correlation of premiums paid
21 in relation to claims incurred that is modeled on best
22 practices in government and industry for similar
23 kinds of insurance.

24 (4) Provide for a low level of risk to the De-
25 partment.

1 (5) Provide for a competitive marketplace for
2 insurance required by the Defense Base Act to the
3 maximum extent practicable.

4 (c) OPTIONS.—In adopting the acquisition strategy
5 pursuant to subsection (a), the Secretary shall consider
6 the following options:

7 (1) Entering into a single Defense Base Act in-
8 surance contract for the Department of Defense.

9 (2) Entering into a single Defense Base Act in-
10 surance contract for contracts involving performance
11 in theaters of combat operations.

12 (3) Entering into a contract vehicle, such as a
13 multiple award contract, that provides for competi-
14 tion among contractors for categories of insurance
15 coverage, such as construction, aviation, security,
16 and other categories of insurance.

17 (4) Using a retrospective rating approach to
18 Defense Base Act insurance that adjusts rates ac-
19 cording to actual claims incurred on a cost reim-
20 bursement basis.

21 (5) Adopting a self-insurance approach to De-
22 fense Base Act insurance for Department of Defense
23 contracts.

1 (6) Such other options as the Secretary deems
2 to best satisfy the criteria identified under sub-
3 section (b).

4 (d) REPORT.—(1) Not later than 180 days after the
5 date of enactment of this Act, the Secretary shall submit
6 to the Committees on Armed Services of the Senate and
7 the House of Representatives, the Committee on Home-
8 land Security and Governmental Affairs of the Senate,
9 and the Committee on Oversight and Government Reform
10 of the House of Representatives a report on the acquisi-
11 tion strategy adopted pursuant to subsection (a).

12 (2) The report shall include a discussion of each of
13 the options considered pursuant to subsection (c) and the
14 extent to which each option addresses the criteria identi-
15 fied under subsection (b), and shall include a plan to im-
16 plement within 18 months after the date of enactment of
17 this Act the acquisition strategy adopted by the Secretary.

18 (e) REVIEW OF ACQUISITION STRATEGY.—As consid-
19 ered appropriate by the Secretary, but not less often than
20 once every 3 years, the Secretary shall review and, as nec-
21 essary, update the acquisition strategy adopted pursuant
22 to subsection (a) to ensure that it best addresses the cri-
23 teria identified under subsection (b).

1 **SEC. 851. MOTOR CARRIER FUEL SURCHARGES.**

2 (a) PASS THROUGH AND DISCLOSURE.—Chapter 157
3 of title 10, United States Code, is amended by adding at
4 the end the following new section:

5 **“§ 2652. Motor carrier fuel surcharges**

6 “(a) PASS THROUGH TO COST BEARER.—In all car-
7 riage contracts in which a fuel-related adjustment is pro-
8 vided for, the Secretary of Defense shall require that a
9 motor carrier, broker, or freight forwarder providing or
10 arranging truck transportation or service using fuel for
11 which it does not bear the cost pay to the person who
12 bears the cost of such fuel the amount of all charges that
13 relate to the cost of fuel that were invoiced or otherwise
14 presented to the person responsible directly to the motor
15 carrier, broker, or freight forwarder for payment for the
16 transportation or service.

17 “(b) DISCLOSURE.—The Secretary shall require in a
18 contract described in subsection (a) that a motor carrier,
19 broker, or freight forwarder providing or arranging trans-
20 portation or service using fuel not paid for by it disclose
21 any fuel-related adjustment by making the amount of the
22 adjustment publicly available, including on the Internet.

23 “(c) REGULATIONS.—The Secretary shall prescribe
24 regulations to ensure contracts described in subsection (a)
25 include measures necessary to ensure enforcement of this
26 section.”.

1 (b) CONFORMING AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended by add-
3 ing at the end the following: new item:

“Sec. 2652. Motor carrier fuel surcharges.”.

4 **SEC. 852. REQUIREMENT FOR DEFENSE CONTRACT CLAUSE**
5 **PROHIBITING CERTAIN USES OF FOREIGN**
6 **SHELL COMPANIES.**

7 (a) CONTRACT CLAUSE REQUIREMENT.—Not later
8 than 180 days after the date of the enactment of this Act,
9 the Federal Acquisition Regulation shall be revised to re-
10 quire each contract awarded by the Department of De-
11 fense to contain a clause prohibiting the contractor from
12 performing the contract using a subsidiary or subcon-
13 tractor that is a foreign shell company if the foreign shell
14 company will perform the work of the contract or sub-
15 contract using United States citizens or permanent resi-
16 dents of the United States.

17 (b) FOREIGN SHELL COMPANY.—In this section, the
18 term “foreign shell company” means an entity—

19 (1) that is incorporated outside the United
20 States or Canada; and

21 (2) that does not manage, direct, or exercise
22 operational control over personnel performing work
23 under a contract of the entity.

24 (c) APPLICABILITY.—The contract clause required by
25 this section shall apply to contracts in amounts greater

1 than the simplified acquisition threshold (as defined in
 2 section 2302a of title 10, United States Code) entered into
 3 after the 210-day period beginning on the date of the en-
 4 actment of this Act.

5 **TITLE IX—DEPARTMENT OF DE-**
 6 **FENSE ORGANIZATION AND**
 7 **MANAGEMENT**

Subtitle A—Department of Defense Management

- Sec. 901. Revisions in functions and activities of special operations command.
- Sec. 902. Requirement to designate officials for irregular warfare.
- Sec. 903. Plan required for personnel management of special operations forces.
- Sec. 904. Director of Operational Energy Plans and Programs.
- Sec. 905. Corrosion control and prevention executives for the military departments.
- Sec. 906. Alignment of Deputy Chief Management Officer responsibilities.
- Sec. 907. Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves.
- Sec. 908. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.
- Sec. 909. Support to Committee review.

Subtitle B—Space Activities

- Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to non-United States Government entities.
- Sec. 912. Investment and acquisition strategy for commercial satellite capabilities.

Subtitle C—Chemical Demilitarization Program

- Sec. 921. Chemical Demilitarization Citizens Advisory Commissions in Colorado and Kentucky.
- Sec. 922. Prohibition on transport of hydrolysate at Pueblo Chemical Depot, Colorado.

Subtitle D—Intelligence-Related Matters

- Sec. 931. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.
- Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
- Sec. 933. Technical amendments relating to the Associate Director of the CIA for Military Affairs.

Subtitle E—Other Matters

- Sec. 941. Department of Defense School of Nursing revisions.
- Sec. 942. Amendments of authority for regional centers for security studies.
- Sec. 943. Findings and Sense of Congress regarding the Western Hemisphere Institute for Security Cooperation.
- Sec. 944. Restriction on obligation of funds for United States Southern Command development assistance activities.
- Sec. 945. Authorization of non-conventional assisted recovery capabilities.
- Sec. 946. Report on United States Northern Command development of inter-agency plans and command and control relationships.
- Sec. 947. Report on National Guard resource requirements.

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

3 **SEC. 901. REVISIONS IN FUNCTIONS AND ACTIVITIES OF**
 4 **SPECIAL OPERATIONS COMMAND.**

5 Subsection (j) of section 167 of title 10, United
 6 States Code, is amended to read as follows:

7 “(j) SPECIAL OPERATIONS ACTIVITIES.—For pur-
 8 poses of this section, special operations activities include
 9 each of the following insofar as it relates to special oper-
 10 ations:

11 “(1) Unconventional warfare.

12 “(2) Irregular warfare.

13 “(3) Counterterrorism.

14 “(4) Counterinsurgency.

15 “(5) Counterproliferation of weapons of mass
 16 destruction.

17 “(6) Direct action.

18 “(7) Strategic reconnaissance.

19 “(8) Foreign internal defense.

20 “(9) Civil-military defense.

1 “(10) Psychological and information operations.

2 “(11) Humanitarian assistance.

3 “(12) Theater search and rescue.

4 “(13) Such other activities as may be specified
5 by the President or the Secretary of Defense.”.

6 **SEC. 902. REQUIREMENT TO DESIGNATE OFFICIALS FOR IR-**
7 **REGULAR WARFARE.**

8 The Secretary of Defense shall designate—

9 (1) a single executive agent for irregular war-
10 fare within the Department of Defense; and

11 (2) an Assistant Secretary of Defense to be re-
12 sponsible for overall management and coordination
13 of irregular warfare.

14 **SEC. 903. PLAN REQUIRED FOR PERSONNEL MANAGEMENT**
15 **OF SPECIAL OPERATIONS FORCES.**

16 (a) **REQUIREMENT FOR PLAN.**—Not later than 30
17 days after the date of the enactment of this Act, the com-
18 mander of the special operations command shall submit
19 to the congressional defense committees a plan relating
20 to personnel management of special operations forces.

21 (b) **MATTERS COVERED.**—The plan submitted under
22 subsection (a) shall address the following:

23 (1) Coordination among the military depart-
24 ments in order to enhance the manpower manage-

1 ment and improve overall readiness of special oper-
2 ations forces.

3 (2) Coordination by the commander of the spe-
4 cial operations command with the Secretaries of the
5 military departments in order to better execute his
6 responsibility to maintain readiness of special oper-
7 ations forces, including in the areas of accessions,
8 assignments, compensation, promotions, professional
9 development, retention, sustainment, and training.

10 **SEC. 904. DIRECTOR OF OPERATIONAL ENERGY PLANS AND**
11 **PROGRAMS.**

12 (a) ESTABLISHMENT OF POSITION; DUTIES.—Chap-
13 ter 4 of title 10, United States Code, is amended by insert-
14 ing after section 139a the following new section:

15 **“§ 139b. Director of Operational Energy Plans and**
16 **Programs**

17 “(a) APPOINTMENT.—There is a Director of Oper-
18 ational Energy Plans and Programs in the Department
19 of Defense (in this section referred to as the ‘Director’),
20 appointed by the President, by and with the advice and
21 consent of the Senate. The Director shall be appointed
22 without regard to political affiliation and solely on the
23 basis of fitness to perform the duties of the office of Direc-
24 tor.

25 “(b) DUTIES.—The Director shall—

1 “(1) provide leadership and facilitate commu-
2 nication regarding, and conduct oversight to manage
3 and be accountable for, operational energy plans and
4 programs within the Department of Defense and the
5 Army, Navy, Air Force, and Marine Corps;

6 “(2) establish the operational energy strategy;

7 “(3) coordinate and oversee planning and pro-
8 gram activities of the Department of Defense and
9 the Army, Navy, Air Force, and the Marine Corps
10 related to—

11 “(A) implementation of the operational en-
12 ergy strategy;

13 “(B) the consideration of operational en-
14 ergy demands in defense planning, require-
15 ments, and acquisition processes; and

16 “(C) research and development invest-
17 ments related to operational energy demand
18 and supply technologies; and

19 “(4) monitor and review all operational energy
20 initiatives in the Department of Defense.

21 “(c) PRINCIPAL ADVISOR FOR OPERATIONAL EN-
22 ERGY PLANS AND PROGRAMS.—(1) The Director is the
23 principal adviser to the Secretary of Defense and the Dep-
24 uty Secretary of Defense regarding operational energy
25 plans and programs and the principal policy official within

1 the senior management of the Department of Defense re-
2 garding operational energy plans and programs.

3 “(2) The Director may communicate views on mat-
4 ters related to operational energy plans and programs and
5 the energy strategy required by subsection (d) directly to
6 the Secretary of Defense and the Deputy Secretary of De-
7 fense without obtaining the approval or concurrence of any
8 other official within the Department of Defense.

9 “(d) OPERATIONAL ENERGY STRATEGY.—(1) The
10 Director shall be responsible for the establishment and
11 maintenance of a department-wide transformational strat-
12 egy for operational energy. The strategy shall establish
13 near-term, mid-term, and long-term goals, performance
14 metrics to measure progress in meeting the goals, and a
15 plan for implementation of the strategy within the military
16 departments, the Office of the Secretary of Defense, and
17 Defense Agencies.

18 “(2) Not later than 90 days after the date on which
19 the Director is first appointed, the Secretary of each of
20 the military departments shall designate a senior official
21 within each armed force under the jurisdiction of the Sec-
22 retary who will be responsible for operational energy plans
23 and programs for that armed force. The officials shall be
24 responsible for coordinating with the Director and imple-

1 menting initiatives pursuant to the strategy with regard
2 to that official's armed force.

3 “(3) By authority of the Secretary of Defense, the
4 Director shall prescribe policies and procedures for the im-
5 plementation of the strategy. The Director shall provide
6 guidance to, and consult with, the Secretary of Defense,
7 the Deputy Secretary of Defense, the Secretaries of the
8 military departments, and the officials designated under
9 paragraph (2) with respect to specific operational energy
10 plans and programs to be carried out pursuant to the
11 strategy.

12 “(4) The initial strategy shall be submitted to the
13 congressional defense committees not later than 180 days
14 after the date on which the Director is first appointed.
15 Subsequent updates to the strategy shall be submitted to
16 the congressional defense committees as soon as prac-
17 ticable after the modifications to the strategy are made.

18 “(e) BUDGETARY AND FINANCIAL MATTERS.—(1)
19 The Director shall review and make recommendations to
20 the Secretary of Defense regarding all budgetary and fi-
21 nancial matters relating to the operational energy strat-
22 egy.

23 “(2) The Secretary of Defense shall require that the
24 Secretary of each military department and the head of
25 each Defense Agency with responsibility for executing ac-

1 tivities associated with the strategy transmit their pro-
2 posed budget for those activities for a fiscal year to the
3 Director for review before submission of the proposed
4 budget to the Under Secretary of Defense (Comptroller).

5 “(3) The Director shall review a proposed budget
6 transmitted under paragraph (2) for a fiscal year and, not
7 later than January 31 of the preceding fiscal year, shall
8 submit to the Secretary of Defense a report containing
9 the comments of the Director with respect to the proposed
10 budget, together with the certification of the Director re-
11 garding whether the proposed budget is adequate for im-
12 plementation of the strategy.

13 “(4) Not later than 10 days after the date on which
14 the budget for a fiscal year is submitted to Congress pur-
15 suant to section 1105 of title 31, the Secretary of Defense
16 shall submit to Congress a report on the proposed budgets
17 for that fiscal year that the Director has not certified
18 under paragraph (3). The report shall include the fol-
19 lowing:

20 “(A) A discussion of the actions that the Sec-
21 retary proposes to take, together with any rec-
22 ommended legislation that the Secretary considers
23 appropriate, to address the inadequacy of the pro-
24 posed budgets.

1 “(B) Any additional comments that the Sec-
2 retary considers appropriate regarding the inad-
3 equacy of the proposed budgets.

4 “(5) The report required by paragraph (4) shall also
5 include a separate statement of estimated expenditures
6 and requested appropriations for that fiscal year for the
7 activities of the Director in carrying out the duties of the
8 Director.

9 “(f) ACCESS TO INITIATIVE RESULTS AND
10 RECORDS.—(1) The Secretary of a military department
11 shall submit to the Director the results of all studies and
12 initiatives conducted by the military department in con-
13 nection with the operational energy strategy.

14 “(2) The Director shall have access to all records and
15 data in the Department of Defense (including the records
16 and data of each military department) necessary in order
17 to permit the Director to carry out the duties of the Direc-
18 tor.

19 “(g) STAFF.—The Director shall have a dedicated
20 professional staff of military and civilian personnel in a
21 number sufficient to enable the Director to carry out the
22 duties and responsibilities of the Director.

23 “(h) DEFINITIONS.—In this section:

24 “(1) OPERATIONAL ENERGY.—The term ‘oper-
25 ational energy’ means the energy required for mov-

1 ing and sustaining military forces and weapons plat-
2 forms for military operations. The term includes en-
3 ergy used by tactical power systems and generators
4 and weapons platforms.

5 “(2) OPERATIONAL ENERGY STRATEGY.—The
6 terms ‘operational energy strategy’ and ‘strategy’
7 mean the operational energy strategy developed
8 under subsection (d).”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by inserting
11 after the item relating to section 139a the following new
12 item:

“139b. Director of Operational Energy Plans and Programs.”.

13 **SEC. 905. CORROSION CONTROL AND PREVENTION EXECU-**
14 **TIVES FOR THE MILITARY DEPARTMENTS.**

15 (a) REQUIREMENT TO DESIGNATE CORROSION CON-
16 TROL AND PREVENTION EXECUTIVE.—Not later than 90
17 days after the date of the enactment of this Act, the As-
18 sistant Secretary of each military department with respon-
19 sibility for acquisition, technology, and logistics shall des-
20 ignate an employee of the military department as the cor-
21 rosion control and prevention executive. Such executive
22 shall be the senior official in the department with responsi-
23 bility for coordinating department-level corrosion control
24 and prevention program activities (including budget pro-
25 gramming) with the military department and the Office

1 of the Secretary of Defense, the program executive officers
2 of the military departments, and relevant major subordi-
3 nate commands of the military departments.

4 (b) DUTIES.—(1) The corrosion control and preven-
5 tion executive of a military department shall ensure that
6 corrosion control and prevention is maintained in the de-
7 partment's policy and guidance for management of each
8 of the following:

9 (A) System acquisition and production, includ-
10 ing design and maintenance.

11 (B) Research, development, test, and evaluation
12 programs and activities.

13 (C) Equipment standardization programs, in-
14 cluding international standardization agreements.

15 (D) Logistics research and development initia-
16 tives.

17 (E) Logistics support analysis as it relates to
18 integrated logistic support in the materiel acquisition
19 process.

20 (F) Military infrastructure design, construction,
21 and maintenance.

22 (2) The corrosion control and prevention executive of
23 a military department shall be responsible for identifying
24 the funding levels necessary to accomplish the items listed
25 in subparagraphs (A) through (F) of paragraph (1).

1 (3) The corrosion control and prevention executive of
2 a military department shall, in cooperation with the appro-
3 priate staff of the department, develop, support, and pro-
4 vide the rationale for resources—

5 (A) to initiate and sustain an effective corrosion
6 control and prevention program in the department;

7 (B) to evaluate the program’s effectiveness; and

8 (C) to ensure that corrosion control and preven-
9 tion requirements for materiel are reflected in budg-
10 eting and policies of the department for the formula-
11 tion, management, and evaluation of personnel and
12 programs for the entire department, including its re-
13 serve components.

14 (4) The corrosion control and prevention executive of
15 a military department shall be the principal point of con-
16 tact of the department to the Director of Corrosion Policy
17 and Oversight (as assigned under section 2228 of title 10,
18 United States Code).

19 (5) The corrosion control and prevention executive of
20 a military department shall submit an annual report to
21 the Secretary of Defense containing recommendations per-
22 taining to the corrosion control and prevention program
23 of the military department, including corrosion-related
24 funding levels to carry out all of the duties of the executive
25 under this section.

1 **SEC. 906. ALIGNMENT OF DEPUTY CHIEF MANAGEMENT OF-**
2 **FICER RESPONSIBILITIES.**

3 Section 192(e) of title 10, United States Code, is
4 amended to read as follows:

5 “(e) SPECIAL RULE FOR DEFENSE BUSINESS
6 TRANSFORMATION AGENCY.—Notwithstanding the results
7 of any periodic review under subsection (c) with regard
8 to the Defense Business Transformation Agency, the Sec-
9 retary of Defense shall designate that the Director of the
10 Agency shall report directly to the Deputy Chief Manage-
11 ment Officer of the Department of Defense.”.

12 **SEC. 907. REQUIREMENT FOR THE SECRETARY OF DE-**
13 **FENSE TO PREPARE A STRATEGIC PLAN TO**
14 **ENHANCE THE ROLE OF THE NATIONAL**
15 **GUARD AND RESERVES.**

16 (a) PLAN.—Not later than April 1, 2009, the Sec-
17 retary of Defense, in consultation with the Chairman of
18 the Joint Chiefs of Staff and the Chief of the National
19 Guard Bureau, shall prepare a plan for enhancing the
20 roles of the National Guard and Reserve—

21 (1) when federalized in the case of the National
22 Guard, or activated in the case of the Reserves, in
23 support of operations conducted under title 10,
24 United States Code; and

1 (2) in support of operations conducted under
2 title 32, United States Code, or in support of State
3 missions.

4 (b) MATTERS TO BE ASSESSED.—In preparing the
5 plan, the Secretary shall assess—

6 (1) the findings, conclusions, and recommenda-
7 tions of the Final Report to Congress and the Sec-
8 retary of Defense of the Commission on the National
9 Guard and Reserves, dated January 31, 2008, and
10 titled “Transforming the National Guard and Re-
11 serves into a 21st-Century Operational Force”; and

12 (2) the provisions of H.R. 5603 of the 110th
13 Congress, as introduced on March 13, 2008 (the Na-
14 tional Guard Empowerment and State-National De-
15 fense Integration Act of 2008).

16 (c) REPORT.—Not later than April 1, 2009, the Sec-
17 retary of Defense shall submit to the Committees on
18 Armed Services of the Senate and the House of Represent-
19 atives a report on the plan required under this section.
20 The report shall include recommendations on—

21 (1) any changes to the current Department of
22 Defense organization, structure, command relation-
23 ships, budget authority, procurement authority, and
24 compensation and benefits;

1 (2) any legislation that the Secretary considers
2 necessary; and

3 (3) any other matter the Secretary considers
4 appropriate.

5 **SEC. 908. REDESIGNATION OF THE DEPARTMENT OF THE**
6 **NAVY AS THE DEPARTMENT OF THE NAVY**
7 **AND MARINE CORPS.**

8 (a) REDESIGNATION OF THE DEPARTMENT OF THE
9 NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE
10 CORPS.—

11 (1) REDESIGNATION OF MILITARY DEPART-
12 MENT.—The military department designated as the
13 Department of the Navy is redesignated as the De-
14 partment of the Navy and Marine Corps.

15 (2) REDESIGNATION OF SECRETARY AND
16 OTHER STATUTORY OFFICES.—

17 (A) SECRETARY.—The position of the Sec-
18 retary of the Navy is redesignated as the Sec-
19 retary of the Navy and Marine Corps.

20 (B) OTHER STATUTORY OFFICES.—The
21 positions of the Under Secretary of the Navy,
22 the four Assistant Secretaries of the Navy, and
23 the General Counsel of the Department of the
24 Navy are redesignated as the Under Secretary
25 of the Navy and Marine Corps, the Assistant

1 Secretaries of the Navy and Marine Corps, and
2 the General Counsel of the Department of the
3 Navy and Marine Corps, respectively.

4 (b) CONFORMING AMENDMENTS TO TITLE 10,
5 UNITED STATES CODE.—

6 (1) DEFINITION OF “MILITARY DEPART-
7 MENT”.—Paragraph (8) of section 101(a) of title
8 10, United States Code, is amended to read as fol-
9 lows:

10 “(8) The term ‘military department’ means the
11 Department of the Army, the Department of the
12 Navy and Marine Corps, and the Department of the
13 Air Force.”.

14 (2) ORGANIZATION OF DEPARTMENT.—The text
15 of section 5011 of such title is amended to read as
16 follows: “The Department of the Navy and Marine
17 Corps is separately organized under the Secretary of
18 the Navy and Marine Corps.”.

19 (3) POSITION OF SECRETARY.—Section
20 5013(a)(1) of such title is amended by striking
21 “There is a Secretary of the Navy” and inserting
22 “There is a Secretary of the Navy and Marine
23 Corps”.

24 (4) CHAPTER HEADINGS.—

1 (A) The heading of chapter 503 of such
2 title is amended to read as follows:

3 **“CHAPTER 503—DEPARTMENT OF THE**
4 **NAVY AND MARINE CORPS”.**

5 (B) The heading of chapter 507 of such
6 title is amended to read as follows:

7 **“CHAPTER 507—COMPOSITION OF THE DE-**
8 **PARTMENT OF THE NAVY AND MARINE**
9 **CORPS”.**

10 (5) OTHER AMENDMENTS.—

11 (A) Title 10, United States Code, is
12 amended by striking “Department of the Navy”
13 and “Secretary of the Navy” each place they
14 appear other than as specified in paragraphs
15 (1), (2), (3), and (4) (including in section head-
16 ings, subsection captions, tables of chapters,
17 and tables of sections) and inserting “Depart-
18 ment of the Navy and Marine Corps” and “Sec-
19 retary of the Navy and Marine Corps”, respec-
20 tively, in each case with the matter inserted to
21 be in the same typeface and typestyle as the
22 matter stricken.

23 (B)(i) Sections 5013(f), 5014(b)(2),
24 5016(a), 5017(2), 5032(a), and 5042(a) of
25 such title are amended by striking “Assistant

1 Secretaries of the Navy” and inserting “Assist-
2 ant Secretaries of the Navy and Marine Corps”.

3 (ii) The heading of section 5016 of such
4 title, and the item relating to such section in
5 the table of sections at the beginning of chapter
6 503 of such title, are each amended by insert-
7 ing “and Marine Corps” after “of the Navy”,
8 with the matter inserted in each case to be in
9 the same typeface and typestyle as the matter
10 amended.

11 (c) OTHER PROVISIONS OF LAW AND OTHER REF-
12 ERENCES.—

13 (1) TITLE 37, UNITED STATES CODE.—Title 37,
14 United States Code, is amended by striking “De-
15 partment of the Navy” and “Secretary of the Navy”
16 each place they appear and inserting “Department
17 of the Navy and Marine Corps” and “Secretary of
18 the Navy and Marine Corps”, respectively.

19 (2) OTHER REFERENCES.—Any reference in
20 any law other than in title 10 or title 37, United
21 States Code, or in any regulation, document, record,
22 or other paper of the United States, to the Depart-
23 ment of the Navy shall be considered to be a ref-
24 erence to the Department of the Navy and Marine
25 Corps. Any such reference to an office specified in

1 subsection (b)(2) shall be considered to be a ref-
2 erence to that officer as redesignated by that sec-
3 tion.

4 (d) EFFECTIVE DATE.—This section and the amend-
5 ments made by this section shall take effect on the first
6 day of the first month beginning more than 60 days after
7 the date of the enactment of this Act.

8 **SEC. 909. SUPPORT TO COMMITTEE REVIEW.**

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

10 (1) In accordance with section 118 of title 10,
11 United States Code, the Department of Defense con-
12 ducts a Quadrennial Defense Review as a com-
13 prehensive examination of “the national defense
14 strategy, force structure, force modernization plans,
15 infrastructure, budget plan, and other elements of
16 the defense program and policies of the United
17 States with a view toward determining and express-
18 ing the defense strategy of the United States and es-
19 tablishing a defense program for the next 20 years”.

20 (2) In submitting reports on these reviews to
21 the Committees on Armed Services of the Senate
22 and the House of Representatives, the Secretary is
23 mandated to include the threats to the assumed or
24 defined national security interests of the United
25 States, the threat-based scenarios developed to con-

1 duct the review, and other assumptions that impact
2 the ability to counter such threats, including force
3 readiness, cooperation of allies, warning times, and
4 levels of engagement in operations other than war
5 and smaller-scale contingencies.

6 (3) There is no statutory requirement to as-
7 sume certain funding levels available to the Depart-
8 ment of Defense in the conduct of this review be-
9 cause Congress reserves its prerogative to provide
10 the resources necessary to address threats to United
11 States national security interests and uses this re-
12 view as a data point in determining the proper level
13 of those resources.

14 (4) The reports associated with the 1997, 2001,
15 and 2006 reviews clearly demonstrated that the Sec-
16 retary made certain assumptions about anticipated
17 funding.

18 (5) As a result, the reported recommendations
19 were unnecessarily constrained by those funding as-
20 sumptions.

21 (6) As the Department of Defense is preparing
22 to conduct another Quadrennial Defense Review
23 with a report due to the Congress by 2010, the
24 Committee on Armed Services of the House of Rep-
25 resentatives should review in a bipartisan, thorough

1 manner the military capabilities required to address
2 challenges to United States national security inter-
3 ests over the next 20 years.

4 (b) SUPPORT REQUIRED.—Within 15 days after re-
5 ceiving a request, the Secretary of Defense shall provide
6 the Committee on Armed Services of the House of Rep-
7 resentatives with any information or data requested by
8 that Committee so that it can review in a comprehensive,
9 threat-based, and bipartisan manner the national defense
10 strategy, force structure, force modernization plans, infra-
11 structure, budget plan, and other elements of the defense
12 program and policies of the United States with a view to-
13 ward determining and expressing the defense strategy of
14 the United States and establishing a defense program for
15 the next 20 years, as well as preparing for the upcoming
16 Quadrennial Roles and Missions Review and Quadrennial
17 Defense Review.

18 **Subtitle B—Space Activities**

19 **SEC. 911. EXTENSION OF AUTHORITY FOR PILOT PROGRAM** 20 **FOR PROVISION OF SPACE SURVEILLANCE** 21 **NETWORK SERVICES TO NON-UNITED STATES** 22 **GOVERNMENT ENTITIES.**

23 Section 2274(i) of title 10, United States Code, is
24 amended by striking “September 30, 2009” and inserting
25 “September 30, 2010”.

1 **SEC. 912. INVESTMENT AND ACQUISITION STRATEGY FOR**
2 **COMMERCIAL SATELLITE CAPABILITIES.**

3 (a) **REQUIREMENT.**—The Secretary of Defense shall
4 conduct an assessment to determine a recommended in-
5 vestment and acquisition strategy for commercial satellite
6 capabilities.

7 (b) **ELEMENTS.**—The assessment required under
8 subsection (a) shall include the following:

9 (1) Review of national and defense policy rel-
10 evant to the requirements for, acquisition of, and
11 use of commercial satellite capabilities, and the rela-
12 tionship with commercial satellite providers.

13 (2) Assessment of the manner in which com-
14 mercial satellite capabilities are utilized by the De-
15 partment of Defense and options for expanding such
16 utilization or identifying new means to leverage com-
17 mercial satellite capabilities, such as hosting pay-
18 loads.

19 (3) Review of military requirements for satellite
20 communications and remote sensing by quantity,
21 quality, timeline, and any other metric considered
22 appropriate.

23 (4) Description of current and planned commer-
24 cial satellite capabilities and an assessment of their
25 ability to meet the requirements identified in para-
26 graph (3).

1 (5) Assessment of the ability of commercial sat-
2 ellite capabilities to meet other military requirements
3 not identified in paragraph (3).

4 (6) Description of the utilization of and re-
5 sources allocated to commercial satellite communica-
6 tions and remote sensing in the past (past five
7 years), present (current date through Future Years
8 Defense Plan (FYDP)), and future (beyond the
9 FYDP) to meet the requirements identified in para-
10 graph (3).

11 (7) Assessment of purchasing patterns that
12 may lead to recommendations in which the Depart-
13 ment may consolidate requirements, centralize oper-
14 ations, aggregate purchases, or leverage purchasing
15 power (including the use of multiyear contracting).

16 (8) Assessment of various models for acquiring
17 commercial satellite capabilities, including funding,
18 management, and operations models.

19 (c) REPORT.—

20 (1) IN GENERAL.—Not later than February 1,
21 2009, the Secretary of Defense shall submit to the
22 congressional defense committees a report setting
23 forth the results of the assessment required under
24 subsection (a) and provide recommendations, to in-
25 clude—

1 (A) the recommended investment and ac-
2 quisition strategy or strategies of the Depart-
3 ment for commercial satellite capabilities;

4 (B) how the investment and acquisition
5 strategy or strategies should be addressed in
6 fiscal years after fiscal year 2009; and

7 (C) a proposal for such legislative action as
8 the Secretary considers necessary to acquire ap-
9 propriate types and amounts of commercial sat-
10 ellite capabilities.

11 (2) FORM.—The report shall be in unclassified
12 form, but may include a classified annex.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “commercial satellite capabilities”
15 means the system, capability, or service provided by
16 a commercial satellite provider.

17 (2) The term “commercial satellite provider”
18 refers to privately owned and operated space sys-
19 tems, their technology, components, products, data,
20 services, and related information, as well as foreign
21 systems whose products and services are sold com-
22 mercially.

1 **Subtitle C—Chemical**
2 **Demilitarization Program**

3 **SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVI-**
4 **SORY COMMISSIONS IN COLORADO AND KEN-**
5 **TUCKY.**

6 Section 172 of the National Defense Authorization
7 Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amend-
8 ed by adding at the end the following:

9 “(i) COLORADO AND KENTUCKY CHEMICAL DEMILI-
10 TARIZATION CITIZENS ADVISORY COMMISSIONS.—Not-
11 withstanding subsections (b), (f), and (g), and consistent
12 with section 142 of the Strom Thurmond National De-
13 fense Authorization Act for Fiscal Year 1999 (50 U.S.C.
14 1521 note) and section 8122 of the Department of De-
15 fense Appropriations Act, 2003 (50 U.S.C. 1521 note),
16 responsibilities for the Chemical Demilitarization Citizens
17 Advisory Commissions in Colorado and Kentucky shall be
18 transferred from the Secretary of the Army to the Pro-
19 gram Manager for Assembled Chemical Weapons Alter-
20 natives. The Program Manager for Assembled Chemical
21 Weapons Alternatives shall ensure the ability to receive
22 citizen and State concerns regarding the ongoing chemical
23 destruction program in these States. A representative
24 from the Office of the Assistant to the Secretary of De-
25 fense for Nuclear, Chemical, and Biological Defense Pro-

1 grams shall meet with these commissions not less often
2 than twice a year. Funds appropriated for the Assembled
3 Chemical Weapons Alternatives Program shall be used for
4 travel and associated travel costs for these Citizens Advi-
5 sory Commissioners, when such travel is conducted at the
6 invitation of the Department of Defense Special Assistant
7 for Chemical and Biological Defense and Chemical Demili-
8 tarization Programs.”.

9 **SEC. 922. PROHIBITION ON TRANSPORT OF HYDROLYSATE**

10 **AT PUEBLO CHEMICAL DEPOT, COLORADO.**

11 (a) PROHIBITION.—During fiscal year 2009, the Sec-
12 retary of Defense may not transport hydrolysate from the
13 Pueblo Chemical Depot, Colorado, to an off-site location
14 for treatment, storage, or disposal.

15 (b) SAVINGS CLAUSE.—Nothing in this section limits
16 or otherwise affects section 8119 of the Department of
17 Defense Appropriations Act, 2008 (Public Law 110–116;
18 50 U.S.C. 1521 note).

19 (c) REPORT.—Not later than February 15, 2009, the
20 Secretary shall submit to the congressional defense com-
21 mittees a report on hydrolysate stockpiled at the Pueblo
22 Chemical Depot, Colorado. The report shall include a com-
23 prehensive cost-benefit analysis between on-site and off-
24 site methods for disposing of such hydrolysate.

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

3 **SEC. 931. TECHNICAL CHANGES FOLLOWING THE REDESIG-**
4 **NATION OF NATIONAL IMAGERY AND MAP-**
5 **PING AGENCY AS NATIONAL GEOSPATIAL-IN-**
6 **TELLIGENCE AGENCY.**

7 (a) TECHNICAL CHANGES TO UNITED STATES
8 CODE.—

9 (1) TITLE 5.—Title 5, United States Code, is
10 amended by striking “National Imagery and Map-
11 ping Agency” each place it appears and inserting
12 “National Geospatial-Intelligence Agency”.

13 (2) TITLE 44.—Title 44, United States Code, is
14 amended by striking “National Imagery and Map-
15 ping Agency” each place it appears and inserting
16 “National Geospatial-Intelligence Agency”.

17 (b) TECHNICAL CHANGES TO OTHER ACTS.—

18 (1) ETHICS IN GOVERNMENT ACT OF 1978.—
19 Section 105(a)(1) of the Ethics in Government Act
20 of 1978 (Public Law 95–521; 5 U.S.C. App. 4) is
21 amended by striking “National Imagery and Map-
22 ping Agency” and inserting “National Geospatial-In-
23 telligence Agency”.

1 (2) INSPECTOR GENERAL ACT OF 1978.—Sec-
2 tion 8H of the Inspector General Act of 1978 (Pub-
3 lic Law 95–452; 5 U.S.C. App.) is amended—

4 (A) in subsection (a)(1)(A), by striking
5 “National Imagery and Mapping Agency” and
6 inserting “National Geospatial-Intelligence
7 Agency”; and

8 (B) in subsection (g)(1), by striking “Na-
9 tional Imagery and Mapping Agency” and in-
10 serting “National Geospatial-Intelligence Agen-
11 cy”.

12 (3) EMPLOYEE POLYGRAPH PROTECTION ACT
13 OF 1988.—Section 7(b)(2)(A)(i) of the Employee
14 Polygraph Protection Act of 1988 (29 U.S.C.
15 2006(b)(2)(A)(i)) is amended by striking “National
16 Imagery and Mapping Agency” and inserting “Na-
17 tional Geospatial-Intelligence Agency”.

18 (4) LEGISLATIVE BRANCH APPROPRIATIONS
19 ACT, 1993.—Section 207(a)(2)(B) of the Legislative
20 Branch Appropriations Act, 1993 (Public Law 102–
21 392; 44 U.S.C. 501 note), is amended by striking
22 “National Imagery and Mapping Agency” and in-
23 serting “National Geospatial-Intelligence Agency”.

24 (5) HOMELAND SECURITY ACT OF 2002.—Sec-
25 tion 201(e)(2) of the Homeland Security Act of

1 2002 (6 U.S.C. 121(e)(2)) is amended by striking
2 “National Imagery and Mapping Agency” and in-
3 serting “National Geospatial-Intelligence Agency”.

4 **SEC. 932. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
5 **STATES CODE, ARISING FROM ENACTMENT**
6 **OF THE INTELLIGENCE REFORM AND TER-**
7 **RORISM PREVENTION ACT OF 2004.**

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

- 13 (1) Section 193(d)(2).
- 14 (2) Section 193(e).
- 15 (3) Section 201(a).
- 16 (4) Section 201(b)(1).
- 17 (5) Section 201(c)(1).
- 18 (6) Section 425(a).
- 19 (7) Section 431(b)(1).
- 20 (8) Section 441(c).
- 21 (9) Section 441(d).
- 22 (10) Section 443(d).
- 23 (11) Section 2273(b)(1).
- 24 (12) Section 2723(a).

1 (b) CLERICAL AMENDMENTS.—Such title is further
2 amended by striking “DIRECTOR OF CENTRAL INTEL-
3 LIGENCE” each place it appears and inserting “DIRECTOR
4 OF NATIONAL INTELLIGENCE” in the following:

5 (1) Section 441(c).

6 (2) Section 443(d).

7 (c) REFERENCE TO HEAD OF CENTRAL INTEL-
8 LIGENCE AGENCY.—Section 444 of such title is amended
9 by striking “Director of Central Intelligence” each place
10 it appears and inserting “Director of the Central Intel-
11 ligence Agency”.

12 **SEC. 933. TECHNICAL AMENDMENTS RELATING TO THE AS-**
13 **SOCIATE DIRECTOR OF THE CIA FOR MILI-**
14 **TARY AFFAIRS.**

15 Section 528(c) of title 10, United States Code, is
16 amended—

17 (1) in the heading, by striking “MILITARY SUP-
18 PORT” and inserting “MILITARY AFFAIRS”; and

19 (2) by striking “Military Support” and insert-
20 ing “Military Affairs”.

1 **Subtitle E—Other Matters**

2 **SEC. 941. DEPARTMENT OF DEFENSE SCHOOL OF NURSING**
3 **REVISIONS.**

4 (a) SCHOOL OF NURSING.—The text of section 2117
5 of title 10, United States Code, is amended to read as
6 follows:

7 “(a) ESTABLISHMENT.—The Secretary of Defense
8 shall establish within the University a School of Nursing,
9 not later than July 1, 2010. It shall be so organized as
10 to graduate not less than 25 students with a bachelor of
11 science in nursing in the first class not later than June
12 30, 2012, not less than 50 in the second class, and not
13 less than 100 annually thereafter.

14 “(b) MINIMUM REQUIREMENT.—The School of Nurs-
15 ing shall include, at a minimum, a program that awards
16 a bachelor of science in nursing.

17 “(c) PHASED DEVELOPMENT.—The development of
18 the School of Nursing may be by such phases as the Sec-
19 retary may prescribe, subject to the requirements of sub-
20 section (a).”.

21 (b) RETIRED NURSE CORPS OFFICER DEMONSTRA-
22 TION PROJECT.—

23 (1) IN GENERAL.—The Secretary of Defense
24 may conduct a demonstration project to encourage

1 retired military nurses to serve as faculty at civilian
2 nursing schools.

3 (2) ELIGIBILITY REQUIREMENTS.—

4 (A) INDIVIDUAL.—An individual is eligible
5 to participate in the demonstration project if
6 the individual—

7 (i) is a retired nurse corps officer of
8 one of the Armed Forces;

9 (ii) has had at least 26 years of active
10 Federal commissioned service before retir-
11 ing; and

12 (iii) possesses a doctoral or master de-
13 gree in nursing that qualifies the officer to
14 become a full faculty member of an accred-
15 ited school of nursing.

16 (B) INSTITUTION.—An accredited school
17 of nursing is eligible to participate in the dem-
18 onstration project if the school or its parent in-
19 stitution of higher education—

20 (i) is a school of nursing that is ac-
21 credited to award, at a minimum, a bach-
22 elor of science in nursing and provides
23 educational programs leading to such de-
24 gree;

1 (ii) has a resident Reserve Officer
2 Training Corps unit at the institution of
3 higher education that fulfils the require-
4 ments of sections 2101 and 2102 of title
5 10, United States Code;

6 (iii) does not prevent ROTC access or
7 military recruiting on campus, as defined
8 in section 983 of title 10, United States
9 Code;

10 (iv) provides any retired nurse corps
11 officer participating in the demonstration
12 project a salary and other compensation at
13 the level to which other similarly situated
14 faculty members of the accredited school of
15 nursing are entitled, as determined by the
16 Secretary of Defense; and

17 (v) agrees to comply with paragraph
18 (4).

19 (3) COMPENSATION.—

20 (A) The Secretary of Defense may author-
21 ize a Secretary of a military department to au-
22 thorize qualified institutions of higher education
23 to employ as faculty those eligible individuals
24 (as described in paragraph (2)) who are receiv-
25 ing retired pay, whose qualifications are ap-

1 proved by the Secretary and the institution of
2 higher education concerned, and who request
3 such employment, subject to the following:

4 (i) A retired nurse corps officer so
5 employed is entitled to receive the officer's
6 retired pay without reduction by reason of
7 any additional amount paid to the officer
8 by the institution of higher education con-
9 cerned. In the case of payment of any such
10 additional amount by the institution of
11 higher education concerned, the Secretary
12 of the military department concerned may
13 pay to that institution the amount equal to
14 one-half the amount paid to the retired of-
15 ficer by the institution for any period, up
16 to a maximum of one-half of the difference
17 between the officer's retired pay for that
18 period and the active duty pay and allow-
19 ances that the officer would have received
20 for that period if on active duty. Payments
21 by the Secretary concerned under this
22 paragraph shall be made from funds spe-
23 cifically appropriated for that purpose.

24 (ii) Notwithstanding any other provi-
25 sion of law contained in title 10, title 32,

1 or title 37, United States Code, such a re-
2 tired nurse corps officer is not, while so
3 employed, considered to be on active duty
4 or inactive duty training for any purpose.

5 (4) SCHOLARSHIPS FOR NURSE OFFICER CAN-
6 DIDATES.—For purposes of the eligibility of an insti-
7 tution under paragraph (2)(B)(v), the following re-
8 quirements apply:

9 (A) Each accredited school of nursing at
10 which a retired nurse corps officer serves on the
11 faculty under this subsection shall provide full
12 academic scholarships to individuals under-
13 taking an educational program at such school
14 leading to a bachelor of science in nursing de-
15 gree who agree, upon completion of such pro-
16 gram, to accept a commission as an officer in
17 the nurse corps of one of the Armed Forces.

18 (B) The total number of scholarships pro-
19 vided by an accredited school of nursing under
20 subparagraph (A) for each officer serving on
21 the faculty of that school under this subsection
22 shall be such number as the Secretary of De-
23 fense shall specify for purposes of this sub-
24 section.

1 (C) Each accredited school of nursing shall
2 pay to the Department of Defense an amount
3 equal to the value of the scholarship for every
4 nurse officer candidate who fails to be accessed
5 as a nurse corps officer into one of the Armed
6 Forces within one year of receiving a bachelor
7 of science degree in nursing from that school.

8 (D) The Secretary concerned is authorized
9 to discontinue the demonstration project au-
10 thorized in this subsection at any institution of
11 higher education that fails to fulfill the require-
12 ments of subparagraph (C).

13 (5) REPORT.—

14 (A) Not later than 24 months after the
15 commencement of any demonstration project
16 under this subsection, the Secretary of Defense
17 shall submit to the congressional defense com-
18 mittees a report on the demonstration project.
19 The report shall include a description of the
20 project and a description of plans for the con-
21 tinuation of the project, if any.

22 (B) ELEMENTS.—The report shall also in-
23 clude, at a minimum, the following:

24 (i) The current number of retired
25 nurse corps officers who have at least 26

1 years of active Federal commissioned serv-
2 ice who would be eligible to participate in
3 the program.

4 (ii) The number of retired nurse corps
5 officers participating in the demonstration
6 project.

7 (iii) The number of accredited schools
8 of nursing participating in the demonstra-
9 tion project.

10 (iv) The number of nurse officer can-
11 didates who have accessed into the military
12 as commissioned nurse corps officers.

13 (v) The number of scholarships
14 awarded to nurse officer candidates.

15 (vi) The number of nurse officer can-
16 didates who have failed to access into the
17 military, if any.

18 (vii) The amount paid to the Depart-
19 ment of Defense in the event any nurse of-
20 ficer candidates awarded scholarships by
21 the accredited school of nursing fail to ac-
22 cess into the military as commissioned
23 nurse corps officers.

24 (viii) The funds expended in the oper-
25 ation of the demonstration project.

1 (ix) The recommendation of the Sec-
2 retary of Defense as to whether the dem-
3 onstration project should be extended.

4 (6) SUNSET.—The authority in this subsection
5 shall expire on June 30, 2014.

6 (7) DEFINITIONS.—In this subsection, the
7 terms “school of nursing” and “accredited” have the
8 meaning given those terms in section 801 of the Pub-
9 lic Health Service Act (42 U.S.C. 296).

10 **SEC. 942. AMENDMENTS OF AUTHORITY FOR REGIONAL**
11 **CENTERS FOR SECURITY STUDIES.**

12 (a) IN GENERAL.—Section 184(f) of title 10, United
13 States Code, is amended by adding at the end the fol-
14 lowing new paragraph:

15 “(6) Funds available to the Department of De-
16 fense for a Regional Center for any fiscal year (be-
17 ginning with funds available for fiscal year 2009),
18 including funds available under paragraphs (4) and
19 (5), are available for use for programs that begin in
20 such fiscal year but end in the next fiscal year.”.

21 (b) ESTABLISHMENT OF A PILOT PROGRAM FOR
22 NONGOVERNMENTAL PERSONNEL.—

23 (1) IN GENERAL.—In fiscal years 2009 and
24 2010, the Secretary of Defense, with the concu-
25 rrence of the Secretary of State, may waive reim-

1 reimbursement of the costs of activities of the Regional
2 Centers for nongovernmental and international orga-
3 nization personnel who participate in activities that
4 enhance cooperation of nongovernmental organiza-
5 tions and international organizations with Armed
6 Forces of the United States, if the Secretary of De-
7 fense determines that attendance of such personnel
8 without reimbursement is in the national security in-
9 terests of the United States. Costs for which reim-
10 bursement is waived pursuant to this subsection
11 shall not exceed \$1,000,000 in each of fiscal years
12 2009 and 2010 and shall be paid from appropria-
13 tions available to the Regional Centers in each of
14 those fiscal years.

15 (2) REPORT REQUIRED.—For each of fiscal
16 years 2009 and 2010, the Secretary of Defense shall
17 include in the annual report required under section
18 184(h) of title 10, United States Code, a description
19 of the extent of nongovernmental and international
20 organization participation in the programs of each
21 regional center, including the costs incurred by the
22 United States for the participation of each organiza-
23 tion.

1 **SEC. 943. FINDINGS AND SENSE OF CONGRESS REGARDING**
2 **THE WESTERN HEMISPHERE INSTITUTE FOR**
3 **SECURITY COOPERATION.**

4 (a) FINDINGS.—The Congress finds the following:

5 (1) The mission of the Western Hemisphere In-
6 stitute for Security Cooperation (hereafter in this
7 section referred to as “WHINSEC”) is to provide
8 professional education and training to military per-
9 sonnel, law enforcement officials, and civilian per-
10 sonnel in support of the democratic principles set
11 forth in the Charter of the Organization of American
12 States, while fostering mutual knowledge, trans-
13 parency, confidence, and cooperation among the par-
14 ticipating nations, and promoting democratic values,
15 respect for human rights, and knowledge and under-
16 standing of United States customs and traditions.

17 (2) WHINSEC supports the Security Coopera-
18 tion Guidance of the Secretary of Defense by ad-
19 dressing the education and training needs of the
20 United States Southern Command and United
21 States Northern Command.

22 (3) In enacting legislation establishing
23 WHINSEC, Congress specified that the curriculum
24 of WHINSEC may include leadership development,
25 counterdrug operations, peacekeeping, resource man-
26 agement, and disaster relief planning. Congress also

1 mandated a minimum of eight hours of instruction
2 on human rights, due process, the rule of law, the
3 role of the Armed Forces in a democratic society,
4 and civilian control of the military. WHINSEC aver-
5 ages twelve hours of such instruction per course.

6 (4) On March 21, 2007, Admiral Stavridis,
7 Commander of United States Southern Command,
8 stated before the House Armed Services Committee
9 that WHINSEC “is the military’s crown jewel for
10 human rights training.”

11 (5) WHINSEC does not select students for par-
12 ticipation. A partner nation nominates students to
13 attend WHINSEC, and in accordance with the law
14 of the United States and the policies of the Depart-
15 ments of Defense and State, the United States Em-
16 bassy in such partner nation screens and conducts
17 background checks on such nominees. The vetting
18 process of WHINSEC nominees includes a back-
19 ground check by United States embassies in partner
20 nations, as well as checks by the Bureau of Western
21 Hemisphere Affairs and the Bureau of Democracy,
22 Human Rights, and Labor. Further, the Abuse Case
23 Evaluation System of the Department of State, a
24 central database that aggregates human rights
25 abuse data into a single, searchable location, is used

1 as a resource for checking abuse allegations when
2 conducting vetting requests.

3 (6) WHINSEC operates in accordance with the
4 “Leahy Law,” which was first enacted in 1997 and
5 has since expanded to prohibit United States mili-
6 tary assistance to foreign military units that violate
7 human rights including security assistance programs
8 funded through foreign operations appropriations
9 Acts and training programs made available pursuant
10 to Department of Defense appropriations Acts.

11 (7) Independent review, observation, and rec-
12 ommendation regarding operations of WHINSEC is
13 provided by a Board of Visitors which is chaired by
14 Bishop Robert Morlino of Wisconsin and includes
15 four Members of Congress, two from each political
16 party.

17 (8) WHINSEC is open to visitors at any time.
18 Anyone can visit, sit in classes, talk with students
19 and faculty, and review instructional materials.

20 (9) On May 7, 2008, the Department of De-
21 fense provided Congress requested information re-
22 garding the students, instructors, and courses at
23 WHINSEC.

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

1 (1) WHINSEC is one of the most effective
2 mechanisms that the United States has to build re-
3 lationships with future leaders throughout the West-
4 ern Hemisphere, influence the human rights records
5 and democracy trajectory of countries in the West-
6 ern Hemisphere, and mitigate the growing influence
7 of non-hemispheric powers;

8 (2) WHINSEC is succeeding in meeting its
9 stated mission of providing professional education
10 and training to eligible military personnel, law en-
11 forcement officials, and civilians of nations of the
12 Western Hemisphere that support the democratic
13 principles set forth in the Charter of the Organiza-
14 tion of American States, while fostering mutual
15 knowledge, transparency, confidence, and coopera-
16 tion among the participating nations and promoting
17 democratic values and respect for human rights; and

18 (3) WHINSEC is an invaluable education and
19 training facility which the Department of Defense
20 should continue to utilize in order to help foster a
21 spirit of partnership that will ensure security and
22 enhance stability and interoperability among the
23 United States military and the militaries of partici-
24 pating nations.

1 **SEC. 944. RESTRICTION ON OBLIGATION OF FUNDS FOR**
2 **UNITED STATES SOUTHERN COMMAND DE-**
3 **VELOPMENT ASSISTANCE ACTIVITIES.**

4 (a) **REPORT AND CERTIFICATION REQUIRED.**—Not
5 later than 30 days after the date of the enactment of this
6 Act, the Secretary of Defense shall submit to the congres-
7 sional defense committees a report describing the develop-
8 ment assistance activities carried out by the United States
9 Southern Command during fiscal year 2008 and planned
10 for fiscal year 2009 and containing a certification by the
11 Secretary that such development assistance activities—

12 (1) will not adversely diminish the ability of the
13 United States Southern Command or its components
14 to carry out its combat or military missions;

15 (2) do not divert resources from funded or un-
16 funded requirements of the United States Southern
17 Command in connection with the role of the Depart-
18 ment of Defense under section 124 of title 10,
19 United States Code, as the single lead agency of the
20 Federal Government for the detection and moni-
21 toring of aerial and maritime transit of illegal drugs
22 into the United States;

23 (3) are not unnecessarily duplicative of activi-
24 ties already conducted or planned to be conducted by
25 any other Federal department or agency during fis-
26 cal year 2009; and

1 (4) are designed, planned, and conducted to
2 complement joint training and exercises, host-coun-
3 try capacity building, or similar activities directly
4 connected to the responsibilities of the United States
5 Southern Command.

6 (b) RESTRICTION ON OBLIGATION OF FUNDS PEND-
7 ING CERTIFICATION.—Of the amounts appropriated pur-
8 suant to an authorization of appropriations in this Act or
9 otherwise made available for fiscal year 2009 for operation
10 and maintenance for the United States Southern Com-
11 mand, not more than 90 percent may be obligated or ex-
12 pended until 30 days after the certification required by
13 subsection (a) is received by the congressional defense
14 committees.

15 (c) DEVELOPMENT ASSISTANCE ACTIVITIES DE-
16 FINED.—In this section, the term “development assistance
17 activities” means assistance activities carried out by the
18 United States Southern Command that are comparable to
19 the assistance activities carried out by the United States
20 under—

21 (1) chapters 1, 10, 11, and 12 of part I of the
22 Foreign Assistance Act of 1961 (22 U.S.C. 2151,
23 2293, 2295, and 2296 et seq.); and

24 (2) any other provision of law for purposes
25 comparable to the purposes for which assistance ac-

1 activities are carried out under the provisions of law
2 referred to in paragraph (1).

3 **SEC. 945. AUTHORIZATION OF NON-CONVENTIONAL AS-**
4 **SISTED RECOVERY CAPABILITIES.**

5 (a) NON-CONVENTIONAL ASSISTED RECOVERY CA-
6 PABILITIES.—Upon a determination by a combatant com-
7 mander that an action is necessary in connection with a
8 non-conventional assisted recovery effort, an amount not
9 to exceed \$20,000,000 of the funds appropriated pursuant
10 to an authorization of appropriations or otherwise made
11 available for “Operation and Maintenance, Navy” may be
12 used to establish, develop, and maintain non-conventional
13 assisted recovery capabilities.

14 (b) PROCEDURES.—The Secretary of Defense shall
15 establish procedures for the exercise of the authority
16 under subsection (a). The Secretary shall notify the con-
17 gressional defense committees of those procedures before
18 any exercise of that authority.

19 (c) AUTHORIZED ACTIVITIES.—Non-conventional as-
20 sisted recovery capabilities authorized under subsection
21 (a) may, in limited and special circumstances, include the
22 provision of support to foreign forces, irregular forces,
23 groups, or individuals in order to facilitate the recovery
24 of Department of Defense or Coast Guard military or civil-
25 ian personnel, or other individuals who, while conducting

1 activities in support of United States military operations,
2 become separated or isolated and cannot rejoin their units
3 without the assistance authorized in subsection (a). Such
4 support may include the provision of limited amounts of
5 equipment, supplies, training, transportation, or other
6 logistical support or funding.

7 (d) ANNUAL REPORT.—Not later than 30 days after
8 the close of each fiscal year during which subsection (a)
9 is in effect, the Secretary of Defense shall submit to the
10 congressional defense committees a report on support pro-
11 vided under that subsection during that fiscal year.

12 (e) LIMITATION ON INTELLIGENCE ACTIVITIES.—
13 This section does not constitute authority to conduct a
14 covert action, as such term is defined in section 503(e)
15 of the National Security Act of 1947 (50 U.S.C. 413b(e)).

16 (f) LIMITATION ON FOREIGN ASSISTANCE ACTIVI-
17 TIES.—This section does not constitute authority—

18 (1) to build the capacity of foreign military
19 forces or provide security and stabilization assist-
20 ance, as described in sections 1206 and 1207 of the
21 National Defense Authorization Act for Fiscal Year
22 2006 (Public Law 109–163; 119 Stat. 3456 and
23 3458), respectively; and

24 (2) to provide assistance that is otherwise pro-
25 hibited by any other provision in law, including any

1 provision of law relating to the control of exports of
2 defense articles or defense services.

3 (g) PERIOD OF AUTHORITY.—The authority under
4 this section is in effect during each of the fiscal years 2009
5 through 2012.

6 **SEC. 946. REPORT ON UNITED STATES NORTHERN COM-**
7 **MAND DEVELOPMENT OF INTERAGENCY**
8 **PLANS AND COMMAND AND CONTROL RELA-**
9 **TIONSHIPS.**

10 (a) REPORT REQUIRED.—Not later than 90 days
11 after the date of the enactment of this Act, the Secretary
12 of Defense, in consultation with the Secretary of Home-
13 land Security and the heads of other appropriate Federal
14 agencies, shall submit a report to Congress describing the
15 progress made to address certain deficiencies in the
16 United States Northern Command identified in the Comp-
17 troller General report 08–251/252. To prepare the report,
18 the Secretary of Defense shall direct the United States
19 Northern Command to perform the following:

20 (1) Provide a compendium of all roles, mission
21 requirements and resources from all 50 States. Each
22 role and mission in the docket will be accompanied
23 by a brief explanation of the requirement and proof
24 of endorsement by the respective State Adjutant
25 Generals and the Department of Homeland Security.

1 (2) Synchronize and continually update its unit
2 requirements with the deployment schedules of the
3 units it depends on. The commander of the United
4 States Northern Command shall develop plans for
5 primary and secondary units to cover the roles and
6 missions coordinated in paragraph (1).

7 (3) Coordinate with all source units and other
8 commands. The report shall include copies of all
9 these unit and command mission statements.

10 (4) Coordinate with its interagency partners to
11 form charters that govern the agreements among
12 them, including qualifications for personnel with liai-
13 son functions between interagency partners.

14 (b) IMPROVED COORDINATION.—The commander of
15 the United States Northern Command shall coordinate
16 with its Federal interagency partners to ascertain require-
17 ments for plans, training, equipment, and resources in
18 support of—

19 (1) homeland defense;

20 (2) domestic emergency response; and

21 (3) military support to civil authorities.

22 **SEC. 947. REPORT ON NATIONAL GUARD RESOURCE RE-**
23 **QUIREMENTS.**

24 (a) IN GENERAL.—Not later than 6 months after the
25 date of enactment of this Act, the Chief of the National

1 Guard Bureau shall submit to the Secretary of Defense
2 a report—

3 (1) detailing the extent to which the various
4 provisions in title XVIII of the National Defense
5 Authorization Act for Fiscal Year 2008 (Public Law
6 110–181) have been effective in giving the National
7 Guard a clearer voice in policy and budgetary dis-
8 cussions in the Department of Defense; and

9 (2) assessing the adequacy of Department of
10 Defense funding for the resource requirements of
11 the National Guard.

12 (b) REPORT TO CONGRESS.—Not later than 30 days
13 after the Secretary of Defense receives the report under
14 subsection (a), the Secretary shall submit to Congress
15 such report, along with any explanatory comments the
16 Secretary considers necessary.

17 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

- Sec. 1001. General transfer authority.
- Sec. 1002. Requirement for separate display of budget for Afghanistan.
- Sec. 1003. Requirement for separate display of budget for Iraq.
- Sec. 1004. One-time shift of military retirement payments.
- Sec. 1005. Management of purchase cards.

Subtitle B—Policy Relating to Vessels and Shipyards

- Sec. 1011. Conveyance, Navy drydock, Aransas Pass, Texas.
- Sec. 1012. Report on repair of naval vessel in foreign shipyards.
- Sec. 1013. Policy relating to major combatant vessels of the strike forces of the United States Navy.
- Sec. 1014. National Defense Sealift Fund amendments.
- Sec. 1015. Report on contributions to the domestic supply of steel and other metals from scrapping of certain vessels.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Continuation of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
- Sec. 1022. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
- Sec. 1023. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and continuation of numerical limitation on assignment of United States personnel.
- Sec. 1024. Expansion and extension of authority to provide additional support for counter-drug activities of certain foreign governments.
- Sec. 1025. Comprehensive Department of Defense strategy for counter-narcotics efforts for West Africa and the Maghreb.
- Sec. 1026. Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions.

Subtitle D—Boards and Commissions

- Sec. 1031. Strategic Communication Management Board.
- Sec. 1032. Extension of certain dates for Congressional Commission on the Strategic Posture of the United States.
- Sec. 1033. Extension of Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack.

Subtitle E—Studies and Reports

- Sec. 1041. Report on corrosion control and prevention.
- Sec. 1042. Study on using Modular Airborne Fire Fighting Systems (MAFFS) in a Federal response to wildfires.
- Sec. 1043. Study on rotorcraft survivability.
- Sec. 1044. Studies to analyze alternative models for acquisition and funding of inter-connected cyberspace systems.
- Sec. 1045. Report on nonstrategic nuclear weapons.
- Sec. 1046. Study on national defense implications of section 1083.
- Sec. 1047. Report on methods Department of Defense utilizes to ensure compliance with Guam tax and licensing laws.
- Sec. 1048. Study on methods to verifiably reduce the likelihood of accidental nuclear launch.

Subtitle F—Congressional Recognitions

- Sec. 1051. Sense of Congress honoring the Honorable Duncan Hunter.
- Sec. 1052. Sense of Congress in honor of the Honorable Jim Saxton, a Member of the House of Representatives.
- Sec. 1053. Sense of Congress honoring the Honorable Terry Everett.
- Sec. 1054. Sense of Congress honoring the Honorable Jo Ann Davis.

Subtitle G—Other Matters

- Sec. 1061. Amendment to annual submission of information regarding information technology capital assets.
- Sec. 1062. Restriction on Department of Defense relocation of missions or functions from Cheyenne Mountain Air Force Station.
- Sec. 1063. Technical and clerical amendments.
- Sec. 1064. Submission to Congress of revision to regulation on enemy prisoners of war, retained personnel, civilian internees, and other detainees.
- Sec. 1065. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.

- Sec. 1066. State Defense Force Improvement.
- Sec. 1067. Barnegat Inlet to Little Egg Inlet, New Jersey.
- Sec. 1068. Sense of Congress regarding the roles and missions of the Department of Defense and other national security institutions.
- Sec. 1069. Sense of Congress relating to 2008 supplemental appropriations.
- Sec. 1070. Sense of Congress regarding defense requirements of the United States.
- Sec. 1071. Standing Advisory Panel on Improving Integration between the Department of Defense, the Department of State, and the United States Agency for International Development on Matters of National Security.
- Sec. 1072. Nonapplicability of the Federal Advisory Committee Act to the Congressional Commission on the Strategic Posture of the United States.
- Sec. 1073. Study and report on use of power management software.
- Sec. 1074. Comprehensive Interagency Strategy for Strategic Communication and Public Diplomacy Activities of the Federal Government.
- Sec. 1075. Prohibitions relating to propaganda.
- Sec. 1076. Use of runway at NASJRB Willow Grove, Pennsylvania.
- Sec. 1077. Prohibition on interrogation of detainees by contractor personnel.
- Sec. 1078. Requirement for videotaping or otherwise electronically recording strategic intelligence interrogations of persons in the custody of or under the effective control of the Department of Defense.
- Sec. 1079. Public disclosure of names of students and instructors at Western Hemisphere Institute for Security Cooperation.

1 **Subtitle A—Financial Matters**

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

3 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

4 (1) AUTHORITY.—Upon determination by the
5 Secretary of Defense that such action is necessary in
6 the national interest, the Secretary may transfer
7 amounts of authorizations made available to the De-
8 partment of Defense in this division for fiscal year
9 2009 between any such authorizations for that fiscal
10 year (or any subdivisions thereof). Amounts of au-
11 thorizations so transferred shall be merged with and
12 be available for the same purposes as the authoriza-
13 tion to which transferred.

1 (2) LIMITATION.—Except as provided in para-
2 graph (3), the total amount of authorizations that
3 the Secretary may transfer under the authority of
4 this section may not exceed \$4,000,000,000.

5 (3) EXCEPTION FOR TRANSFERS BETWEEN
6 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
7 fer of funds between military personnel authoriza-
8 tions under title IV shall not be counted toward the
9 dollar limitation in paragraph (2).

10 (b) LIMITATIONS.—The authority provided by this
11 section to transfer authorizations—

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

15 (2) may not be used to provide authority for an
16 item that has been denied authorization by Con-
17 gress.

18 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
19 transfer made from one account to another under the au-
20 thority of this section shall be deemed to increase the
21 amount authorized for the account to which the amount
22 is transferred by an amount equal to the amount trans-
23 ferred.

1 (d) NOTICE TO CONGRESS.—The Secretary shall
2 promptly notify Congress of each transfer made under
3 subsection (a).

4 **SEC. 1002. REQUIREMENT FOR SEPARATE DISPLAY OF**
5 **BUDGET FOR AFGHANISTAN.**

6 For any annual or supplemental budget request sub-
7 mission for the Department of Defense, beginning with
8 fiscal year 2010, the Secretary of Defense shall set forth
9 separately any funding requested for any United States
10 operations or other activities concerning Afghanistan. The
11 submission shall clearly display the amounts requested for
12 such operations or activities at the appropriation account
13 level and at the program, project, or activity level. The
14 submission by the Secretary shall also include a separate
15 detailed description of the assumptions underlying the
16 funding request.

17 **SEC. 1003. REQUIREMENT FOR SEPARATE DISPLAY OF**
18 **BUDGET FOR IRAQ.**

19 For any annual or supplemental budget request sub-
20 mission for the Department of Defense, beginning with
21 fiscal year 2010, the Secretary of Defense shall set forth
22 separately any funding requested for any United States
23 operations or other activities concerning Iraq. The submis-
24 sion shall clearly display the amounts requested for such
25 operations or activities at the appropriation account level

1 and at the program, project, or activity level. The submis-
2 sion by the Secretary shall also include a separate detailed
3 description of the assumptions underlying the funding re-
4 quest.

5 **SEC. 1004. ONE-TIME SHIFT OF MILITARY RETIREMENT**
6 **PAYMENTS.**

7 (a) **REDUCTION OF PAYMENTS.**—Notwithstanding
8 any other provision of law, any amounts that would other-
9 wise be payable from the fund to individuals for the month
10 of August 2013 (with disbursements scheduled for Sep-
11 tember 2013) shall be reduced by 1 percent.

12 (b) **REVERSION.**—Beginning on September 1, 2013
13 (with disbursements beginning in October 2013), amounts
14 payable to individuals from the fund shall revert back to
15 amounts as specified in law as if the reduction in sub-
16 section (a) did not take place.

17 (c) **REFUND.**—Any individual who has a payment re-
18 duced under subsection (a) shall receive a one-time pay-
19 ment, from the fund, in an amount equal to the amount
20 of such reduction. This one-time payment shall be included
21 with disbursements from the fund scheduled for October
22 2013.

23 (d) **FUND.**—In this section, the term “fund” refers
24 to the Department of Defense Military Retirement Fund

1 established by section 1461 of title 10, United States
2 Code.

3 (e) TRANSFER.—Not later than 60 days after the
4 date of the enactment of this Act, the Secretary of Defense
5 shall transfer \$40,000,000 from the unobligated balances
6 of the National Defense Stockpile Transaction Fund to
7 the Miscellaneous Receipts Fund of the United States
8 Treasury to offset estimated costs arising from section
9 702 and the amendments made by such section.

10 **SEC. 1005. MANAGEMENT OF PURCHASE CARDS.**

11 (a) REQUIRED SAFEGUARDS AND INTERNAL CON-
12 TROLS.—Section 2784 of title 10, United States Code, is
13 amended in subsection (b)—

14 (1) by redesignating paragraphs (3) through
15 (10) as paragraphs (4) through (11), respectively;

16 (2) by inserting after paragraph (2) the fol-
17 lowing new paragraph:

18 “(3) That expenditures charged to the purchase
19 card are independently received, accepted, or verified
20 by an official with authority to authorize expendi-
21 tures.”;

22 (3) by redesignating paragraphs (9) through
23 paragraph (11) (as previously redesignated by para-
24 graph (1)) as paragraphs (10) through (12), respec-
25 tively; and

1 (4) by inserting after paragraph (8) (as pre-
2 viously redesignated by paragraph (1)) the following
3 new paragraph:

4 “(9) That appropriate inventory and property
5 systems are updated promptly in response to ex-
6 penditures charged to a purchase card related to
7 pilferable property.”.

8 (b) PENALTIES FOR VIOLATIONS.—Section
9 2784(c)(1) of title 10, United States Code, is amended
10 by striking “provide for” and inserting “provide for the
11 reimbursement of charges for unauthorized or erroneous
12 purchases and for”.

13 **Subtitle B—Policy Relating to**
14 **Vessels and Shipyards**

15 **SEC. 1011. CONVEYANCE, NAVY DRYDOCK, ARANSAS PASS,**
16 **TEXAS.**

17 (a) CONVEYANCE AUTHORIZED.—The Secretary of
18 the Navy is authorized to convey the floating drydock
19 AFDL–23, located in Aransas Pass, Texas, to Gulf Cop-
20 per Ship Repair, that company being the current lessee
21 of the drydock.

22 (b) CONDITION OF CONVEYANCE.—The Secretary
23 shall require as a condition of the conveyance under sub-
24 section (a) that the drydock remain at the facilities of Gulf

1 Copper Ship Repair, at Aransas Pass, Texas, until at least
2 September 30, 2010.

3 (c) CONSIDERATION.—As consideration for the con-
4 veyance of the drydock under subsection (a), the pur-
5 chaser shall provide compensation to the United States the
6 value of which, as determined by the Secretary, is equal
7 to the fair market value of the drydock, as determined
8 by the Secretary. The Secretary shall take into account
9 amounts paid by, or due and owing from, the lessee.

10 (d) TRANSFER AT NO COST TO UNITED STATES.—
11 The provisions of section 7306(c) of title 10, United
12 States Code, shall apply to the conveyance under this sec-
13 tion.

14 (e) ADDITIONAL TERMS AND CONDITIONS.—The
15 Secretary may require such additional terms and condi-
16 tions in connection with the conveyance under subsection
17 (a) as the Secretary considers appropriate to protect the
18 interests of the United States.

19 **SEC. 1012. REPORT ON REPAIR OF NAVAL VESSEL IN FOR-**
20 **EIGN SHIPYARDS.**

21 Section 7310 of title 10, United States Code, is
22 amended by adding at the end the following new sub-
23 section:

24 “(c) REPORT.—The Secretary of the Navy shall sub-
25 mit to the Committees on Armed Services of the Senate

1 and the House of Representatives a report any time it is
2 determined that a naval vessel (or any other vessel under
3 the jurisdiction of the Secretary) is to undergo work for
4 the repair of the vessel in a shipyard outside the United
5 States or Guam. The report shall be submitted at least
6 30 days before the repair work begins and shall contain
7 the following:

8 “(1) The justification under law for the repair
9 in a foreign shipyard.

10 “(2) The vessel to be repaired.

11 “(3) The shipyard where the repair work will be
12 carried out.

13 “(4) The cost of the repair.

14 “(5) The schedule for repair.

15 “(6) The homeport or location of the vessel
16 prior to its voyage for repair.”.

17 **SEC. 1013. POLICY RELATING TO MAJOR COMBATANT VES-**
18 **SELS OF THE STRIKE FORCES OF THE**
19 **UNITED STATES NAVY.**

20 Section 1012(c)(1) of the National Defense Author-
21 ization Act for Fiscal Year 2008 (Public Law 110–181)
22 is amended by adding at the end the following:

23 “(D) Amphibious assault ships, including
24 dock landing ships (LSD), amphibious trans-
25 port–dock ships (LPD), helicopter assault ships

1 (LHA/LHD), and amphibious command ships
2 (LCC), if such vessels exceed 15,000 dead
3 weight ton light ship displacement.”.

4 **SEC. 1014. NATIONAL DEFENSE SEALIFT FUND AMEND-**
5 **MENTS.**

6 Section 2218 of title 10, United States Code, is
7 amended—

8 (1) by striking subsection (j) and redesignating
9 subsections (k) and (l) as subsections (j) and (k), re-
10 spectively; and

11 (2) in paragraph (2) of subsection (k) (as so re-
12 designated), by striking subparagraphs (B) thru (I)
13 and inserting the following new subparagraph (B):

14 “(B) Any other auxiliary vessel that was
15 procured or chartered with specific authoriza-
16 tion in law for the vessel, or class of vessels, to
17 be funded in the National Defense Sealift
18 Fund.”.

19 **SEC. 1015. REPORT ON CONTRIBUTIONS TO THE DOMESTIC**
20 **SUPPLY OF STEEL AND OTHER METALS**
21 **FROM SCRAPPING OF CERTAIN VESSELS.**

22 Not later than 30 days after the date of the enact-
23 ment of this Act, the Secretary of the Navy shall submit
24 to the congressional defense committees a report con-
25 taining—

1 (1) the estimated contribution to the domestic
2 market for steel and other metals from the scrap-
3 ping of each vessel over 50,000 tons displacement
4 stricken from the Naval Vessel Register but not yet
5 disposed of by the Navy; and

6 (2) a plan for the sale and disposal of such ves-
7 sels.

8 **Subtitle C—Counter-Drug** 9 **Activities**

10 **SEC. 1021. CONTINUATION OF REPORTING REQUIREMENT** 11 **REGARDING DEPARTMENT OF DEFENSE EX-** 12 **PENDITURES TO SUPPORT FOREIGN** 13 **COUNTER-DRUG ACTIVITIES.**

14 Section 1022(a) of the Floyd D. Spence National De-
15 fense Authorization Act for Fiscal Year 2001 (as enacted
16 into law by Public Law 106–398; 114 Stat. 1654A–255),
17 as most recently amended by section 1024 of the National
18 Defense Authorization Act for Fiscal Year 2007 (Public
19 Law 109–364; 120 Stat. 2383), is further amended by
20 striking “and February 15, 2008” and inserting “Feb-
21 ruary 15, 2008, and February 15, 2009”.

1 **SEC. 1022. EXTENSION OF AUTHORITY FOR JOINT TASK**
2 **FORCES TO PROVIDE SUPPORT TO LAW EN-**
3 **FORCEMENT AGENCIES CONDUCTING**
4 **COUNTER-TERRORISM ACTIVITIES.**

5 Section 1022(b) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2004 (Public Law 108–136; 10
7 U.S.C. 371 note), as amended by section 1021 of the Na-
8 tional Defense Authorization Act for Fiscal Year 2008
9 (Public Law 110–181; 122 Stat. 304), is amended by
10 striking “2008” and inserting “2009”.

11 **SEC. 1023. EXTENSION OF AUTHORITY TO SUPPORT UNI-**
12 **FIED COUNTER-DRUG AND**
13 **COUNTERTERRORISM CAMPAIGN IN COLOM-**
14 **BIA AND CONTINUATION OF NUMERICAL LIM-**
15 **ITATION ON ASSIGNMENT OF UNITED STATES**
16 **PERSONNEL.**

17 Section 1021 of the Ronald W. Reagan National De-
18 fense Authorization Act for Fiscal Year 2005 (Public Law
19 108–375; 118 Stat. 2042), as amended by section 1023
20 of the John Warner National Defense Authorization Act
21 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
22 2382), is further amended—

23 (1) in subsection (a), by striking “2008” and
24 inserting “2009”; and

25 (2) in subsection (e), by striking “2008” and
26 inserting “2009”.

1 **SEC. 1024. EXPANSION AND EXTENSION OF AUTHORITY TO**
2 **PROVIDE ADDITIONAL SUPPORT FOR**
3 **COUNTER-DRUG ACTIVITIES OF CERTAIN**
4 **FOREIGN GOVERNMENTS.**

5 (a) **EXTENSION OF AUTHORITY.**—Subsection (a)(2)
6 of section 1033 of the National Defense Authorization Act
7 for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
8 1881), as amended by section 1021 of the National De-
9 fense Authorization Act for Fiscal Year 2004 (Public Law
10 108–136, 117 Stat. 1593), section 1022 of the John War-
11 ner National Defense Authorization Act for Fiscal Year
12 2007 (Public Law 109–364; 120 Stat. 2137), and section
13 1022 of the National Defense Authorization Act for Fiscal
14 Year 2008 (Public Law 110–181; 122 Stat. 304), is fur-
15 ther amended by striking “2008” and inserting “2009”.

16 (b) **ADDITIONAL GOVERNMENTS ELIGIBLE TO RE-**
17 **CEIVE SUPPORT.**—Subsection (b) of such section is
18 amended by adding at the end the following new para-
19 graphs:

20 “(19) The Government of Guinea–Bissau.

21 “(20) The Government of Senegal.

22 “(21) The Government of Ghana.”.

23 (c) **MAXIMUM ANNUAL AMOUNT OF SUPPORT.**—Sub-
24 section (e)(2) of such section is amended—

25 (1) by striking “or” after “2006,”; and

1 the Department of the Defense with regard to counter-
2 narcotics efforts in Africa, with an emphasis on West Afri-
3 ca and the Maghreb. The Secretary of Defense shall pre-
4 pare the strategy in consultation with the Secretary of
5 State.

6 (b) MATTERS TO BE INCLUDED.—The comprehen-
7 sive strategy shall consist of a general overview and a sep-
8 arate detailed section for each of the following:

9 (1) The roles and missions of the Department
10 of Defense in support of the overall United States
11 counter-narcotics policy for Africa.

12 (2) The priorities for the Department of De-
13 fense to meet programmatic objectives one-year,
14 three-years, and five-years after the end of fiscal
15 year 2009, including a description of the expected
16 allocation of resources of the Department of Defense
17 to accomplish these priorities.

18 (3) The efforts to coordinate the counter-nar-
19 cotics activities of the Department of Defense with
20 the counter-narcotics activities of the governments
21 eligible to receive support under section 1033 of the
22 National Defense Authorization Act for Fiscal Year
23 1998 (Public Law 105–85; 111 Stat. 1881) and the
24 counter-narcotics activities in Africa of European

1 countries and other international and regional part-
2 ners.

3 (c) PLANS.—The comprehensive strategy shall also
4 include the following plans:

5 (1) A detailed and comprehensive plan to utilize
6 the capabilities and assets of Joint Inter-Agency
7 Task Force-South of the United States Southern
8 Command for the counter-narcotics efforts and ac-
9 tivities of the United States Africa Command on a
10 temporary basis until the United States Africa Com-
11 mand develops its own commensurate capabilities
12 and assets, including in the plan a description of
13 what measures will be taken to effectuate the transi-
14 tion of the missions, which are accomplished using
15 such capabilities and assets, from Joint Inter-Agen-
16 cy Task Force-South to United States Africa Com-
17 mand.

18 (2) A detailed and comprehensive plan to en-
19 hance cooperation with certain African countries,
20 which are often geographically contiguous to other
21 African countries that have a significant narcotics-
22 trafficking challenges, to increase the effectiveness of
23 the counter-narcotics activities of the Department of
24 Defense and its international and regional partners.

1 **SEC. 1026. COMPREHENSIVE DEPARTMENT OF DEFENSE**
2 **STRATEGY FOR COUNTER-NARCOTICS EF-**
3 **FORTS IN SOUTH AND CENTRAL ASIAN RE-**
4 **GIONS.**

5 (a) REPORT REQUIRED.—Not later than March 1,
6 2009, the Secretary of Defense shall submit to the con-
7 gressional defense committees a comprehensive strategy of
8 the Department of the Defense with regard to counter-
9 narcotics efforts in the South and Central Asian regions,
10 including the countries of Afghanistan, Turkmenistan,
11 Tajikistan, Kyrgyzstan, Kazakhstan, Pakistan, and India,
12 as well as the countries of Armenia, Azerbaijan, and
13 China.

14 (b) MATTERS TO BE INCLUDED.—The comprehen-
15 sive strategy shall consist of a general overview and a sep-
16 arate detailed section for each of the following:

17 (1) The roles and missions of the Department
18 of Defense in support of the overall United States
19 counter-narcotics policy for countries of the South
20 and Central Asian regions and the other countries
21 specified in subsection (a).

22 (2) The priorities for the Department of De-
23 fense to meet programmatic objectives for fiscal year
24 2010, including a description of the expected alloca-
25 tion of resources of the Department of Defense to
26 accomplish these priorities.

1 (3) The ongoing and planned counter-narcotics
2 activities funded by the Department of Defense for
3 such regions and countries, including a description
4 of the accompanying allocation of resources of the
5 Department of Defense to carry out these activities.

6 (4) The efforts to coordinate the counter-nar-
7 cotics activities of the Department of Defense with
8 the counter-narcotics activities of such regions and
9 countries and the counter-narcotics activities of
10 other international partners in such regions and
11 countries.

12 (5) The specific metrics used by the Depart-
13 ment of Defense to evaluate progress of activities to
14 reduce the production and trafficking of illicit nar-
15 cotics in such regions and countries.

16 **Subtitle D—Boards and** 17 **Commissions**

18 **SEC. 1031. STRATEGIC COMMUNICATION MANAGEMENT** 19 **BOARD.**

20 (a) IN GENERAL.—The Secretary of Defense shall es-
21 tablish a Strategic Communication Management Board (in
22 this section referred to as the “Board”) to provide advice
23 to the Secretary on strategic direction and to help estab-
24 lish priorities for strategic communication activities.

25 (b) COMPOSITION.—

1 (1) IN GENERAL.—The Board shall be com-
2 posed of members selected in accordance with this
3 subsection.

4 (2) MEMBERS.—The Secretary of Defense shall
5 appoint members within 30 days after the date of
6 the enactment of this Act, selected from among or-
7 ganizations within the Department of Defense re-
8 sponsible for strategic communication, public diplo-
9 macy, and public affairs, including the following:

10 (A) Civil affairs, strategic communication,
11 or public affairs offices of the military depart-
12 ments.

13 (B) The Joint Staff.

14 (C) The combatant commands.

15 (D) The Office of the Secretary of De-
16 fense.

17 (3) ADVISORY MEMBERS.—The Board shall ap-
18 point advisory members of the Board after the mem-
19 bers have been selected under paragraph (2), upon
20 petition from entities seeking advisory membership.
21 Advisory members shall be selected from the broader
22 interagency community, and may include representa-
23 tives from the following;

24 (A) The Department of State.

25 (B) The Department of Justice.

1 (C) The Department of Commerce.

2 (D) The United States Agency for Inter-
3 national Development.

4 (E) The Office of the Director of National
5 Intelligence.

6 (F) The National Security Council.

7 (G) The Broadcasting Board of Governors.

8 (4) LEADERSHIP.—The Under Secretary of De-
9 fense for Policy (or his designee) shall chair the
10 Board.

11 (c) DUTIES.—The duties of the Board are as follows:

12 (1) Provide strategic direction for efforts of the
13 Department of Defense related to strategic commu-
14 nication and military support to public diplomacy.

15 (2) Establish Department of Defense priorities
16 in these areas.

17 (3) Evaluate and select proposals for efforts
18 that support the Department of Defense strategic
19 communication mission.

20 (4) Such other duties as the Secretary may as-
21 sign.

1 **SEC. 1032. EXTENSION OF CERTAIN DATES FOR CONGRES-**
2 **SIONAL COMMISSION ON THE STRATEGIC**
3 **POSTURE OF THE UNITED STATES.**

4 (a) EXTENSION OF DATES.—Section 1062 of the Na-
5 tional Defense Authorization Act for Fiscal Year 2008
6 (Public Law 110–181) is amended—

7 (1) in subsection (e) by striking “December 1,
8 2008” and inserting “March 1, 2009”; and

9 (2) in subsection (g) by striking “June 1,
10 2009” and inserting “September 30, 2009”.

11 (b) INTERIM REPORT.—Not later than December 1,
12 2008, the Congressional Commission on the Strategic Pos-
13 ture of the United States shall submit to the President,
14 the Secretary of Defense, the Secretary of Energy, the
15 Secretary of State, the Committee on Armed Services of
16 the Senate, and the Committee on Armed Services of the
17 House of Representatives an interim report on the com-
18 mission’s initial findings, conclusions, and recommenda-
19 tions. To the extent practicable, the interim report shall
20 address the matters required to be included in the report
21 under subsection (e) of such section 1062.

22 **SEC. 1033. EXTENSION OF COMMISSION TO ASSESS THE**
23 **THREAT TO THE UNITED STATES FROM ELEC-**
24 **TROMAGNETIC PULSE (EMP) ATTACK.**

25 (a) EXTENSION.—Section 1409 of the Floyd D.
26 Spence National Defense Authorization Act for Fiscal

1 Year 2001 (as enacted into law by Public Law 106–398;
2 114 Stat. 1654A–348; 50 U.S.C. 2301 note), as amended
3 by section 1052(j) of the National Defense Authorization
4 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
5 3435), is amended by striking “The Commission shall ter-
6minate” and all that follows through the period at the end
7 and inserting “The Commission shall terminate March 31,
8 2012.”.

9 (b) ANNUAL REPORTS.—Section 1403 of that Act
10 (114 Stat. 1654A–346; 50 U.S.C. 2301 note), as amended
11 by section 1052(f) of the National Defense Authorization
12 Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.
13 3434), is amended by adding at the end the following:

14 “(c) ANNUAL REPORTS.—The Commission shall, not
15 later than March 1 of each of years 2010, 2011, and 2012,
16 submit to Congress a report—

17 “(1) assessing the changes to the vulnerability
18 of United States military systems and critical civil-
19 ian infrastructures resulting from the EMP threat
20 and changes in the threat;

21 “(2) describing the progress, or lack of
22 progress, in protecting United States military sys-
23 tems and critical civilian infrastructures from EMP
24 attack; and

1 “(3) containing recommendations to address the
2 threat and protect United States military systems
3 and critical civilian infrastructures from attack.”.

4 (c) FUNDING.—Section 1408 of that Act (114 Stat.
5 1654A–348; 50 U.S.C. 2301 note), as amended by section
6 1052(i) of the National Defense Authorization Act for Fis-
7 cal Year 2006 (Public Law 109–163; 119 Stat. 3435), is
8 amended by adding at the end the following: “Such funds
9 shall not exceed \$3,000,000 per fiscal year.”.

10 (d) ADDITIONAL MEMBERS.—Effective as of the date
11 that is 90 days after the date of the enactment of this
12 Act—

13 (1) section 1401 of that Act (114 Stat. 1654A–
14 346; 50 U.S.C. 2301 note), as amended by section
15 1052(d) of the National Defense Authorization Act
16 for Fiscal Year 2006 (Public Law 109–163; 119
17 Stat. 3434), is amended by striking subsections (c)
18 and (d) and inserting the following:

19 “(c) COMPOSITION.—

20 “(1) IN GENERAL.—The Commission shall be
21 composed of eleven members.

22 “(2) DOD AND FEMA MEMBERS.—Seven of the
23 members shall be appointed by the Secretary of De-
24 fense, and two of the members shall be appointed by
25 the Director of the Federal Emergency Management

1 Agency. In the event of a vacancy in the membership
2 of the Commission under this paragraph, the Sec-
3 retary of Defense shall appoint a new member. In
4 selecting individuals for appointment to the Commis-
5 sion, the Secretary of Defense shall consult with the
6 chairmen and ranking minority members of the
7 Committees on Armed Services of the Senate and
8 House of Representatives.

9 “(3) FCC AND HHS MEMBERS.—One of the
10 members shall be appointed by the Chairman of the
11 Federal Communications Commission, and one of
12 the members shall be appointed by the Secretary of
13 Health and Human Services. In the event of a va-
14 cancy in the membership of the Commission under
15 this paragraph, the vacancy shall be filled in the
16 same manner as the original appointment under this
17 paragraph. In selecting an individual for appoint-
18 ment to the Commission, the Chairman of the Fed-
19 eral Communications Commission shall consult with
20 the chairmen and ranking minority members of the
21 Committee on Commerce, Science, and Transpor-
22 tation of the Senate and the Committee on Energy
23 and Commerce of the House of Representatives. In
24 selecting an individual for appointment to the Com-
25 mission, the Secretary of Health and Human Serv-

1 ices shall consult with the chairmen and ranking mi-
2 nority members of the Committee on Health, Edu-
3 cation, Labor, and Pensions of the Senate and the
4 Committee on Energy and Commerce of the House
5 of Representatives.

6 “(d) QUALIFICATIONS.—Members of the Commission
7 appointed by the Secretary of Defense and the Director
8 of the Federal Emergency Management Agency shall be
9 appointed from among private United States citizens with
10 knowledge and expertise in the scientific, technical, and
11 military aspects of electromagnetic pulse effects referred
12 to in subsection (b). The member of the Commission ap-
13 pointed by the Chairman of the Federal Communications
14 Commission shall be appointed from among private United
15 States citizens with knowledge and expertise in tele-
16 communications, network infrastructure and management,
17 information services, and emergency preparedness commu-
18 nications. The member of the Commission appointed by
19 the Secretary of Health and Human Services shall be ap-
20 pointed from among private United States citizens with
21 knowledge and expertise in public health, including pre-
22 paredness for, and response to, public health emer-
23 gencies.”; and

1 (2) section 1405 of that Act (114 Stat. 1654A–
2 347; 50 U.S.C. 2301 note) is amended in subsection
3 (b)(1) by striking “Five” and inserting “Six”.

4 **Subtitle E—Studies and Reports**

5 **SEC. 1041. REPORT ON CORROSION CONTROL AND PREVEN-** 6 **TION.**

7 (a) REPORT REQUIRED.—The Secretary of Defense,
8 acting through the Director of Corrosion Policy and Over-
9 sight, shall prepare and submit to the Committees on
10 Armed Services of the Senate and the House of Represent-
11 atives a report on corrosion control and prevention in
12 weapons systems and equipment.

13 (b) MATTERS COVERED.—The report shall include
14 the comments and recommendations of the Department
15 of Defense regarding potential improvements in corrosion
16 control and prevention through earlier planning. In par-
17 ticular, the report shall include an evaluation and business
18 case analysis of options for improving corrosion control
19 and prevention in the requirements and acquisition proc-
20 esses of the Department of Defense for weapons systems
21 and equipment. The evaluation shall include an analysis
22 of the impact of such potential improvements on system
23 acquisition costs and life cycle sustainment. The options
24 for improved corrosion control and prevention shall in-
25 clude corrosion control and prevention—

1 (1) as a key performance parameter for assess-
2 ing the selection of materials and processes;

3 (2) as a key performance parameter for
4 sustainment;

5 (3) as part of the capability development docu-
6 ment in the joint capabilities integration and devel-
7 opment system; and

8 (4) as a requirement for weapons systems man-
9 agers to assess their corrosion control and preven-
10 tion requirements over a system's life cycle and in-
11 corporate the results into their acquisition strategies
12 prior to issuing a solicitation for contracts.

13 (c) DEADLINE.—The report shall be submitted not
14 later than February 1, 2009.

15 (d) REVIEW BY COMPTROLLER GENERAL.—The
16 Comptroller General shall review the report required
17 under subsection (a), including the methodology used in
18 the Department's analysis, and shall provide the results
19 of the review to the Committees on Armed Services of the
20 Senate and the House of Representatives not later than
21 60 days after the Department submits the report.

1 **SEC. 1042. STUDY ON USING MODULAR AIRBORNE FIRE**
2 **FIGHTING SYSTEMS (MAFFS) IN A FEDERAL**
3 **RESPONSE TO WILDFIRES.**

4 (a) IN GENERAL.—The Secretary of Defense shall
5 carry out a study to determine—

6 (1) how to utilize the Department’s Modular
7 Airborne Fire Fighting Systems (MAFFS) in all
8 contingencies where there is a Federal response to
9 wildfires; and

10 (2) how to decrease the costs of using the De-
11 partment’s MAFFS when supporting National Inter-
12 agency Fire Center (NIFC) fire fighting operations.

13 (b) REPORT.—Not later than 6 months after the date
14 of the enactment of this Act, the Secretary shall submit
15 to the congressional defense committees a report on the
16 results of the study.

17 **SEC. 1043. STUDY ON ROTORCRAFT SURVIVABILITY.**

18 (a) STUDY REQUIRED.—The Secretary of Defense
19 and the Chairman of the Joint Chiefs of Staff shall carry
20 out a study on Department of Defense rotorcraft surviv-
21 ability. The study shall—

22 (1) with respect to actual losses of rotorcraft in
23 combat—

24 (A) identify the rates of such losses from
25 1965 through 2008, measured in total annual
26 losses by type of aircraft and by cause, with

1 rates for loss per flight hour and loss per sortie
2 provided;

3 (B) identify by category of hostile action
4 (such as small arms, Man-Portable Air Defense
5 Systems, and so on), the causal factors for the
6 losses; and

7 (C) propose candidate solutions for surviv-
8 ability (such as training, tactics, speed, counter-
9 measures, maneuverability, lethality, technology,
10 and so on), in a prioritized list with expla-
11 nations, to mitigate each such causal factor,
12 along with recommended funding adequate to
13 achieve rates at least equal to the experience in
14 the Vietnam conflict;

15 (2) with respect to actual losses of rotorcraft in
16 combat theater not related to hostile action—

17 (A) identify the causal factors of loss in a
18 ranked list; and

19 (B) propose candidate solutions for surviv-
20 ability (such as training, tactics, speed, counter-
21 measures, maneuverability, lethality, technology,
22 and so on), in a prioritized list, to mitigate each
23 such causal factor, along with recommended
24 funding adequate to achieve the Secretary's

1 Mishap Reduction Initiative goal of not more
2 than 0.5 mishaps per 100,000 flight hours;

3 (3) with respect to losses of rotorcraft in train-
4 ing or other non-combat operations during peacetime
5 or interwar years—

6 (A) identify by category (such as inad-
7 vertent instrument meteorological conditions,
8 wire strike, and so on) the causal factors of loss
9 in a ranked list; and

10 (B) identify candidate solutions for surviv-
11 ability and performance (such as candidate so-
12 lutions referred to in paragraph (2)(B) as well
13 as maintenance, logistics, systems development,
14 and so on) in a prioritized list, to mitigate each
15 such causal factor, along with recommended
16 funding adequate to achieve the goal of rotor-
17 craft loss rates to non-combat causes being re-
18 duced to 1.0;

19 (4) identify the key technical factors (causes of
20 mishaps that are not related to human factors) neg-
21 atively impacting the rotorcraft mishap rates and
22 survivability trends, to include reliability, avail-
23 ability, maintainability, and other logistical consider-
24 ations; and

1 (5) identify what TACAIR is and has done dif-
2 ferently to have such a decrease in losses per sortie
3 when compared to rotorcraft, to include—

4 (A) examination of aircraft, aircraft main-
5 tenance, logistics, operations, and pilot and op-
6 erator training;

7 (B) an emphasis on the development of
8 common service requirements that TACAIR has
9 implemented already which are minimizing
10 losses within TACAIR; and

11 (C) candidate solutions, in a prioritized
12 list, to mitigate each causal factor with rec-
13 ommended funding adequate to achieve the goal
14 of rotorcraft loss rates stated above.

15 (b) REPORT.—Not later than August 1, 2009, the
16 Secretary and the Chairman shall submit to the congres-
17 sional defense committees a report on the results of the
18 study.

19 **SEC. 1044. STUDIES TO ANALYZE ALTERNATIVE MODELS**
20 **FOR ACQUISITION AND FUNDING OF INTER-**
21 **CONNECTED CYBERSPACE SYSTEMS.**

22 (a) STUDIES REQUIRED.—

23 (1) FFRDC.—Not later than 90 days after the
24 date of the enactment of this Act, the Secretary of
25 Defense shall enter into a contract with an inde-

1 pendent federally funded research and development
2 center (FFRDC) to carry out a comprehensive study
3 of policies, procedures, organization, and regulatory
4 constraints affecting the acquisition of technologies
5 supporting network-centric operations. The contract
6 shall be funded from amounts appropriated or other-
7 wise made available to the Secretary for fiscal year
8 2009 for operation and maintenance, Defense-wide.

9 (2) JOINT CHIEFS OF STAFF.—Concurrently,
10 the Chairman of the Joint Chiefs of Staff shall carry
11 out a comprehensive study of the same subjects cov-
12 ered by paragraph (1). The study shall be inde-
13 pendent of the study required by paragraph (1) and
14 shall be carried out in conjunction with the military
15 departments and in coordination with the Secretary
16 of Defense.

17 (b) MATTERS TO BE ADDRESSED.—Each study re-
18 quired by subsection (a) shall address the following mat-
19 ters:

20 (1) Development of a taxonomy for under-
21 standing the different yet key foundational compo-
22 nents that contribute to network-centric operations,
23 such as data transport, processing, storage, data col-
24 lection, and dissemination.

1 (2) Mapping ongoing acquisition programs to
2 this taxonomy.

3 (3) Development of alternative acquisition and
4 funding models utilizing this network-centric tax-
5 onomy, which might include—

6 (A) a model under which a joint entity
7 independent of any military service (such as the
8 Joint Staff) is established with responsibility
9 and control of all funding for the acquisition of
10 technologies for network-centric operations, and
11 with authority to oversee the incorporation of
12 such technologies into the acquisition programs
13 of the military departments;

14 (B) a model under which an executive
15 agent is established that would manage and
16 oversee the acquisition of technologies for net-
17 work-centric operations, but would not have ex-
18 clusive ownership or control of funding for such
19 programs;

20 (C) a model under which the current ap-
21 proach to the acquisition and funding of tech-
22 nologies supporting network-centric operations
23 is maintained; and

1 (D) any other models that the entity car-
2 rying out the study considers relevant and de-
3 serving of consideration.

4 (4) An analysis of each of the alternative mod-
5 els under paragraph (3) with respect to potential
6 gains in—

7 (A) information sharing (collecting, proc-
8 essing, disseminating);

9 (B) network commonality;

10 (C) common communications;

11 (D) interoperability;

12 (E) mission impact and success; and

13 (F) cost effectiveness.

14 (5) An evaluation of each of the alternative
15 models under paragraph (3) with respect to feasi-
16 bility, including identification of legal, policy, or reg-
17 ulatory barriers that would impede implementation.

18 (c) REPORT REQUIRED.—Not later than September
19 30, 2009, the Secretary of Defense shall submit to the
20 congressional defense committees a report on the results
21 of the studies required by subsection (a). The report shall
22 include the findings and recommendations of the studies
23 and any observations and comments that the Secretary
24 considers appropriate.

1 (d) NETWORK-CENTRIC OPERATIONS DEFINED.—In
2 this section, the term “network-centric operations” refers
3 to the ability to exploit all human and technical elements
4 of the Joint Force and mission partners through the full
5 integration of collected information, awareness, knowl-
6 edge, experience, and decision-making, enabled by secure
7 access and distribution, all to achieve agility and effective-
8 ness in a dispersed, decentralized, dynamic, or uncertain
9 operational environment.

10 **SEC. 1045. REPORT ON NONSTRATEGIC NUCLEAR WEAP-**
11 **ONS.**

12 (a) FINDINGS.—Congress finds that—

13 (1) numerous nonstrategic nuclear weapons are
14 held in the arsenals of various countries around the
15 world and that their prevalence and portability make
16 them attractive targets for theft and for use by ter-
17 rorist organizations;

18 (2) the United States should identify, track,
19 and monitor these weapons as a matter of national
20 security;

21 (3) the United States should reevaluate the
22 roles and missions of nonstrategic nuclear weapons
23 within the United States’ nuclear posture;

24 (4) the United States should assess the security
25 risks associated with existing stockpiles of nonstra-

1 tegie nuclear weapons and should assess the risks of
2 nonstrategic nuclear weapons being developed, ac-
3 quired, or utilized by other countries, particularly
4 rogue states, and by terrorists and other non-state
5 actors; and

6 (5) the United States should work cooperatively
7 with other countries to improve the security of non-
8 strategic nuclear weapons and to promote multilat-
9 eral reductions in the numbers of nonstrategic nu-
10 clear weapons.

11 (b) REVIEW.—The Secretary of Defense, in consulta-
12 tion with the Secretary of State, the Secretary of Energy,
13 and the Director of National Intelligence, shall conduct
14 a review of nonstrategic nuclear weapons world-wide that
15 includes—

16 (1) an inventory of the nonstrategic nuclear ar-
17 senals of the United States and each of the other
18 countries that possess, or is believed to possess, non-
19 strategic nuclear weapons, which indicates, as accu-
20 rately as possible, the nonstrategic nuclear weapons
21 that are known, or are believed, to exist according
22 to nationality, type, yield, and form of delivery, and
23 an assessment of the methods that are currently em-
24 ployed to identify, track, and monitor nonstrategic
25 nuclear weapons and their component materials;

1 (2) an analysis of the reliance placed on non-
2 strategic nuclear weapons by the United States and
3 each of the other countries that possess, or is be-
4 lieved to possess, nonstrategic nuclear weapons, and
5 an evaluation of nonstrategic nuclear weapons as de-
6 terrents against the use of nuclear weapons and
7 other weapons of mass destruction by state or non-
8 state actors;

9 (3) an assessment of the risks associated with
10 the deployment, transfer, and storage of nonstra-
11 tegic nuclear weapons by the United States and each
12 of the other countries that possess, or is believed to
13 possess, nonstrategic nuclear weapons and the risks
14 of nonstrategic nuclear weapons being employed by
15 rogue states, terrorists, and other state or non-state
16 actors; and

17 (4) recommendations for—

18 (A) mechanisms and procedures to improve
19 security safeguards for the nonstrategic nuclear
20 weapons of the United States and of each of
21 the other countries that possess, or is believed
22 to possess, nonstrategic nuclear weapons;

23 (B) mechanisms and procedures for imple-
24 menting transparent multilateral reductions in
25 nonstrategic nuclear weapons arsenals; and

1 (C) methods for consolidating, dismantling,
2 and disposing of the nonstrategic nuclear weap-
3 ons of the United States and of each of the
4 other countries that possess, or is believed to
5 possess, nonstrategic nuclear weapons, includ-
6 ing methods of monitoring and verifying con-
7 solidation, dismantlement, and disposal.

8 (c) REPORT.—

9 (1) REPORT REQUIRED.—Not later than 180
10 days after the date of the enactment of this Act, the
11 Secretary of Defense shall submit to Congress a re-
12 port on the findings and recommendations of the re-
13 view required under subsection (b).

14 (2) CLASSIFICATION OF REPORT.—The report
15 required under paragraph (1) shall be submitted in
16 unclassified form, but it may be accompanied by a
17 classified annex.

18 (d) DEFINITION.—For purposes of this section, the
19 term “nonstrategic nuclear weapon” means a nuclear
20 weapon employed by land, sea, or air (including, without
21 limitation, by short, medium and intermediate range bal-
22 listic missiles, air and sea launched cruise missiles, gravity
23 bombs, torpedoes, land mines, sea mines, artillery shells,
24 and personnel carried devices) against opposing forces,
25 supporting installations, or facilities in support of oper-

1 ations that contribute to the accomplishment of a military
2 mission of limited scope.

3 **SEC. 1046. STUDY ON NATIONAL DEFENSE IMPLICATIONS**
4 **OF SECTION 1083.**

5 The Department of Defense shall study the national
6 defense implications of section 1083 of the National De-
7 fense Authorization Act for Fiscal Year 2008 (Public Law
8 110–181; 122 Stat. 338).

9 **SEC. 1047. REPORT ON METHODS DEPARTMENT OF DE-**
10 **FENSE UTILIZES TO ENSURE COMPLIANCE**
11 **WITH GUAM TAX AND LICENSING LAWS.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Secretary of Defense, in consultation
14 with the Secretary of the Navy and the Joint Guam Pro-
15 gram Office, shall submit to the congressional defense
16 committees a report on the steps that the Department is
17 taking to ensure that all contractors of the Department
18 performing work on Guam comply with local tax and li-
19 censing requirements. The report shall—

20 (1) include what language will be utilized in
21 contract documents requiring compliance with local
22 tax and licensing laws;

23 (2) identify what authorities the Department
24 will use to compliance with such local laws; and

1 (3) also include the steps being taken by the
2 Department to partner with the Government of
3 Guam Department of Revenue and Taxation to en-
4 sure that there is transparency and a coordination
5 of effort to ensure that the local government has vis-
6 ibility of contractors performing work on Guam.

7 **SEC. 1048. STUDY ON METHODS TO VERIFIABLY REDUCE**
8 **THE LIKELIHOOD OF ACCIDENTAL NUCLEAR**
9 **LAUNCH.**

10 (a) **STUDY REQUIRED.**—The Secretary of Defense
11 shall carry out a study to evaluate procedural and physical
12 options for introducing into the nuclear weapons launch
13 procedures of the United States, Russia, China, and any
14 other strategically appropriate nations determined by the
15 Secretary, a time-delay before a launch command can be
16 executed that would be transparent to and verifiable by
17 the other nations. The options studied shall encompass a
18 wide range of possible time-delays and shall include, for
19 each option, an analysis of—

20 (1) the increased time, over current procedures,
21 before a launch command can be executed;

22 (2) the strategic risk to United States national
23 security, including the survivability of the United
24 States arsenal under a range of verification failures;

1 (3) the range of possible inspection regimes, in-
2 cluding the degree of verifiability that each would af-
3 ford; and

4 (4) the availability of parallel options in the
5 other nations included in such study.

6 (b) REPORT.—Not later than 6 months after the date
7 of enactment of this Act, the Secretary shall submit to
8 the congressional defense committees a report on the re-
9 sults of the study. If a report under this subsection is sub-
10 mitted in classified form, the Secretary shall concurrently
11 submit to the congressional defense committees an unclas-
12 sified version of such report.

13 **Subtitle F—Congressional** 14 **Recognitions**

15 **SEC. 1051. SENSE OF CONGRESS HONORING THE HONOR-** 16 **ABLE DUNCAN HUNTER.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) Representative Duncan Hunter was elected
20 to serve northern and eastern San Diego in 1980
21 and served in the House of Representatives until the
22 end of the 110th Congress in 2009, representing the
23 people of California’s 52d Congressional district.

24 (2) Previous to his service in Congress, Rep-
25 resentative Hunter served in the Army’s 173rd Air-

1 borne and 75th Ranger Regiment from 1969 to
2 1971.

3 (3) Representative Hunter was awarded the
4 Bronze Star, Air Medal, National Defense Service
5 Medal, and Vietnam Service Medal for his heroic
6 acts during the Vietnam Conflict.

7 (4) Representative Hunter served on the Com-
8 mittee on Armed Services of the House of Rep-
9 resentatives for 28 years, including service as Chair-
10 man of the Subcommittee on Military Research and
11 Development from 2001 through 2002 and the Sub-
12 committee on Military Procurement from 1995
13 through 2000, the Chairman of the full committee
14 from 2003 through 2006, and the ranking member
15 of the full committee from 2007 through 2008.

16 (5) Representative Hunter has persistently ad-
17 vocated for a more efficient military organization on
18 behalf of the American people, to ensure maximum
19 war-fighting capability and troop safety.

20 (6) Representative Hunter is known by his col-
21 leagues to put the security of the Nation above all
22 else and to provide for the men and women in uni-
23 form who valiantly dedicate and sacrifice themselves
24 for the protection of the Nation.

1 (7) Representative Hunter has demonstrated
2 this devotion to the troops by authorizing and ensuring
3 quick deployment of add-on vehicle armor and
4 improvised explosive device jammers, which have
5 been invaluable in protecting the troops from attack
6 in Iraq.

7 (8) Representative Hunter worked to increase
8 the size of the U.S. Armed Forces, which resulted in
9 significant increases in the size of the Army and Ma-
10 rine Corps.

11 (9) Representative Hunter has been a leader in
12 ensuring sufficient force structure and end-strength,
13 including through the 2006 Committee Defense Re-
14 view, to meet any challenges to the Nation. His ef-
15 forts to increase the size of the Army and Marine
16 Corps have been enacted by the Congress and imple-
17 mented by the Administration.

18 (10) Representative Hunter is a leading advo-
19 cate for securing America's borders.

20 (11) Representative Hunter led efforts to
21 strengthen the United States Industrial Base by en-
22 acting legislation that ensures the national industrial
23 base will be able to design and manufacture those
24 products critical to America's national security.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Honorable Duncan Hunter, Representative
3 from California, has discharged his official duties with in-
4 tegrity and distinction, has served the House of Rep-
5 resentatives and the American people selflessly, and de-
6 serves the sincere and humble gratitude of Congress and
7 the Nation.

8 **SEC. 1052. SENSE OF CONGRESS IN HONOR OF THE HONOR-**
9 **ABLE JIM SAXTON, A MEMBER OF THE HOUSE**
10 **OF REPRESENTATIVES.**

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

13 (1) Representative Hugh James “Jim” Saxton
14 was elected in November 1984 to fill both the unex-
15 pired term of Congressman Edwin B. Forsythe in
16 the 98th Congress, and the open seat for the 99th
17 Congress.

18 (2) Representative Saxton is a senior member
19 of the Committee on Armed Services, having served
20 on the committee since 1989, and is today the rank-
21 ing Member of its Air and Land Forces Sub-
22 committee in the 110th Congress, 2007–2008.

23 (3) Representative Saxton is one of the few
24 Members to have ever represented a district that in-
25 cluded active-duty Army, Navy, and Air Force bases.

1 (4) Representative Saxton served as Chairman
2 of the Military Installations and Facilities Sub-
3 committee from 2001 to 2002, and Chairman of the
4 Terrorism and Unconventional Threats and Capa-
5 bilities Subcommittee from 2003 to 2006.

6 (5) Representative Saxton has served soldiers,
7 sailors, airmen, and Department of Defense civilians
8 and military families in New Jersey, the United
9 States, and around the world, regarding issues of
10 fair pay, housing modernization, benefits, health
11 care, force protection, and other issues.

12 (6) Representative Saxton worked diligently and
13 successfully to save all three military bases in south-
14 ern New Jersey—Fort Dix, McGuire Air Force
15 Base, and Lakehurst Naval Air Engineering Station.

16 (7) Representative Saxton secured the future of
17 the three bases by having the foresight to encourage
18 them to participate in multiple inter-service joint
19 projects and exercises for more than 10 years prior
20 to the 2005 base realignment and closure (BRAC)
21 action that directed that they become a single, joint
22 installation, the Nation's only Army-Navy-Air Force
23 base, to be stood-up in 2009 as Joint Base McGuire-
24 Dix-Lakehurst.

1 (8) Representative Saxton has helped modernize
2 Fort Dix, McGuire Air Force Base, and Lakehurst
3 Navy Base, by working with Secretaries and Chiefs
4 of the Army, Navy, Marines, and Air Force, and
5 other officials, and in particular the Army Reserve,
6 Army National Guard, National Guard Bureau, Air
7 National Guard, Air Mobility Command, and Air
8 Force Reserve, to enhance the three bases' national
9 security missions and bring \$1,800,000,000 in infra-
10 structure during his tenure.

11 (9) Representative Saxton saved the 1,400-
12 member 108th New Jersey Air National Guard Air
13 Refueling Wing from dismantlement in 2005 by di-
14 recting that newer KC-135R Stratotanker aircraft
15 be sent to replace retiring KC-135 E model aircraft.

16 (10) Representative Saxton saved the cargo air-
17 lift mission of McGuire Air Force Base by bringing
18 a squadron of C-17 Globemasters to McGuire after
19 the mandatory retirement of all of the bases' C-141
20 Starlifter transports, and worked to procure many
21 other C-17s for other bases across the country to
22 perform the Nation's airlift missions.

23 (11) Representative Saxton took the leadership
24 role in bringing the mothballed battleship USS New
25 Jersey home to the Delaware River from where it

1 was launched in 1943, so it could become a naval
2 museum and monument to the 20th Century con-
3 flicts in which the dreadnought served.

4 (12) Representative Saxton, a long time advo-
5 cate of anti terrorism efforts, served as the Chair-
6 man of the House Task Force on Terrorism and
7 Unconventional Warfare from 1996 to 2003.

8 (13) Representative Saxton in 1998 helped cre-
9 ate and later expand the Weapons of Mass Destruc-
10 tion Civil Support Teams (WMD-CST) program in
11 the National Guard, ultimately leading to a WMD-
12 CST in each State and territory to respond to do-
13 mestic terrorism.

14 (14) Representative Saxton was appointed by
15 the Speaker of the House of Representatives in
16 March 2000 to be chairman of the Committee on
17 Armed Services' newly formed Special Oversight
18 Panel on Terrorism, due to long advocacy of anti-
19 terrorism preparedness.

20 (15) Representative Saxton is a long-time sup-
21 porter of the warriors of the Special Operations
22 Command (SOCOM), both before and after the at-
23 tacks of September 11, 2001, and has met with spe-
24 cial operators in Washington, D.C., at SOCOM
25 bases in the United States, and in theater.

1 (16) Representative Saxton worked for over a
2 decade to create the first terrorism subcommittee on
3 the Committee on Armed Services, becoming its first
4 chairman when the Subcommittee on Terrorism and
5 Unconventional Threats and Capabilities organized
6 in 2003 with oversight of United States elite forces,
7 including Army Rangers, Green Berets, Navy
8 SEALs, and Marine Special Forces.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the Honorable Jim Saxton, Representative from
11 New Jersey, has discharged his official duties with integ-
12 rity and distinction, has served the House of Representa-
13 tives and the American people selflessly, and deserves the
14 sincere and humble gratitude of Congress and the Nation.

15 **SEC. 1053. SENSE OF CONGRESS HONORING THE HONOR-**
16 **ABLE TERRY EVERETT.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) Representative Terry Everett was elected to
20 represent Alabama's 2d Congressional district in
21 1992 and served in the House of Representatives
22 until the end of the 110th Congress in 2008 with
23 distinction, class, integrity, and honor.

24 (2) Representative Everett served on the Com-
25 mittee on Armed Services of the House of Rep-

1 representatives for 16 years, including service as Chair-
2 man of the Subcommittee on Strategic Forces from
3 2002 through 2006 and, from 2006 through 2008,
4 as Ranking Member of the Subcommittee on Stra-
5 tegic Forces.

6 (3) Representative Everett's colleagues know
7 him to be a fair and effective lawmaker who worked
8 for the national interest while always serving South-
9 eastern Alabama.

10 (4) Representative Everett's efforts on the
11 Committee on Armed Services have been instru-
12 mental to the military value of, and quality of life
13 at, military installations in Southeastern Alabama,
14 including Maxwell-Gunter Air Force Base in Mont-
15 gomery, home of Air University, and Fort Rucker in
16 the Wiregrass area, home of the Army's Aviation
17 Warfighting Center.

18 (5) Representative Everett has been a leader in
19 efforts to develop and deploy robust and effective
20 space and intelligence capabilities and missile de-
21 fense systems to enhance the capabilities of the
22 Armed Forces and protect the American people, the
23 United States and its deployed troops, and allies of
24 the United States.

1 military personnel regarding issues of health care,
2 modernization, benefits, force protection and other
3 issues.

4 (5) Representative Davis also served on the
5 House Permanent Select Committee on Intelligence
6 in the 109th Congress and as Chairwoman of the
7 Subcommittee on Intelligence Policy.

8 (6) Representative Davis, a strong proponent of
9 Naval Force Structure, helped secure construction
10 on the Navy's next-generation aircraft carrier,
11 CVN-21, during her tenure.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the Honorable Jo Ann Davis, a late Representa-
14 tive from Virginia, performed her official duties with in-
15 tegrity and distinction, served the House of Representa-
16 tives and the American people selflessly, and deserves the
17 sincere and humble gratitude of Congress and the Nation.

18 **Subtitle G—Other Matters**

19 **SEC. 1061. AMENDMENT TO ANNUAL SUBMISSION OF IN-** 20 **FORMATION REGARDING INFORMATION** 21 **TECHNOLOGY CAPITAL ASSETS.**

22 Section 351(a)(2) of the Bob Stump National De-
23 fense Authorization Act for Fiscal Year 2003 (Public Law
24 107-314; 116 Stat. 2516), is amended to read as follows:

1 “(2) Information technology capital assets
2 that—

3 “(A) have an estimated total cost for the
4 fiscal year for which the budget is submitted in
5 excess of \$30,000,000;

6 “(B) have been determined by the Chief
7 Information Officer of the Department of De-
8 fense and the Director of the Office of Manage-
9 ment and Budget to be significant investments;
10 and

11 “(C) with respect to which the Department
12 of Defense is required to submit a capital asset
13 plan to the Office of Management and Budget
14 in accordance with section 300 of Office of
15 Management and Budget Circular A-11.”.

16 **SEC. 1062. RESTRICTION ON DEPARTMENT OF DEFENSE RE-**
17 **LOCATION OF MISSIONS OR FUNCTIONS**
18 **FROM CHEYENNE MOUNTAIN AIR FORCE STA-**
19 **TION.**

20 The Secretary of Defense may not relocate, make
21 preparations for relocation, or undertake the relocation of
22 any mission or function from Cheyenne Mountain Air
23 Force Station until 30 days after the date on which the
24 Secretary of Defense submits to the congressional defense
25 committees certification in writing that the Secretary in-

1 tends to relocate the mission or function. Such certifi-
2 cation shall be comprised of a report, which shall in-
3 clude—

4 (1) a description of the mission or function to
5 be relocated;

6 (2) the validated requirements for relocation of
7 the mission or function, and the benefits of such re-
8 location;

9 (3) the estimate of the total costs associated
10 with such relocation;

11 (4) the results of independent vulnerability, se-
12 curity, and risk assessments of the relocation of the
13 mission or function; and

14 (5) the Secretary's implementation plan for
15 mitigating any security or vulnerability risk identi-
16 fied through an independent assessment referred to
17 in paragraph (4), including the cost, schedule, and
18 personnel estimates associated with such plan.

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

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

22 (1) The table of sections at the beginning of
23 chapter 2 is amended by inserting after the item re-
24 lating to 118a the following new item:

“118b. Quadrennial roles and missions review.”.

1 (2) The table of sections at the beginning of
2 chapter 5 is amended in the item relating to section
3 156 by inserting a period at the end.

4 (3) The table of sections at the beginning of
5 chapter 7 is amended in the item relating to section
6 183 by inserting a period at the end.

7 (4) Section 1477(e) is amended by inserting a
8 period at the end.

9 (5) Section 2192a is amended—

10 (A) in subsection (e)(4), by striking “title
11 11, United States Code,” and inserting “title
12 11”; and

13 (B) in subsection (f), by striking “title 10,
14 United States Code” and inserting “this title”.

15 (6) The table of chapters at the beginning of
16 subtitle C of such title, and the table of chapters at
17 the beginning of part IV of such subtitle, are each
18 amended by striking the item relating to chapter
19 667 and inserting the following new item:

**“667. Issue of Serviceable Material Other Than to Armed
Forces 7911”.**

20 (b) NATIONAL DEFENSE AUTHORIZATION ACT FOR
21 FISCAL YEAR 2008.—Effective as of January 28, 2008,
22 and as if included therein as enacted, the National De-
23 fense Authorization Act for Fiscal Year 2008 (Public Law
24 110–181) is amended as follows:

1 (1) Section 371(e) is amended by striking
2 “‘operational strategies’” and inserting “‘oper-
3 ational systems’”.

4 (2) Section 585(b)(3)(C) (122 Stat. 132) is
5 amended by inserting “both places it appears” be-
6 fore the period at the end.

7 (3) Section 703(b) is amended by striking “as
8 amended by” and inserting “as inserted by”.

9 (4) Section 805(a) is amended by striking “Act
10 ,” and inserting “Act,”.

11 (5) Section 883(b) is amended by striking “Sec-
12 tion 832(c)(1) of such Act, as redesignated by sub-
13 section (a), is amend by” and inserting “Section
14 832(b)(1) of such Act is amended by”.

15 (6) Section 890(d)(2) is amended by striking
16 “sections” and inserting “parts”.

17 (7) Section 904(a)(4) is amended by striking
18 “131(b)(2)” and inserting “131(b)”.

19 (8) Section 954(a)(3)(B) (122 Stat. 294) is
20 amended by inserting “, as redesignated by section
21 524(a)(1)(A),” after “of such title”.

22 (9) Section 954(b)(2) (122 Stat. 294) is
23 amended—

1 (A) by striking “2114(e) of such title” and
2 inserting “2114(f) of such title, as redesignated
3 by section 524(a)(1)(A),”; and

4 (B) by striking the period at the end and
5 inserting “and inserting ‘President’.”.

6 (10) Section 1063(d)(1) (122 Stat. 323) is
7 amended by striking “semicolon” and inserting
8 “comma”.

9 (11) Section 1229(i)(3) (122 Stat. 383) is
10 amended by striking “publically” and inserting
11 “publicly”.

12 (12) Section 1422(e)(2) (122 Stat. 422) is
13 amended by striking “subsection (c)” and inserting
14 “subsection (e)(1)”.

15 (13) Section 1602(4) (122 Stat. 432) is amend-
16 ed by striking “section 411 h(b)” and inserting
17 “section 411h(b)(1)”.

18 (14) Section 1617(b) (122 Stat. 449) is amend-
19 ed by striking “by adding at the end” and inserting
20 “by inserting after the item relating to section
21 1074k”.

22 (15) Section 2106 (122 Stat. 508) is amended
23 by striking “for 2007” both places it appears and
24 inserting “for Fiscal Year 2007”.

1 (16) Section 2826(a)(2)(A) (122 Stat. 546) is
2 amended by striking “the Army” and inserting
3 “Army”.

4 (c) TITLE 31, UNITED STATES CODE.—Title 31,
5 United States Code, is amended as follows:

6 (1) Chapter 35 is amended by striking the first
7 section 3557.

8 (2) The second section 3557 is amended in the
9 section heading by striking “**Public-Private**” and
10 inserting “**public-private**”.

11 (3) The table of sections at the beginning of
12 chapter 35 is amended by striking the second item
13 relating to section 3557.

14 (d) TITLE 28, UNITED STATES CODE.—Section
15 1491(b) of title 28, United States Code, is amended by
16 striking the first paragraph (5).

17 (e) RONALD W. REAGAN NATIONAL DEFENSE AU-
18 THORIZATION ACT FOR FISCAL YEAR 2005.—Section
19 721(e) of the Ronald W. Reagan National Defense Au-
20 thORIZATION Act for Fiscal Year 2005 (Public Law 108–
21 375; 118 Stat. 1988; 10 U.S.C. 1092 note) is amended
22 by striking “fiscal years 2005” and all that follows
23 through “2010” and inserting “fiscal years 2005 through
24 2010”.

1 (f) PUBLIC LAW 106–113.—Effective as of Novem-
2 ber 29, 1999, and as if included therein as enacted, section
3 553 of the Foreign Operations, Export Financing, and Re-
4 lated Programs Appropriations Act, 2000 (as enacted into
5 law by section 1000(a)(2) of Public Law 106–113 (113
6 Stat. 1535, 1501A–99)) is amended by striking “five-year
7 period” and inserting “eight-year period”.

8 **SEC. 1064. SUBMISSION TO CONGRESS OF REVISION TO**
9 **REGULATION ON ENEMY PRISONERS OF WAR,**
10 **RETAINED PERSONNEL, CIVILIAN INTERN-**
11 **EES, AND OTHER DETAINEES.**

12 (a) SUBMISSION TO CONGRESS.—No activity relating
13 to a successor regulation to Army Regulation 190–8
14 Enemy Prisoners of War, Retained Personnel, Civilian In-
15 ternees and Other Detainees (dated October 1, 1997) may
16 be carried out until the date that is 60 days after the date
17 on which the Secretary of Defense submits to the Commit-
18 tees on Armed Services of the Senate and House of Rep-
19 resentatives such successor regulation.

20 (b) SAVINGS CLAUSE.—Nothing in this section shall
21 affect the continued effectiveness of Army Regulation
22 190–8 Enemy Prisoners of War, Retained Personnel, Ci-
23 vilian Internees and Other Detainees (dated October 1,
24 1997).

1 **SEC. 1065. AUTHORIZATION OF APPROPRIATIONS FOR PAY-**
2 **MENTS TO PORTUGUESE NATIONALS EM-**
3 **PLOYED BY THE DEPARTMENT OF DEFENSE.**

4 (a) **AUTHORIZATION FOR PAYMENTS.**—Subject to
5 subsection (b), the Secretary of Defense may authorize
6 payments to Portuguese nationals employed by the De-
7 partment of Defense in Portugal, for the difference be-
8 tween—

9 (1) the salary increases resulting from section
10 8002 of the Department of Defense Appropriations
11 Act, 2006 (Public Law 109–148 119 Stat. 2697; 10
12 U.S.C. 1584 note) and section 8002 of the Depart-
13 ment of Defense Appropriations Act, 2007 (Public
14 Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584
15 note); and

16 (2) salary increases supported by the Depart-
17 ment of Defense Azores Foreign National wage sur-
18 veys for survey years 2006 and 2007.

19 (b) **LIMITATION.**—The authority provided in sub-
20 section (a) may be exercised only if—

21 (1) the wage survey methodology described in
22 the United States—Portugal Agreement on Coopera-
23 tion and Defense, with supplemental technical and
24 labor agreements and exchange of notes, signed at
25 Lisbon on June 1, 1995, and entered into force on
26 November 21, 1995, is eliminated; and

1 (2) the agreements and exchange of notes re-
2 ferred to in paragraph (1) and any implementing
3 regulations thereto are revised to explicitly state the
4 requirement that future increases in the pay of Por-
5 tuguese nationals employed by the Department of
6 Defense in Portugal are to be made in compliance
7 with United States law and regulations prescribed
8 by the Secretary of Defense.

9 (c) **AUTHORIZATION FOR APPROPRIATION.**—There is
10 authorized to be appropriated to the Secretary of Defense
11 \$240,000 for fiscal year 2009 for the purpose of the pay-
12 ments authorized by subsection (a).

13 **SEC. 1066. STATE DEFENSE FORCE IMPROVEMENT.**

14 (a) **FINDINGS.**—Congress makes the following find-
15 ings:

16 (1) Domestic threats to national security and
17 the increased use of National Guard forces for out-
18 of-State deployments greatly increase the potential
19 for service by members of State defense forces estab-
20 lished under section 109(c) of title 32, United States
21 Code.

22 (2) The efficacy of State defense forces is im-
23 peded by lack of clarity in the Federal regulations
24 concerning those forces, particularly in defining lev-

1 els of coordination and cooperation between those
2 forces and the Department of Defense.

3 (3) The State defense forces suffer from lack of
4 standardized military training, arms, equipment,
5 support, and coordination with the Department of
6 Defense as a result of real and perceived Federal
7 regulatory impediments.

8 (b) RECOGNITION AND SUPPORT FOR STATE DE-
9 FENSE FORCES.—Section 109 of title 32, United States
10 Code, is amended—

11 (1) by redesignating subsections (d) and (e) as
12 subsections (j) and (k), respectively; and

13 (2) by inserting after subsection (c) the fol-
14 lowing new subsections:

15 “(d) RECOGNITION.—Congress hereby recognizes
16 forces established under subsection (c) as an integral mili-
17 tary component of the United States, while reaffirming
18 that those forces remain entirely State regulated, orga-
19 nized, and equipped and recognizing that those forces will
20 be used exclusively at the local level and in accordance
21 with State law.

22 “(e) ASSISTANCE BY DEPARTMENT OF DEFENSE.—
23 (1) The Secretary of Defense may coordinate with, and
24 provide assistance to, a defense force established under
25 subsection (c) to the extent such assistance is requested

1 by a State or by a force established under subsection (c)
2 and subject to the provisions of this section.

3 “(2) The Secretary may not provide assistance under
4 paragraph (1) if, in the judgment of the Secretary, such
5 assistance would—

6 “(A) impede the ability of the Department of
7 Defense to execute missions of the Department;

8 “(B) take resources away from warfighting
9 units;

10 “(C) incur nonreimbursed identifiable costs; or

11 “(D) consume resources in a manner incon-
12 sistent with the mission of the Department of De-
13 fense.

14 “(f) USE OF DEPARTMENT OF DEFENSE PROPERTY
15 AND EQUIPMENT.—The Secretary of Defense may author-
16 ize qualified personnel of a force established under sub-
17 section (c) to use and operate property, arms, equipment,
18 and facilities of the Department of Defense as needed in
19 the course of training activities and State active duty.

20 “(g) TRANSFER OF EXCESS EQUIPMENT.—(1) The
21 Secretary of Defense may transfer to a State or a force
22 established under subsection (c) any personal property of
23 the Department of Defense that the Secretary determines
24 is—

1 “(A) excess to the needs of the Department of
2 Defense; and

3 “(B) suitable for use by a force established
4 under subsection (c).

5 “(2) The Secretary of Defense may transfer personal
6 property under this section only if—

7 “(A) the property is drawn from existing stocks
8 of the Department of Defense;

9 “(B) the recipient force established under sub-
10 section (c) accepts the property on an as-is, where-
11 is basis;

12 “(C) the transfer is made without the expendi-
13 ture of any funds available to the Department of
14 Defense for the procurement of defense equipment;
15 and

16 “(D) all costs incurred subsequent to the trans-
17 fer of the property are borne or reimbursed by the
18 recipient.

19 “(3) Subject to paragraph (2)(D), the Secretary may
20 transfer personal property under this section without
21 charge to the recipient force established under subsection
22 (c).

23 “(h) FEDERAL/STATE TRAINING COORDINATION.—
24 (1) Participation by a force established under subsection

1 (c) in a training program of the Department of Defense
2 is at the discretion of the State.

3 “(2) Nothing in this section may be construed as re-
4 quiring the Department of Defense to provide any training
5 program to any such force.

6 “(3) Any such training program shall be conducted
7 in accordance with an agreement between—

8 “(A) the Secretary of Defense; and

9 “(B) the State or the force established under
10 subsection (c) if so authorized by State law.

11 “(4) Any direct costs to the Department of Defense
12 of providing training assistance to a force established
13 under subsection (c) shall be reimbursed by the State. Any
14 agreement under paragraph (3) between the Department
15 of Defense and a State or a force established under sub-
16 section (c) for such training assistance shall provide for
17 payment of such costs.

18 “(i) FEDERAL FUNDING OF STATE DEFENSE
19 FORCES.—Funds available to the Department of Defense
20 may not be made available to a State defense force.”.

21 (c) DEFINITION OF STATE.—

22 (1) DEFINITION.—Such section is further
23 amended by adding at the end the following new
24 subsection:

1 “(1) STATE DEFINED.—In this section, the term
2 ‘State’ includes the District of Columbia, the Common-
3 wealth of Puerto Rico, Guam, and the Virgin Islands.”.

4 (2) CONFORMING AMENDMENTS.—Such section
5 is further amended in subsections (a), (b), and (c)
6 by striking “a State, the Commonwealth of Puerto
7 Rico, the District of Columbia, Guam, or the Virgin
8 Islands” each place it appears and inserting “a
9 State”.

10 (d) STYLISTIC AMENDMENTS.—Such section is fur-
11 ther amended—

12 (1) in subsection (a), by inserting “PROHIBI-
13 TION ON MAINTENANCE OF OTHER TROOPS.—”
14 after “(a)”;

15 (2) in subsection (b), by inserting “USE WITH-
16 IN STATE BORDERS.—” after “(b)”;

17 (3) in subsection (c), by inserting “STATE DE-
18 FENSE FORCES AUTHORIZED.—” after “(c)”;

19 (4) in subsection (j), as redesignated by sub-
20 section (a)(1), by inserting “EFFECT OF MEMBER-
21 SHIP IN DEFENSE FORCES.—” after “(j)”;

22 (5) in subsection (k), as redesignated by sub-
23 section (a)(1), by inserting “PROHIBITION ON RE-
24 SERVE COMPONENT MEMBERS JOINING DEFENSE
25 FORCES.—” after “(k)”.

1 (e) CLERICAL AMENDMENTS.—

2 (1) SECTION HEADING.—The heading of such
3 section is amended to read as follows:

4 “§ 109. Maintenance of other troops: State defense
5 forces”.

6 (2) CLERICAL AMENDMENT.—The item relating
7 to such section in the table of sections at the begin-
8 ning of chapter 1 of such title is amended to read
9 as follows:

“109. Maintenance of other troops: State defense forces.”.

10 SEC. 1067. BARNEGAT INLET TO LITTLE EGG INLET, NEW
11 JERSEY.

12 (a) PROJECT MODIFICATION.—The project for hurri-
13 cane and storm damage reduction, Barnegat Inlet to Little
14 Egg Inlet, New Jersey, authorized by section 101(a)(1)
15 of the Water Resources Development Act of 2000 (114
16 Stat. 2576), is modified to authorize the Secretary of the
17 Army to undertake, at Federal expense, such measures as
18 the Secretary determines to be necessary and appropriate
19 in the public interest to address the handling of munitions
20 placed on the beach during construction of the project be-
21 fore the date of enactment of this section.

22 (b) TREATMENT OF COSTS.—Costs incurred in car-
23 rying out subsection (a) shall not be considered to be a
24 cost of constructing the project.

1 (c) CREDIT.—The Secretary shall credit, in accord-
2 ance with section 221 of the Flood Control Act of 1970
3 (42 U.S.C. 1962d-5b), toward the non-Federal share of
4 the cost of the project the costs incurred by the non-Fed-
5 eral interest with respect to the removal and handling of
6 the munitions referred to in subsection (a).

7 (d) ELIGIBLE ACTIVITIES.—Measures authorized by
8 subsection (a) include monitoring, removal, and disposal
9 of the munitions referred to in subsection (a).

10 (e) FUNDING.—Of the amounts authorized to be ap-
11 propriated by section 301(13) of this Act, \$7,175,000 is
12 authorized to carry out subsection (a).

13 **SEC. 1068. SENSE OF CONGRESS REGARDING THE ROLES**
14 **AND MISSIONS OF THE DEPARTMENT OF DE-**
15 **FENSE AND OTHER NATIONAL SECURITY IN-**
16 **STITUTIONS.**

17 It is the sense of Congress as follows:

18 (1) To ensure the future security of the United
19 States, all of the national security organizations of
20 the Federal Government must work together more
21 effectively.

22 (2) The conflicts in Iraq and Afghanistan have
23 demonstrated a need to expand the definition of na-
24 tional security organizations to include all depart-

1 ments and agencies that contribute to the relations
2 of the United States with the world.

3 (3) As the largest national security organiza-
4 tion, the Department of Defense must effectively col-
5 laborate in both a supported and supporting role
6 with other departments and agencies.

7 (4) Section 941 of Public Law 110–181 created
8 an opportunity for the Department of Defense to ad-
9 dress internal assignments of functions.

10 (5) The Initial Perspectives report of the Panel
11 on Roles and Missions of the Committee on Armed
12 Services of the House of Representatives illustrated
13 the following three levels of coordination that must
14 be improved:

15 (A) Inter-agency coordination.

16 (B) Department of Defense-wide coordina-
17 tion.

18 (C) Inter-service coordination.

19 (6) Institutionalizing effective coordination
20 within and among the national security organiza-
21 tions of the Federal Government may require funda-
22 mental reform.

1 **SEC. 1069. SENSE OF CONGRESS RELATING TO 2008 SUP-**
2 **PLEMENTAL APPROPRIATIONS.**

3 It is the sense of Congress that readiness shortfalls
4 exist within the Armed Forces of the United States, thus
5 increasing risk to the national security of the United
6 States. Congress has provided, and will continue to pro-
7 vide, funds to address the readiness shortfalls in the
8 Armed Forces of the United States.

9 **SEC. 1070. SENSE OF CONGRESS REGARDING DEFENSE RE-**
10 **QUIREMENTS OF THE UNITED STATES.**

11 It is the sense of Congress that the defense require-
12 ments of the United States should be based upon a com-
13 prehensive national security strategy and fully funded to
14 counter present and emerging threats.

15 **SEC. 1071. STANDING ADVISORY PANEL ON IMPROVING IN-**
16 **TEGRATION BETWEEN THE DEPARTMENT OF**
17 **DEFENSE, THE DEPARTMENT OF STATE, AND**
18 **THE UNITED STATES AGENCY FOR INTER-**
19 **NATIONAL DEVELOPMENT ON MATTERS OF**
20 **NATIONAL SECURITY.**

21 (a) ESTABLISHMENT OF ADVISORY PANEL.—The
22 Secretary of Defense, the Secretary of State, and the Ad-
23 ministrator of the United States Agency for International
24 Development shall jointly establish an advisory panel to
25 review the respective roles and responsibilities of the De-
26 partment of Defense, the Department of State, and the

1 United States Agency for International Development in
2 the national security collaborative system.

3 (b) MEMBERSHIP.—

4 (1) COMPOSITION.—The advisory panel shall be
5 composed of 12 members, of whom—

6 (A) three shall be appointed by the Sec-
7 retary of Defense, in consultation with the Sec-
8 retary of State and the Administrator;

9 (B) three shall be appointed by the Sec-
10 retary of Defense, in consultation with the
11 Chairman of the Joint Chiefs of Staff, the Sec-
12 retary of State, and the Administrator;

13 (C) three shall be appointed by the Sec-
14 retary of State, in consultation with the Sec-
15 retary of Defense and the Administrator; and

16 (D) three shall be appointed by the Admin-
17 istrator, in consultation with the Secretary of
18 Defense and the Secretary of State.

19 (2) CHAIRMAN.—The Secretary of Defense, the
20 Secretary of State, and the Administrator shall
21 jointly designate one member as chairman.

22 (3) VICE CHAIRMAN.—The Secretary of De-
23 fense, the Secretary of State, and the Administrator
24 shall jointly designate one member as vice chairman.

25 The vice chairman may not be a member appointed

1 to the advisory panel under paragraph (1) by the
2 same Secretary or Administrator that appointed the
3 chairman to the advisory panel under paragraph (1).

4 (4) EXPERTISE.—Members of the advisory
5 panel shall be private citizens of the United States
6 with national recognition and significant experience
7 in the Federal Government, the Armed Forces, pub-
8 lic administration, foreign affairs, or development.

9 (5) DEADLINE FOR APPOINTMENT.—All mem-
10 bers of the advisory panel shall be appointed not
11 earlier than January 20, 2009, and not later than
12 March 20, 2009.

13 (6) TERMS.—The term of each member of the
14 advisory panel is for the life of the advisory panel.

15 (7) VACANCIES.—A vacancy in the advisory
16 panel shall be filled not later than 30 days after
17 such vacancy occurs and in the manner in which the
18 original appointment was made.

19 (8) SECURITY CLEARANCES.—The appropriate
20 departments or agencies of the Federal Government
21 shall cooperate with the advisory panel in expedi-
22 tiously providing to the members and staff appro-
23 priate security clearances to the extent possible pur-
24 suant to existing procedures and requirements, ex-
25 cept that no person shall be provided with access to

1 classified information under this section without the
2 appropriate security clearances.

3 (9) STATUS.—A member of the advisory board
4 who is not otherwise employed by the Federal Gov-
5 ernment shall not be considered to be a Federal em-
6 ployee, except for the purposes of chapter 81 of title
7 5, United States Code, and chapter 171 of title 28,
8 United States Code.

9 (10) EXPENSES.—The members of the advisory
10 panel shall be allowed travel expenses, including per
11 diem in lieu of subsistence, at rates authorized for
12 employees of agencies under subchapter I of chapter
13 57 of title 5, while away from their homes or regular
14 places of business in the performance of services for
15 the advisory panel.

16 (c) MEETINGS AND PROCEDURES.—

17 (1) INITIAL MEETING.—The advisory panel
18 shall conduct its first meeting not later than 30 days
19 after the date that all appointments to the advisory
20 panel have been made under subsection (b).

21 (2) MEETINGS.—The advisory panel shall meet
22 not less often than once every three months. The ad-
23 visory panel may also meet at the call of the Sec-
24 retary of Defense, the Secretary of State, or the Ad-
25 ministrator.

1 (3) PROCEDURES.—The advisory panel shall
2 carry out its duties under procedures established
3 under subsection (d).

4 (4) NONAPPLICABILITY OF FEDERAL ADVISORY
5 COMMITTEE ACT.—The Federal Advisory Committee
6 Act (5 U.S.C. App.) shall not apply to the advisory
7 panel.

8 (d) SUPPORT OF FEDERALLY FUNDED RESEARCH
9 AND DEVELOPMENT CENTER.—

10 (1) IN GENERAL.—The Secretary of Defense, in
11 consultation with the Secretary of State and the Ad-
12 ministrator, shall enter into a contract with a feder-
13 ally funded research and development center for the
14 provision of administrative and logistical support
15 and assistance to the advisory panel in carrying out
16 its duties under this section. Such support and as-
17 sistance shall include the establishment of the proce-
18 dures of the advisory panel under subsection (c)(3).

19 (2) DEADLINE FOR CONTRACT.—The Secretary
20 of Defense shall enter into the contract required by
21 this subsection not later than 60 days after the date
22 of the enactment of this Act.

23 (e) DUTIES OF PANEL.—

24 (1) The advisory panel shall analyze the roles
25 and responsibilities of the Department of Defense,

1 the Department of State, and the United States
2 Agency for International Development regarding—

3 (A) stability operations;

4 (B) non-proliferation;

5 (C) foreign assistance (including security
6 assistance);

7 (D) strategic communications;

8 (E) public diplomacy;

9 (F) the role of contractors; and

10 (G) other areas the Secretary of Defense,
11 the Secretary of State, and the Administrator
12 consider appropriate.

13 (2) In providing advice, guidance, and rec-
14 ommendations to improve the national security col-
15 laborative system, the advisory panel shall review—

16 (A) the structures and systems that coordi-
17 nate policy-making;

18 (B) the roles and responsibilities of the de-
19 partments and agencies of the Federal Govern-
20 ment involved in the national security collabo-
21 rative system;

22 (C) integrating the expertise of the depart-
23 ments and agencies of the Federal Government
24 involved in the national security collaborative
25 system; and

1 (D) coordinating personnel assigned
2 abroad as part of the national security collabo-
3 rative system.

4 (f) COOPERATION OF OTHER AGENCIES.—Upon re-
5 quest by the advisory panel, any department or agency of
6 the Federal Government shall provide information that the
7 advisory panel considers necessary to carry out its duties.

8 (g) REPORTS.—

9 (1) INTERIM REPORT.—

10 (A) Not later than 180 days after the first
11 meeting of the advisory panel, the advisory
12 panel shall submit to the Secretary of Defense,
13 the Secretary of State, and the Administrator,
14 a report that identifies—

15 (i) aspects of the national security col-
16 laborative system that should take priority
17 during the improvement of integration be-
18 tween the Department of Defense, the De-
19 partment of State, and the United States
20 Agency for International Development; and

21 (ii) methods to better integrate the
22 national security collaborative system.

23 (2) ANNUAL REPORT.—

24 (A) Not later than December 31 of each
25 year, the advisory panel shall submit to the Sec-

1 retary of Defense, the Secretary of State, and
2 the Administrator, a report on—

3 (i) the activities of the advisory panel;

4 (ii) any deficiencies in the national se-
5 curity collaborative system;

6 (iii) any improvements made to the
7 national security collaborative system;

8 (iv) methods to better integrate the
9 national security collaborative system; and

10 (v) such findings, conclusions, and
11 recommendations as the advisory panel
12 considers appropriate.

13 (3) SUBMISSION OF REPORT TO CONGRESS.—

14 The Secretary of Defense, the Secretary of State,
15 and the Administrator shall submit to the appro-
16 priate committees of Congress the reports under this
17 subsection and any additional information consid-
18 ered appropriate.

19 (4) CONGRESSIONAL BRIEFINGS.—Not later

20 than 30 days after the submission of each report
21 under this subsection, the advisory panel shall meet
22 with the appropriate committees to brief such com-
23 mittees on the matters contained in the report.

1 (5) APPROPRIATE COMMITTEES.—For the pur-
2 poses of this subsection, the appropriate committees
3 of Congress are the following:

4 (A) The Committees on Foreign Relations,
5 Armed Services, and Appropriations of the Sen-
6 ate.

7 (B) The Committees on Foreign Affairs,
8 Armed Services, and Appropriations of the
9 House of Representatives.

10 (h) TERMINATION OF ADVISORY PANEL.—The advi-
11 sory panel shall terminate on September 30, 2013.

12 (i) DEFINITIONS.—In this section:

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the United
15 States Agency for International Development.

16 (2) NATIONAL SECURITY COLLABORATIVE SYS-
17 TEM.—The term “national security collaborative sys-
18 tem” means the structures, mechanisms, and proc-
19 esses by which the Department of Defense, the De-
20 partment of State, and the United States Agency for
21 International Development coordinate and integrate
22 their policies, capabilities, expertise, and activities to
23 accomplish national security missions overseas.

24 (3) STABILITY OPERATIONS.—The term “sta-
25 bility operations” means stability and reconstruction

1 operations conducted by departments or agencies of
2 the Federal Government described by Department of
3 Defense Directive 3000.05, National Security Presi-
4 dential Directive 1, or National Security Presidential
5 Directive 44.

6 **SEC. 1072. NONAPPLICABILITY OF THE FEDERAL ADVISORY**
7 **COMMITTEE ACT TO THE CONGRESSIONAL**
8 **COMMISSION ON THE STRATEGIC POSTURE**
9 **OF THE UNITED STATES.**

10 Section 1062 of the National Defense Authorization
11 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
12 476) is amended by adding at the end the following new
13 subsection:

14 “(h) NONAPPLICABILITY OF FEDERAL ADVISORY
15 COMMITTEE ACT.—The Federal Advisory Committee Act
16 (5 U.S.C. App.) does not apply to the commission, which
17 advises Congress, because the Federal Advisory Com-
18 mittee Act applies only to commissions that advise the ex-
19 ecutive branch.”.

20 **SEC. 1073. STUDY AND REPORT ON USE OF POWER MAN-**
21 **AGEMENT SOFTWARE.**

22 (a) STUDY.—The Secretary of Defense shall conduct
23 a study on the use of power management software by civil-
24 ian and military personnel and facilities of the Depart-
25 ment of Defense to reduce the use of electricity in com-

1 puter monitors and personal computers. This study shall
2 include recommendations for baseline electric power use,
3 for ensuring robust monitoring and verification of power
4 use requirements on a continuing basis, and for potential
5 technological solutions or best practices for achieving these
6 efficiency objectives.

7 (b) REPORT.—Not later than 60 days after the date
8 of the enactment of this Act, the Secretary shall submit
9 to Congress a report containing the results of the study
10 under subsection (a), including a description of the rec-
11 ommendations developed under the study.

12 **SEC. 1074. COMPREHENSIVE INTERAGENCY STRATEGY FOR**
13 **STRATEGIC COMMUNICATION AND PUBLIC**
14 **DIPLOMACY ACTIVITIES OF THE FEDERAL**
15 **GOVERNMENT.**

16 (a) COMPREHENSIVE STRATEGY.—

17 (1) STRATEGY.—The President shall develop a
18 comprehensive interagency strategy for public diplo-
19 macy and strategic communication that updates and
20 builds upon the strategy outlined by the Strategic
21 Communication and Public Diplomacy Policy Co-
22 ordinating Committee in the publication titled “U.S.
23 National Strategy for Public Diplomacy and Stra-
24 tegic Communication” (June, 2007).

1 (2) CONTENTS.—The strategy required by this
2 subsection shall contain overall objectives, goals, ac-
3 tions to be performed, and benchmarks and time-
4 tables for the achievement of such goals and objec-
5 tives.

6 (3) COMPONENTS.—The strategy shall include
7 the following components:

8 (A) Prioritizing the mission of supporting
9 specific foreign policy objectives, such as
10 counterterrorism and efforts to combat extrem-
11 ist ideology, in parallel and in complement with,
12 as appropriate, the broad mission of commu-
13 nicating the policies and values of the United
14 States to foreign audiences.

15 (B) Consolidating and elevating Federal
16 Government leadership to prioritize, manage,
17 and implement the strategy required by this
18 subsection, including the consideration of estab-
19 lishing strategic communication and public di-
20 plomacy positions at the National Security
21 Council and establishing a single office to co-
22 ordinate strategic communication and public di-
23 plomacy efforts.

1 (C) Improving coordination across depart-
2 ments and agencies of the Federal Government
3 on—

4 (i) strategic planning;

5 (ii) research activities, such as re-
6 search into the attitudes and behaviors of
7 foreign audiences; and

8 (iii) the development of editorial con-
9 tent, including content for Internet
10 websites and print publications.

11 (D) Developing a more rigorous, research-
12 based, targeted approach to strategic commu-
13 nication and public diplomacy efforts, with ef-
14 forts differentiated for specific target audiences
15 in various countries and regions.

16 (E) Developing more rigorous monitoring
17 and evaluation mechanisms.

18 (F) Making greater use of innovative tools
19 in strategic communication and public diplo-
20 macy research and operations, including new
21 media platforms and social research tech-
22 nologies.

23 (G) Making greater use of participation
24 from private sector entities, academic institu-
25 tions, not-for-profit organizations, and other

1 non-governmental organizations in supporting
2 strategic communication and public diplomacy
3 efforts, including the consideration of estab-
4 lishing an independent, not-for-profit organiza-
5 tion described in subsection (b).

6 (H) Increasing resources devoted to stra-
7 tegic communication and public diplomacy ef-
8 forts.

9 (4) REPORTS.—

10 (A) INITIAL REPORT.—Not later than De-
11 cember 31, 2009, the President shall submit to
12 the appropriate committees of Congress a re-
13 port that describes the strategy required by this
14 subsection.

15 (B) SUBSEQUENT REPORTS.—Not less
16 than once every two years after the submission
17 of the initial report under subparagraph (A),
18 the President shall submit to the appropriate
19 committees of Congress a report on—

20 (i) the status of the implementation of
21 the strategy;

22 (ii) progress toward achievement of
23 benchmarks; and

24 (iii) any changes to the strategy since
25 the submission of the previous report.

1 (b) STUDY OF INDEPENDENT ORGANIZATION.—

2 (1) STUDY.—The Secretary of State and the
3 Secretary of Defense shall jointly conduct a study
4 assessing the recommendation from the Defense
5 Science Board’s Task Force on Strategic Commu-
6 nication to establish an independent, not-for-profit
7 organization responsible for providing independent
8 assessment and strategic guidance to the Federal
9 Government on strategic communication and public
10 diplomacy.

11 (2) SCOPE.—The study shall include—

12 (A) an assessment of the benefits gained
13 by establishing such an organization; and

14 (B) an outline of the potential framework
15 of such an organization, including its organiza-
16 tion, mission, capabilities, and operations.

17 (c) REPORT ON ROLES OF DEPARTMENTS OR AGEN-
18 CIES OF THE FEDERAL GOVERNMENT.—

19 (1) REPORT.—Not later than June 30, 2009,
20 the President shall submit to the appropriate com-
21 mittees of Congress a report—

22 (A) describing the roles of the Department
23 of State and the Department of Defense re-
24 garding strategic communication and public di-
25 plomacy; and

1 (B) assessing proposals to establish an
2 independent center to support government-wide
3 strategic communication and public diplomacy
4 efforts, including the study described in sub-
5 section (b).

6 (2) REPORT ELEMENTS.—The report shall con-
7 tain the following:

8 (A) A description of activities performed
9 by the Department of Defense as part of stra-
10 tegic communication, including—

11 (i) efforts to disseminate directly to
12 foreign audiences messages intended to
13 shape the security environment of a com-
14 batant command;

15 (ii) psychological operations, including
16 those in direct support of contingency op-
17 erations other than Operation Enduring
18 Freedom or Operation Iraqi Freedom, that
19 are intended to counter extremist and hos-
20 tile propaganda or promote stability and
21 security; and

22 (iii) public affairs programs to shape
23 the opinions of foreign audiences.

24 (B) A current description of activities con-
25 ducted by the Under Secretary for Public Di-

1 plomacy and Public Affairs at the Department
2 of State, including—

3 (i) outreach to mass audiences and
4 strategic audiences, such as opinion mak-
5 ers, youth, and other targeted groups,
6 using media, lectures, information centers,
7 and cultural events;

8 (ii) use of interactive media tech-
9 nologies, such as Internet blogs and social
10 networking websites, to build relationships
11 and to counter extremist groups using
12 similar media;

13 (iii) education and exchange pro-
14 grams;

15 (iv) book translation; and

16 (v) work with non-governmental orga-
17 nizations and private-sector partners.

18 (C) A definition of the roles of the offices
19 within the Department of State and the De-
20 partment of Defense that are engaged in mes-
21 sage outreach to audiences abroad.

22 (D) A detailed explanation of how the De-
23 partment of State and the Department of De-
24 fense perform unique strategic communication
25 activities and public diplomacy activities.

1 (E) An explanation of how the Department
2 of State and the Department of Defense coordi-
3 nate strategic communication and public diplo-
4 macy activities in—

5 (i) using polls, focus groups, and
6 other measures to learn the attitudes and
7 behavior of foreign audiences;

8 (ii) publishing editorial content on
9 Internet websites and in print media;

10 (iii) organizing field support for mili-
11 tary information support teams, civil af-
12 fairs, and other shared activities;

13 (iv) using foreign-directed education
14 and training resources; and

15 (v) training personnel in both depart-
16 ments by exchanging faculty and students
17 of the Foreign Service Institute, the Army
18 War College, the Naval War College, and
19 other similar institutions.

20 (d) FORM AND AVAILABILITY OF REPORTS.—

21 (1) FORM.—The reports required by this sec-
22 tion may be submitted in a classified form.

23 (2) AVAILABILITY.—Any unclassified portions
24 of the reports required by this section shall be made
25 available to the public.

1 (e) APPROPRIATE COMMITTEES.—For the purposes
2 of this section, the appropriate committees of Congress are
3 the following:

4 (1) The Committees on Foreign Relations,
5 Armed Services, and Appropriations of the Senate.

6 (2) The Committees on Foreign Affairs, Armed
7 Services, and Appropriations of the House of Rep-
8 resentatives.

9 **SEC. 1075. PROHIBITIONS RELATING TO PROPAGANDA.**

10 (a) PROHIBITION.—No part of any funds authorized
11 to be appropriated in this or any other Act shall be used
12 by the Department of Defense for propaganda purposes
13 within the United States not otherwise specifically author-
14 ized by law.

15 (b) REPORTS.—Not later than 90 days after the date
16 of the enactment of this Act, the Inspector General of the
17 Department of Defense and the Comptroller General of
18 the United States shall each conduct a study of, and sub-
19 mit to the Congress a report on, the extent to which the
20 Department of Defense has violated the prohibition on
21 propaganda established in section 8001 of Public Laws
22 107–117, 107–248, 108–87, 108–287, 109–148, 109–
23 289, and 110–116, the Department of Defense Appropria-
24 tions Acts for fiscal years 2002 through 2008.

1 (c) DEFINITION.—For purposes of this section, the
2 term “propaganda” means any form of communication in
3 support of national objectives designed to influence the
4 opinions, emotions, attitudes, or behavior of the people of
5 the United States in order to benefit the sponsor, either
6 directly or indirectly.

7 **SEC. 1076. USE OF RUNWAY AT NASJRB WILLOW GROVE,**
8 **PENNSYLVANIA.**

9 (a) CONDITIONS ON CONVEYANCE, GRANT, LEASE,
10 OR LICENSE.—Any conveyance, grant, lease, or license
11 from the United States to the Commonwealth of Pennsyl-
12 vania or other legal entity that includes the airfield prop-
13 erty located at NASJRB Willow Grove and designated for
14 operation as a Joint Interagency Installation pursuant to
15 section 3703 of the U.S. Troop Readiness, Veterans’ Care,
16 Katrina Recovery, and Iraq Accountability Appropriations
17 Act, 2007 (121 Stat. 145) shall be subject to the restric-
18 tions on the use of the airfield set forth in subsection (b).

19 (b) RESTRICTIONS ON USE.—The airfield at the in-
20 stallation shall not be used for any of the following pur-
21 poses:

22 (1) Commercial passenger operations.

23 (2) Commercial cargo operations.

24 (3) Commercial, business, or nongovernment
25 aircraft operations for purposes not related to the

1 missions of the installation, except that this para-
2 graph shall not apply in exigent circumstances or
3 prohibit use of the airfield by or on behalf of any as-
4 sociated user which is a tenant of the installation.

5 (4) As a reliever airport to relieve congestion at
6 other airports or to provide improved general avia-
7 tion access to the overall community, except that
8 this paragraph shall not apply in exigent cir-
9 cumstances.

10 (c) LIMITATION ON STATUTORY CONSTRUCTION.—

11 Nothing in this section shall be construed to diminish or
12 alter authorized uses of the installation, including the mili-
13 tary enclave that is part thereof, by the United States or
14 its agencies or instrumentalities or to limit use of the
15 property in exigent circumstances.

16 (d) DEFINITIONS.—In this section, the following defi-
17 nitions apply:

18 (1) AIRFIELD.—The term “airfield” means the
19 airfield referred to in subsection (a).

20 (2) ASSOCIATED USERS.—The term “associated
21 users” means nongovernmental organizations and
22 private entities that use the airfield for purposes re-
23 lated to the national defense, homeland security, and
24 emergency preparedness missions of the installation.

1 (3) EXIGENT CIRCUMSTANCES.—The term “exi-
2 gent circumstances” means unusual conditions, in-
3 cluding adverse or unusual weather conditions,
4 alerts, and actual or threatened emergencies that are
5 determined by the installation to require limited-du-
6 ration use of the installation or its airfield for oper-
7 ations, including flying operations, for uses other-
8 wise restricted under subsection (b).

9 (4) COMMERCIAL CARGO OPERATIONS.—The
10 term “commercial cargo operations” means aircraft
11 operations by a commercial cargo or freight carrier
12 in cases in which cargo is delivered to or flown from
13 the installation under established schedules, except
14 that the term does not include any cargo operations
15 undertaken by or on behalf of any user of the instal-
16 lation or cargo operations related to the national de-
17 fense, homeland security, and emergency prepared-
18 ness missions of the installation.

19 (5) COMMERCIAL PASSENGER OPERATIONS.—
20 The term “commercial passenger operations” means
21 aircraft passenger operations by commercial pas-
22 senger carriers involving flights where passengers
23 are boarded or enplaned at the installation, except
24 that the term does not include passenger operations
25 undertaken by or on behalf of any user of the instal-

1 lation or passenger operations related to the national
2 defense, homeland security, and emergency pre-
3 paredness missions of the installation.

4 (6) INSTALLATION.—The term “installation”
5 means the Joint Interagency Installation referred to
6 in subsection (a).

7 **SEC. 1077. PROHIBITION ON INTERROGATION OF DETAINEE-**
8 **EES BY CONTRACTOR PERSONNEL.**

9 Effective as of the date that is one year after the
10 date of the enactment of this Act, the Department of De-
11 fense manpower mix criteria and the Department of De-
12 fense Supplement to the Federal Acquisition Regulation
13 shall be revised to provide that—

14 (1) the interrogation of enemy prisoners of war,
15 civilian internees, retained persons, other detainees,
16 terrorists, and criminals when captured, transferred,
17 confined, or detained during or in the aftermath of
18 hostilities is an inherently governmental function
19 and cannot be transferred to private sector contrac-
20 tors who are beyond the reach of controls otherwise
21 applicable to government personnel; and

22 (2) properly trained and cleared contractors
23 may be used as linguists, interpreters, report writ-
24 ers, and information technology technicians if their

1 work is properly reviewed by appropriate government
2 officials.

3 **SEC. 1078. REQUIREMENT FOR VIDEOTAPING OR OTHER-**
4 **WISE ELECTRONICALLY RECORDING STRA-**
5 **TEGIC INTELLIGENCE INTERROGATIONS OF**
6 **PERSONS IN THE CUSTODY OF OR UNDER**
7 **THE EFFECTIVE CONTROL OF THE DEPART-**
8 **MENT OF DEFENSE.**

9 (a) IN GENERAL.—In accordance with the Army
10 Field Manual on Human Intelligence Collector Operations
11 (FM 2–22.3, September 2006), or any successor thereto,
12 and the guidelines developed pursuant to subsection (e),
13 the Secretary of Defense shall take such actions as are
14 necessary to ensure the videotaping or otherwise electroni-
15 cally recording of each strategic intelligence interrogation
16 of any person who is in the custody or under the effective
17 control of the Department of Defense or under detention
18 in a Department of Defense facility.

19 (b) CLASSIFICATION OF INFORMATION.—To protect
20 United States national security, the safety of the individ-
21 uals conducting or assisting in the conduct of a strategic
22 intelligence interrogation, and the privacy of persons de-
23 scribed in subsection (a), the Secretary of Defense shall
24 provide for the appropriate classification of video tapes or
25 other electronic recordings made pursuant to subsection

1 (a). The use of such classified video tapes or other elec-
2 tronic recordings in proceedings conducted under the De-
3 tainee Treatment Act of 2005 (title 14 of Public Law
4 109–163 and title 10 of Public Law 109–148), the Mili-
5 tary Commissions Act of 2006 (10 U.S.C. 948 et seq.;
6 Public Law 109–366), or any other provision of law shall
7 be governed by applicable rules, regulations, and law.

8 (c) STRATEGIC INTELLIGENCE INTERROGATION DE-
9 FINED.—For purposes of this section, the term “strategic
10 intelligence interrogation” means an interrogation of a
11 person described in subsection (a) conducted at a theater-
12 level detention facility.

13 (d) EXCLUSION.—Nothing in this section shall be
14 construed as requiring—

15 (1) any member of the Armed Forces engaged
16 in direct combat operations to videotape or otherwise
17 electronically record a person described in subsection
18 (a); or

19 (2) the videotaping or other electronic recording
20 of tactical questioning, as such term is defined in
21 the Army Field Manual on Human Intelligence Col-
22 lector Operations (FM 2–22.3, September 2006), or
23 any successor thereto.

24 (e) GUIDELINES FOR VIDEOTAPE AND OTHER ELEC-
25 TRONIC RECORDINGS.—

1 (1) DEVELOPMENT OF GUIDELINES.—The Sec-
2 retary of Defense, acting through the Judge Advo-
3 cates General (as defined in section 801(1) of title
4 10, United States Code, (Article 1 of the Uniform
5 Code of Military Justice)), shall develop and adopt
6 uniform guidelines designed to ensure that the
7 videotaping or other electronic recording required
8 under subsection (a), at a minimum—

9 (A) promotes full compliance with the laws
10 of the United States;

11 (B) is maintained for a length of time that
12 serves the interests of justice in cases for which
13 trials are being or may be conducted pursuant
14 to the Detainee Treatment Act of 2005 (title 14
15 of Public Law 109–163 and title 10 of Public
16 Law 109–148), the Military Commissions Act
17 of 2006 (10 U.S.C. 948 et seq.; Public Law
18 109–366), or any other provision of law;

19 (C) promotes the exploitation of intel-
20 ligence; and

21 (D) ensures the safety of all participants
22 in the interrogations.

23 (2) SUBMITTAL TO CONGRESS.—Not later than
24 30 days after the date of the enactment of this sec-
25 tion, the Secretary of Defense shall submit to the

1 Committees on Armed Services of the Senate and
2 House of Representatives a report containing the
3 guidelines developed under paragraph (1). Such re-
4 port shall be in an unclassified form but may include
5 a classified annex.

6 **SEC. 1079. PUBLIC DISCLOSURE OF NAMES OF STUDENTS**
7 **AND INSTRUCTORS AT WESTERN HEMI-**
8 **SPHERE INSTITUTE FOR SECURITY CO-**
9 **OPERATION.**

10 Section 2166 of title 10, United States Code, is
11 amended by adding at the end the following new sub-
12 section:

13 “(j) PUBLIC DISCLOSURE OF STUDENTS AND IN-
14 STRUCTORS.—(1) The Secretary of Defense shall release
15 to the public, upon request, the information described in
16 paragraph (2) for each of fiscal years 2005, 2006, 2007,
17 and 2008, and any fiscal year thereafter.

18 “(2) The information to be released under paragraph
19 (1) shall include the following with respect to the fiscal
20 year covered:

21 “(A) The entire name, including the first, mid-
22 dle, and maternal and paternal surnames, with re-
23 spect to each student and instructor at the Institute.

24 “(B) The rank of each student and instructor.

1 “(C) The country of origin of each student and
2 instructor.

3 “(D) The courses taken by each student.

4 “(E) The courses taught by each instructor.

5 “(F) Any years of attendance by each student
6 in addition to the fiscal year covered.”.

7 **TITLE XI—CIVILIAN PERSONNEL**
8 **MATTERS**

Sec. 1101. Temporary authority to waive limitation on premium pay for Federal employees.

Sec. 1102. Extension of authority to make lump-sum severance payments.

Sec. 1103. Extension of voluntary reduction-in-force authority of Department of Defense.

Sec. 1104. Technical amendment to definition of professional accounting position.

Sec. 1105. Expedited hiring authority for health care professionals.

Sec. 1106. Authority to adjust certain limitations on personnel and reports on such adjustments.

Sec. 1107. Temporary discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.

Sec. 1108. Requirement relating to furloughs during the time of a contingency operation.

Sec. 1109. Direct hire authority for certain positions at personnel demonstration laboratories.

Sec. 1110. Status reports relating to laboratory personnel demonstration projects.

9 **SEC. 1101. TEMPORARY AUTHORITY TO WAIVE LIMITATION**
10 **ON PREMIUM PAY FOR FEDERAL EMPLOY-**
11 **EES.**

12 (a) **WAIVER AUTHORITY.**—Subject to subsection (b),
13 the head of an agency may waive the limitation under sec-
14 tion 5547(a) of title 5, United States Code, with respect
15 to premium pay for any service which is performed by an
16 employee of such agency—

1 (1) in an overseas location within the area of
2 responsibility of the Commander of the United
3 States Central Command; and

4 (2) in direct support of or directly related to—

5 (A) a military operation, including a con-
6 tingency operation; or

7 (B) an operation in response to an emer-
8 gency declared by the President.

9 (b) LIMITATIONS.—Waiver authority under this sec-
10 tion shall be available only with respect to premium pay
11 for service performed in 2009, and only to the extent that
12 its exercise would not cause an employee’s total basic pay
13 and premium pay for 2009 to exceed \$212,100.

14 (c) ADDITIONAL PAY NOT CONSIDERED BASIC
15 PAY.—Any amount of premium pay that would not have
16 been payable but for a waiver under this section shall not
17 be considered to be basic pay for any purpose and shall
18 not be used in computing a lump-sum payment for accu-
19 mulated and accrued annual leave under section 5551 of
20 title 5, United States Code.

21 (d) REGULATIONS.—The Director of the Office of
22 Personnel Management may prescribe any regulations
23 which may be necessary to ensure consistency among
24 heads of agencies in the application of this section.

25 (e) DEFINITIONS.—For purposes of this section—

1 (1) the terms “agency” and “employee” have
2 the respective meanings given such terms by section
3 5541 of title 5, United States Code;

4 (2) the term “premium pay” refers to any pre-
5 mium pay described in section 5547(a) of such title
6 5; and

7 (3) the term “contingency operation” has the
8 meaning given such term by section 101(a)(13) of
9 title 10, United States Code.

10 **SEC. 1102. EXTENSION OF AUTHORITY TO MAKE LUMP-SUM**
11 **SEVERANCE PAYMENTS.**

12 Section 5595(i)(4) of title 5, United States Code, is
13 amended by striking “October 1, 2010” and inserting
14 “October 1, 2014”.

15 **SEC. 1103. EXTENSION OF VOLUNTARY REDUCTION-IN-**
16 **FORCE AUTHORITY OF DEPARTMENT OF DE-**
17 **FENSE.**

18 Section 3502(f)(5) of title 5, United States Code, is
19 amended by striking “September 30, 2010” and inserting
20 “September 30, 2014”.

21 **SEC. 1104. TECHNICAL AMENDMENT TO DEFINITION OF**
22 **PROFESSIONAL ACCOUNTING POSITION.**

23 Section 1599d(e) of title 10, United States Code, is
24 amended by striking “GS–510, GS–511, and GS–505”
25 and inserting “0505, 0510, or 0511 (or an equivalent)”.

1 **SEC. 1105. EXPEDITED HIRING AUTHORITY FOR HEALTH**
2 **CARE PROFESSIONALS.**

3 (a) EXPEDITED HIRING AUTHORITY.—Section
4 1599c(a) of title 10, United States Code, is amended—

5 (1) by inserting “(1)” before “The Secretary of
6 Defense may”; and

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

9 “(2)(A) For purposes of sections 3304, 5333, and
10 5753 of title 5, the Secretary of Defense may—

11 “(i) designate any category of medical or health
12 professional positions within the Department of De-
13 fense as shortage category positions; and

14 “(ii) utilize the authorities in such sections to
15 recruit and appoint highly qualified persons directly
16 to positions so designated.

17 “(B) In using the authority provided by this para-
18 graph, the Secretary shall apply the principles of pref-
19 erence for the hiring of veterans and other persons estab-
20 lished in subchapter 1 of chapter 33 of title 5.”.

21 (b) TERMINATION OF AUTHORITY.—Section
22 1599c(c) of such title is amended—

23 (1) by inserting “(1)” before “The authority
24 of”;

25 (2) by striking “September 30, 2010” and in-
26 serting “September 30, 2012”; and

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

3 “(2) The Secretary may not appoint a person to a
4 position of employment under subsection (a)(2) after Sep-
5 tember 30, 2012.”.

6 **SEC. 1106. AUTHORITY TO ADJUST CERTAIN LIMITATIONS**
7 **ON PERSONNEL AND REPORTS ON SUCH AD-**
8 **JUSTMENTS.**

9 (a) **AUTHORITY TO ADJUST LIMITATIONS ON OSD**
10 **PERSONNEL.—**

11 (1) Section 143 of title 10, United States Code,
12 is amended—

13 (A) in subsection (a), by striking “The
14 number” and inserting “Subject to subsection
15 (b), the number”;

16 (B) by redesignating subsections (b) and
17 (c) as subsections (c) and (d), respectively;

18 (C) by inserting after subsection (a) the
19 following new subsection (b):

20 “(b) **AUTHORITY TO ADJUST LIMITATION.—**(1) For
21 fiscal year 2009 and fiscal years thereafter, the Secretary
22 of Defense may adjust the limitation on OSD personnel
23 in accordance with paragraph (2) to accommodate in-
24 creases in workload or to modify the type of personnel re-
25 quired to accomplish work.

1 “(2) The Secretary may adjust the baseline personnel
2 limitation under paragraph (1) by increasing it by no more
3 than 5 percent in a fiscal year.”; and

4 (D) by amending subsection (c) (as so re-
5 designated) to read as follows:

6 “(c) DEFINITIONS.—In this section:

7 “(1) The term ‘OSD personnel’ means military
8 and civilian personnel of the Department of Defense
9 who are assigned to, or employed in, functions in the
10 Office of the Secretary of Defense (including Direct
11 Support Activities of that Office and the Washington
12 Headquarters Services of the Department of De-
13 fense).

14 “(2) The term ‘baseline personnel limitation’,
15 with respect to OSD personnel, means—

16 “(A) for fiscal year 2009, the number de-
17 scribed in subsection (a); and

18 “(B) for any fiscal year thereafter, such
19 number as increased (if at all) by the Secretary
20 under subsection (b) during preceding fiscal
21 years.”.

22 (b) DEFENSE AGENCIES AND FIELD ACTIVITIES.—
23 Section 194 of title 10, United States Code, is amended—

1 (1) in subsections (a) and (b), by striking “The
2 total” each place it appears and inserting “Subject
3 to subsection (c), the total”;

4 (2) by redesignating subsections (c), (d), (e),
5 and (f) as subsections (d), (e), (f), and (g), respec-
6 tively;

7 (3) by inserting after subsection (b) the fol-
8 lowing new subsection (c):

9 “(c) **AUTHORITY TO ADJUST LIMITATION.**—(1) For
10 fiscal year 2009 and fiscal years thereafter, the Secretary
11 of Defense may adjust the baseline personnel limitations
12 in subsection (a) in accordance with paragraph (2) to ac-
13 commodate increases in workload or to modify the type
14 of personnel required to accomplish work.

15 “(2) The Secretary may adjust a baseline personnel
16 limitation under paragraph (1) by increasing it by no more
17 than 5 percent in a fiscal year.”; and

18 (4) by amending subsection (g) (as so redesignig-
19 nated)—

20 (A) by striking “In this section, the” and
21 inserting “In this section:

22 “(1) The”; and

23 (B) by adding at the end the following new
24 paragraph:

1 “(2) The term ‘baseline personnel limitation’,
2 with respect to members of the armed forces and ci-
3 vilian employees described in subsection (a) or sub-
4 section (b), means—

5 “(A) for fiscal year 2009, the number de-
6 scribed in subsection (a) or (b), respectively;
7 and

8 “(B) for any fiscal year thereafter, such
9 number as increased (if at all) by the Secretary
10 under subsection (c) during preceding fiscal
11 years.”.

12 (c) OFFICE OF THE SECRETARY OF THE ARMY AND
13 ARMY STAFF.—Subsection (f) of section 3014 of title 10,
14 United States Code, is amended by adding at the end the
15 following new paragraph:

16 “(5)(A) For fiscal year 2009 and fiscal years
17 thereafter, the Secretary of the Army may adjust the
18 baseline personnel limitation in paragraph (1), (2),
19 or (3) in accordance with subparagraph (B) to ac-
20 commodate increases in workload or to modify the
21 type of personnel required to accomplish work.

22 “(B) The Secretary may adjust a baseline per-
23 sonnel limitation under subparagraph (A) by in-
24 creasing it by no more than 5 percent in a fiscal
25 year.

1 “(C) In this subsection, the term ‘baseline per-
2 sonnel limitation’, with respect to members of the
3 armed forces and civilian employees described in
4 paragraph (1), (2), or (3), means—

5 “(i) for fiscal year 2009, the number de-
6 scribed in paragraph (1), (2), or (3), respec-
7 tively; and

8 “(ii) for any fiscal year thereafter, such
9 number as increased (if at all) by the Secretary
10 under subparagraph (A) during preceding fiscal
11 years.”.

12 (d) OFFICE OF THE SECRETARY OF THE NAVY, OF-
13 FICE OF THE CHIEF OF NAVAL OPERATIONS, AND HEAD-
14 QUARTERS, MARINE CORPS.—Subsection (f) of section
15 5014 of title 10, United States Code, is amended by add-
16 ing at the end the following new paragraph:

17 “(5)(A) For fiscal year 2009 and fiscal years
18 thereafter, the Secretary of the Navy may adjust the
19 baseline personnel limitation in paragraph (1), (2),
20 or (3) in accordance with subparagraph (B) to ac-
21 commodate increases in workload or to modify the
22 type of personnel required to accomplish work.

23 “(B) The Secretary may adjust a baseline per-
24 sonnel limitation under subparagraph (A) by in-

1 creasing it by no more than 5 percent in a fiscal
2 year.

3 “(C) In this subsection, the term ‘baseline per-
4 sonnel limitation’, with respect to members of the
5 armed forces and civilian employees described in
6 paragraph (1), (2), or (3), means—

7 “(i) for fiscal year 2009, the number de-
8 scribed in paragraph (1), (2), or (3), respec-
9 tively; and

10 “(ii) for any fiscal year thereafter, such
11 number as increased (if at all) by the Secretary
12 under subparagraph (A) during any preceding
13 fiscal years.”.

14 (e) OFFICE OF THE SECRETARY OF THE AIR FORCE
15 AND AIR STAFF.—Subsection (f) of section 8014 of title
16 10, United States Code, is amended by adding at the end
17 the following new paragraph:

18 “(5)(A) For fiscal year 2009 and fiscal years
19 thereafter, the Secretary of the Air Force may ad-
20 just the baseline personnel limitation in paragraph
21 (1), (2), or (3) in accordance with subparagraph (B)
22 to accommodate increases in workload or to modify
23 the type of personnel required to accomplish work.

24 “(B) The Secretary may adjust a baseline per-
25 sonnel limitation under subparagraph (A) by in-

1 creasing it by no more than 5 percent in a fiscal
2 year.

3 “(C) In this subsection, the term ‘baseline per-
4 sonnel limitation’, with respect to members of the
5 armed forces and civilian employees described in
6 paragraph (1), (2), or (3), means—

7 “(i) for fiscal year 2009, the number de-
8 scribed in paragraph (1), (2), or (3), respec-
9 tively; and

10 “(ii) for any fiscal year thereafter, such
11 number as increased (if at all) by the Secretary
12 under subparagraph (A) during preceding fiscal
13 years.”.

14 (f) REPORT REQUIRED.—The Secretary of Defense
15 shall submit a report to the congressional defense commit-
16 tees at the same time that the defense budget materials
17 for each fiscal year are presented to Congress. The report
18 shall include the following information:

19 (1) During the preceding fiscal year, the aver-
20 age number of military personnel and civilian em-
21 ployees of the Department of Defense assigned to or
22 detailed to permanent duty in—

23 (A) the Office of the Secretary of Defense;

24 (B) the management headquarters activi-
25 ties and management headquarters support ac-

1 activities in the Defense Agencies and Depart-
2 ment of Defense Field Activities;

3 (C) the Office of the Secretary of the
4 Army and the Army Staff;

5 (D) the Office of the Secretary of the
6 Navy, the Office of Chief of Naval Operations,
7 and the Headquarters, Marine Corps; and

8 (E) the Office of the Secretary of the Air
9 Force and the Air Staff.

10 (2) The total increase in personnel assigned to
11 the activities or entities described in paragraph (1),
12 if any, during the preceding fiscal year—

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

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

1 (3) The number of military personnel and civil-
2 ian employees of the Department of Defense as-
3 signed to the activities or entities described in para-
4 graph (1) as of October 1 of the preceding fiscal
5 year.

6 (4) An analysis and justification for any in-
7 crease in personnel assigned to the activities or enti-
8 ties described in paragraph (1), if any, during the
9 preceding fiscal year, including an analysis of the
10 workload of the activity or entity and the manage-
11 ment of the workload.

12 (g) DEFINITIONS.—In this section:

13 (1) DEFENSE BUDGET MATERIALS.—The term
14 “defense budget materials”, with respect to a fiscal
15 year, means the materials submitted to Congress by
16 the Secretary of Defense in support of the budget
17 for that fiscal year that is submitted to Congress by
18 the President under section 1105 of title 31, United
19 States Code.

20 (2) CONTRACT PERSONNEL.—The term “con-
21 tract personnel” means persons hired under a con-
22 tract with the Department of Defense for the per-
23 formance of major Department of Defense head-
24 quarters activities.

1 (h) COMPTROLLER GENERAL EVALUATION.—Not
2 later than April 15, 2009, the Comptroller General shall—

3 (1) conduct an evaluation of the overall man-
4 agement of the staffing processes and procedures for
5 the personnel affected by the amendments made by
6 this section; and

7 (2) submit to the congressional defense commit-
8 tees a report on the results of such evaluation, with
9 such findings and recommendations as the Comp-
10 troller General considers appropriate.

11 **SEC. 1107. TEMPORARY DISCRETIONARY AUTHORITY TO**
12 **GRANT ALLOWANCES, BENEFITS, AND GRA-**
13 **TUITIES TO PERSONNEL ON OFFICIAL DUTY**
14 **IN A COMBAT ZONE.**

15 (a) IN GENERAL.—Section 1603(a) of the Emer-
16 gency Supplemental Appropriations Act for Defense, the
17 Global War on Terror, and Hurricane Recovery, 2006
18 (Public Law 109–234; 120 Stat. 443) is amended—

19 (1) by striking “During fiscal years 2006,
20 2007, and 2008” and inserting “(1) During fiscal
21 years 2006 (including the period beginning on Octo-
22 ber 1, 2005, and ending on June 15, 2006), 2007,
23 and 2008”; and

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

1 “(2) During fiscal years 2009, 2010, and 2011, the
2 head of an agency may, in the agency head’s discretion,
3 provide to an individual employed by, or assigned or de-
4 tailed to, such agency allowances, benefits, and gratuities
5 comparable to those provided by the Secretary of State
6 to members of the Foreign Service under section 413 and
7 chapter 9 of title I of the Foreign Service Act of 1980,
8 if such individual is on official duty in a combat zone (as
9 defined by section 112(c) of the Internal Revenue Code
10 of 1986).”.

11 (b) **EFFECTIVE DATE.**—The amendments made by
12 subsection (a) shall take effect as if included in the enact-
13 ment of the Emergency Supplemental Appropriations Act
14 for Defense, the Global War on Terror, and Hurricane Re-
15 covery, 2006 (Public Law 109–234).

16 **SEC. 1108. REQUIREMENT RELATING TO FURLOUGHS DUR-**
17 **ING THE TIME OF A CONTINGENCY OPER-**
18 **ATION.**

19 (a) **IN GENERAL.**—Subchapter I of chapter 35 of title
20 5, United States Code, is amended by adding at the end
21 the following new section:

22 **“§ 3505. Furloughs within Department of Defense**

23 “(a) For purposes of this section—

1 “(1) the term ‘furlough’ means the placing of
2 an employee in a temporary status without duties
3 and pay because of a lack of funds;

4 “(2) the term ‘contingency operation’ has the
5 meaning given such term by section 101(a)(13) of
6 title 10; and

7 “(3) the term ‘defense committees’ has the
8 meaning given such term by section 119(g) of title
9 10.

10 “(b)(1) The Secretary of Defense may not issue no-
11 tice of a furlough described in paragraph (2) until the Sec-
12 retary has certified to the defense committees that the
13 Secretary has no other legal measures to avoid such fur-
14 loughs.

15 “(2) This subsection applies with respect to any fur-
16 lough that impacts substantial portions of the civilian
17 workforce of the Department of Defense commencing dur-
18 ing the time of a contingency operation.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 35 of title 5, United States Code, is amended by insert-
21 ing after the item relating to section 3504 the following
22 new item:

“3505. Furloughs within Department of Defense.”.

1 **SEC. 1109. DIRECT HIRE AUTHORITY FOR CERTAIN POSI-**
2 **TIONS AT PERSONNEL DEMONSTRATION LAB-**
3 **ORATORIES.**

4 (a) **AUTHORITY.**—The Secretary of Defense may
5 make appointments to positions described in subsection
6 (b) without regard to the provisions of subchapter I of
7 chapter 33 of title 5, United States Code, other than sec-
8 tions 3303 and 3328 of such title.

9 (b) **POSITIONS DESCRIBED.**—This section applies
10 with respect to any scientific or engineering position with-
11 in a laboratory identified in section 9902(c)(2) of title 5,
12 United States Code, appointment to which requires an ad-
13 vanced degree.

14 (c) **LIMITATION.**—(1) Authority under this section
15 may not, in any calendar year and with respect to any
16 laboratory, be exercised with respect to a number of posi-
17 tions greater than the number equal to 2 percent of the
18 total number of positions within such laboratory that are
19 filled as of the close of the fiscal year last ending before
20 the start of such calendar year.

21 (2) For purposes of this subsection, positions shall
22 be counted on a full-time equivalent basis.

23 (d) **EMPLOYEE DEFINED.**—As used in this section,
24 the term “employee” has the meaning given such term by
25 section 2105 of title 5, United States Code.

1 (e) TERMINATION.—The authority to make appoint-
2 ments under this section shall not be available after De-
3 cember 31, 2013.

4 **SEC. 1110. STATUS REPORTS RELATING TO LABORATORY**
5 **PERSONNEL DEMONSTRATION PROJECTS.**

6 Section 1107 of the National Defense Authorization
7 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
8 357) is amended by adding at the end the following:

9 “(e) STATUS REPORTS.—

10 “(1) IN GENERAL.—Not later than 45 days
11 after the date of the enactment of this Act and not
12 later than March 1 of each year beginning after the
13 date on which the first report under this subsection
14 is submitted, the Secretary of Defense shall submit
15 to the Committees on Armed Services of the Senate
16 and House of Representatives a report providing,
17 with respect to the year before the year in which
18 such report is submitted, the information described
19 in paragraph (2).

20 “(2) INFORMATION REQUIRED.—Each report
21 under this subsection shall describe the following:

22 “(A) The actions taken by the Secretary of
23 Defense under subsection (a) during the year
24 covered by the report.

1 “(B) The progress made by the Secretary
2 of Defense during such year in developing and
3 implementing the plan required by subsection
4 (b), including the anticipated date for comple-
5 tion of such plan and a list and description of
6 any issues relating to the development or imple-
7 mentation of such plan.

8 “(C) With respect to any applications by
9 laboratories seeking to be designated as a dem-
10 onstration laboratory or to otherwise obtain any
11 of the personnel flexibilities available to a dem-
12 onstration laboratory—

13 “(i) the number of applications that
14 were received, pending, or acted on during
15 such year;

16 “(ii) the status or disposition of any
17 applications under clause (i), including, in
18 the case of any application on which a final
19 decision was rendered, the laboratory in-
20 volved, what the laboratory had requested,
21 the decision reached, and the reasons for
22 the decision; and

23 “(iii) in the case of any applications
24 under clause (i) on which a final decision

1 was not rendered, the date by which a final
2 decision is anticipated.

3 “(3) DEFINITION.—For purposes of this sub-
4 section, the term ‘demonstration laboratory’ means a
5 laboratory designated by the Secretary of Defense
6 under the provisions of section 342(b) of the Na-
7 tional Defense Authorization Act for Fiscal Year
8 1995 (as cited in subsection (a)) as a Department
9 of Defense science and technology reinvention lab-
10 oratory.”.

11 **TITLE XII—MATTERS RELATING**
12 **TO FOREIGN NATIONS**

 Subtitle A—Assistance and Training

- Sec. 1201. Extension of authority to build the capacity of the Pakistan Fron-
 tier Corps.
- Sec. 1202. Military-to-military contacts and comparable activities.
- Sec. 1203. Enhanced authority to pay incremental expenses for participation of
 developing countries in combined exercises.
- Sec. 1204. Extension of temporary authority to use acquisition and cross-serv-
 icing agreements to lend military equipment for personnel pro-
 tection and survivability.
- Sec. 1205. One-year extension of authority for distribution to certain foreign
 personnel of education and training materials and information
 technology to enhance military interoperability.
- Sec. 1206. Modification and extension of authorities relating to program to
 build the capacity of foreign military forces.
- Sec. 1207. Extension of authority for security and stabilization assistance.
- Sec. 1208. Authority for support of special operations to combat terrorism.
- Sec. 1209. Regional Defense Combating Terrorism Fellowship Program.

 Subtitle B—Matters Relating to Iraq and Afghanistan

- Sec. 1211. Limitation on availability of funds for certain purposes relating to
 Iraq.
- Sec. 1212. Report on status of forces agreements between the United States
 and Iraq.
- Sec. 1213. Strategy for United States-led Provincial Reconstruction Teams in
 Iraq.
- Sec. 1214. Commanders’ Emergency Response Program.

- Sec. 1215. Performance monitoring system for United States-led Provincial Reconstruction Teams in Afghanistan.
- Sec. 1216. Report on command and control structure for military forces operating in Afghanistan.
- Sec. 1217. Report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
- Sec. 1218. Study and report on Iraqi police training teams.
- Sec. 1219. Declaration of policy relating to status of forces agreements between the United States and Iraq.
- Sec. 1220. Limitation on certain status of forces agreements between the United States and Iraq.
- Sec. 1221. Report on long-term costs of Operation Iraqi Freedom and Operation Enduring Freedom.

Subtitle C—Other Matters

- Sec. 1231. Payment of personnel expenses for multilateral cooperation programs.
- Sec. 1232. Extension of Department of Defense authority to participate in multinational military centers of excellence.
- Sec. 1233. Study of limitation on classified contracts with foreign companies engaged in space business with China.
- Sec. 1234. Requirement to update National Intelligence Estimate on Iran’s nuclear intentions and capabilities.
- Sec. 1235. Employment for resettled Iraqis.

1 **Subtitle A—Assistance and**
 2 **Training**

3 **SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CA-**
 4 **PACITY OF THE PAKISTAN FRONTIER CORPS.**

5 (a) **AUTHORITY.**—Subsection (a) of section 1206 of
 6 the National Defense Authorization Act for Fiscal Year
 7 2008 (Public Law 110–181; 122 Stat. 366) is amended
 8 by striking “during fiscal year 2008” and inserting “dur-
 9 ing fiscal years 2008, 2009, and 2010”.

10 (b) **FUNDING LIMITATION.**—Subsection (c)(1) of
 11 such section is amended by striking “for fiscal year 2008
 12 to provide the assistance under subsection (a)” and insert-
 13 ing “for a fiscal year specified in subsection (a) to provide
 14 the assistance under such subsection for such fiscal year”.

1 **SEC. 1202. MILITARY-TO-MILITARY CONTACTS AND COM-**
2 **PARABLE ACTIVITIES.**

3 Section 168(e) of title 10, United States Code, is
4 amended by adding at the end the following:

5 “(5) Funds available under this section for fiscal year
6 2009 or any subsequent fiscal year may be used for pro-
7 grams that begin in such fiscal year but end in the next
8 fiscal year.”.

9 **SEC. 1203. ENHANCED AUTHORITY TO PAY INCREMENTAL**
10 **EXPENSES FOR PARTICIPATION OF DEVEL-**
11 **OPING COUNTRIES IN COMBINED EXERCISES.**

12 Section 2010 of title 10, United States Code, is
13 amended by adding at the end the following new sub-
14 section:

15 “(e) Funds available under this section for fiscal year
16 2009 or any subsequent fiscal year may be used for pro-
17 grams that begin in such fiscal year but end in the next
18 fiscal year.”.

19 **SEC. 1204. EXTENSION OF TEMPORARY AUTHORITY TO USE**
20 **ACQUISITION AND CROSS-SERVICING AGREE-**
21 **MENTS TO LEND MILITARY EQUIPMENT FOR**
22 **PERSONNEL PROTECTION AND SURVIV-**
23 **ABILITY.**

24 (a) SEMIANNUAL REPORTS TO CONGRESSIONAL
25 COMMITTEES.—Subsection (b)(3) of section 1202 of the
26 John Warner National Defense Authorization Act for Fis-

1 cal Year 2007 (Public Law 109–364; 120 Stat. 2412), as
2 amended by section 1252 of Public Law 110–181 (122
3 Stat. 402), is further amended by adding at the end the
4 following:

5 “(E) With respect to equipment provided
6 to each foreign force that is not returned to the
7 United States, a description of the terms of dis-
8 position of the equipment to the foreign force.

9 “(F) The percentage of equipment pro-
10 vided to foreign forces under the authority of
11 this section that is not returned to the United
12 States.”.

13 (b) EXPIRATION.—Subsection (e) of such section is
14 amended by striking “September 30, 2009” and inserting
15 “September 30, 2010”.

16 **SEC. 1205. ONE-YEAR EXTENSION OF AUTHORITY FOR DIS-**
17 **TRIBUTION TO CERTAIN FOREIGN PER-**
18 **SONNEL OF EDUCATION AND TRAINING MA-**
19 **TERIALS AND INFORMATION TECHNOLOGY**
20 **TO ENHANCE MILITARY INTEROPERABILITY.**

21 (a) LIMITATIONS.—Section 1207 of the John Warner
22 National Defense Authorization Act for Fiscal Year 2007
23 (Public Law 109–364; 120 Stat. 2419) is amended—

24 (1) by redesignating subsections (g) and (h) as
25 subsections (h) and (i), respectively; and

1 (2) by inserting after subsection (f) the fol-
2 lowing:

3 “(g) LIMITATIONS.—

4 “(1) ASSISTANCE OTHERWISE PROHIBITED BY
5 LAW.—The Secretary of Defense may not use the
6 authority provided in this section to provide any type
7 of assistance described in this section that is other-
8 wise prohibited by any other provision of law.

9 “(2) LIMITATION ON ELIGIBLE COUNTRIES.—

10 The Secretary of Defense may not use the authority
11 provided in this section to provide any type of assist-
12 ance described in this section to the personnel re-
13 ferred to in subsection (b) of any foreign country
14 that is otherwise prohibited from receiving such type
15 of assistance under any other provision of law.”.

16 (b) ANNUAL REPORT.—Subsection (h)(1) of such
17 section, as redesignated by subsection (a)(1) of this sec-
18 tion, is amended by striking “and 2008” and inserting “,
19 2008, and 2009”.

20 (c) TERMINATION.—Subsection (i) of such section, as
21 redesignated by subsection (a)(1) of this section, is
22 amended by striking “2008” and inserting “2009”.

1 **SEC. 1206. MODIFICATION AND EXTENSION OF AUTHORI-**
2 **TIES RELATING TO PROGRAM TO BUILD THE**
3 **CAPACITY OF FOREIGN MILITARY FORCES.**

4 (a) LIMITATIONS.—Subsection (c)(1) of section 1206
5 of the National Defense Authorization Act for Fiscal Year
6 2006 (Public Law 109–163; 119 Stat. 3456), as amended
7 by section 1206 of Public Law 109–364 (120 Stat. 2418),
8 is further amended by adding at the end the following new
9 sentence: “Amounts available under the authority of sub-
10 section (a) for fiscal year 2009 or any subsequent fiscal
11 year may be used for programs that begin in such fiscal
12 year but end in the next fiscal year.”.

13 (b) TWO-YEAR EXTENSION OF PROGRAM AUTHOR-
14 ITY.—Subsection (g) of such section is amended—

15 (1) in the first sentence, by striking “2008”
16 and inserting “2010”; and

17 (2) in the second sentence, by striking “2006,
18 2007, or 2008” and inserting “2009 or 2010”.

19 **SEC. 1207. EXTENSION OF AUTHORITY FOR SECURITY AND**
20 **STABILIZATION ASSISTANCE.**

21 Section 1207(g) of the National Defense Authoriza-
22 tion Act for Fiscal Year 2006 (Public Law 109–163; 119
23 Stat. 3458), as amended by section 1210 of Public Law
24 110–181 (122 Stat. 369), is further amended by striking
25 “September 30, 2008” and inserting “September 30,
26 2010”.

1 **SEC. 1208. AUTHORITY FOR SUPPORT OF SPECIAL OPER-**
2 **ATIONS TO COMBAT TERRORISM.**

3 (a) IN GENERAL.—Chapter 3 of title 10, United
4 States Code, is amended by inserting after section 127d
5 the following new section:

6 **“§ 127e. Authority for support of special operations to**
7 **combat terrorism**

8 “(a) AUTHORITY.—The Secretary of Defense may ex-
9 pend up to \$35,000,000 during any fiscal year to provide
10 support to foreign forces, irregular forces, groups, or indi-
11 viduals engaged in supporting or facilitating ongoing mili-
12 tary operations by United States special operations forces
13 to combat terrorism.

14 “(b) PROCEDURES.—The Secretary of Defense shall
15 establish procedures for the exercise of the authority
16 under subsection (a). The Secretary shall notify the con-
17 gressional defense committees of those procedures before
18 any exercise of that authority.

19 “(c) NOTIFICATION.—Upon using the authority pro-
20 vided in subsection (a) to make funds available for support
21 of an approved military operation, the Secretary of De-
22 fense shall notify the congressional defense committees ex-
23 peditiously, and in any event within 48 hours, of the use
24 of such authority with respect to that operation. Such a
25 notification need be provided only once with respect to any
26 such operation. Any such notification shall be in writing.

1 “(d) LIMITATION ON DELEGATION.—The authority
2 of the Secretary of Defense to make funds available under
3 subsection (a) for support of a military operation may not
4 be delegated.

5 “(e) INTELLIGENCE ACTIVITIES.—This section does
6 not constitute authority to conduct covert action, as such
7 term is defined in section 503(e) of the National Security
8 Act of 1947 (50 U.S.C. 413b(e)).

9 “(f) ANNUAL REPORT.—

10 “(1) REPORT REQUIRED.—Not later than 120
11 days after the close of each fiscal year, the Secretary
12 of Defense shall submit to the congressional defense
13 committees a report on support provided under sub-
14 section (a) during that fiscal year.

15 “(2) MATTERS TO BE INCLUDED.—Each report
16 required by paragraph (1) shall describe the support
17 provided, including—

18 “(A) the country involved in the activity,
19 the individual or force receiving the support,
20 and, to the maximum extent practicable, the
21 specific region of each country involved in the
22 activity;

23 “(B) the respective dates and a summary
24 of congressional notifications for each activity;

1 “(C) the unified commander for each activ-
2 ity, as well as the related objectives, as estab-
3 lished by that commander;

4 “(D) the total amount obligated to provide
5 support;

6 “(E) for each activity that amounts to
7 more than \$500,000, specific budget details
8 that explain the overall funding level for that
9 activity; and

10 “(F) a statement providing a brief assess-
11 ment of the outcome of the support, including
12 specific indications of how the support
13 furthered the mission objective of special oper-
14 ations forces and the type of follow-on support,
15 if any, that may be necessary.

16 “(g) ANNUAL LIMITATION.—Support may be pro-
17 vided under subsection (a) from funds made available for
18 operations and maintenance.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 3 of such title is amended by
21 inserting after the item relating to section 127d the fol-
22 lowing new item:

 “127e. Authority for support of special operations to combat terrorism.”.

23 (c) REPEAL.—Section 1208 of the Ronald W. Reagan
24 National Defense Authorization Act for Fiscal Year 2005
25 (Public Law 108–375; 118 Stat. 2086) is hereby repealed.

1 **SEC. 1209. REGIONAL DEFENSE COMBATING TERRORISM**
2 **FELLOWSHIP PROGRAM.**

3 Section 2249c(b) of title 10, United States Code, is
4 amended in the first sentence by striking “\$25,000,000”
5 and inserting “\$35,000,000”.

6 **Subtitle B—Matters Relating to**
7 **Iraq and Afghanistan**

8 **SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR**
9 **CERTAIN PURPOSES RELATING TO IRAQ.**

10 (a) **LIMITATION.**—No funds appropriated pursuant
11 to an authorization of appropriations in this Act or any
12 other Act for any fiscal year may be obligated or expended
13 for a purpose as follows:

14 (1) To establish any military installation or
15 base for the purpose of providing for the permanent
16 stationing of United States Armed Forces in Iraq.

17 (2) To exercise United States control of the oil
18 resources of Iraq.

19 (b) **DEFINITION.**—In this section, the term “perma-
20 nent stationing of United States Armed Forces in Iraq”
21 means the stationing of United States Armed Forces in
22 Iraq on a continuing or lasting basis, as distinguished
23 from temporary, although the basis may be permanent
24 even though it may be dissolved eventually at the request
25 either of the United States or of the Government of Iraq,
26 in accordance with law.

1 **SEC. 1212. REPORT ON STATUS OF FORCES AGREEMENTS**
2 **BETWEEN THE UNITED STATES AND IRAQ.**

3 (a) REQUIREMENT FOR REPORT.—

4 (1) IN GENERAL.—(A) Not later than 90 days
5 after the date of the enactment of this Act, the
6 President shall transmit to the appropriate congress-
7 sional committees a report on each agreement be-
8 tween the United States and Iraq relating to—

9 (i) the legal status of United States mili-
10 tary personnel, civilian personnel, and con-
11 tractor personnel of contracts awarded by any
12 department or agency of the United States Gov-
13 ernment;

14 (ii) the establishment of or access to mili-
15 tary bases;

16 (iii) the rules of engagement under which
17 United States Armed Forces operate in Iraq;
18 and

19 (iv) any security commitment, arrange-
20 ment, or assurance that obligates the United
21 States to respond to internal or external threats
22 against Iraq.

23 (B) If, on the date that is 90 days after the
24 date of the enactment of this Act, no agreement be-
25 tween the United States and Iraq described in sub-
26 paragraph (A) has been completed, the President

1 shall notify the appropriate congressional committees
2 that no such agreement has been completed, and
3 shall transmit to the appropriate congressional com-
4 mittees the report required under subparagraph (A)
5 as soon as practicable after such an agreement or
6 agreements are completed.

7 (2) UPDATE OF REPORT.—The President shall
8 transmit to the appropriate congressional commit-
9 tees an update of the report required under para-
10 graph (1) whenever an agreement between the
11 United States and Iraq relating to the matters de-
12 scribed in the report is entered into or is substan-
13 tially revised.

14 (b) MATTERS TO BE INCLUDED.—The report re-
15 quired under subsection (a) shall include, with respect to
16 each agreement described in subsection (a), the following:

17 (1) A discussion of limits placed on United
18 States combat operations by the Government of
19 Iraq, including required coordination, if any, before
20 such operations can be undertaken.

21 (2) An assessment of the extent to which condi-
22 tions placed on United States combat operations are
23 greater than the conditions under which United
24 States Armed Forces operated prior to the signing
25 of the agreement, and any constraints placed on

1 United States military personnel, civilian personnel,
2 and contractor personnel of contracts awarded by
3 any department or agency of the United States Gov-
4 ernment as a result of such conditions.

5 (3) A discussion of the conditions under which
6 United States military personnel, civilian personnel,
7 or contractor personnel of contracts awarded by any
8 department or agency of the United States Govern-
9 ment could be tried by an Iraqi court for alleged
10 crimes occurring both during the performance of of-
11 ficial duties and during other such times. The dis-
12 cussion should include an assessment of the protec-
13 tions that such personnel would be extended in an
14 Iraqi court, if applicable.

15 (4) An assessment of the protections accorded
16 by the agreement to third country nationals who
17 carry out work for the United States Armed Forces.

18 (5) An assessment of authorities under the
19 agreement for United States Armed Forces and Co-
20 alition partners to apprehend, detain, and interro-
21 gate prisoners and otherwise collect intelligence.

22 (6) A description and discussion of any security
23 commitment, arrangement, or assurance by the
24 United States to respond to internal or external
25 threats against Iraq, including the manner in which

1 such commitment, arrangement, or assurance may
2 be implemented.

3 (7) An assessment of any payments required
4 under the agreement to be paid to the Government
5 of Iraq or other Iraqi entities for rights, access, or
6 support for bases and facilities.

7 (8) An assessment of any payments required
8 under the agreement for any claims for deaths and
9 damages caused by United States military personnel,
10 civilian personnel, and contractor personnel of con-
11 tracts awarded by any department or agency of the
12 United States Government in the performance of
13 their official duties.

14 (9) An assessment of any other provisions in
15 the agreement that would restrict the performance
16 of the mission of United States military personnel,
17 civilian personnel, and contractor personnel of con-
18 tracts awarded by any department or agency of the
19 United States Government.

20 (10) A discussion of how the agreement or
21 modification to the agreement was approved by the
22 Government of Iraq, and if this process was con-
23 sistent with the Constitution of Iraq.

24 (11) A description of the arrangements required
25 under the agreement to resolve disputes arising over

1 matters contained in the agreement or to consider
2 changes to the agreement.

3 (12) A discussion of the extent to which the
4 agreement applies to other Coalition partners.

5 (13) A description of how the agreement can be
6 terminated by the United States or Iraq.

7 (c) FORM.—The report required under subsection (a)
8 shall be submitted in unclassified form, but may include
9 a classified annex.

10 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
11 DEFINED.—In this section, the term “appropriate con-
12 gressional committees” means—

13 (1) the Committee on Armed Services and the
14 Committee on Foreign Affairs of the House of Rep-
15 resentatives; and

16 (2) the Committee on Armed Services and the
17 Committee on Foreign Relations of the Senate.

18 (e) TERMINATION OF REQUIREMENT.—The require-
19 ment to submit the report and updates of the report under
20 subsection (a) terminates on September 30, 2013.

21 **SEC. 1213. STRATEGY FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN IRAQ.**

22
23 (a) IN GENERAL.—The President shall—

24 (1) establish a strategy to ensure that United
25 States-led Provincial Reconstruction Teams (PRTs),

1 including embedded PRTs and Provincial Support
2 Teams, in Iraq are supporting the operational and
3 strategic goals of Coalition Forces in Iraq; and

4 (2) establish measures of effectiveness and per-
5 formance in meeting PRT-specific work plans with
6 clearly defined objectives in furtherance of the strat-
7 egy required under paragraph (1).

8 (b) REPORT.—

9 (1) IN GENERAL.—Not later than 60 days after
10 the date of the enactment of this Act, and every 90
11 days thereafter through the end of fiscal year 2010,
12 the President shall transmit to the appropriate con-
13 gressional committees a report on the implementa-
14 tion of the strategy required under subsection (a)
15 and an assessment of the specific contributions
16 PRTs are making in supporting the operational and
17 strategic goals of Coalition Forces in Iraq. The ini-
18 tial report required under this subsection should in-
19 clude a description of the strategy and a general dis-
20 cussion of the measures of effectiveness and per-
21 formance required under subsection (a).

22 (2) INCLUSION IN OTHER REPORT.—The report
23 required under this subsection may be included in
24 the report required by section 1227 of the National

1 Defense Authorization Act for Fiscal Year 2006
2 (Public Law 109–163; 119 Stat. 3465).

3 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term “appropriate congress-
5 sional committees” means—

6 (1) the Committee on Armed Services, the
7 Committee on Appropriations, and the Committee on
8 Foreign Affairs of the House of Representatives;
9 and

10 (2) the Committee on Armed Services, the
11 Committee on Appropriations, and the Committee on
12 Foreign Relations of the Senate.

13 **SEC. 1214. COMMANDERS’ EMERGENCY RESPONSE PRO-**
14 **GRAM.**

15 (a) AUTHORITY FOR FISCAL YEARS 2008 AND
16 2009.—Subsection (a) of section 1202 of the National De-
17 fense Authorization Act for Fiscal Year 2006 (Public Law
18 109–163; 119 Stat. 3455), as amended by section 1205
19 of Public Law 110–181 (122 Stat. 366), is further amend-
20 ed in the matter preceding paragraph (1)—

21 (1) by striking “\$977,441,000” and inserting
22 “\$1,700,000,000 in fiscal year 2008 and
23 \$1,500,000,000 in fiscal year 2009,”; and

24 (2) by striking “in such fiscal year”.

1 (b) LIMITATION ON AMOUNTS FOR IRAQ FOR FISCAL
2 YEAR 2009.—Such section is further amended by adding
3 at the end the following:

4 “(f) LIMITATION ON AMOUNTS FOR IRAQ FOR FISCAL
5 YEAR 2009.—

6 “(1) LIMITATION.—The amount obligated and
7 expended under this section for the Commanders’
8 Emergency Response Program in Iraq for fiscal year
9 2009 may not exceed twice the amount obligated by
10 the Government of Iraq during calendar year 2008
11 under the Government of Iraq Commanders’ Emer-
12 gency Response Program (commonly known as ‘I-
13 CERP’), as established pursuant to the Memo-
14 randum of Understanding Between the Supreme Re-
15 construction Council of the Secretariat of Ministers
16 and the Multi-National Force–Iraq Concerning Im-
17 plementation of the Government of Iraq Com-
18 manders’ Emergency Response Program (I–CERP),
19 signed by the parties on March 25, 2008, and April
20 3, 2008, respectively.

21 “(2) WAIVER.—The Secretary of Defense may
22 waive the limitation under paragraph (1) if the Sec-
23 retary of Defense—

24 “(A) determines that such a waiver is re-
25 quired to meet urgent and compelling needs

1 that would not otherwise be met and which, if
2 unmet, could rationally be expected to lead to
3 increased threats to United States military or
4 civilian personnel; and

5 “(B) submits in writing to the appropriate
6 congressional committees a notification of the
7 waiver, together with a discussion of—

8 “(i) the unmet urgent and compelling
9 needs and the impact on the threat level
10 facing United States military or civilian
11 personnel, if the waiver is not exercised;

12 “(ii) efforts undertaken by the De-
13 partment of Defense to convince the Gov-
14 ernment of Iraq to provide funds to meet
15 the urgent and compelling needs and the
16 reason these efforts were unsuccessful; and

17 “(iii) efforts of the Department of De-
18 fense to convince the Government of Iraq
19 to provide additional funds in the future to
20 meet such urgent and compelling needs or
21 to undertake other measures to meet such
22 needs on their own.

23 “(3) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES DEFINED.—In this subsection, the term ‘ap-
25 propriate congressional committees’ means—

1 “(A) the Committees on Armed Services of
2 the House of Representatives and the Senate;
3 and

4 “(B) the Committees on Appropriations of
5 the House of Representatives and the Senate.”.

6 **SEC. 1215. PERFORMANCE MONITORING SYSTEM FOR**
7 **UNITED STATES-LED PROVINCIAL RECON-**
8 **STRUCTION TEAMS IN AFGHANISTAN.**

9 (a) IN GENERAL.—The President, acting through the
10 Secretary of Defense and the Secretary of State, shall de-
11 velop and implement a system to monitor the performance
12 of United States-led Provincial Reconstruction Teams
13 (PRTs) in Afghanistan.

14 (b) ELEMENTS OF PERFORMANCE MONITORING SYS-
15 TEM.—The performance monitoring system required
16 under subsection (a)—

17 (1) shall include PRT-specific work plans that
18 incorporate the long-term strategy, mission, and
19 clearly defined objectives required by section
20 1230(e)(3) of the National Defense Authorization
21 Act for Fiscal Year 2008 (Public Law 110–181; 122
22 Stat. 386); and

23 (2) shall include comprehensive performance in-
24 dicators and measures of progress toward sustain-
25 able long-term security and stability in Afghanistan,

1 and include performance standards and progress
2 goals together with a notional timetable for achiev-
3 ing such goals, consistent with the requirements of
4 section 1230(d) of the National Defense Authoriza-
5 tion Act for Fiscal Year 2008 (Public Law 110–181;
6 122 Stat. 388).

7 (c) REPORT.—Not later than 90 days after the date
8 of the enactment of this Act, the President shall submit
9 to the appropriate congressional committees a report on
10 the implementation of the performance monitoring system
11 required under subsection (a).

12 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term “appropriate con-
14 gressional committees” means—

15 (1) the Committee on Armed Services, the
16 Committee on Appropriations, and the Committee on
17 Foreign Affairs of the House of Representatives;
18 and

19 (2) the Committee on Armed Services, the
20 Committee on Appropriations, and the Committee on
21 Foreign Relations of the Senate.

1 **SEC. 1216. REPORT ON COMMAND AND CONTROL STRUC-**
2 **TURE FOR MILITARY FORCES OPERATING IN**
3 **AFGHANISTAN.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the command and control structure for military
6 forces operating in Afghanistan, which consist of North
7 Atlantic Treaty Organization (NATO) International Secu-
8 rity Assistance Force (ISAF) forces and separate United
9 States forces operating under Operation Enduring Free-
10 dom, should be modified to better coordinate and de-con-
11 flict military operations and achieve unity of command
12 and unity of effort whenever possible in Afghanistan.

13 (b) REPORT REQUIRED.—

14 (1) IN GENERAL.—Not later than 60 days after
15 the date of the enactment of this Act, or December
16 1, 2008, whichever occurs later, the Secretary of De-
17 fense shall submit to the appropriate congressional
18 committees a report on the command and control
19 structure for military forces operating in Afghani-
20 stan.

21 (2) MATTERS TO BE INCLUDED.—The report
22 required under paragraph (1) shall include the fol-
23 lowing:

24 (A) A detailed description of efforts by the
25 Secretary of Defense, in coordination with sen-
26 ior leaders of NATO ISAF forces, including the

1 commander of NATO ISAF forces, to modify
2 the chain of command structure for military
3 forces operating in Afghanistan to better co-
4 ordinate and de-conflict military operations and
5 achieve unity of command whenever possible in
6 Afghanistan, and the results of such efforts.

7 (B) A comprehensive assessment of options
8 for improving the command and control struc-
9 ture for military forces operating in Afghani-
10 stan, including—

11 (i) the establishment by the United
12 States Central Command of a United
13 States headquarters in Kabul, Afghani-
14 stan, led by a commander holding the
15 grade of lieutenant general, or in the case
16 of the Navy, vice admiral, and charged
17 with—

18 (I) leading United States Armed
19 Forces operating under Operation En-
20 during Freedom;

21 (II) leading country-wide Depart-
22 ment of Defense-led initiatives; and

23 (III) closely coordinating efforts
24 with NATO ISAF forces, the United
25 States Embassy in Afghanistan, and

1 other United States and international
2 elements in Afghanistan; and

3 (ii) authorization for the highest-rank-
4 ing United States commander of NATO
5 ISAF forces to have additional command
6 authority over separate United States
7 forces operating under Operation Enduring
8 Freedom.

9 (C) A detailed description of any United
10 States or NATO ISAF plan or strategy for im-
11 proving the command and control structure for
12 military forces operating in Afghanistan.

13 (D) A description of how rules of engage-
14 ment are determined and managed for United
15 States forces operating under NATO ISAF or
16 Operation Enduring Freedom, and a descrip-
17 tion of any key differences between rules of en-
18 gagement for NATO ISAF forces and separate
19 United States forces operating under Operation
20 Enduring Freedom.

21 (E) An assessment of how possible modi-
22 fications to the command and control structure
23 for military forces operating in Afghanistan
24 would impact coordination of military and civil-
25 ian efforts in Afghanistan.

1 (3) FORM.—The report required under para-
2 graph (1) shall be submitted in an unclassified form,
3 but may include a classified annex, if necessary.

4 (4) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES DEFINED.—In this subsection, the term “ap-
6 propriate congressional committees” means—

7 (A) the Committee on Armed Services and
8 the Committee on Foreign Affairs of the House
9 of Representatives; and

10 (B) the Committee on Armed Services and
11 the Committee on Foreign Relations of the Sen-
12 ate.

13 **SEC. 1217. REPORT ON ENHANCING SECURITY AND STA-**
14 **BILITY IN THE REGION ALONG THE BORDER**
15 **OF AFGHANISTAN AND PAKISTAN.**

16 (a) REPORT REQUIRED.—Subsection (a) of section
17 1232 of the National Defense Authorization Act for Fiscal
18 Year 2008 (Public Law 110–181; 122 Stat. 392) is
19 amended by striking paragraph (5).

20 (b) NOTIFICATION RELATING TO DEPARTMENT OF
21 DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—
22 Subsection (b)(1)(A) of such section is amended by strik-
23 ing “congressional defense committees” and inserting “ap-
24 propriate congressional committees”.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—Such section is further amended by adding at the
3 end the following:

4 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term ‘appropriate congress-
6 sional committees’ means—

7 “(1) the Committee on Armed Services, the
8 Committee on Appropriations, and the Committee on
9 Foreign Affairs of the House of Representatives;
10 and

11 “(2) the Committee on Armed Services, the
12 Committee on Appropriations, and the Committee on
13 Foreign Relations of the Senate.”.

14 **SEC. 1218. STUDY AND REPORT ON IRAQI POLICE TRAINING**
15 **TEAMS.**

16 (a) STUDY.—Not later than 60 days after the date
17 of the enactment of this Act, the Secretary of Defense,
18 in consultation with the Secretary of State and the Gov-
19 ernment of Iraq, shall conduct a study and submit to the
20 appropriate congressional committees a report containing
21 the recommendations of the Secretary of Defense on—

22 (1) the number of advisors needed to suffi-
23 ciently staff enough Iraqi police training teams to
24 cover a majority of the approximately 1,100 Iraqi

1 police stations in fiscal year 2009 and estimated lev-
2 els in fiscal year 2010;

3 (2) the funding required to staff the Iraqi police
4 training teams in fiscal year 2009 and estimated lev-
5 els in fiscal year 2010; and

6 (3) the feasibility of transferring responsibility
7 for the program to staff and support the Iraqi police
8 training teams from the Department of Defense to
9 the Department of State.

10 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—

11 In this section, the term “appropriate congressional com-
12 mittees” means—

13 (1) the Committee on Armed Services and the
14 Committee on Foreign Affairs of the House of Rep-
15 resentatives; and

16 (2) the Committee on Armed Services and the
17 Committee on Foreign Relations of the Senate.

18 **SEC. 1219. DECLARATION OF POLICY RELATING TO STATUS**
19 **OF FORCES AGREEMENTS BETWEEN THE**
20 **UNITED STATES AND IRAQ.**

21 (a) DECLARATION OF POLICY.—It shall be the policy
22 of the United States to ensure that any agreement be-
23 tween the United States and the Republic of Iraq relating
24 to the legal status of United States military personnel or
25 the establishment of or access to military bases includes

1 as part of the agreement measures requiring the provision
2 of support by the Government of Iraq for United States
3 Armed Forces stationed in Iraq.

4 (b) SUPPORT DESCRIBED.—Support referred to in
5 subsection (a) may include the provision of financial or
6 other types of support to assist United States Armed
7 Forces stationed in Iraq in the conduct of their assigned
8 mission.

9 **SEC. 1220. LIMITATION ON CERTAIN STATUS OF FORCES**
10 **AGREEMENTS BETWEEN THE UNITED STATES**
11 **AND IRAQ.**

12 No provision of any agreement between the United
13 States and Iraq described in section 1212 (a)(1)(A)(iv)
14 shall be in force with respect to the United States unless
15 the agreement—

16 (1) is in the form of a treaty requiring the ad-
17 vice and consent of the Senate (or is intended to
18 take that form in the case of an agreement under
19 negotiation); or

20 (2) is specifically authorized by an Act of Con-
21 gress enacted after the date of the enactment of this
22 Act.

1 **SEC. 1221. REPORT ON LONG-TERM COSTS OF OPERATION**
2 **IRAQI FREEDOM AND OPERATION ENDURING**
3 **FREEDOM.**

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

5 (1) The United States has been engaged in
6 military operations in Afghanistan since October
7 2001 and in military operations in Iraq since March
8 2003.

9 (2) According to the Congressional Research
10 Service, to date, Congress has appropriated
11 \$700,000,000,000 from fiscal year 2001 through fis-
12 cal year 2008 for the Department of Defense, the
13 State Department, and for medical costs paid by the
14 Department of Veterans Affairs. This amount in-
15 cludes \$526,000,000,000 for Iraq and
16 \$140,000,000,000 for Afghanistan and other
17 counterterror operations. Among other expenditures,
18 this amount includes funding for combat operations;
19 deploying, transporting, feeding, and housing troops;
20 deployment of National Guard and Reserve troops;
21 the equipping and training of Iraqi and Afghani
22 forces; purchasing, upgrading, and repairing weap-
23 ons, munitions and other equipment; supplemental
24 combat pay and benefits; providing medical care to
25 troops on active duty and returning veterans; recon-

1 struction and foreign aid; and payments to other
2 countries for logistical assistance.

3 (3) Over 90 percent of Department of Defense
4 funds for operations in Iraq and Afghanistan have
5 been provided as emergency funds in supplemental
6 or additional appropriations.

7 (4) The Congressional Budget Office and the
8 Congressional Research Service have stated that fu-
9 ture war costs are difficult to estimate because the
10 Department of Defense has provided little detailed
11 information on costs incurred to date, does not re-
12 port outlays or actual expenditures for war because
13 war and baseline funds are mixed in the same ac-
14 counts, and does not provide information on many
15 key factors which determine costs, including per-
16 sonnel levels or the pace of operations.

17 (5) To date, the administration has not pro-
18 vided any long-term estimates of war costs, despite
19 a statutory reporting requirement that the President
20 submit a cost estimate for fiscal year 2006 through
21 fiscal year 2011 that was enacted in 2004.

22 (6) Operating costs in Iraq and Afghanistan
23 have been increasing steadily since 2003, and war
24 costs in Iraq have sharply increased from
25 \$50,000,000,000 in 2003 to approximately

1 \$134,000,000,000 for fiscal year 2007, to the
2 \$154,000,000,000 request for fiscal year 2008.

3 (7) The Iraq Study Group Report states that,
4 “the United States has made a massive commitment
5 to the future of Iraq in both blood and treasure,”
6 warns that “the United States must expect signifi-
7 cant ‘tail costs’ to come”, and predicts that “Caring
8 for veterans and replacing lost equipment will run
9 into the hundreds of billions of dollars. Estimates
10 run as high as \$2 trillion for the final cost of the
11 U.S. involvement in Iraq”.

12 (8) The Iraq Study Group Report also finds
13 that “This level of expense is not sustainable over an
14 extended period. . .”.

15 (9) The use of government contractors and pri-
16 vate military firms has reached unprecedented levels,
17 with over 100,000 contractors operating in Iraq.

18 (10) Over 1,600,000 American troops have
19 served in Afghanistan and Iraq since the beginning
20 of the conflicts.

21 (11) Over 4,050 United States troops and De-
22 partment of Defense civilian personnel have been
23 killed in Operation Iraqi Freedom, and over 490
24 United States troops and Department of Defense ci-

1 vilian personnel have been killed in Operation En-
2 during Freedom.

3 (12) National Guard and Reserve troops are
4 being deployed in support of these conflicts at un-
5 precedented levels.

6 (13) Many troops are serving multiple deploy-
7 ments, and one-third of those serving in the Iraq
8 war have been deployed two or more times.

9 (14) Over 1,100 service members have suffered
10 amputations as a result of their service in Afghani-
11 stan and Iraq.

12 (15) More than 100,000 Iraq and Afghanistan
13 veterans have been treated for mental health condi-
14 tions.

15 (16) 52,000 Iraq and Afghanistan veterans
16 have been diagnosed with Post-Traumatic Stress
17 Disorder.

18 (17) Nearly 37 percent of soldiers returning
19 from Iraq and Afghanistan have sought treatment at
20 Department of Veterans Affairs hospitals and clin-
21 ics.

22 (18) Many troops have suffered multiple inju-
23 ries, with veterans claiming an average of five sepa-
24 rate conditions.

1 (19) The Independent Review Group on Reha-
2 bilitative Care and Administrative Processes at Wal-
3 ter Reed Army Medical Center and National Naval
4 Medical Center identified Traumatic Brain Injury,
5 Post-Traumatic Stress Disorder, increased survival
6 of severe burns, and traumatic amputations as the
7 four signature wounds of the current conflicts, and
8 found that the “numbers of servicemembers sur-
9 viving with...complex injuries have challenged our
10 modern military medical system and exposed weak-
11 ness and breakdowns in access to care, as well as
12 continuity of care management and follow-on admin-
13 istrative processes”.

14 (20) The Independent Review Group report also
15 states that the recovery process “can take months or
16 years and must accommodate recurring or delayed
17 manifestations of symptoms, extended rehabilitation
18 and all the life complications that emerge over time
19 from such trauma”.

20 (b) REPORT REQUIREMENT; SCENARIOS.—Not later
21 than 90 days after the date of the enactment of this Act,
22 the President, with contributions from the Secretary of
23 Defense, the Secretary of State, and the Secretary of the
24 Department of Veterans Affairs, shall submit a report to
25 Congress containing an estimate of the long-term costs of

1 Operation Iraqi Freedom and Operation Enduring Free-
2 dom. The report shall contain estimates for the following
3 scenarios:

4 (1) The number of personnel deployed in sup-
5 port of Operation Iraqi Freedom and Operation En-
6 during Freedom is reduced from current levels to
7 30,000 by the beginning of fiscal year 2010 and re-
8 mains at that level through fiscal year 2017.

9 (2) The number of personnel deployed in sup-
10 port of Operation Iraqi Freedom and Operation En-
11 during Freedom is reduced from current levels to
12 75,000 by the beginning of fiscal year 2013 and re-
13 mains at that level through 2017.

14 (3) An alternative scenario, defined by the
15 President and based on current war plans, which
16 takes into account expected troop levels and the ex-
17 pected length of time that troops will be deployed in
18 support of Operation Iraqi Freedom and Operation
19 Enduring Freedom.

20 (c) SPECIAL CONSIDERATIONS.—The estimates re-
21 quired for each scenario shall make projections through
22 at least fiscal year 2068, shall be adjusted appropriately
23 for inflation, and shall take into account and specify the
24 following:

1 (1) The total number of troops expected to be
2 activated and deployed to Iraq and Afghanistan dur-
3 ing the course of Operation Iraqi Freedom and Op-
4 eration Enduring Freedom. This number shall in-
5 clude all troops deployed in the region in support of
6 Operation Iraqi Freedom and Operation Enduring
7 Freedom and activated reservists in the United
8 States who are training, backfilling for deployed
9 troops, or supporting other Department of Defense
10 missions directly or indirectly related to Operation
11 Iraqi Freedom and Operation Enduring Freedom.
12 This number shall also break down activations and
13 deployments of Active Duty, Reservists, and Na-
14 tional Guard troops.

15 (2) The number of troops, including National
16 Guard and Reserve troops, who have served and who
17 are expected to serve multiple deployments.

18 (3) The number of contractors and private mili-
19 tary security firms that have been utilized and are
20 expected to be utilized during the course of the con-
21 flicts in Iraq and Afghanistan.

22 (4) The number of veterans currently suffering
23 and expected to suffer from Post-Traumatic Stress
24 Disorder, Traumatic Brain Injury, or other mental
25 injuries.

1 (5) The number of veterans currently in need of
2 and expected to be in need of prosthetic care and
3 treatment because of amputations incurred during
4 Operation Iraqi Freedom and Operation Enduring
5 Freedom.

6 (6) The current number of pending Department
7 of Veterans Affairs claims from Iraq and Afghani-
8 stan veterans, and the total number of Iraq and Af-
9 ghanistan veterans expected to seek disability com-
10 pensation benefits from the Department of Veterans
11 Affairs.

12 (7) The total number of troops who have been
13 killed and wounded in Iraq and Afghanistan to date,
14 including noncombat casualties, the total number of
15 troops expected to suffer injuries in Iraq and Af-
16 ghanistan, and the total number of troops expected
17 to be killed in Iraq and Afghanistan, including non-
18 combat casualties.

19 (8) Funding already appropriated for the De-
20 partment of Defense, the Department of State, and
21 the Department of Veterans Affairs for costs related
22 to the wars in Iraq and Afghanistan. This shall in-
23 clude an account of the amount of funding from reg-
24 ular Department of Defense, Department of State,

1 and Department of Veterans Affairs budgets that
2 has gone and will go to Iraq and Afghanistan.

3 (9) Current and future operational expendi-
4 tures, including funding for combat operations; de-
5 ploying, transporting, feeding, and housing troops
6 (including fuel costs); deployment of National Guard
7 and Reserve troops; the equipping and training of
8 Iraqi and Afghani forces; purchasing, upgrading,
9 and repairing weapons, munitions and other equip-
10 ment; and payments to other countries for logistical
11 assistance.

12 (10) Past, current, and future cost of govern-
13 ment contractors and private military security firms.

14 (11) Average annual cost for each troop de-
15 ployed in support of Operation Iraqi Freedom and
16 Operation Enduring Freedom, including room and
17 board, equipment and body armor, transportation of
18 troops and equipment (including fuel costs), and
19 operational costs.

20 (12) Current and future cost of combat-related
21 special pays and benefits, including reenlistment bo-
22 nuses.

23 (13) Current and future cost of activating Na-
24 tional Guard and Reserve forces and paying them on
25 a full-time basis.

1 (14) Current and future cost for reconstruction,
2 embassy operations and construction, and foreign
3 aid programs for Iraq and Afghanistan.

4 (15) Current and future cost of bases and other
5 infrastructure to support United States troops in
6 Iraq and Afghanistan.

7 (16) Current and future cost of providing
8 healthcare for returning veterans. This estimate
9 shall include the cost of mental health treatment for
10 veterans suffering from Post-Traumatic Stress Dis-
11 order and Traumatic Brain Injury, and other mental
12 problems as a result of their service in Operation
13 Iraqi Freedom and Operation Enduring Freedom.
14 This estimate shall also include the cost of lifetime
15 prosthetics care and treatment for veterans suffering
16 from amputations as a result of their service in Op-
17 eration Iraqi Freedom and Operation Enduring
18 Freedom.

19 (17) Current and future cost of providing De-
20 partment of Veterans Affairs disability benefits for
21 lifetime of veterans.

22 (18) Current and future cost of providing sur-
23 vivors' benefits to survivors of service members.

24 (19) Cost of bringing troops and equipment
25 home at the end of the wars, including cost of de-

1 mobilizing troops, transporting troops home (includ-
2 ing fuel costs), providing transition services from ac-
3 tive duty to veteran status, transporting equipment,
4 weapons, and munitions (including fuel costs), and
5 an estimate of the value of equipment which will be
6 left behind.

7 (20) Cost to restore the military and military
8 equipment, including the National Guard and Na-
9 tional Guard equipment, to full strength after the
10 wars.

11 (21) Cost of the administration's plan to per-
12 manently increase the Army and Marine Corps by
13 92,000 over the next six years.

14 (22) Amount of money borrowed to pay for the
15 wars in Iraq and Afghanistan, and the sources of
16 that money.

17 (23) Interest on borrowed money, including in-
18 terest for money already borrowed and anticipated
19 interest payments on future borrowing for the war
20 in Iraq and the war in Afghanistan.

21 **Subtitle C—Other Matters**

22 **SEC. 1231. PAYMENT OF PERSONNEL EXPENSES FOR MUL-** 23 **TILATERAL COOPERATION PROGRAMS.**

24 (a) IN GENERAL.—Section 1051 of title 10, United
25 States Code, is amended—

1 (1) in the heading, by striking “**Bilateral or**
2 **regional**” and inserting “**Bilateral, multilat-**
3 **eral, or regional**”;

4 (2) in subsection (a), by striking “bilateral or
5 regional” and inserting “bilateral, multilateral, or
6 regional”;

7 (3) in subsection (b)—

8 (A) in paragraph (1)—

9 (i) by striking “to and within” and in-
10 serting “to, from, and within”; and

11 (ii) by striking “bilateral or regional”
12 and inserting “bilateral, multilateral, or re-
13 gional”; and

14 (B) in paragraph (2), by striking “bilateral
15 or regional” and inserting “bilateral, multilat-
16 eral, or regional”; and

17 (4) by adding at the end the following:

18 “(e) Funds available under this section for fiscal year
19 2009 and subsequent fiscal years may be used for pro-
20 grams that begin in such fiscal year but end in the next
21 fiscal year.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 53 of such title is amended
24 by striking the item relating to section 1051 and inserting
25 the following:

“1051. Bilateral, multilateral, or regional cooperation programs: payment of personnel expenses.”.

1 **SEC. 1232. EXTENSION OF DEPARTMENT OF DEFENSE AU-**
2 **THORITY TO PARTICIPATE IN MULTI-**
3 **NATIONAL MILITARY CENTERS OF EXCEL-**
4 **LENCE.**

5 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
6 section 1205 of the John Warner National Defense Au-
7 thorization Act for Fiscal Year 2007 (Public Law 109–
8 364; 120 Stat. 2416), as amended by section 1204 of Pub-
9 lic Law 110–181 (122 Stat. 365), is further amended by
10 striking “fiscal years 2007 and 2008” and inserting “fis-
11 cal years 2007, 2008, and 2009”.

12 (b) LIMITATION ON AMOUNTS AVAILABLE FOR PAR-
13 TICIPATION.—Subsection (e)(2) of such section is amend-
14 ed—

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

17 (2) in subparagraph (B), by striking the period
18 at the end and inserting “; and”; and

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

20 “(C) in fiscal year 2009, \$5,000,000.”.

21 (c) REPORTS.—Subsection (g)(1) of such section is
22 amended—

1 (1) by striking “and October 31, 2008,” and in-
2 serting “October 31, 2008, and October 31, 2009,”;
3 and

4 (2) by striking “fiscal years 2007 and 2008”
5 and inserting “fiscal years 2007, 2008, and 2009”.

6 **SEC. 1233. STUDY OF LIMITATION ON CLASSIFIED CON-**
7 **TRACTS WITH FOREIGN COMPANIES EN-**
8 **GAGED IN SPACE BUSINESS WITH CHINA.**

9 (a) LIMITATION.—

10 (1) IN GENERAL.—Subject to subsection (b), no
11 funds appropriated pursuant to an authorization of
12 appropriations in this Act or otherwise made avail-
13 able for the Department of Defense for fiscal year
14 2009 or any fiscal year thereafter may be obligated
15 or expended under one or more contracts for classi-
16 fied work between the Department of Defense and
17 a foreign-owned company if that company, or any
18 parent, sister, subsidiary, or affiliate of that com-
19 pany, is engaged with China in the development,
20 manufacture, or launch of ITAR-free satellites.

21 (2) EXCEPTION.—Paragraph (1) does not apply
22 to a foreign-owned company if the Secretary of De-
23 fense, in consultation with the Secretary of State,
24 submits to Congress a certification that—

1 (A) no satellite or space launch vehicle
2 technology, technical information, or intellectual
3 property gained by the foreign-owned company
4 through the contracts for classified work re-
5 ferred to in paragraph (1) is being disclosed
6 (intentionally or unintentionally) in a manner
7 that may improve China's satellite, rocket, or
8 missile capabilities; and

9 (B) it is in the national security interests
10 of the Department to continue to enter into
11 contracts for classified work with the foreign-
12 owned company.

13 (b) STUDY AND SUSPENSION OF LIMITATION.—

14 (1) STUDY.—The Secretary of Defense shall
15 conduct a study of the implications of imposing a
16 limitation such as the limitation in subsection (a)
17 and shall provide the study to the congressional de-
18 fense committees not later than 60 days after the
19 date of the enactment of this Act.

20 (2) SUSPENSION OF LIMITATION.—The Sec-
21 retary shall suspend the application of the limitation
22 in subsection (a) until—

23 (A) the Secretary has completed the study
24 required by paragraph (1);

1 (B) the Secretary has determined, as a re-
2 sult of the study, that applying the limitation in
3 subsection (a) promotes the national interest;
4 and

5 (C) the Secretary has submitted to the
6 Committees on Armed Services of the Senate
7 and House of Representatives a report on the
8 results of the study, including the rationale for
9 the determination described in subparagraph
10 (B).

11 (c) DEFINITIONS.—In this section:

12 (1) The term “ITAR-free satellite” applies to a
13 satellite if no component of the satellite and no tech-
14 nical information relating to the satellite is subject
15 to export controls specified in the International
16 Traffic in Arms Regulations.

17 (2) The term “International Traffic in Arms
18 Regulations” means those regulations contained in
19 parts 120 through 130 of title 22, Code of Federal
20 Regulations (or successor regulations).

21 **SEC. 1234. REQUIREMENT TO UPDATE NATIONAL INTEL-**
22 **LIGENCE ESTIMATE ON IRAN’S NUCLEAR IN-**
23 **TENTIONS AND CAPABILITIES.**

24 (a) REQUIREMENT.—Not later than 180 days after
25 the date of the enactment of this Act, and annually there-

1 after, the Director of National Intelligence shall submit
2 to Congress an update of the National Intelligence Esti-
3 mate, entitled “Iran: Nuclear Intentions and Capabilities”
4 and dated November 2007. Such update may be submitted
5 in classified form.

6 (b) ELEMENTS TO BE CONSIDERED.—Each update
7 submitted under subsection (a) shall include the following:

8 (1) The locations, types, and number of cen-
9 trifuges and other specialized equipment necessary
10 for the enrichment of nuclear material and any plans
11 to develop and operate such equipment in the future.

12 (2) An estimate of the amount, if any, of en-
13 riched to weapons-grade uranium materials acquired
14 or produced to date and plutonium acquired or pro-
15 duced and reprocessed into weapons-grade material
16 to date, an estimate of the amount of plutonium
17 that is likely to be produced and reprocessed into
18 weapons-grade material in the near- and midterms
19 and the amount of uranium that is likely to be en-
20 riched to weapons-grade levels in the near- and mid-
21 terms, and the number of nuclear weapons that
22 could be produced with each category of materials.

23 (3) A description of the security and safeguards
24 at any nuclear site that could prevent, slow, verify

1 or monitor the enrichment of uranium or the reproc-
2 essing of plutonium into weapons-grade materials.

3 (4) A description of the weaponization activi-
4 ties, such as the research, design, development, or
5 testing of nuclear weapons or weapons-related com-
6 ponents.

7 (5) A description of programs to construct, ac-
8 quire, test, or improve methods to deliver nuclear
9 weapons, including an assessment of the likely
10 progress of such programs in the near- and mid-
11 terms.

12 (6) A summary of assessments made by other
13 allies of the United States of Iran's nuclear weapons
14 program and nuclear-capable delivery systems pro-
15 grams.

16 (c) NOTIFICATION.—The President shall notify Con-
17 gress, in writing, within 15 days of determining that—

18 (1) the Islamic Republic of Iran has met or sur-
19 passed any major milestone in its nuclear weapons
20 program; or

21 (2) Iran has undertaken to accelerate, decel-
22 erate, or cease the development of any significant
23 element within its nuclear weapons program.

1 **SEC. 1235. EMPLOYMENT FOR RESETTLED IRAQIS.**

2 (a) IN GENERAL.—Not later than 90 days after the
3 date of the enactment of this Act, the Secretary of Defense
4 and the Secretary of State shall jointly establish and oper-
5 ate a temporary program to offer employment as trans-
6 lators, interpreters, or cultural awareness instructors to
7 individuals described in subsection (b).

8 (b) ELIGIBILITY.—Individuals referred to in sub-
9 section (a) are individuals, in the determination of the Sec-
10 retary of State, in coordination with the Secretary of De-
11 fense and the Secretary of Homeland Security, who—

12 (1) are Iraqi nationals lawfully present in the
13 United States; and

14 (2) worked, for at least 12 months since 2003,
15 as translators in the Republic of Iraq for the United
16 States Armed Forces or other agency of the United
17 States Government.

18 (c) FUNDING.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), the program established under subsection
21 (a) shall be funded from the annual general oper-
22 ating budget of the Department of Defense.

23 (2) EXCEPTION.—The Secretary of State shall
24 reimburse the Department of Defense for any costs
25 associated with individuals described in subsection
26 (b) whose work was for the Department of State.

1 (d) RULE OF CONSTRUCTION REGARDING ACCESS TO
2 CLASSIFIED INFORMATION.—Nothing in this section may
3 be construed as affecting in any manner practices and pro-
4 cedures regarding the handling of or access to classified
5 information.

6 (e) INFORMATION SHARING.—The Secretary of De-
7 fense and the Secretary of State shall work with the Sec-
8 retary of Homeland Security, the Office of Refugee Reset-
9 tlement of the Department of Health and Human Serv-
10 ices, and nongovernmental organizations to ensure that
11 Iraqis resettled in the United States are informed of the
12 program established under subsection (a).

13 (f) REGULATIONS.—The Secretary of Defense, in co-
14 ordination with the Secretary of State, shall prescribe such
15 regulations as are necessary to carry out the program es-
16 tablished under subsection (a), including establishing pay
17 scales and hiring procedures, and determining the number
18 of positions required to be filled.

19 (g) TERMINATION.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), the program established under subsection
22 (a) shall terminate on December 31, 2014.

23 (2) EARLIER TERMINATION.—If the Secretary
24 of Defense, in coordination with the Secretary of
25 State, determines that the program established

1 under subsection (a) should terminate before the
2 date specified in paragraph (1), the Secretaries may
3 terminate the program if the Secretaries notify Con-
4 gress in writing of such termination at least 180
5 days before such termination.

6 **TITLE XIII—COOPERATIVE**
7 **THREAT REDUCTION**

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.

8 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
9 **DUCTION PROGRAMS AND FUNDS.**

10 (a) SPECIFICATION OF COOPERATIVE THREAT RE-
11 Duction PROGRAMS.—For purposes of section 301 and
12 other provisions of this Act, Cooperative Threat Reduction
13 programs are the programs specified in section 1501 of
14 the National Defense Authorization Act for Fiscal Year
15 1997 (50 U.S.C. 2362 note), as amended by section 1303
16 of the National Defense Authorization Act for Fiscal Year
17 2008 (Public Law 110–181; 122 Stat. 412).

18 (b) FISCAL YEAR 2009 COOPERATIVE THREAT RE-
19 Duction FUNDS DEFINED.—As used in this title, the
20 term “fiscal year 2009 Cooperative Threat Reduction
21 funds” means the funds appropriated pursuant to the au-
22 thorization of appropriations in section 301 for Cooper-
23 tive Threat Reduction programs.

1 (c) AVAILABILITY OF FUNDS.—Funds appropriated
2 pursuant to the authorization of appropriations in section
3 301 for Cooperative Threat Reduction programs shall be
4 available for obligation for fiscal years 2009, 2010, and
5 2011.

6 **SEC. 1302. FUNDING ALLOCATIONS.**

7 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
8 \$445,135,000 authorized to be appropriated to the De-
9 partment of Defense for fiscal year 2009 in section
10 301(19) for Cooperative Threat Reduction programs, the
11 following amounts may be obligated for the purposes spec-
12 ified:

13 (1) For strategic offensive arms elimination in
14 Russia, \$79,985,000.

15 (2) For strategic nuclear arms elimination in
16 Ukraine, \$6,400,000.

17 (3) For nuclear weapons storage security in
18 Russia, \$24,101,000.

19 (4) For nuclear weapons transportation security
20 in Russia, \$40,800,000.

21 (5) For weapons of mass destruction prolifera-
22 tion prevention in the states of the former Soviet
23 Union, \$70,286,000.

24 (6) For biological threat reduction in the
25 former Soviet Union, \$184,463,000.

1 (7) For chemical weapons destruction,
2 \$1,000,000.

3 (8) For defense and military contacts,
4 \$8,000,000.

5 (9) For new Cooperative Threat Reduction ini-
6 tiatives, \$10,000,000.

7 (10) For activities designated as Other Assess-
8 ments/Administrative Costs, \$20,100,000.

9 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
10 FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Co-
11 operative Threat Reduction funds may be obligated or ex-
12 pended for a purpose other than a purpose listed in para-
13 graphs (1) through (9) of subsection (a) until 30 days
14 after the date that the Secretary of Defense submits to
15 Congress a report on the purpose for which the funds will
16 be obligated or expended and the amount of funds to be
17 obligated or expended. Nothing in the preceding sentence
18 shall be construed as authorizing the obligation or expend-
19 iture of fiscal year 2009 Cooperative Threat Reduction
20 funds for a purpose for which the obligation or expendi-
21 ture of such funds is specifically prohibited under this title
22 or any other provision of law.

23 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
24 AMOUNTS.—

1 (1) IN GENERAL.—Subject to paragraph (2), in
2 any case in which the Secretary of Defense deter-
3 mines that it is necessary to do so in the national
4 interest, the Secretary may obligate amounts appro-
5 priated for fiscal year 2009 for a purpose listed in
6 paragraphs (1) through (9) of subsection (a) in ex-
7 cess of the specific amount authorized for that pur-
8 pose.

9 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-
10 tion of funds for a purpose stated in paragraphs (1)
11 through (9) of subsection (a) in excess of the specific
12 amount authorized for such purpose may be made
13 using the authority provided in paragraph (1) only
14 after—

15 (A) the Secretary submits to Congress no-
16 tification of the intent to do so together with a
17 complete discussion of the justification for
18 doing so; and

19 (B) 15 days have elapsed following the
20 date of the notification.

21 **TITLE XIV—OTHER**
22 **AUTHORIZATIONS**

 Subtitle A—Military Programs

Sec. 1401. Working capital funds.

Sec. 1402. National Defense Sealift Fund.

Sec. 1403. Defense Health Program.

Sec. 1404. Chemical agents and munitions destruction, Defense.

Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.

Sec. 1406. Defense Inspector General.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.

Sec. 1412. Revisions to previously authorized disposals from the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Armed Forces Retirement Home.

Subtitle D—Inapplicability of Executive Order No. 13457

Sec. 1431. Inapplicability of Executive Order No. 13457.

1 **Subtitle A—Military Programs**

2 **SEC. 1401. WORKING CAPITAL FUNDS.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2009 for the use of the Armed Forces and other
5 activities and agencies of the Department of Defense for
6 providing capital for working capital and revolving funds
7 in amounts as follows:

8 (1) For the Defense Working Capital Funds,
9 \$198,150,000.

10 (2) For the Defense Working Capital Fund,
11 Defense Commissary, \$1,291,084,000.

12 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2009 for the National Defense Sealift Fund
15 in the amount of \$1,401,553,000.

16 **SEC. 1403. DEFENSE HEALTH PROGRAM.**

17 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
18 are hereby authorized to be appropriated for the Depart-
19 ment of Defense for fiscal year 2009 for expenses, not oth-

1 erwise provided for, for the Defense Health Program, in
2 the amount of \$24,746,172,000, of which—

3 (1) \$24,259,029,000 is for Operation and
4 Maintenance;

5 (2) \$198,738,000 is for Research, Development,
6 Test, and Evaluation; and

7 (3) \$288,405,000 is for Procurement.

8 (b) **TRANSFER FROM NATIONAL DEFENSE STOCK-**
9 **PILE TRANSACTION FUND TO SUPPORT DEFENSE**
10 **HEALTH PROGRAM.**—Of the total amount specified in
11 subsection (a), up to \$1,300,000,000 shall be derived, to
12 the extent specifically provided in advance in an appro-
13 priations Act for fiscal year 2009, by transfer from the
14 unobligated balances of the National Defense Stockpile
15 Transaction Fund.

16 **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
17 **TION, DEFENSE.**

18 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
19 are hereby authorized to be appropriated for the Depart-
20 ment of Defense for fiscal year 2009 for expenses, not oth-
21 erwise provided for, for Chemical Agents and Munitions
22 Destruction, Defense, in the amount of \$1,485,634,000,
23 of which—

24 (1) \$1,152,668,000 is for Operation and Main-
25 tenance;

1 (2) \$268,881,000 is for Research, Development,
2 Test, and Evaluation; and

3 (3) \$64,085,000 is for Procurement.

4 (b) USE.—Amounts authorized to be appropriated
5 under subsection (a) are authorized for—

6 (1) the destruction of lethal chemical agents
7 and munitions in accordance with section 1412 of
8 the Department of Defense Authorization Act, 1986
9 (50 U.S.C. 1521); and

10 (2) the destruction of chemical warfare materiel
11 of the United States that is not covered by section
12 1412 of such Act.

13 **SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC-**
14 **TIVITIES, DEFENSE-WIDE.**

15 Funds are hereby authorized to be appropriated for
16 the Department of Defense for fiscal year 2009 for ex-
17 penses, not otherwise provided for, for Drug Interdiction
18 and Counter-Drug Activities, Defense-wide, in the amount
19 of \$1,060,463,000.

20 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

21 Funds are hereby authorized to be appropriated for
22 the Department of Defense for fiscal year 2009 for ex-
23 penses, not otherwise provided for, for the Office of the
24 Inspector General of the Department of Defense, in the
25 amount of \$273,845,000, of which—

1 (1) \$270,445,000 is for Operation and Maintenance;
2 and

3 (2) \$3,400,000 is for Procurement.

4 **Subtitle B—National Defense**
5 **Stockpile**

6 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**
7 **STOCKPILE FUNDS.**

8 (a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal
9 year 2009, the National Defense Stockpile Manager
10 may obligate up to \$41,153,000 of the funds in the National
11 Defense Stockpile Transaction Fund established
12 under subsection (a) of section 9 of the Strategic and Critical
13 Materials Stock Piling Act (50 U.S.C. 98h) for the
14 authorized uses of such funds under subsection (b)(2) of
15 such section, including the disposal of hazardous materials
16 that are environmentally sensitive.

17 (b) ADDITIONAL OBLIGATIONS.—The National Defense
18 Stockpile Manager may obligate amounts in excess
19 of the amount specified in subsection (a) if the National
20 Defense Stockpile Manager notifies Congress that extraordinary
21 or emergency conditions necessitate the additional
22 obligations. The National Defense Stockpile Manager may
23 make the additional obligations described in the notification
24 after the end of the 45-day period beginning on the
25 date on which Congress receives the notification.

1 (c) LIMITATIONS.—The authorities provided by this
2 section shall be subject to such limitations as may be pro-
3 vided in appropriations Acts.

4 **SEC. 1412. REVISIONS TO PREVIOUSLY AUTHORIZED DIS-**
5 **POSALS FROM THE NATIONAL DEFENSE**
6 **STOCKPILE.**

7 (a) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Sec-
8 tion 3303(a)(7) of the Strom Thurmond National Defense
9 Authorization Act for Fiscal Year 1999 (Public Law 105–
10 261; 50 U.S.C. 98d note), as most recently amended by
11 section 1412(b) of the National Defense Authorization Act
12 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
13 418), is further amended by striking “\$1,066,000,000 by
14 the end of fiscal year 2015” and inserting
15 “\$1,476,000,000 by the end of fiscal year 2016”.

16 (b) FISCAL YEAR 1998 DISPOSAL AUTHORITY.—Sec-
17 tion 3305(a)(5) of the National Defense Authorization Act
18 for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d
19 note), as most recently amended by section 3302(b) of the
20 John Warner National Defense Authorization Act for Fis-
21 cal Year 2007 (Public Law 109–364; 120 Stat. 2513), is
22 further amended by striking “2008” and inserting
23 “2009”.

1 **Subtitle C—Armed Forces**
 2 **Retirement Home**

3 **SEC. 1421. ARMED FORCES RETIREMENT HOME.**

4 There is authorized to be appropriated for fiscal year
 5 2009 from the Armed Forces Retirement Home Trust
 6 Fund the sum of \$63,010,000 for the operation of the
 7 Armed Forces Retirement Home.

8 **Subtitle D—Inapplicability of**
 9 **Executive Order No. 13457**

10 **SEC. 1431. INAPPLICABILITY OF EXECUTIVE ORDER NO.**
 11 **13457.**

12 Executive Order No. 13457, and any successor to
 13 that Executive order, shall not apply to this Act or to the
 14 Joint Explanatory Statement submitted by the Committee
 15 of Conference for the conference report to accompany this
 16 Act or to H. Rept. _____ or S. Rept. _____.

17 **TITLE XV—AUTHORIZATION OF**
 18 **ADDITIONAL APPROPRIA-**
 19 **TIONS FOR OPERATION IRAQI**
 20 **FREEDOM AND OPERATION**
 21 **ENDURING FREEDOM**

Sec. 1501. Purpose.

Sec. 1502. Army procurement.

Sec. 1503. Navy and Marine Corps procurement.

Sec. 1504. Air Force procurement.

Sec. 1505. Defense-wide activities procurement.

Sec. 1506. Rapid acquisition fund.

Sec. 1507. Joint Improvised Explosive Device Defeat Fund.

Sec. 1508. Limitation on obligation of funds for the Joint Improvised Explosive
 Devices Defeat Organization pending notification to Congress.

Sec. 1509. Research, development, test, and evaluation.
Sec. 1510. Operation and maintenance.
Sec. 1511. Other Department of Defense programs.
Sec. 1512. Iraq Security Forces Fund.
Sec. 1513. Afghanistan Security Forces Fund.
Sec. 1514. Military personnel.
Sec. 1515. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1516. Special transfer authority.
Sec. 1517. Treatment as additional authorizations.

1 **SEC. 1501. PURPOSE.**

2 The purpose of this title is to authorize appropria-
3 tions for the Department of Defense for fiscal year 2009
4 to provide additional funds for Operation Iraqi Freedom
5 and Operation Enduring Freedom.

6 **SEC. 1502. ARMY PROCUREMENT.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2009 for procurement accounts of the Army
9 in amounts as follows:

10 (1) For aircraft procurement, \$84,000,000.

11 (2) For weapons and tracked combat vehicles
12 procurement, \$822,674,000.

13 (3) For ammunition procurement, \$46,500,000.

14 (4) For other procurement, \$1,255,050,000.

15 **SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.**

16 (a) NAVY.—Funds are hereby authorized to be appro-
17 priated for fiscal year 2009 for other procurement for the
18 Navy in the amount of \$476,248,000.

19 (b) MARINE CORPS.—Funds are hereby authorized to
20 be appropriated for fiscal year 2009 for the procurement

1 account for the Marine Corps in the amount of
2 \$565,425,000.

3 **SEC. 1504. AIR FORCE PROCUREMENT.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2009 for procurement accounts for the Air
6 Force in amounts as follows:

7 (1) For aircraft procurement, \$4,624,842,000.

8 (2) For other procurement, \$1,500,644,000.

9 **SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2009 for the procurement account for Defense-
12 wide in the amount of \$177,237,000.

13 **SEC. 1506. RAPID ACQUISITION FUND.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2009 for Rapid Acquisition Fund in the
16 amount of \$102,000,000.

17 **SEC. 1507. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
18 **FUND.**

19 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
20 are hereby authorized for fiscal year 2009 for the Joint
21 Improvised Explosive Device Defeat Fund in the amount
22 of \$2,496,300,000.

23 (b) **USE AND TRANSFER OF FUNDS.**—Subsections
24 (b) and (c) of section 1514 of the John Warner National
25 Defense Authorization Act for Fiscal Year 2007 (Public

1 Law 109–364; 120 Stat. 2439) shall apply to the funds
2 appropriated pursuant to the authorization of appropria-
3 tions in subsection (a).

4 (c) REVISION OF MANAGEMENT PLAN.—The Sec-
5 retary of Defense shall revise the management plan re-
6 quired by section 1514(d) of the John Warner National
7 Defense Authorization Act for Fiscal Year 2007 to iden-
8 tify projected transfers and obligations through September
9 30, 2009.

10 (d) FUNDS FOR ADDITIONAL ARMS PLATFORMS.—
11 Of the funds appropriated pursuant to the authorization
12 of appropriations in subsection (a), \$50,000,000 shall be
13 made available for the rapid fielding of additional Aerial
14 Reconnaissance Multi-Sensor (ARMS) platforms for tac-
15 tical operations in Operation Iraqi Freedom and Oper-
16 ation Enduring Freedom.

17 **SEC. 1508. LIMITATION ON OBLIGATION OF FUNDS FOR**
18 **THE JOINT IMPROVISED EXPLOSIVE DEVICES**
19 **DEFEAT ORGANIZATION PENDING NOTIFICA-**
20 **TION TO CONGRESS.**

21 (a) LIMITATION.—Of the amounts appropriated pur-
22 suant to each of the authorizations of appropriations de-
23 scribed in subsection (b) for research, development, test,
24 and evaluation for the Joint Improvised Explosive Devices
25 Defeat Organization (in this section referred to as

1 “JIEDDO”), not more than 50 percent of the amounts
2 remaining unobligated as of the date of the enactment of
3 this Act may be obligated until JIEDDO submits to the
4 congressional defense committees a report describing the
5 investment strategy of JIEDDO for science and tech-
6 nology.

7 (b) COVERED AUTHORIZATIONS OF APPROPRIA-
8 TIONS.—

9 (1) SCOPE OF LIMITATION.—The limitation
10 contained in subsection (a) applies with respect to
11 amounts appropriated pursuant to the authoriza-
12 tions of appropriations specified in paragraph (2) for
13 all science and technology efforts within the account
14 for research, development, test, and evaluation for
15 JIEDDO applied to efforts of Technology Readiness
16 Level 5 or lower.

17 (2) AUTHORIZATIONS.—Paragraph (1) applies
18 to—

19 (A) the authorization of appropriations in
20 section 1507 of the National Defense Author-
21 ization Act for Fiscal Year 2008 (Public Law
22 110–181; 122 Stat. 425); and

23 (B) the authorization of appropriations in
24 section 1508 of this Act.

1 **SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
2 **TION.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2009 for the use of the Department of Defense
5 for research, development, test, and evaluation as follows:

6 (1) For the Navy, \$113,228,000.

7 (2) For the Air Force, \$72,041,000.

8 (3) For Defense-wide activities, \$202,559,000.

9 **SEC. 1510. OPERATION AND MAINTENANCE.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2009 for the use of the Armed Forces for ex-
12 penses, not otherwise provided for, for operation and
13 maintenance, in amounts as follows:

14 (1) For the Army, \$37,363,243,000.

15 (2) For the Navy, \$3,500,000,000

16 (3) For the Marine Corps, \$2,900,000,000.

17 (4) For the Air Force, \$5,000,000,000.

18 (5) For Defense-wide activities,
19 \$2,648,569,000.

20 (6) For the Army Reserve, \$79,291,000.

21 (7) For the Navy Reserve, \$42,490,000.

22 (8) For the Marine Corps Reserve,
23 \$47,076,000.

24 (9) For the Air Force Reserve, \$12,376,000.

25 (10) For the Army National Guard,
26 \$333,540,000.

1 (11) For the Air National Guard, \$52,667,000.

2 **SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

3 (a) **DEFENSE HEALTH PROGRAM.**—Funds are here-
4 by authorized to be appropriated for the Department of
5 Defense for fiscal year 2009 for expenses, not otherwise
6 provided for, for the Defense Health Program in the
7 amount of \$1,100,000,000 for operation and maintenance.

8 (b) **DRUG INTERDICTION AND COUNTER-DRUG AC-**
9 **TIVITIES, DEFENSE-WIDE.**—Funds are hereby authorized
10 to be appropriated for the Department of Defense for fis-
11 cal year 2009 for expenses, not otherwise provided for, for
12 Drug Interdiction and Counter-Drug Activities, Defense-
13 wide in the amount of \$188,000,000.

14 **SEC. 1512. IRAQ SECURITY FORCES FUND.**

15 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
16 are hereby authorized to be appropriated for fiscal year
17 2009 for the Iraq Security Forces Fund in the amount
18 of \$1,000,000,000.

19 (b) **USE OF FUNDS.**—

20 (1) **IN GENERAL.**—Funds appropriated pursu-
21 ant to subsection (a) shall be available to the Sec-
22 retary of Defense for the purpose of allowing the
23 Commander, Multi-National Security Transition
24 Command–Iraq, to provide assistance to the security
25 forces of Iraq.

1 (2) TYPES OF ASSISTANCE AUTHORIZED.—As-
2 sistance provided under this section may include the
3 provision of equipment, supplies, services, training,
4 facility and infrastructure repair, and funding.

5 (3) SECRETARY OF STATE CONCURRENCE.—As-
6 sistance may be provided under this section only
7 with the concurrence of the Secretary of State.

8 (c) AUTHORITY IN ADDITION TO OTHER AUTHORI-
9 TIES.—The authority to provide assistance under this sec-
10 tion is in addition to any other authority to provide assist-
11 ance to foreign nations.

12 (d) TRANSFER AUTHORITY.—

13 (1) TRANSFERS AUTHORIZED.—Subject to
14 paragraph (2), amounts authorized to be appro-
15 priated by subsection (a) may be transferred from
16 the Iraq Security Forces Fund to any of the fol-
17 lowing accounts and funds of the Department of De-
18 fense to accomplish the purposes provided in sub-
19 section (b):

20 (A) Military personnel accounts.

21 (B) Operation and maintenance accounts.

22 (C) Procurement accounts.

23 (D) Research, development, test, and eval-
24 uation accounts.

25 (E) Defense working capital funds.

1 (F) Overseas Humanitarian, Disaster, and
2 Civic Aid account.

3 (2) ADDITIONAL AUTHORITY.—The transfer au-
4 thority provided by paragraph (1) is in addition to
5 any other transfer authority available to the Depart-
6 ment of Defense.

7 (3) TRANSFERS BACK TO THE FUND.—Upon
8 determination that all or part of the funds trans-
9 ferred from the Iraq Security Forces Fund under
10 paragraph (1) are not necessary for the purpose pro-
11 vided, such funds may be transferred back to the
12 Iraq Security Forces Fund.

13 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A
14 transfer of an amount to an account under the au-
15 thority in paragraph (1) shall be deemed to increase
16 the amount authorized for such account by an
17 amount equal to the amount transferred.

18 (e) PRIOR NOTICE OF OBLIGATION OR TRANSFER OF
19 FUNDS.—Funds may not be obligated from the Iraq Secu-
20 rity Forces Fund, or transferred under the authority pro-
21 vided in subsection (d)(1), until five days after the date
22 on which the Secretary of Defense notifies the congres-
23 sional defense committees, the Committee on Foreign Re-
24 lations of the Senate, and the Committee on Foreign Af-

1 fairs of the House of Representatives, in writing, of the
2 details of the proposed obligation or transfer.

3 (f) CONTRIBUTIONS.—

4 (1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—

5 Subject to paragraph (2), the Secretary of Defense
6 may accept contributions of amounts to the Iraq Se-
7 curity Forces Fund for the purposes provided in
8 subsection (b) from any person, foreign government,
9 or international organization. Any amounts so ac-
10 cepted shall be credited to the Iraq Security Forces
11 Fund.

12 (2) LIMITATION.—The Secretary may not ac-
13 cept a contribution under this subsection if the ac-
14 ceptance of the contribution would compromise or
15 appear to compromise the integrity of any program
16 of the Department of Defense.

17 (3) USE.—Amounts accepted under this sub-
18 section shall be available for assistance authorized
19 by subsection (b), including transfer under sub-
20 section (d) for that purpose.

21 (4) NOTIFICATION.—The Secretary shall notify
22 the congressional committees referred to in sub-
23 section (e), in writing, upon the acceptance, and
24 upon the transfer under subsection (d), of any con-
25 tribution under this subsection. Such notice shall

1 specify the source and amount of any amount so ac-
2 cepted and the use of any amount so accepted.

3 (g) PROHIBITION RELATED TO FACILITIES.—

4 (1) PROHIBITION.—Funds may not be obligated
5 from the Iraq Security Forces Fund, or transferred
6 under the authority provided in subsection (d)(1),
7 for the acquisition, conversion, rehabilitation, or in-
8 stallation of facilities.

9 (2) EXCEPTIONS.—Nothing in this section shall
10 be construed as to forbid—

11 (A) the provision of technical assistance
12 necessary to assist the Government of Iraq to
13 carry out the acquisition, conversion, rehabilita-
14 tion, or installation of facilities on its own be-
15 half; or

16 (B) the acquisition, conversion, rehabilita-
17 tion, or installation of facilities utilizing
18 amounts contributed to the Iraq Security
19 Forces Fund under subsection (f) by the Gov-
20 ernment of Iraq or another foreign country.

21 (h) QUARTERLY REPORTS.—Not later than 30 days
22 after the end of each fiscal-year quarter, the Secretary of
23 Defense shall submit to the congressional committees re-
24 ferred to in subsection (e) a report summarizing the de-

1 tails of any obligation or transfer of funds from the Iraq
2 Security Forces Fund during such fiscal-year quarter.

3 (i) DURATION OF AUTHORITY.—Amounts authorized
4 to be appropriated or contributed to the Iraq Security
5 Forces Fund during fiscal year 2009 are available for obli-
6 gation or transfer from the Iraq Security Forces Fund in
7 accordance with this section until September 30, 2010.

8 **SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
10 are hereby authorized to be appropriated for fiscal year
11 2009 for the Afghanistan Security Forces Fund in the
12 amount of \$2,000,000,000.

13 (b) USE OF FUNDS.—

14 (1) IN GENERAL.—Funds authorized to be ap-
15 propriated by subsection (a) shall be available to the
16 Secretary of Defense to provide assistance to the se-
17 curity forces of Afghanistan.

18 (2) TYPES OF ASSISTANCE AUTHORIZED.—As-
19 sistance provided under this section may include the
20 provision of equipment, supplies, services, training,
21 facility and infrastructure repair, renovation, con-
22 struction, and funds.

23 (3) SECRETARY OF STATE CONCURRENCE.—As-
24 sistance may be provided under this section only
25 with the concurrence of the Secretary of State.

1 (c) AUTHORITY IN ADDITION TO OTHER AUTHORI-
2 TIES.—The authority to provide assistance under this sec-
3 tion is in addition to any other authority to provide assist-
4 ance to foreign nations.

5 (d) TRANSFER AUTHORITY.—

6 (1) TRANSFERS AUTHORIZED.—Subject to
7 paragraph (2), amounts authorized to be appro-
8 priated by subsection (a) may be transferred from
9 the Afghanistan Security Forces Fund to any of the
10 following accounts and funds of the Department of
11 Defense to accomplish the purposes provided in sub-
12 section (b):

13 (A) Military personnel accounts.

14 (B) Operation and maintenance accounts.

15 (C) Procurement accounts.

16 (D) Research, development, test, and eval-
17 uation accounts.

18 (E) Defense working capital funds.

19 (F) Overseas Humanitarian, Disaster, and
20 Civic Aid.

21 (2) ADDITIONAL AUTHORITY.—The transfer au-
22 thority provided by paragraph (1) is in addition to
23 any other transfer authority available to the Depart-
24 ment of Defense.

1 (3) TRANSFERS BACK TO FUND.—Upon a de-
2 termination that all or part of the funds transferred
3 from the Afghanistan Security Forces Fund under
4 paragraph (1) are not necessary for the purpose for
5 which transferred, such funds may be transferred
6 back to the Afghanistan Security Forces Fund.

7 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A
8 transfer of an amount to an account under the au-
9 thority in paragraph (1) shall be deemed to increase
10 the amount authorized for such account by an
11 amount equal to the amount transferred.

12 (e) PRIOR NOTICE OF OBLIGATION OR TRANSFER OF
13 FUNDS.—Funds may not be obligated from the Afghani-
14 stan Security Forces Fund, or transferred under the au-
15 thority provided in subsection (d)(1), until five days after
16 the date on which the Secretary of Defense notifies the
17 congressional defense committees, the Committee on For-
18 eign Relations of the Senate, and the Committee on For-
19 eign Affairs of the House of Representatives, in writing,
20 of the details of the proposed obligation or transfer.

21 (f) CONTRIBUTIONS.—

22 (1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—
23 Subject to paragraph (2), the Secretary of Defense
24 may accept contributions of amounts to the Afghani-
25 stan Security Forces Fund for the purposes provided

1 in subsection (b) from any person, foreign govern-
2 ment, or international organization. Any amounts so
3 accepted shall be credited to the Afghanistan Secu-
4 rity Forces Fund.

5 (2) LIMITATION.—The Secretary may not ac-
6 cept a contribution under this subsection if the ac-
7 ceptance of the contribution would compromise or
8 appear to compromise the integrity of any program
9 of the Department of Defense.

10 (3) USE.—Amounts accepted under this sub-
11 section shall be available for assistance authorized
12 by subsection (b), including transfer under sub-
13 section (d) for that purpose.

14 (4) NOTIFICATION.—The Secretary shall notify
15 the congressional committees referred to in sub-
16 section (e), in writing, upon the acceptance, and
17 upon the transfer under subsection (d), of any con-
18 tribution under this subsection. Such notice shall
19 specify the source and amount of any amount so ac-
20 cepted and the use of any amount so accepted.

21 (g) QUARTERLY REPORTS.—Not later than 30 days
22 after the end of each fiscal-year quarter, the Secretary of
23 Defense shall submit to the congressional committees re-
24 ferred to in subsection (e) a report summarizing the de-
25 tails of any obligation or transfer of funds from the Af-

1 ghanistan Security Forces Fund during such fiscal-year
2 quarter.

3 (h) DURATION OF AUTHORITY.—Amounts authorized
4 to be appropriated or contributed to the Afghanistan Secu-
5 rity Forces Fund during fiscal year 2009 are available for
6 obligation or transfer from the Afghanistan Security
7 Forces Fund in accordance with this section until Sep-
8 tember 30, 2010.

9 **SEC. 1514. MILITARY PERSONNEL.**

10 There is hereby authorized to be appropriated to the
11 Department of Defense for military personnel accounts for
12 fiscal year 2009 a total of \$1,194,000,000.

13 **SEC. 1515. MINE RESISTANT AMBUSH PROTECTED VEHICLE**
14 **FUND.**

15 The Secretary of Defense may use the transfer au-
16 thority provided by section 1516 to transfer amounts of
17 authorizations made available to the Department of De-
18 fense in this title for fiscal year 2009 from such authoriza-
19 tions to the Mine Resistant Ambush Protected Vehicle
20 Fund in the total amount of \$2,610,000,000.

21 **SEC. 1516. SPECIAL TRANSFER AUTHORITY.**

22 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—
23 (1) AUTHORITY.—Upon determination by the
24 Secretary of Defense that such action is necessary in
25 the national interest, the Secretary may transfer

1 amounts of authorizations made available to the De-
2 partment of Defense in this title for fiscal year 2009
3 between any such authorizations for that fiscal year
4 (or any subdivisions thereof). Amounts of authoriza-
5 tions so transferred shall be merged with and be
6 available for the same purposes as the authorization
7 to which transferred.

8 (2) LIMITATION.—The total amount of author-
9 izations that the Secretary may transfer under the
10 authority of this section may not exceed
11 \$4,000,000,000.

12 (b) TERMS AND CONDITIONS.—Transfers under this
13 section shall be subject to the same terms and conditions
14 as transfers under section 1001.

15 (c) ADDITIONAL AUTHORITY.—The transfer author-
16 ity provided by this section is in addition to the transfer
17 authority provided under section 1001.

18 **SEC. 1517. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

19 The amounts authorized to be appropriated by this
20 title are in addition to amounts otherwise authorized to
21 be appropriated by this Act.

22 **TITLE XVI—RECONSTRUCTION**
23 **AND STABILIZATION CIVILIAN**
24 **MANAGEMENT**

Sec. 1601. Short title.
Sec. 1602. Findings.
Sec. 1603. Definitions.

Sec. 1604. Authority to provide assistance for reconstruction and stabilization crises.

Sec. 1605. Reconstruction and stabilization.

Sec. 1606. Authorities related to personnel.

Sec. 1607. Reconstruction and stabilization strategy.

Sec. 1608. Annual reports to Congress.

1 **SEC. 1601. SHORT TITLE.**

2 This title may be cited as the “Reconstruction and
3 Stabilization Civilian Management Act of 2008”.

4 **SEC. 1602. FINDINGS.**

5 Congress finds the following:

6 (1) In June 2004, the Office of the Coordinator
7 for Reconstruction and Stabilization (referred to as
8 the “Coordinator”) was established in the Depart-
9 ment of State with the mandate to lead, coordinate,
10 and institutionalize United States Government civil-
11 ian capacity to prevent or prepare for post-conflict
12 situations and help reconstruct and stabilize a coun-
13 try or region that is at risk of, in, or is in transition
14 from, conflict or civil strife.

15 (2) In December 2005, the Coordinator’s man-
16 date was reaffirmed by the National Security Presi-
17 dential Directive 44, which instructed the Secretary
18 of State, and at the Secretary’s direction, the Coor-
19 dinator, to coordinate and lead integrated United
20 States Government efforts, involving all United
21 States departments and agencies with relevant capa-

1 bilities, to prepare, plan for, and conduct reconstruc-
2 tion and stabilization operations.

3 (3) National Security Presidential Directive 44
4 assigns to the Secretary, with the Coordinator's as-
5 sistance, the lead role to develop reconstruction and
6 stabilization strategies, ensure civilian interagency
7 program and policy coordination, coordinate inter-
8 agency processes to identify countries at risk of in-
9 stability, provide decision-makers with detailed op-
10 tions for an integrated United States Government
11 response in connection with reconstruction and sta-
12 bilization operations, and carry out a wide range of
13 other actions, including the development of a civilian
14 surge capacity to meet reconstruction and stabiliza-
15 tion emergencies. The Secretary and the Coordinator
16 are also charged with coordinating with the Depart-
17 ment of Defense on reconstruction and stabilization
18 responses, and integrating planning and imple-
19 menting procedures.

20 (4) The Department of Defense issued Direc-
21 tive 3000.05, which establishes that stability oper-
22 ations are a core United States military mission that
23 the Department of Defense must be prepared to con-
24 duct and support, provides guidance on stability op-
25 erations that will evolve over time, and assigns re-

1 sponsibilities within the Department of Defense for
2 planning, training, and preparing to conduct and
3 support stability operations.

4 (5) The President’s Fiscal Year 2009 Budget
5 Request to Congress includes \$248.6 million for a
6 Civilian Stabilization Initiative that would vastly im-
7 prove civilian partnership with United States Armed
8 Forces in post-conflict stabilization situations, in-
9 cluding by establishing a Active Response Corps of
10 250 persons, a Standby Response Corps of 2,000
11 persons, and a Civilian Response Corps of 2,000
12 persons.

13 **SEC. 1603. DEFINITIONS.**

14 In this title:

15 (1) ADMINISTRATOR.—The term “Adminis-
16 trator” means the Administrator of the United
17 States Agency for International Development.

18 (2) AGENCY.—The term “agency” means any
19 entity included in chapter 1 of title 5, United States
20 Code.

21 (3) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means the Committee on Foreign Affairs of
24 the House of Representatives and the Committee on
25 Foreign Relations of the Senate.

1 (4) DEPARTMENT.—Except as otherwise pro-
2 vided in this title, the term “Department” means
3 the Department of State.

4 (5) PERSONNEL.—The term “personnel” means
5 individuals serving in any service described in sec-
6 tion 2101 of title 5, United States Code, other than
7 in the legislative or judicial branch.

8 (6) SECRETARY.—The term “Secretary” means
9 the Secretary of State.

10 **SEC. 1604. AUTHORITY TO PROVIDE ASSISTANCE FOR RE-**
11 **CONSTRUCTION AND STABILIZATION CRISES.**

12 Chapter 1 of part III of the Foreign Assistance Act
13 of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting
14 after section 617 the following new section:

15 **“SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STA-**
16 **BILIZATION CRISIS.**

17 “(a) ASSISTANCE.—

18 “(1) IN GENERAL.—If the President determines
19 that it is in the national security interests of the
20 United States for United States civilian agencies or
21 non-Federal employees to assist in reconstructing
22 and stabilizing a country or region that is at risk of,
23 in, or is in transition from, conflict or civil strife, the
24 President may, in accordance with the provisions set
25 forth in section 614(a)(3), subject to paragraph (2)

1 of this subsection but notwithstanding any other
2 provision of law, and on such terms and conditions
3 as the President may determine, furnish assistance
4 to such country or region for reconstruction or sta-
5 bilization using funds under paragraph (3).

6 “(2) PRE-NOTIFICATION REQUIREMENT.—The
7 President may not furnish assistance pursuant to
8 paragraph (1) until five days (excepting Saturdays,
9 Sundays, and legal public holidays) after the re-
10 quirements under section 614(a)(3) of this Act are
11 carried out.

12 “(3) FUNDS.—The funds referred to in para-
13 graph (1) are funds made available under any other
14 provision of law and under other provisions of this
15 Act, and transferred or reprogrammed for purposes
16 of this section, and such transfer or reprogramming
17 shall be subject to the procedures applicable to a no-
18 tification under section 634A of this Act.

19 “(b) LIMITATION.—The authority contained in this
20 section may be exercised only during fiscal years 2009,
21 2010, and 2011, except that the authority may not be ex-
22 ercised to furnish more than \$200,000,000 in any such
23 fiscal year.”.

1 **SEC. 1605. RECONSTRUCTION AND STABILIZATION.**

2 Title I of the State Department Basic Authorities Act
3 of 1956 (22 U.S.C. 2651a et seq.) is amended by adding
4 at the end the following new section:

5 **“SEC. 62. RECONSTRUCTION AND STABILIZATION.**

6 “(a) OFFICE OF THE COORDINATOR FOR RECON-
7 STRUCTION AND STABILIZATION.—

8 “(1) ESTABLISHMENT.—There is established
9 within the Department of State the Office of the Co-
10 ordinator for Reconstruction and Stabilization.

11 “(2) COORDINATOR FOR RECONSTRUCTION AND
12 STABILIZATION.—The head of the Office shall be the
13 Coordinator for Reconstruction and Stabilization,
14 who shall be appointed by the President, by and
15 with the advice and consent of the Senate. The Co-
16 ordinator shall report directly to the Secretary.

17 “(3) FUNCTIONS.—The functions of the Office
18 of the Coordinator for Reconstruction and Stabiliza-
19 tion shall include the following:

20 “(A) Monitoring, in coordination with rel-
21 evant bureaus and offices of the Department of
22 State and the United States Agency for Inter-
23 national Development (USAID), political and
24 economic instability worldwide to anticipate the
25 need for mobilizing United States and inter-
26 national assistance for the reconstruction and

1 stabilization of a country or region that is at
2 risk of, in, or are in transition from, conflict or
3 civil strife.

4 “(B) Assessing the various types of recon-
5 struction and stabilization crises that could
6 occur and cataloging and monitoring the non-
7 military resources and capabilities of agencies
8 (as such term is defined in section 1603 of the
9 Reconstruction and Stabilization Civilian Man-
10 agement Act of 2008) that are available to ad-
11 dress such crises.

12 “(C) Planning, in conjunction with
13 USAID, to address requirements, such as de-
14 mobilization, disarmament, rebuilding of civil
15 society, policing, human rights monitoring, and
16 public information, that commonly arise in re-
17 construction and stabilization crises.

18 “(D) Coordinating with relevant agencies
19 to develop interagency contingency plans and
20 procedures to mobilize and deploy civilian per-
21 sonnel and conduct reconstruction and stabiliza-
22 tion operations to address the various types of
23 such crises.

24 “(E) Entering into appropriate arrange-
25 ments with agencies to carry out activities

1 under this section and the Reconstruction and
2 Stabilization Civilian Management Act of 2008.

3 “(F) Identifying personnel in State and
4 local governments and in the private sector who
5 are available to participate in the Civilian Re-
6 serve Corps established under subsection (b) or
7 to otherwise participate in or contribute to re-
8 construction and stabilization activities.

9 “(G) Taking steps to ensure that training
10 and education of civilian personnel to perform
11 such reconstruction and stabilization activities
12 is adequate and is carried out, as appropriate,
13 with other agencies involved with stabilization
14 operations.

15 “(H) Taking steps to ensure that plans for
16 United States reconstruction and stabilization
17 operations are coordinated with and com-
18plementary to reconstruction and stabilization
19 activities of other governments and inter-
20 national and nongovernmental organizations, to
21 improve effectiveness and avoid duplication.

22 “(I) Maintaining the capacity to field on
23 short notice an evaluation team consisting of
24 personnel from all relevant agencies to under-
25 take on-site needs assessment.

1 “(b) RESPONSE READINESS CORPS.—

2 “(1) RESPONSE READINESS CORPS.—The Sec-
3 retary, in consultation with the Administrator of the
4 United States Agency for International Development
5 and the heads of other appropriate agencies of the
6 United States Government, may establish and main-
7 tain a Response Readiness Corps (referred to in this
8 section as the ‘Corps’) to provide assistance in sup-
9 port of reconstruction and stabilization operations in
10 countries or regions that are at risk of, in, or are
11 in transition from, conflict or civil strife. The Corps
12 shall be composed of active and standby components
13 consisting of United States Government personnel,
14 including employees of the Department of State, the
15 United States Agency for International Develop-
16 ment, and other agencies who are recruited and
17 trained (and employed in the case of the active com-
18 ponent) to provide such assistance when deployed to
19 do so by the Secretary to support the purposes of
20 this Act.

21 “(2) CIVILIAN RESERVE CORPS.—The Sec-
22 retary, in consultation with the Administrator of the
23 United States Agency for International Develop-
24 ment, may establish a Civilian Reserve Corps for
25 which purpose the Secretary is authorized to employ

1 and train individuals who have the skills necessary
2 for carrying out reconstruction and stabilization ac-
3 tivities, and who have volunteered for that purpose.
4 The Secretary may deploy members of the Civilian
5 Reserve Corps pursuant to a determination by the
6 President under section 618 of the Foreign Assist-
7 ance Act of 1961.

8 “(3) MITIGATION OF DOMESTIC IMPACT.—The
9 establishment and deployment of any Civilian Re-
10 serve Corps shall be undertaken in a manner that
11 will avoid substantively impairing the capacity and
12 readiness of any State and local governments from
13 which Civilian Reserve Corps personnel may be
14 drawn.

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the Secretary of State
17 such sums as may be necessary for fiscal years 2007
18 through 2010 for the Office and to support, educate, train,
19 maintain, and deploy a Response Readiness Corps and a
20 Civilian Reserve Corps.

21 “(d) EXISTING TRAINING AND EDUCATION PRO-
22 GRAMS.—The Secretary shall ensure that personnel of the
23 Department, and, in coordination with the Administrator
24 of USAID, that personnel of USAID, make use of the rel-
25 evant existing training and education programs offered

1 within the Government, such as those at the Center for
2 Stabilization and Reconstruction Studies at the Naval
3 Postgraduate School and the Interagency Training, Edu-
4 cation, and After Action Review Program at the National
5 Defense University.”.

6 **SEC. 1606. AUTHORITIES RELATED TO PERSONNEL.**

7 (a) EXTENSION OF CERTAIN FOREIGN SERVICE
8 BENEFITS.—The Secretary, or the head of any agency
9 with respect to personnel of that agency, may extend to
10 any individuals assigned, detailed, or deployed to carry out
11 reconstruction and stabilization activities pursuant to sec-
12 tion 62 of the State Department Basic Authorities Act
13 of 1956 (as added by section 1605 of this title), the bene-
14 fits or privileges set forth in sections 413, 704, and 901
15 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22
16 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and
17 manner that such benefits and privileges are extended to
18 members of the Foreign Service.

19 (b) AUTHORITY REGARDING DETAILS.—The Sec-
20 retary is authorized to accept details or assignments of
21 any personnel, and any employee of a State or local gov-
22 ernment, on a reimbursable or nonreimbursable basis for
23 the purpose of carrying out this title, and the head of any
24 agency is authorized to detail or assign personnel of such
25 agency on a reimbursable or nonreimbursable basis to the

1 Department of State for purposes of section 62 of the
2 State Department Basic Authorities Act of 1956, as added
3 by section 1605 of this title.

4 **SEC. 1607. RECONSTRUCTION AND STABILIZATION STRAT-**
5 **EGY.**

6 (a) IN GENERAL.—The Secretary of State, in con-
7 sultation with the Administrator of the United States
8 Agency for International Development, shall develop an
9 interagency strategy to respond to reconstruction and sta-
10 bilization operations.

11 (b) CONTENTS.—The strategy required under sub-
12 section (a) shall include the following:

13 (1) Identification of and efforts to improve the
14 skills sets needed to respond to and support recon-
15 struction and stabilization operations in countries or
16 regions that are at risk of, in, or are in transition
17 from, conflict or civil strife.

18 (2) Identification of specific agencies that can
19 adequately satisfy the skills sets referred to in para-
20 graph (1).

21 (3) Efforts to increase training of Federal civil-
22 ian personnel to carry out reconstruction and sta-
23 bilization activities.

1 (4) Efforts to develop a database of proven and
2 best practices based on previous reconstruction and
3 stabilization operations.

4 (5) A plan to coordinate the activities of agen-
5 cies involved in reconstruction and stabilization oper-
6 ations.

7 **SEC. 1608. ANNUAL REPORTS TO CONGRESS.**

8 Not later than 180 days after the date of the enact-
9 ment of this Act and annually for each of the five years
10 thereafter, the Secretary of State shall submit to the ap-
11 propriate congressional committees a report on the imple-
12 mentation of this title. The report shall include detailed
13 information on the following:

14 (1) Any steps taken to establish a Response
15 Readiness Corps and a Civilian Reserve Corps, pur-
16 suant to section 62 of the State Department Basic
17 Authorities Act of 1956 (as added by section 1605
18 of this title).

19 (2) The structure, operations, and cost of the
20 Response Readiness Corps and the Civilian Reserve
21 Corps, if established.

22 (3) How the Response Readiness Corps and the
23 Civilian Reserve Corps coordinate, interact, and
24 work with other United States foreign assistance
25 programs.

1 (4) An assessment of the impact that deploy-
2 ment of the Civilian Reserve Corps, if any, has had
3 on the capacity and readiness of any domestic agen-
4 cies or State and local governments from which Ci-
5 vilian Reserve Corps personnel are drawn.

6 (5) The reconstruction and stabilization strat-
7 egy required by section 1607 and any annual up-
8 dates to that strategy.

9 (6) Recommendations to improve implementa-
10 tion of subsection (b) of section 62 of the State De-
11 partment Basic Authorities Act of 1956, including
12 measures to enhance the recruitment and retention
13 of an effective Civilian Reserve Corps.

14 (7) A description of anticipated costs associated
15 with the development, annual sustainment, and de-
16 ployment of the Civilian Reserve Corps.

17 **DIVISION B—MILITARY CON-**
18 **STRUCTION AUTHORIZA-**
19 **TIONS**

20 **SEC. 2001. SHORT TITLE.**

21 This division may be cited as the “Military Construc-
22 tion Authorization Act for Fiscal Year 2009”.

1 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
2 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
3 **LAW.**

4 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
5 YEARS.—Except as provided in subsection (b), all author-
6 izations contained in titles XXI through XXVI and title
7 XXIX for military construction projects, land acquisition,
8 family housing projects and facilities, and contributions to
9 the North Atlantic Treaty Organization Security Invest-
10 ment Program (and authorizations of appropriations
11 therefor) shall expire on the later of—

12 (1) October 1, 2011; or

13 (2) the date of the enactment of an Act author-
14 izing funds for military construction for fiscal year
15 2012.

16 (b) EXCEPTION.—Subsection (a) shall not apply to
17 authorizations for military construction projects, land ac-
18 quisition, family housing projects and facilities, and con-
19 tributions to the North Atlantic Treaty Organization Se-
20 curity Investment Program (and authorizations of appro-
21 priations therefor), for which appropriated funds have
22 been obligated before the later of—

23 (1) October 1, 2011; or

24 (2) the date of the enactment of an Act author-
25 izing funds for fiscal year 2012 for military con-
26 struction projects, land acquisition, family housing

1 projects and facilities, or contributions to the North
 2 Atlantic Treaty Organization Security Investment
 3 Program.

4 **TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.
 Sec. 2102. Family housing.
 Sec. 2103. Improvements to military family housing units.
 Sec. 2104. Authorization of appropriations, Army.
 Sec. 2105. Modification of authority to carry out certain fiscal year 2008 projects.
 Sec. 2106. Modification of authority to carry out certain fiscal year 2007 projects.
 Sec. 2107. Extension of authorizations of certain fiscal year 2006 projects.
 Sec. 2108. Extension of authorization of certain fiscal year 2005 project.

5 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND** 6 **ACQUISITION PROJECTS.**

7 (a) **INSIDE THE UNITED STATES.**—Using amounts
 8 appropriated pursuant to the authorization of appropria-
 9 tions in section 2104(a)(1), the Secretary of the Army
 10 may acquire real property and carry out military construc-
 11 tion projects for the installations or locations inside the
 12 United States, and in the amounts, set forth in the fol-
 13 lowing table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	\$46,400,000
	Fort Rucker	\$6,800,000
Alaska	Fort Richardson	\$15,000,000
	Fort Wainwright	\$110,400,000
Arizona	Fort Huachuca	\$13,200,000
	Yuma Proving Ground	\$3,800,000
California	Fort Irwin	\$39,600,000
	Presidio, Monterey	\$15,000,000
	Sierra Army Depot	\$12,400,000
Colorado	Fort Carson	\$534,000,000
Georgia	Fort Benning	\$267,800,000
	Fort Stewart/Hunter Army Air Field	\$432,300,000
Hawaii	Pohakuloa Training Area	\$9,000,000
	Schofield Barracks	\$279,000,000
	Wahiawa	\$40,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount	
Kansas	Fort Leavenworth	\$4,200,000	
	Fort Riley	\$158,000,000	
Kentucky	Fort Campbell	\$108,113,000	
Louisiana	Fort Polk	\$29,000,000	
Missouri	Fort Leonard Wood	\$33,850,000	
New Jersey	Picatiny Arsenal	\$9,900,000	
New York	Fort Drum	\$96,900,000	
	USMA, West Point	\$67,000,000	
North Carolina	Fort Bragg	\$58,400,000	
Oklahoma	Fort Sill	\$63,000,000	
	McAlester Army Ammunition Plant	\$5,800,000	
Pennsylvania	Carlisle Barracks	\$13,400,000	
	Letterkenny Army Depot	\$7,500,000	
	Tobyhanna Army Depot	\$15,000,000	
South Carolina	Fort Jackson	\$30,000,000	
Texas	Camp Bullis	\$4,200,000	
	Corpus Christi Army Depot	\$39,000,000	
	Fort Bliss	\$1,044,300,000	
	Fort Hood	\$49,500,000	
	Fort Sam Houston	\$96,000,000	
	Red River Army Depot	\$6,900,000	
	Virginia	Fort Belvoir	\$7,200,000
		Fort Eustis	\$18,300,000
Fort Lee		\$100,600,000	
Washington	Fort Myer	\$14,000,000	
	Fort Lewis	\$158,000,000	

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army
4 may acquire real property and carry out military construc-
5 tion projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	\$67,000,000
Germany	Katterbach	\$19,000,000
	Wiesbaden Air Base	\$119,000,000
Japan	Camp Zama	\$2,350,000
	Sagamihara	\$17,500,000
Korea	Camp Humphreys	\$20,000,000

1 **SEC. 2102. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using
 3 amounts appropriated pursuant to the authorization of ap-
 4 propriations in section 2104(a)(5)(A), the Secretary of the
 5 Army may construct or acquire family housing units (in-
 6 cluding land acquisition and supporting facilities) at the
 7 installations or locations, in the number of units, and in
 8 the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Wiesbaden Air Base	326	\$133,000,000
Korea	Camp Humphreys	216	\$125,000,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-
 10 priated pursuant to the authorization of appropriations in
 11 section 2104(a)(5)(A), the Secretary of the Army may
 12 carry out architectural and engineering services and con-
 13 struction design activities with respect to the construction
 14 or improvement of family housing units in an amount not
 15 to exceed \$579,000.

16 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 17 **UNITS.**

18 Subject to section 2825 of title 10, United States
 19 Code, and using amounts appropriated pursuant to the
 20 authorization of appropriations in section 2104(a)(5)(A),
 21 the Secretary of the Army may improve existing military

1 family housing units in an amount not to exceed
2 \$420,001,000.

3 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

4 (a) IN GENERAL.—Funds are hereby authorized to
5 be appropriated for fiscal years beginning after September
6 30, 2008, for military construction, land acquisition, and
7 military family housing functions of the Department of the
8 Army in the total amount of \$6,008,226,000 as follows:

9 (1) For military construction projects inside the
10 United States authorized by section 2101(a),
11 \$4,062,763,000.

12 (2) For military construction projects outside
13 the United States authorized by section 2101(b),
14 \$185,350,000.

15 (3) For unspecified minor military construction
16 projects authorized by section 2805 of title 10,
17 United States Code, \$23,000,000.

18 (4) For host nation support and architectural
19 and engineering services and construction design
20 under section 2807 of title 10, United States Code,
21 \$175,823,000.

22 (5) For military family housing functions:

23 (A) For construction and acquisition, plan-
24 ning and design, and improvement of military
25 family housing and facilities, \$646,580,000.

1 (B) For support of military family housing
2 (including the functions described in section
3 2833 of title 10, United States Code),
4 \$716,110,000.

5 (6) For the construction of increment 3 of a
6 barracks complex at Fort Lewis, Washington, au-
7 thorized by section 2101(a) of the Military Construc-
8 tion Authorization Act for Fiscal Year 2007 (divi-
9 sion B of Public Law 109–364; 120 Stat. 2445), as
10 amended by section 20814 of the Continuing Appro-
11 priations Resolution, 2007 (division B of Public Law
12 109–289), as added by section 2 of the Revised Con-
13 tinuing Resolution, 2007 (Public Law 110–5; 121
14 Stat 41), \$102,000,000.

15 (7) For the construction of increment 2 of the
16 United States Southern Command Headquarters at
17 Miami Doral, Florida, authorized by section 2101(a)
18 of the Military Construction Authorization Act for
19 Fiscal Year 2008 (division B of Public Law 110–
20 181; 122 Stat. 504, \$81,600,000.

21 (8) For the construction of increment 2 of the
22 brigade complex operations support facility at
23 Vicenza, Italy, authorized by section 2101(b) of the
24 Military Construction Authorization Act for Fiscal

1 Year 2008 (division B of Public Law 110–181; 122
2 Stat. 505, \$7,500,000.

3 (9) For the construction of increment 2 of the
4 brigade complex barracks and community support
5 facility at Vicenza, Italy, authorized by section
6 2101(b) of the Military Construction Authorization
7 Act for Fiscal Year 2008 (division B of Public Law
8 110–181; 122 Stat. 505, \$7,500,000.

9 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
10 PROJECTS.—Notwithstanding the cost variations author-
11 ized by section 2853 of title 10, United States Code, and
12 any other cost variation authorized by law, the total cost
13 of all projects carried out under section 2401 of this Act
14 may not exceed the sum of the following:

15 (1) The total amount authorized to be appro-
16 priated under paragraphs (1) and (2) of subsection
17 (a).

18 (2) \$59,500,000 (the balance of the amount au-
19 thorized under section 2101(b) for the construction
20 of a headquarters element in Wiesbaden, Germany).

21 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
22 **CERTAIN FISCAL YEAR 2008 PROJECTS.**

23 (a) INSIDE THE UNITED STATES PROJECTS.—The
24 table in section 2101(a) of the Military Construction Au-

1 thORIZATION Act for Fiscal Year 2008 (division B of Public
2 Law 110–181; 122 Stat. 504) is amended—

3 (1) in the item relating to Hawthorne Army
4 Ammunition Plant, Nevada, by striking
5 “\$11,800,000” in the amount column and inserting
6 “\$7,300,000”;

7 (2) in the item relating to Fort Drum, New
8 York, by striking “\$311,200,000” in the amount
9 column and inserting “\$304,600,000”; and

10 (3) in the item relating to Fort Bliss, Texas, by
11 striking “\$118,400,000” in the amount column and
12 inserting “\$111,900,000”.

13 (b) CONFORMING AMENDMENTS.—Section 2104(a)
14 of that Act (122 Stat. 506) is amended—

15 (1) in the matter preceding paragraph (1), by
16 striking “\$5,106,703,000” and inserting
17 “\$5,089,103,000”; and

18 (2) in paragraph (1), by striking
19 “\$3,198,150,000” and inserting “\$3,180,550,000”.

20 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**
21 **CERTAIN FISCAL YEAR 2007 PROJECTS.**

22 (a) INSIDE THE UNITED STATES PROJECTS.—The
23 table in section 2101(a) of the Military Construction Au-
24 thorization Act for Fiscal Year 2007 (division B of Public
25 Law 109–364; 120 Stat. 2445), as amended by section

1 20814 of the Continuing Appropriations Resolution, 2007
2 (division B of Public Law 109–289) and section 2105(a)
3 of the Military Construction Authorization Act for Fiscal
4 Year 2008 (division B of Public Law 110–181; 122 Stat.
5 507), is further amended in the item relating to Fort
6 Bragg, North Carolina, by striking “\$96,900,000” in the
7 amount column and inserting “\$75,900,000”.

8 (b) OUTSIDE THE UNITED STATES PROJECTS.—The
9 table in section 2101(b) of the Military Construction Au-
10 thorization Act for Fiscal Year 2007 (division B of Public
11 Law 109–364; 120 Stat. 2446), as amended by section
12 2106(a) of the Military Construction Authorization Act
13 for Fiscal Year 2008 (division B of Public Law 110–181;
14 122 Stat. 508), is further amended in the item relating
15 to Vicenza, Italy, by striking “\$223,000,000” in the
16 amount column and inserting “\$208,280,000”.

17 (c) CONFORMING AMENDMENTS.—Section 2104(a) of
18 the Military Construction Authorization Act for Fiscal
19 Year 2007 (division B of Public Law 109–364; 120 Stat.
20 2447), as amended by section 2105(b) of the Military Con-
21 struction Authorization Act for Fiscal Year 2008 (division
22 B of Public Law 110–181; 122 Stat. 508), is further
23 amended—

1 (1) in the matter preceding paragraph (1), by
 2 striking “\$3,275,700,000” and inserting
 3 “\$3,239,980,000”;

4 (2) in paragraph (1), by striking
 5 “\$1,119,450,000” and inserting “\$1,098,450,000”;
 6 and

7 (3) in paragraph (2), by striking
 8 “\$510,582,00” and inserting “\$495,862,000”.

9 **SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 10 **FISCAL YEAR 2006 PROJECTS.**

11 (a) EXTENSION.—Notwithstanding section 2701 of
 12 the Military Construction Authorization Act for Fiscal
 13 Year 2006 (division B of Public Law 109–163; 119 Stat.
 14 3501), the authorizations set forth in the table in sub-
 15 section (b), as provided in section 2101 of that Act (119
 16 Stat. 3485), shall remain in effect until October 1, 2009,
 17 or the date of the enactment of an Act authorizing funds
 18 for military construction for fiscal year 2010, whichever
 19 is later.

20 (b) TABLE.—The table referred to in subsection (a)
 21 is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility ..	\$9,207,000
		Battle Area Complex	\$33,660,000
Virginia	Fort Belvoir	Defense Access Road	\$18,000,000

1 **SEC. 2108. EXTENSION OF AUTHORIZATION OF CERTAIN**
 2 **FISCAL YEAR 2005 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2005 (division B of Public Law 108–375; 118 Stat.
 6 2116), the authorization set forth in the table in sub-
 7 section (b), as provided in section 2101 of that Act (118
 8 Stat. 2101) and extended by section 2108 of the Military
 9 Construction Authorization Act for Fiscal Year 2008 (di-
 10 vision B of Public Law 110–181; 122 Stat. 508), shall
 11 remain in effect until October 1, 2009, or the date of the
 12 enactment of an Act authorizing funds for military con-
 13 struction for fiscal year 2010, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)
 15 is as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Bar- racks.	Training Facility	\$35,542,000

16 **TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects.
 Sec. 2202. Family housing.
 Sec. 2203. Improvements to military family housing units.
 Sec. 2204. Authorization of appropriations, Navy.
 Sec. 2205. Modification of authority to carry out certain fiscal year 2005
 project.
 Sec. 2206. Modification of authority to carry out certain fiscal year 2007
 projects.
 Sec. 2207. Report on impacts of surface ship homeporting alternatives.

1 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 2 **ACQUISITION PROJECTS.**

3 (a) **INSIDE THE UNITED STATES.**—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2204(1), the Secretary of the Navy may
 6 acquire real property and carry out military construction
 7 projects for the installations or locations inside the United
 8 States, and in the amounts, set forth in the following
 9 table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	\$19,490,000
California	Marine Corps Logistics Base, Barstow	\$7,830,000
	Marine Corps Base, Camp Pendleton	\$799,870,000
	Naval Air Facility, El Centro	\$8,900,000
	Marine Corps Air Station, Miramar	\$48,770,000
	Naval Post Graduate School Monterey	\$9,900,000
	Naval Air Station, North Island	\$60,152,000
	Naval Facility, San Clemente Island	\$34,020,000
	Naval Station, San Diego	\$51,220,000
	Marine Corps Base, Twentynine Palms	\$155,310,000
Connecticut	Naval Submarine Base, Groton	\$46,060,000
District of Columbia	Naval Support Activity, Washington	\$24,220,000
Florida	Naval Air Station, Jacksonville	\$12,890,000
	Naval Station, Mayport	\$18,280,000
	Naval Support Activity, Tampa	\$29,000,000
Georgia	Marine Corps Logistics Base, Albany	\$15,320,000
	Naval Submarine Base Kings Bay	\$6,130,000
Hawaii	Pacific Missile Range, Barking Sands	\$28,900,000
	Marine Corps Base, Hawaii	\$28,200,000
	Naval Station, Pearl Harbor	\$80,290,000
Illinois	Recruit Training Command, Great Lakes ..	\$62,940,000
Maine	Naval Shipyard Portsmouth	\$9,980,000
Maryland	Naval Surface Warfare Center Carderock ..	\$6,980,000
	Naval Surface Warfare Center, Indian Head.	\$25,980,000
Mississippi	Naval Construction Battalion Center, Gulfport.	\$12,770,000
New Jersey	Naval Air Warfare Center, Lakehurst	\$15,440,000
North Carolina	Marine Corps Air Station, Cherry Point	\$77,420,000
	Marine Corps Air Station, New River	\$86,280,000
	Marine Corps Base, Camp Lejeune	\$353,090,000
Pennsylvania	Naval Support Activity, Philadelphia	\$22,020,000
Rhode Island	Naval Station, Newport	\$39,800,000
South Carolina	Marine Corps Air Station, Beaufort	\$5,940,000
	Marine Corps Recruit Depot, Parris Island	\$64,750,000
Texas	Naval Air Station Corpus Christi	\$3,500,000
	Naval Air Station Kingsville	\$11,580,000
Virginia	Marine Corps Base, Quantico	\$150,290,000
	Naval Station, Norfolk	\$73,280,000
Washington	Naval Air Station Whidbey Island	\$6,160,000

Inside the United States—Continued

State	Installation or Location	Amount
	Naval Base Kitsap	\$5,110,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installation or location outside the United
6 States, and in the amounts, set forth in the following
7 table:

Navy: Outside the United States

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	\$20,600,000
Diego Garcia	Diego Garcia	\$35,060,000
Djibouti	Camp Lemonier	\$31,410,000
Guam	Naval Activities, Guam	\$88,430,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
9 appropriated pursuant to the authorization of appropria-
10 tions in section 2204(3), the Secretary of the Navy may
11 acquire real property and carry out military construction
12 projects for unspecified installations or locations in the
13 amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide	\$94,020,000

14 **SEC. 2202. FAMILY HOUSING.**

15 (a) CONSTRUCTION AND ACQUISITION.—Using
16 amounts appropriated pursuant to the authorization of ap-

1 appropriations in section 2204(6)(A), the Secretary of the
 2 Navy may construct or acquire family housing units (in-
 3 cluding land acquisition and supporting facilities) at the
 4 installations or locations, in the number of units, and in
 5 the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Lo- cation	Units	Amount
Guantanamo Bay	Naval Air Station, Guantanamo Bay.	146	\$62,598.000

6 (b) **PLANNING AND DESIGN.**—Using amounts appro-
 7 priated pursuant to the authorization of appropriations in
 8 section 2204(6)(A), the Secretary of the Navy may carry
 9 out architectural and engineering services and construc-
 10 tion design activities with respect to the construction or
 11 improvement of family housing units in an amount not
 12 to exceed \$2,169,000.

13 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 14 **UNITS.**

15 Subject to section 2825 of title 10, United States
 16 Code, and using amounts appropriated pursuant to the
 17 authorization of appropriations in section 2204(6)(A), the
 18 Secretary of the Navy may improve existing military fam-
 19 ily housing units in an amount not to exceed
 20 \$318,011,000.

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 Funds are hereby authorized to be appropriated for
3 fiscal years beginning after September 30, 2008, for mili-
4 tary construction, land acquisition, and military family
5 housing functions of the Department of the Navy in the
6 total amount of \$3,996,449,000, as follows:

7 (1) For military construction projects inside the
8 United States authorized by section 2201(a),
9 \$2,518,152,000.

10 (2) For military construction projects outside
11 the United States authorized by section 2201(b),
12 \$175,500,000.

13 (3) For military construction projects at un-
14 specified worldwide locations authorized by section
15 2201(c), \$94,020,000.

16 (4) For unspecified minor military construction
17 projects authorized by section 2805 of title 10,
18 United States Code, \$13,670,000.

19 (5) For architectural and engineering services
20 and construction design under section 2807 of title
21 10, United States Code, \$247,128,000.

22 (6) For military family housing functions:

23 (A) For construction and acquisition, plan-
24 ning and design, and improvement of military
25 family housing and facilities, \$382,778,000.

1 (B) For support of military family housing
2 (including functions described in section 2833
3 of title 10, United States Code), \$376,062,000.

4 (7) For the construction of increment 2 of the
5 wharf extension at Naval Forces Marianas Islands,
6 Guam, authorized by section 2201(b) of the Military
7 Construction Authorization Act for Fiscal Year 2008
8 (division B of Public Law 110–181; 122 Stat. 510),
9 \$50,912,000.

10 (8) For the construction of increment 2 of the
11 submarine drive-in magnetic silencing facility at
12 Naval Submarine Base, Pearl Harbor, Hawaii, au-
13 thorized in section 2201(a) of the Military Construc-
14 tion Authorization Act for Fiscal Year 2008 (divi-
15 sion B of Public Law 110–181; 122 Stat. 510),
16 \$41,088,000.

17 (9) For the construction of increment 3 of the
18 National Maritime Intelligence Center, Suitland,
19 Maryland, authorized by section 2201(a) of the Mili-
20 tary Construction Authorization Act for Fiscal Year
21 2007 (division B of Public Law 109–364; 120 Stat.
22 2448), \$12,439,000.

23 (10) For the construction of increment 2 of
24 hangar 5 recapitalizations at Naval Air Station,
25 Whidbey Island, Washington, authorized by section

1 2201(a) of the Military Construction Authorization
2 Act of Fiscal Year 2007 (division B of Public Law
3 109–364; 120 Stat. 2448), \$34,000,000.

4 (11) For the construction of increment 5 of the
5 limited area production and storage complex at
6 Naval Submarine Base, Kitsap, Bangor, Washington
7 (formerly referred to as a project at the Strategic
8 Weapons Facility Pacific, Bangor), authorized by
9 section 2201(a) of the Military Construction Author-
10 ization Act of Fiscal Year 2005 (division B of Public
11 Law 108–375; 118 Stat. 2106), as amended by sec-
12 tion 2206 of the Military Construction Authorization
13 Act for Fiscal Year 2006 (division B of Public law
14 109–163; 119 Stat. 3493) and section 2206 of the
15 Military Construction Authorization Act for Fiscal
16 Year 2008 (division B of Public Law 110–181; 122
17 Stat. 514) \$50,700,000.

18 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**

19 **CERTAIN FISCAL YEAR 2005 PROJECT.**

20 The table in section 2201(a) of the Military Construc-
21 tion Authorization Act for Fiscal Year 2005 (division B
22 of Public Law 108–375; 118 Stat. 2105), as amended by
23 section 2206 of the Military Construction Authorization
24 Act for Fiscal Year 2006 (division B of Public Law 109–
25 163; 119 Stat. 3493) and section 2206 of the Military

1 Construction Authorization Act for Fiscal Year 2008 (di-
2 vision B of Public Law 110–181; 122 Stat.514), is further
3 amended—

4 (1) in the item relating to Strategic Weapons
5 Facility Pacific, Bangor, Washington, by striking
6 “\$295,000,000” in the amount column and inserting
7 “\$311,670,000”; and

8 (2) by striking the amount identified as the
9 total in the amount column and inserting
10 “\$1,084,497,000”.

11 **SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT**
12 **CERTAIN FISCAL YEAR 2007 PROJECTS.**

13 (a) MODIFICATIONS.—The table in section 2201(a)
14 of the Military Construction Authorization Act for Fiscal
15 Year 2007 (division B of Public Law 109–364; 120 Stat.
16 2448), as amended by section 2205(a)(17) of the Military
17 Construction Authorization Act for Fiscal Year 2008 (di-
18 vision B of Public Law 110–181; 122 Stat. 513) is further
19 amended—

20 (1) in the item relating to NMIC/Naval Support
21 Activity, Suitland, Maryland, by striking
22 “\$67,939,000” in the amount column and inserting
23 “\$76,288,000”; and

24 (2) in the item relating to Naval Air Station,
25 Whidbey Island, Washington, by striking

1 “\$57,653,000” in the amount column and inserting
2 “\$60,500,000”.

3 (b) CONFORMING AMENDMENTS.—Section 2204(b)
4 of the Military Construction Authorization Act for Fiscal
5 Year 2007 (division B of Public Law 109–364; 120 Stat.
6 2452), is amended—

7 (1) in paragraph (2), by striking
8 “\$56,159,000” and inserting “\$64,508,000”; and

9 (2) in paragraph (3), by striking
10 “\$31,153,000” and inserting “\$34,000,000”.

11 **SEC. 2207. REPORT ON IMPACTS OF SURFACE SHIP HOME-**
12 **PORTING ALTERNATIVES.**

13 (a) REPORT REQUIRED.—The Secretary of the Navy
14 shall not issue a record of decision for the proposed action
15 of homeporting additional surface ships at Naval Station
16 Mayport, Florida, until at least 30 days after the date on
17 which the Secretary submits to Congress a report con-
18 taining an analysis of the socio-economic impacts and an
19 economic justification on each location from which a vessel
20 is proposed to be removed for homeporting at Naval Sta-
21 tion Mayport under the preferred alternative identified in
22 the final environmental impact statement for the proposed
23 action.

24 (b) ADDITIONAL REPORTING REQUIREMENT.—If the
25 final environmental impact statement does not contain a

1 preferred alternative or if the Secretary intends to select
 2 an alternative other than the preferred alternative in the
 3 record of decision, then the Secretary shall submit to Con-
 4 gress a report (in the case where no preferred alternative
 5 is identified) or an additional report (in the case where
 6 the preferred alternative is not selected) containing an
 7 analysis of the socio-economic impacts and an economic
 8 justification on each location from which a vessel is pro-
 9 posed to be removed for homeporting at Naval Station
 10 Mayport.

11 **TITLE XXIII—AIR FORCE**

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Extension of authorizations of certain fiscal year 2006 projects.

Sec. 2306. Extension of authorizations of certain fiscal year 2005 projects.

12 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 13 **LAND ACQUISITION PROJECTS.**

14 (a) **INSIDE THE UNITED STATES.**—Using amounts
 15 appropriated pursuant to the authorization of appropria-
 16 tions in section 2304(1), the Secretary of the Air Force
 17 may acquire real property and carry out military construc-
 18 tion projects for the installations or locations inside the
 19 United States, and in the amounts, set forth in the fol-
 20 lowing table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	\$15,556,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	\$138,300,000
California	Edwards Air Force Base	\$9,100,000
Colorado	United States Air Force Academy	\$18,000,000
Delaware	Dover Air Force Base	\$19,000,000
Florida	Eglin Air Force Base	\$19,000,000
	MacDill Air Force Base	\$26,000,000
	Tyndall Air Force Base	\$11,600,000
Georgia	Robins Air Force Base	\$29,350,000
Kansas	McConnell Air Force Base	\$6,800,000
Maryland	Andrews Air Force Base	\$77,648,000
Mississippi	Columbus Air Force Base	\$8,100,000
Missouri	Whiteman Air Force Base	\$4,200,000
Nevada	Creech Air Force Base	\$48,500,000
	Nellis Air Force Base	\$53,300,000
New Jersey	McGuire Air Force Base	\$7,200,000
New Mexico	Cannon Air Force Base	\$8,300,000
	Holloman Air Force Base	\$25,450,000
Ohio	Wright Patterson Air Force Base	\$14,000,000
Oklahoma	Tinker Air Force Base	\$54,000,000
South Carolina	Charleston Air Force Base	\$4,500,000
	Shaw Air Force Base	\$9,900,000
Texas	Fort Hood	\$10,800,000
	Lackland Air Force Base	\$75,515,000
Utah	Hill Air Force Base	\$41,400,000
Washington	McChord Air Force Base	\$5,500,000
Wyoming	Francis E. Warren Air Force Base.	\$8,600,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	\$57,200,000
Guam	Andersen Air Force Base	\$10,600,000
Kyrgyzstan	Manas Air Base	\$6,000,000
United Kingdom	Royal Air Force Lakenheath	\$7,400,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
9 appropriated pursuant to the authorization of appropria-

1 tions in section 2304(3), the Secretary of the Air Force
 2 may acquire real property and carry out military construc-
 3 tion projects for unspecified installations or locations in
 4 the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Location	\$891,000
Worldwide Unspecified	Unspecified Worldwide Locations	\$52,500,000

5 **SEC. 2302. FAMILY HOUSING.**

6 (a) CONSTRUCTION AND ACQUISITION.—Using
 7 amounts appropriated pursuant to the authorization of ap-
 8 propriations in section 2304(6)(A), the Secretary of the
 9 Air Force may construct or acquire family housing units
 10 (including land acquisition and supporting facilities) at the
 11 installations or locations, in the number of units, and in
 12 the amounts set forth in the following table:

Air Force: Family Housing

Country	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	\$71,828,000

13 (b) PLANNING AND DESIGN.—Using amounts appro-
 14 priated pursuant to the authorization of appropriations in
 15 section 2304(6)(A), the Secretary of the Air Force may
 16 carry out architectural and engineering services and con-
 17 struction design activities with respect to the construction
 18 or improvement of family housing units in an amount not
 19 to exceed \$7,708,000.

1 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2304(6)(A), the
6 Secretary of the Air Force may improve existing military
7 family housing units in an amount not to exceed
8 \$316,343,000.

9 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
10 **FORCE.**

11 Funds are hereby authorized to be appropriated for
12 fiscal years beginning after September 30, 2008, for mili-
13 tary construction, land acquisition, and military family
14 housing functions of the Department of the Air Force in
15 the total amount of \$1,966,868,000, as follows:

16 (1) For military construction projects inside the
17 United States authorized by section 2301(a),
18 \$749,619,000.

19 (2) For military construction projects outside
20 the United States authorized by section 2301(b),
21 \$81,200,000.

22 (3) For the military construction projects at
23 unspecified worldwide locations authorized by section
24 2301(c), \$53,391,000.

1 (4) For unspecified minor military construction
2 projects authorized by section 2805 of title 10,
3 United States Code, \$15,000,000.

4 (5) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$77,314,000.

7 (6) For military family housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design, and improvement of military
10 family housing and facilities, \$395,879,000.

11 (B) For support of military family housing
12 (including functions described in section 2833
13 of title 10, United States Code), \$594,465,000.

14 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
15 **FISCAL YEAR 2006 PROJECTS.**

16 (a) EXTENSION.—Notwithstanding section 2701 of
17 the Military Construction Authorization Act for Fiscal
18 Year 2006 (division B of Public Law 109–163; 119 Stat.
19 3501), authorizations set forth in the tables in subsection
20 (b), as provided in section 2302 of that Act, shall remain
21 in effect until October 1, 2009, or the date of the enact-
22 ment of an Act authorizing funds for military construction
23 for fiscal year 2010, whichever is later.

24 (b) TABLE.—The table referred to in subsection (a)
25 is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base ...	Replace Family Housing (92 units)	\$37,650,000
		Purchase Build/Lease Housing (300 units)	\$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	\$59,699,000
Florida	MacDill Air Force Base ..	Replace Family Housing (109 units)	\$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	\$26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	\$48,868,000
North Dakota ...	Grand Forks Air Force Base	Replace Family Housing (150 units)	\$43,353,000

1 **SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 2005 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2005 (division B of Public Law 108–375; 118 Stat.
6 2116), authorizations set forth in the table in subsection
7 (b), as provided in section 2302 of that Act and extended
8 by section 2307 of the Military Construction Authoriza-
9 tion Act for Fiscal Year 2008 (division B of Public Law
10 110–181; 122 Stat. 519), shall remain in effect until Octo-
11 ber 1, 2009, or the date of the enactment of an Act au-
12 thorizing funds for military construction for fiscal year
13 2010, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)
15 is as follows:

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	\$48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	\$30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	\$1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	\$37,087,000
North Carolina	Seymour Johnson Air Force Base ..	Replace Family Housing (167 units)	\$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	\$24,204,000

1 **TITLE XXIV—DEFENSE**

2 **AGENCIES**

 Subtitle A—Defense Agency Authorizations

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.
- Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.
- Sec. 2405. Modification of authority to carry out certain fiscal year 2005 projects.
- Sec. 2406. Extension of authorization of certain fiscal year 2006 project.

 Subtitle B—Chemical Demilitarization Authorizations

- Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.
- Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.
- Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.
- Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.

1 **Subtitle A—Defense Agency**
 2 **Authorizations**

3 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 4 **TION AND LAND ACQUISITION PROJECTS.**

5 (a) INSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2403(a)(1), the Secretary of Defense may
 8 acquire real property and carry out military construction
 9 projects for the installations or locations inside the United
 10 States, and in the amounts, set forth in the following ta-
 11 bles:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Campbell	\$21,400,000
North Carolina	Fort Bragg	\$78,471,000

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois	Scott Air Force Base	\$13,977,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Defense Distribution Depot, Tracy	\$50,300,000
Delaware	Defense Fuel Supply Center, Dover Air Force Base.	\$3,373,000
Florida	Defense Fuel Support Point, Jacksonville	\$34,000,000
Georgia	Hunter Army Air Field	\$3,500,000
Hawaii	Pearl Harbor	\$27,700,000
New Mexico	Kirtland Air Force Base	\$14,400,000
Oklahoma	Altus Air Force Base	\$2,850,000
Pennsylvania	Philadelphia	\$1,200,000
Utah	Hill Air Force Base	\$20,400,000
Virginia	Craney Island	\$39,900,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	\$14,000,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	\$9,800,000
Florida	Eglin Air Force Base	\$40,000,00
	Hurlburt Field	\$8,900,000
	MacDill Air Force Base	\$10,500,000
Kentucky	Fort Campbell	\$15,000,000
New Mexico	Cannon Air Force Base	\$18,100,000
North Carolina	Fort Bragg	\$38,250,000
Virginia	Fort Story	\$11,600,000
Washington	Fort Lewis	\$38,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	\$6,300,000
Colorado	Buckley Air Force Base	\$3,000,000
Georgia	Fort Benning	\$3,900,000
Kansas	Fort Riley	\$52,000,000
Kentucky	Fort Campbell	\$24,000,000
Maryland	Aberdeen Proving Ground	\$430,000,000
Missouri	Fort Leonard Wood	\$22,000,000
Oklahoma	Tinker Air Force Base	\$65,000,000
Texas	Fort Sam Houston	\$13,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	\$38,940,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing tables:

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	Germersheim	\$48,000,000
Greece	Souda Bay	\$8,000,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid	\$9,200,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities	\$30,000,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2403(a)(3), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for unspecified installations or locations in the
6 amount set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Project	\$837,480,000

7 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

8 Using amounts appropriated pursuant to the author-
9 ization of appropriations in section 2403(a)(7), the Sec-
10 retary of Defense may carry out energy conservation
11 projects under chapter 173 of title 10, United States
12 Code, in the amount of \$80,000,000.

13 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
14 **FENSE AGENCIES.**

15 (a) IN GENERAL.—Funds are hereby authorized to
16 be appropriated for fiscal years beginning after September
17 30, 2008, for military construction, land acquisition, and

1 military family housing functions of the Department of
2 Defense (other than the military departments) in the total
3 amount of \$1,510,550,000, as follows:

4 (1) For military construction projects inside the
5 United States authorized by section 2401(a),
6 \$767,511,000.

7 (2) For military construction projects outside
8 the United States authorized by section 2401(b),
9 \$95,200,000.

10 (3) For the military construction projects at
11 unspecified worldwide locations authorized by section
12 2401(c), \$101,160,000.

13 (4) For unspecified minor military construction
14 projects under section 2805 of title 10, United
15 States Code, \$28,853,000.

16 (5) For contingency construction projects of the
17 Secretary of Defense under section 2804 of title 10,
18 United States Code, \$10,000,000.

19 (6) For architectural and engineering services
20 and construction design under section 2807 of title
21 10, United States Code, \$133,025,000.

22 (7) For energy conservation projects authorized
23 by section 2402 of this Act, \$80,000,000.

24 (8) For support of military family housing, in-
25 cluding functions described in section 2833 of title

1 10, United States Code, and credits to the Depart-
2 ment of Defense Family Housing Improvement
3 Fund under section 2883 of title 10, United States
4 Code, and the Homeowners Assistance Fund estab-
5 lished under section 1013 of the Demonstration Cit-
6 ies and Metropolitan Development Act of 1966 (42
7 U.S.C. 3374), \$54,581,000.

8 (9) For the construction of increment 4 of the
9 regional security operations center at Augusta, Geor-
10 gia, authorized by section 2401(a) of the Military
11 Construction Authorization Act of Fiscal Year 2006
12 (division B of Public Law 109–163; 119 Stat.
13 3497), as amended by section 7016 of the Emer-
14 gency Supplemental Appropriation Act for Defense,
15 the Global War on Terror, and Hurricane Recovery,
16 2006 (Public Law 109–234; 120 Stat. 485),
17 \$100,220,000.

18 (10) For the construction of increment 2 of the
19 Army Medical Research Institute of Infectious Dis-
20 eases Stage 1 at Fort Detrick, Maryland, authorized
21 by section 2401(a) of the Military Construction Au-
22 thorization Act of Fiscal Year 2007 (division B of
23 Public Law 109–364; 120 Stat. 2457),
24 \$109,000,000.

1 (11) For the construction of increment 2 of the
2 special operations forces operational facility at Dam
3 Neck, Virginia, authorized by section 2401(a) of the
4 Military Construction Authorization Act of Fiscal
5 Year 2008 (division B of Public Law 110–181; 122
6 Stat. 521), \$31,000,000.

7 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
8 PROJECTS.—Notwithstanding the cost variations author-
9 ized by section 2853 of title 10, United States Code, and
10 any other cost variation authorized by law, the total cost
11 of all projects carried out under section 2401 of this Act
12 may not exceed the sum of the following:

13 (1) The total amount authorized to be appro-
14 priated under paragraphs (1), (2) and (3) of sub-
15 section (a).

16 (2) \$100,000,000 (the balance of the amount
17 authorized under section 2401(a) for the construc-
18 tion of the United States Army Medical Research
19 Institute of Infectious Diseases Stage 1 at Fort
20 Detrick, Maryland).

21 (3) \$80,000,000 (the balance of the amount au-
22 thorized under section 2401(c) for the construction
23 of the Ballistic Missile Defense, European Inter-
24 ceptor Site).

1 (2) by striking the amount identified as the
 2 total in the amount column and inserting
 3 “\$485,193,000”.

4 (b) CONFORMING AMENDMENTS.—Section 2404(a)
 5 of that Act (118 Stat. 2113) is amended—

6 (1) in the matter preceding paragraph (1), by
 7 striking “\$1,055,663,000” and inserting
 8 “\$1,052,074,000”; and

9 (2) in paragraph (1), by striking
 10 “\$411,782,000” and inserting “\$408,193,000”.

11 **SEC. 2406. EXTENSION OF AUTHORIZATION OF CERTAIN**
 12 **FISCAL YEAR 2006 PROJECT.**

13 (a) EXTENSION.—Notwithstanding section 2701 of
 14 the Military Construction Authorization Act for Fiscal
 15 Year 2006 (division B of Public Law 109–163; 119 Stat.
 16 3501), authorizations set forth in the tables in subsection
 17 (b), as provided in section 2401 of that Act, shall remain
 18 in effect until October 1, 2009, or the date of the enact-
 19 ment of an Act authorizing funds for military construction
 20 for fiscal year 2010, whichever is later.

21 (b) TABLE.—The table referred to in subsection (a)
 22 is as follows:

**Defense Logistics Agency: Extension of 2006 Project
 Authorization**

Installation or Location	Project	Amount
Defense Logistics Agency ...	Defense Distribution Depot Susque- hanna, New Cumberland, Pennsyl- vania.	\$6,500,000

1 **Subtitle B—Chemical**
 2 **Demilitarization Authorizations**

3 **SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION**
 4 **PROGRAM CONSTRUCTION AND LAND ACQUI-**
 5 **SITION PROJECTS.**

6 Using amounts appropriated pursuant to the author-
 7 ization of appropriations in section 2412(1), the Secretary
 8 of Defense may acquire real property and carry out mili-
 9 tary construction projects for the installations or locations
 10 inside the United States, and in the amounts, set forth
 11 in the following table:

Chemical Demilitarization Program: Inside the United States

Army	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky	\$12,000,000

12 **SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
 13 **ICAL DEMILITARIZATION CONSTRUCTION,**
 14 **DEFENSE-WIDE.**

15 Funds are hereby authorized to be appropriated for
 16 fiscal years beginning after September 30, 2008, for mili-
 17 tary construction and land acquisition for chemical demili-
 18 tarization in the total amount of \$134,278,000, as follows:

19 (1) For military construction projects inside the
 20 United States authorized by section 2411(a),
 21 \$12,000,000.

22 (2) For the construction of phase 10 of a muni-
 23 tions demilitarization facility at Pueblo Chemical Ac-

1 tivity, Colorado, authorized by section 2401(a) of the
2 Military Construction Authorization Act for Fiscal
3 Year 1997 (division B of Public Law 104–201; 110
4 Stat. 2775), as amended by section 2406 of the Mili-
5 tary Construction Authorization Act for Fiscal Year
6 2000 (division B of Public Law 106–65; 113 Stat.
7 839) and section 2407 of the Military Construction
8 Authorization Act for Fiscal Year 2003 (division B
9 of Public Law 107–314; 116 Stat. 2698),
10 \$65,060,000.

11 (3) For the construction of phase 9 of a muni-
12 tions demilitarization facility at Blue Grass Army
13 Depot, Kentucky, authorized by section 2401(a) of
14 the Military Construction Authorization Act for Fis-
15 cal Year 2000 (division B of Public Law 106–65;
16 113 Stat. 835), as amended by section 2405 of the
17 Military Construction Authorization Act for Fiscal
18 Year 2002 (division B of Public Law 107–107; 115
19 Stat. 1298) and section 2405 of the Military Con-
20 struction Authorization Act for Fiscal Year 2003
21 (division B of Public Law 107–314; 116 Stat.
22 2698), \$57,218,000.

1 **SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 1997 PROJECT.**

3 (a) MODIFICATIONS.—The table in section 2401(a)
4 of the Military Construction Authorization Act for Fiscal
5 Year 1997 (division B of Public Law 104–201; 110 Stat.
6 2775), as amended by section 2406 of the Military Con-
7 struction Authorization Act for Fiscal Year 2000 (division
8 B of Public Law 106–65; 113 Stat. 839) and section 2407
9 of the Military Construction Authorization Act for Fiscal
10 Year 2003 (division B of Public Law 107–314; 116 Stat.
11 2699), is amended—

12 (1) under the agency heading relating to the
13 Chemical Demilitarization Program, in the item re-
14 lating to Pueblo Army Depot, Colorado, by striking
15 “\$261,000,000” in the amount column and inserting
16 “\$484,000,000”; and

17 (2) by striking the amount identified as the
18 total in the amount column and inserting
19 “\$830,454,000”.

20 (b) CONFORMING AMENDMENT.—Section 2406(b)(2)
21 of the Military Construction Authorization Act for Fiscal
22 Year 1997 (110 Stat. 2779), as so amended, is further
23 amended by striking “\$261,000,000” and inserting
24 “\$484,000,000”.

1 **SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2000 PROJECT.**

3 (a) MODIFICATIONS.—The table in section 2401(a)
4 of the Military Construction Authorization Act for Fiscal
5 Year 2000 (division B of Public Law 106–65; 113 Stat.
6 835), as amended by section 2405 of the Military Con-
7 struction Authorization Act for Fiscal Year 2002 (division
8 B of Public Law 107–107; 115 Stat. 1298) and section
9 2405 of the Military Construction Authorization Act for
10 Fiscal Year 2003 (division B of Public Law 107–314; 116
11 Stat. 2698), is amended—

12 (1) under the agency heading relating to Chem-
13 ical Demilitarization, in the item relating to Blue
14 Grass Army Depot, Kentucky, by striking
15 “\$290,325,000” in the amount column and inserting
16 “\$492,000,000”; and

17 (2) by striking the amount identified as the
18 total in the amount column and inserting
19 “\$949,920,000”.

20 (b) CONFORMING AMENDMENT.—Section 2405(b)(3)
21 of the Military Construction Authorization Act for Fiscal
22 Year 2000 (division B of Public Law 106–65; 113 Stat.
23 839), as amended by section 2405 of the Military Con-
24 struction Authorization Act for Fiscal Year 2002 (division
25 B of Public Law 107–107; 115 Stat. 1298) and section
26 2405 of the Military Construction Authorization Act for

1 Fiscal Year 2003 (division B of Public Law 107–314; 116
2 Stat. 2698), is further amended by striking
3 “\$267,525,000” and inserting “\$469,200,000”.

4 **TITLE XXV—NORTH ATLANTIC**
5 **TREATY ORGANIZATION SE-**
6 **CURITY INVESTMENT PRO-**
7 **GRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

8 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
9 **ACQUISITION PROJECTS.**

10 The Secretary of Defense may make contributions for
11 the North Atlantic Treaty Organization Security Invest-
12 ment Program as provided in section 2806 of title 10,
13 United States Code, in an amount not to exceed the sum
14 of the amount authorized to be appropriated for this pur-
15 pose in section 2502 and the amount collected from the
16 North Atlantic Treaty Organization as a result of con-
17 struction previously financed by the United States.

18 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

19 Funds are hereby authorized to be appropriated for
20 fiscal years beginning after September 30, 2008, for con-
21 tributions by the Secretary of Defense under section 2806
22 of title 10, United States Code, for the share of the United
23 States of the cost of projects for the North Atlantic Treaty

1 Organization Security Investment Program authorized by
 2 section 2501, in the amount of \$240,867,000.

3 **TITLE XXVI—GUARD AND**
 4 **RESERVE FORCES FACILITIES**

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Sec. 2607. Extension of authorizations of certain fiscal year 2006 projects.

Sec. 2608. Extension of Authorization of certain fiscal year 2005 project.

5 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 6 **STRUCTION AND LAND ACQUISITION**
 7 **PROJECTS.**

8 Using amounts appropriated pursuant to the author-
 9 ization of appropriations in section 2606(1)(A), the Sec-
 10 retary of the Army may acquire real property and carry
 11 out military construction projects for the Army National
 12 Guard locations, and in the amounts, set forth in the fol-
 13 lowing table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	\$3,000,000
Arizona	Camp Navajo	\$13,000,000
	Florence	\$13,800,000
	Papago Military Reservation	\$24,000,000
Arkansas	Cabot	\$10,868,000
Colorado	Denver	\$9,000,000
	Grand Junction	\$9,000,000
Connecticut	Camp Rell	\$28,000,000
	East Haven	\$13,800,000
Delaware	New Castle	\$28,000,000
Florida	Camp Blanding	\$33,307,000
Georgia	Dobbins Air Reserve Base	\$45,000,000

Army National Guard—Continued

State	Location	Amount
Idaho	Orchard Training Area	\$1,850,000
Indiana	Camp Atterbury	\$5,800,000
	Lawrence	\$21,000,000
	Muscatatuck	\$6,000,000
Iowa	Camp Dodge	\$1,500,000
	Davenport	\$1,550,000
	Mount Pleasant	\$1,500,000
Kentucky	London	\$7,191,000
Maine	Bangor	\$20,000,000
Maryland	Edgewood	\$28,000,000
	Salisbury	\$9,800,000
Massachusetts	Methuen	\$21,000,000
Michigan	Camp Grayling	\$4,000,000
Minnesota	Arden Hills	\$15,000,000
New York	Fort Drum	\$11,000,000
	Queensbury	\$5,900,000
Ohio	Camp Perry	\$2,000,000
	Ravenna	\$2,000,000
Pennsylvania	Honesdale	\$6,117,000
South Carolina	Anderson	\$12,000,000
	Beaufort	\$3,400,000
	Eastover	\$28,000,000
	Hemingway	\$4,600,000
South Dakota	Rapid City	\$29,000,000
Tennessee	Tullahoma	\$10,372,000
Utah	Camp Williams	\$17,500,000
Virginia	Arlington	\$15,500,000
	Fort Pickett	\$2,950,000
Washington	Fort Lewis (Gray Army Airfield)	\$32,000,000
West Virginia	Camp Dawson	\$9,000,000

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
2 **AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606(1)(B), the Sec-
5 retary of the Army may acquire real property and carry
6 out military construction projects for the Army Reserve
7 locations, and in the amounts, set forth in the following
8 table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	\$3,950,000
Hawaii	Fort Shafter	\$19,199,000
Idaho	Hayden Lake	\$9,580,000
Kansas	Dodge City	\$8,100,000
Maryland	Baltimore	\$11,600,000

Army Reserve—Continued

State	Location	Amount
Massachusetts	Fort Devens	\$1,900,000
Michigan	Saginaw	\$11,500,000
Missouri	Weldon Springs	\$11,700,000
Nevada	Las Vegas	\$33,900,000
New Jersey	Fort Dix	\$3,825,000
New York	Kingston	\$13,494,000
	Shoreham	\$15,031,000
	Staten Island	\$18,550,000
North Carolina	Raleigh	\$25,581,000
Pennsylvania	Letterkenny Army Depot	\$14,914,000
Tennessee	Chattanooga	\$10,600,000
Texas	Sinton	\$9,700,000
Washington	Seattle	\$37,500,000
Wisconsin	Fort McCoy	\$4,000,000

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
2 **CORPS RESERVE CONSTRUCTION AND LAND**
3 **ACQUISITION PROJECTS.**

4 Using amounts appropriated pursuant to the author-
5 ization of appropriations in section 2606(2), the Secretary
6 of the Navy may acquire real property and carry out mili-
7 tary construction projects for the Navy Reserve and Ma-
8 rine Corps Reserve locations, and in the amounts, set forth
9 in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	\$15,420,000
Delaware	Wilmington	\$11,530,000
Georgia	Marietta	\$7,560,000
Virginia	Norfolk	\$8,170,000
	Williamsburg	\$12,320,000

10 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
11 **TION AND LAND ACQUISITION PROJECTS.**

12 Using amounts appropriated pursuant to the author-
13 ization of appropriations in section 2606(3)(A), the Sec-

1 retary of the Air Force may acquire real property and
 2 carry out military construction projects for the Air Na-
 3 tional Guard locations, and in the amounts, set forth in
 4 the following table:

Air National Guard

State	Location	Amount
Arkansas	Little Rock Air Force Base	\$4,000,000
Connecticut	Bradley International Airport	\$7,200,000
Delaware	New Castle County Airport	\$3,200,000
Georgia	Savannah Combat Readiness Training Center.	\$7,500,000
Indiana	Fort Wayne International Airport	\$5,600,000
Iowa	Fort Dodge	\$5,600,000
Maryland	Martin State Airport	\$7,900,000
Minnesota	Duluth	\$4,500,000
	Minneapolis-St. Paul	\$1,500,000
New Jersey	Atlantic City International Airport	\$8,400,000
New York	Gabreski Airport	\$7,500,000
	Hancock Field	\$10,400,000
Ohio	Springfield Air National Guard Base ...	\$12,800,000
South Dakota	Joe Foss Field	\$4,500,000
Texas	Ellington Field	\$7,600,000
	Fort Worth Naval Air Station Joint Re- serve Base.	\$5,000,000
Vermont	Burlington International Airport	\$6,600,000
Washington	McChord Air Force Base	\$8,600,000
Wyoming	Cheyenne Municipal Airport	\$7,000,000

5 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
 6 **TION AND LAND ACQUISITION PROJECTS.**

7 Using amounts appropriated pursuant to the author-
 8 ization of appropriations in section 2606(3)(B), the Sec-
 9 retary of the Air Force may acquire real property and
 10 carry out military construction projects for the Air Force
 11 Reserve locations, and in the amounts, set forth in the
 12 following table:

Air Force Reserve

State	Location	Amount
Oklahoma	Tinker Air Force Base	\$9,900,000
New York	Niagara Falls Air Reserve Station	\$9,000,000

1 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
2 **TIONAL GUARD AND RESERVE.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2008, for the
5 costs of acquisition, architectural and engineering services,
6 and construction of facilities for the Guard and Reserve
7 Forces, and for contributions therefor, under chapter
8 1803 of title 10, United States Code (including the cost
9 of acquisition of land for those facilities), in the following
10 amounts:

11 (1) For the Department of the Army—

12 (A) for the Army National Guard of the
13 United States, \$628,668,000; and

14 (B) for the Army Reserve, \$282,607,000.

15 (2) For the Department of the Navy, for the
16 Navy and Marine Corps Reserve, \$57,045,000.

17 (3) For the Department of the Air Force—

18 (A) for the Air National Guard of the
19 United States, \$142,809,000; and

20 (B) for the Air Force Reserve,
21 \$30,018,000.

22 **SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
23 **FISCAL YEAR 2006 PROJECTS.**

24 (a) EXTENSION.—Notwithstanding section 2701 of
25 the Military Construction Authorization Act for Fiscal
26 Year 2006 (division B of Public Law 109–163; 119 Stat.

1 3501), the authorizations set forth in the table in sub-
 2 section (b), as provided in section 2601 of that Act, shall
 3 remain in effect until October 1, 2009, or the date of the
 4 enactment of an Act authorizing funds for military con-
 5 struction for fiscal year 2010, whichever is later.

6 (b) TABLE.—The table referred to in subsection (a)
 7 is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course.	\$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	\$8,331,000
Mississippi	Biloxi	Readiness Center	\$16,987,000
	Camp Shelby	Modified Record Fire Range.	\$2,970,000
Montana	Townsend	Automated Qualification Training Range.	\$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center.	\$11,806,000
		Organizational Maintenance Shop #7.	\$6,144,930

8 **SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN**
 9 **FISCAL YEAR 2005 PROJECT.**

10 (a) EXTENSION.—Notwithstanding section 2701 of
 11 the Military Construction Authorization Act for Fiscal
 12 Year 2005 (division B of Public Law 108–375; 118 Stat.
 13 2116), the authorization set forth in the table in sub-
 14 section (b), as provided in section 2601 of that Act, shall
 15 remain in effect until October 1, 2009, or the date of the
 16 enactment of an Act authorizing funds for military con-
 17 struction for fiscal year 2010, whichever is later.

1 (b) TABLE.—The table referred to in subsection (a)
 2 is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS).	\$11,318,000

3 **TITLE XXVII—BASE CLOSURE**
 4 **AND REALIGNMENT ACTIVITIES**

Subtitle A—Authorizations

- Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
- Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Amendments to Base Closure and Related Laws

- Sec. 2711. Repeal of commission approach for development of recommendations in any future round of base closures and realignments.
- Sec. 2712. Modification of annual base closure and realignment reporting requirements.
- Sec. 2713. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

Subtitle C—Other Matters

- Sec. 2721. Conditions on closure of Walter Reed Army Medical Hospital and relocation of operations to National Naval Medical Center and Fort Belvoir.
- Sec. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.

1 **Subtitle A—Authorizations**

2 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
3 **BASE CLOSURE AND REALIGNMENT ACTIVI-**
4 **TIES FUNDED THROUGH DEPARTMENT OF**
5 **DEFENSE BASE CLOSURE ACCOUNT 1990.**

6 Funds are hereby authorized to be appropriated for
7 fiscal years beginning after September 30, 2008, for base
8 closure and realignment activities, including real property
9 acquisition and military construction projects, as author-
10 ized by the Defense Base Closure and Realignment Act
11 of 1990 (part A of title XXIX of Public Law 101–510;
12 10 U.S.C. 2687 note) and funded through the Department
13 of Defense Base Closure Account 1990 established by sec-
14 tion 2906 of such Act, in the total amount of
15 \$393,377,000, as follows:

16 (1) For the Department of the Army,
17 \$72,855,000.

18 (2) For the Department of the Navy,
19 \$178,700,000

20 (3) For the Department of the Air Force,
21 \$139,155,000.

22 (4) For the Defense Agencies, \$2,667,000.

1 **SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-**
2 **MENT ACTIVITIES FUNDED THROUGH DE-**
3 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
4 **COUNT 2005.**

5 Using amounts appropriated pursuant to the author-
6 ization of appropriations in section 2703, the Secretary
7 of Defense may carry out base closure and realignment
8 activities, including real property acquisition and military
9 construction projects, as authorized by the Defense Base
10 Closure and Realignment Act of 1990 (part A of title
11 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and
12 funded through the Department of Defense Base Closure
13 Account 2005 established by section 2906A of such Act,
14 in the amount of \$7,138,021,000.

15 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR**
16 **BASE CLOSURE AND REALIGNMENT ACTIVI-**
17 **TIES FUNDED THROUGH DEPARTMENT OF**
18 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

19 Funds are hereby authorized to be appropriated for
20 fiscal years beginning after September 30, 2008, for base
21 closure and realignment activities, including real property
22 acquisition and military construction projects, as author-
23 ized by the Defense Base Closure and Realignment Act
24 of 1990 (part A of title XXIX of Public Law 101–510;
25 10 U.S.C. 2687 note) and funded through the Department
26 of Defense Base Closure Account 2005 established by sec-

1 tion 2906A of such Act, in the total amount of
2 \$9,065,386,000, as follows:

3 (1) For the Department of the Army,
4 \$4,486,178,000.

5 (2) For the Department of the Navy,
6 \$871,492,000.

7 (3) For the Department of the Air Force,
8 \$1,072,925,000.

9 (4) For the Defense Agencies, \$2,634,791,000.

10 **Subtitle B—Amendments to Base** 11 **Closure and Related Laws**

12 **SEC. 2711. REPEAL OF COMMISSION APPROACH FOR DE-** 13 **VELOPMENT OF RECOMMENDATIONS IN ANY** 14 **FUTURE ROUND OF BASE CLOSURES AND RE-** 15 **ALIGNMENTS.**

16 (a) REPEAL OF PROVISIONS RELATED TO DEFENSE
17 BASE CLOSURE AND REALIGNMENT COMMISSION.—Sec-
18 tions 2902, 2903(d), 2912(d), and 2914 of the Defense
19 Base Closure and Realignment Act of 1990 (part A of title
20 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) are
21 repealed.

22 (b) CONFORMING AMENDMENTS.—Section 2903 of
23 the Defense Base Closure and Realignment Act of 1990
24 (part A of title XXIX of Public Law 101–510; 10 U.S.C.
25 2687 note) is amended—

1 (1) in subsection (c)—

2 (A) in paragraph (1), by striking “and to
3 the Commission”;

4 (B) in paragraph (2), by striking “and the
5 Commission”;

6 (C) in paragraph (3)(C), by striking “the
7 Commission and”;

8 (D) in paragraph (5)(A), by striking “or
9 the Commission”; and

10 (E) by striking paragraph (6); and

11 (2) in subsection (e)—

12 (A) in paragraph (1), by striking “the
13 Commission makes recommendations under
14 subsection (d), transmit to the Commission and
15 to the Congress a report containing the Presi-
16 dent’s approval or disapproval of the Commis-
17 sions” and inserting “the Secretary makes rec-
18 ommendations under subsection (c), transmit to
19 the Congress a report containing the Presi-
20 dent’s approval or disapproval of the Sec-
21 retary’s”;

22 (B) in paragraphs (2), (4), and (5) and
23 the second sentence of paragraph (3), by strik-
24 ing “the Commission” each place it appears
25 and inserting “the Secretary”;

1 (C) in the first sentence of paragraph (3),
2 by striking “the Commission, in whole or in
3 part, the President shall transmit to the Com-
4 mission and” and inserting “the Secretary, in
5 whole or in part, the President shall transmit to
6 the”.

7 (c) EFFECT OF REPEAL.—The amendments made by
8 this section do not affect the validity of the recommenda-
9 tions submitted by the Defense Base Closure and Realign-
10 ment Commission in the 2005 or earlier rounds of closures
11 and realignments of military installations.

12 **SEC. 2712. MODIFICATION OF ANNUAL BASE CLOSURE AND**
13 **REALIGNMENT REPORTING REQUIREMENTS.**

14 (a) TERMINATION OF REPORTING REQUIREMENTS
15 AFTER FISCAL YEAR 2014.—Section 2907 of the Defense
16 Base Closure and Realignment Act of 1990 (part A of title
17 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is
18 amended—

19 (1) by striking “As part of the budget request
20 for fiscal year 2007 and for each fiscal year there-
21 after” and inserting “(a) REPORTING REQUIRE-
22 MENT.—As part of the budget request for fiscal year
23 2007 and for each fiscal year thereafter through fis-
24 cal year 2016”; and

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

3 “(b) **TERMINATION OF REPORTING REQUIREMENTS**
4 **RELATED TO REALIGNMENT ACTIONS.**—The reporting re-
5 quirements under subsection (a) shall terminate with re-
6 spect to realignment actions after the report submitted
7 with the budget for fiscal year 2014.”.

8 (b) **EXCLUSION OF DESCRIPTIONS OF REALIGNMENT**
9 **ACTIONS.**—Subsection (a) of such section, as designated
10 and amended by subsection (a)(1) of this section, is fur-
11 ther amended—

12 (1) in paragraph (1), by striking “and realign-
13 ment” both places it appears;

14 (2) in paragraph (2), by striking “and realign-
15 ments”; and

16 (3) in paragraphs (3), (4), (5), (6), and (7), by
17 striking “or realignment” each place it appears.

18 **SEC. 2713. TECHNICAL CORRECTIONS REGARDING AU-**
19 **THORIZED COST AND SCOPE OF WORK VARI-**
20 **ATIONS FOR MILITARY CONSTRUCTION AND**
21 **MILITARY FAMILY HOUSING PROJECTS RE-**
22 **LATED TO BASE CLOSURES AND REALIGN-**
23 **MENTS.**

24 (a) **CORRECTION OF CITATION IN AMENDATORY**
25 **LANGUAGE.**—

1 (1) IN GENERAL.—Section 2704(a) of the Mili-
2 tary Construction Authorization Act for Fiscal Year
3 2008 (division B of Public Law 110–181; 122 Stat.
4 532) is amended—

5 (B) in subsection (a), by striking “Section
6 2905A” and inserting “Section 2906A”; and

7 (C) in subsection (b), by striking “section
8 2905A” and inserting “section 2906A”.

9 (2) EFFECTIVE DATE.—The amendments made
10 by paragraph (1) shall take effect on January 28,
11 2008, as if included in the enactment of section
12 2704 of the Military Construction Authorization Act
13 for Fiscal Year 2008.

14 (b) CORRECTION OF SCOPE OR WORK VARIATION
15 LIMITATION.—Subsection (f) of section 2906A of the De-
16 fense Base Closure and Realignment Act of 1990 (part
17 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
18 note), as added by section 2704(a) of the Military Con-
19 struction Authorization Act for Fiscal Year 2008 (division
20 B of Public Law 110–181; 122 Stat. 532) and amended
21 by subsection (a), is amended by striking “20 percent or
22 \$2,000,000, whichever is greater” and inserting “20 per-
23 cent or \$2,000,000, whichever is less”.

1 **Subtitle C—Other Matters**

2 **SEC. 2721. CONDITIONS ON CLOSURE OF WALTER REED** 3 **ARMY MEDICAL HOSPITAL AND RELOCATION** 4 **OF OPERATIONS TO NATIONAL NAVAL MED-** 5 **ICAL CENTER AND FORT BELVOIR.**

6 (a) **REQUIRED CERTIFICATION.**—The Secretary of
7 Defense may not commence the closure of Walter Reed
8 Army Medical Hospital or continue with the construction
9 at the National Naval Medical Center in Bethesda, Mary-
10 land, and Fort Belvoir, Virginia, of replacement facilities
11 beyond the construction necessary to complete the founda-
12 tions of the replacement facilities until—

13 (1) the Secretary certifies to the congressional
14 defense committees that each of the conditions im-
15 posed by this section has been satisfied; and

16 (2) a period of 7 days has expired following the
17 date on which the certification is received by the
18 committees.

19 (b) **PROGRESS ON DESIGN FOR REPLACEMENT FA-**
20 **CILITIES.**—

21 (1) **PREPARATION.**—The Secretary of Defense
22 shall replace the conceptual design prepared for the
23 new National Military Medical Center at the Na-
24 tional Naval Medical Center with a design for the fa-
25 cility that is certified as at least 90 percent complete

1 by an engineer or architect registered in the State
2 of Maryland.

3 (2) COLLABORATIVE DESIGN PROCESS.—The
4 Secretary of Defense may not delegate the responsi-
5 bility for the preparation of the design for the Na-
6 tional Military Medical Center to the prime con-
7 tractor selected for construction of the facility. The
8 design for the National Military Medical Center shall
9 be prepared through a collaborative process involv-
10 ing—

11 (A) personnel of the Department of De-
12 fense;

13 (B) representatives of premier health care
14 facilities in the United States; and

15 (C) current and former patients of the
16 military medical system.

17 (c) INDEPENDENT COST ESTIMATE.—

18 (1) PREPARATION.—The Cost Analysis Im-
19 provement Group of the Department of Defense
20 shall prepare an independent cost estimate of the
21 total cost to be incurred by the United States to
22 close Walter Reed Army Medical Hospital, design
23 and construct replacement facilities at the National
24 Naval Medical Center and Fort Belvoir, and relocate
25 operations to the replacement facilities. In preparing

1 the cost estimate, the Cost Analysis Improvement
2 Group shall not consider the possibility of private
3 funds being obtained to construct the proposed trau-
4 matic brain injury treatment facility at the National
5 Naval Medical Center.

6 (2) SUBMISSION.—The Secretary of Defense
7 shall submit the resulting cost estimate to the con-
8 gressional defense committees as soon as possible
9 after the date of the enactment of this Act, but in
10 no case later than the date on which the Secretary
11 makes the certification under subsection (a) with re-
12 gard to compliance with this subsection.

13 (d) MILESTONE SCHEDULE.—

14 (1) PREPARATION.—The Secretary of Defense
15 shall prepare a complete milestone schedule for the
16 closure of Walter Reed Army Medical Hospital, the
17 design and construction of replacement facilities at
18 the National Naval Medical Center and Fort Belvoir,
19 and the relocation of operations to the replacement
20 facilities. The schedule shall include a detailed plan
21 regarding how the Department of Defense will carry
22 out the transition of operations between Walter Reed
23 Army Medical Hospital and the replacement facili-
24 ties.

1 (2) SUBMISSION.—The Secretary of Defense
 2 shall submit the resulting milestone schedule and
 3 transition plan to the congressional defense commit-
 4 tees as soon as possible after the date of the enact-
 5 ment of this Act, but in no case later than the date
 6 on which the Secretary makes the certification under
 7 subsection (a) with regard to compliance with this
 8 subsection.

9 **SEC. 2722. REPORT ON USE OF BRAC PROPERTIES AS SITES**
 10 **FOR REFINERIES OR NUCLEAR POWER**
 11 **PLANTS.**

12 Not later than October 1, 2009, the Secretary of De-
 13 fense shall submit to the congressional defense committees
 14 a report evaluating the feasibility of using military instal-
 15 lations selected for closure under the base closure and re-
 16 alignment process as locations for the construction of pe-
 17 troleum or natural gas refineries or nuclear power plants.

18 **TITLE XXVIII—MILITARY CON-**
 19 **STRUCTION GENERAL PROVI-**
 20 **SIONS**

 Subtitle A—Military Construction Program and Military Family Housing
 Changes

- Sec. 2801. Incorporation of principles of sustainable design in documents sub-
 mitted as part of proposed military construction projects.
- Sec. 2802. Extension of authority to use operation and maintenance funds for
 construction projects outside the United States.
- Sec. 2803. Revision of maximum lease amount applicable to certain domestic
 Army family housing leases to reflect previously made annual
 adjustments in amount.
- Sec. 2804. Use of military family housing constructed under build and lease au-
 thority to house members without dependents.

- Sec. 2805. Lease of military family housing to the Secretary of Defense for use as residence.
- Sec. 2806. Repeal of reporting requirement in connection with installation vulnerability assessments.
- Sec. 2807. Modification of alternative authority for acquisition and improvement of military housing.
- Sec. 2808. Report on capturing housing privatization best practices.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Clarification of exceptions to congressional reporting requirements for certain real property transactions.
- Sec. 2812. Authority to lease non-excess property of military departments and Defense Agencies.
- Sec. 2813. Modification of utility system conveyance authority.
- Sec. 2814. Permanent authority to purchase municipal services for military installations in the United States.
- Sec. 2815. Defense access roads.
- Sec. 2816. Protecting private property rights during Department of Defense land acquisitions.

Subtitle C—Provisions Related to Guam Realignment

- Sec. 2821. Guam Defense Policy Review Initiative Account.
- Sec. 2822. Sense of Congress regarding use of Special Purpose Entities for military housing related to Guam realignment.
- Sec. 2823. Sense of Congress regarding Federal assistance to Guam.
- Sec. 2824. Comptroller General report regarding interagency requirements related to Guam realignment.
- Sec. 2825. Energy and environmental design initiatives in Guam military construction and installations.
- Sec. 2826. Department of Defense Inspector General report regarding Guam realignment.
- Sec. 2827. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.
- Sec. 2828. Prevailing wage applicable to Guam.
- Sec. 2829. Port of Guam Improvement Enterprise Program.

Subtitle D—Energy Security

- Sec. 2841. Certification of enhanced use leases for energy-related projects.
- Sec. 2842. Annual report on Department of Defense installations energy management.

Subtitle E—Land Conveyances

- Sec. 2851. Land conveyance, former Naval Air Station, Alameda, California.
- Sec. 2852. Land conveyance, Norwalk Defense Fuel Supply Point, Norwalk, California.
- Sec. 2853. Land conveyance, former Naval Station, Treasure Island, California.
- Sec. 2854. Condition on lease involving Naval Air Station, Barbers Point, Hawaii.
- Sec. 2855. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.
- Sec. 2856. Land conveyance, John Sevier Range, Knox County, Tennessee.

- Sec. 2857. Land conveyance, Bureau of Land Management land, Camp Williams, Utah.
- Sec. 2858. Land conveyance, Army property, Camp Williams, Utah.
- Sec. 2859. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.
- Sec. 2860. Transfer of administrative jurisdiction, decommissioned Naval Security Group Activity, Skaggs Island, California.

Subtitle F—Other Matters

- Sec. 2871. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
- Sec. 2872. Decontamination and use of former bombardment area on island of Culebra.
- Sec. 2873. Acceptance and use of gifts for construction of additional building at National Museum of the United States Air Force, Wright-Patterson Air Force Base.
- Sec. 2874. Establishment of memorial to American Rangers at Fort Belvoir, Virginia.
- Sec. 2875. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.
- Sec. 2876. Naming of health facility, Fort Rucker, Alabama.

1 **Subtitle A—Military Construction**
 2 **Program and Military Family**
 3 **Housing Changes**

4 **SEC. 2801. INCORPORATION OF PRINCIPLES OF SUSTAIN-**
 5 **ABLE DESIGN IN DOCUMENTS SUBMITTED AS**
 6 **PART OF PROPOSED MILITARY CONSTRUC-**
 7 **TION PROJECTS.**

8 (a) DEFINITION OF LIFE-CYCLE COST-EFFEC-
 9 TIVE.—Subsection (c) of section 2801 of title 10, United
 10 States Code, is amended—

11 (1) by transferring paragraph (4) to appear as
 12 the first paragraph in the subsection and redesign-
 13 ating such paragraph as paragraph (1);

1 (2) by redesignating the subsequent three para-
2 graphs as paragraphs (2), (4), and (5), respectively;
3 and

4 (3) by inserting after paragraph (2), as so re-
5 designated, the following new paragraph:

6 “(3) The term ‘life-cycle cost-effective’, with re-
7 spect to a project, product, or measure, means that
8 the sum of the present values of investment costs,
9 capital costs, installation costs, energy costs, oper-
10 ating costs, maintenance costs, and replacement
11 costs, as estimated for the lifetime of the project,
12 product, or measure, does not exceed the base case
13 (current or standard) for the practice, product, or
14 measure.”.

15 (b) INCLUSION.—Section 2802 of such title is amend-
16 ed by adding at the end the following new subsection:

17 “(c) In determining the scope of a proposed military
18 construction project, the Secretary concerned shall submit
19 to the President such recommendations as the Secretary
20 considers to be appropriate regarding the incorporation
21 and inclusion of life-cycle cost-effective practices as an ele-
22 ment in the project documents submitted to Congress in
23 connection with the budget submitted pursuant to section
24 1105 of title 31 for the fiscal year in which a contract
25 is proposed to be awarded for the project.”.

1 **SEC. 2802. EXTENSION OF AUTHORITY TO USE OPERATION**
2 **AND MAINTENANCE FUNDS FOR CONSTRUC-**
3 **TION PROJECTS OUTSIDE THE UNITED**
4 **STATES.**

5 Section 2808(a) of the Military Construction Author-
6 ization Act for Fiscal Year 2004 (division B of Public Law
7 108–136; 117 Stat. 1723), as amended by section 2810
8 of the Military Construction Authorization Act for Fiscal
9 Year 2005 (division B of Public Law 108–375; 118 Stat.
10 2128), section 2809 of the Military Construction Author-
11 ization Act for Fiscal Year 2006 (division B of Public Law
12 109–163; 119 Stat. 3508), section 2802 of the Military
13 Construction Authorization Act for Fiscal Year 2007 (di-
14 vision B of Public Law 109–364; 120 Stat. 2466), and
15 section 2801(a) of the Military Construction Authorization
16 Act for Fiscal Year 2008 (division B of Public Law 110–
17 181; 122 Stat. 538), is further amended by striking
18 “2008” and inserting “2009”.

19 **SEC. 2803. REVISION OF MAXIMUM LEASE AMOUNT APPLI-**
20 **CABLE TO CERTAIN DOMESTIC ARMY FAMILY**
21 **HOUSING LEASES TO REFLECT PREVIOUSLY**
22 **MADE ANNUAL ADJUSTMENTS IN AMOUNT.**

23 Section 2828(b)(7)(A) of title 10, United States
24 Code, is amended by striking “\$18,620 per unit” and in-
25 serting “\$35,000 per unit”.

1 **SEC. 2804. USE OF MILITARY FAMILY HOUSING CON-**
2 **STRUCTED UNDER BUILD AND LEASE AU-**
3 **THORITY TO HOUSE MEMBERS WITHOUT DE-**
4 **PENDENTS.**

5 (a) IN GENERAL.—Subchapter II of chapter 169 of
6 title 10, United States Code, is amended by inserting after
7 section 2835 the following new section:

8 **“§ 2835a. Use of military family housing constructed**
9 **under build and lease authority to house**
10 **other members**

11 “(a) INDIVIDUAL ASSIGNMENT OF MEMBERS WITH-
12 OUT DEPENDENTS.—(1) To the extent that the Secretary
13 concerned determines that military family housing con-
14 structed and leased under section 2835 of this title is not
15 needed to house members of the armed forces eligible for
16 assignment to military family housing, the Secretary may
17 assign, without rental charge, members without depend-
18 ents to the housing.

19 “(2) A member without dependents who is assigned
20 to housing pursuant to paragraph (1) shall be considered
21 to be assigned to quarters pursuant to section 403(e) of
22 title 37.

23 “(b) CONVERSION TO LONG-TERM LEASING OF MILI-
24 TARY UNACCOMPANIED HOUSING.—(1) If the Secretary
25 concerned determines that military family housing con-
26 structed and leased under section 2835 of this title is ex-

1 cess to the long-term needs of the family housing program
2 of the Secretary, the Secretary may convert the lease con-
3 tract entered into under subsection (a) of such section into
4 a long-term lease of military unaccompanied housing.

5 “(2) The term of the lease contract for military unac-
6 companied housing converted from military family housing
7 under paragraph (1) may not exceed the remaining term
8 of the lease contract for the family housing so converted.

9 “(c) NOTICE AND WAIT REQUIREMENTS.—(1) The
10 Secretary concerned may not convert military family hous-
11 ing to military unaccompanied housing under subsection
12 (b) until—

13 “(A) the Secretary submits to the congressional
14 defense committees a notice of the intent to under-
15 take the conversion; and

16 “(B) a period of 21 days has expired following
17 the date on which the notice is received by the com-
18 mittees or, if earlier, a period of 14 days has expired
19 following the date on which a copy of the notice is
20 provided in an electronic medium pursuant to sec-
21 tion 480 of this title.

22 “(2) The notice required by paragraph (1) shall in-
23 clude—

1 **“§ 2838. Lease of military family housing to the Sec-**
2 **retary of Defense for use as residence**

3 “(a) LEASE AUTHORIZED.—The Secretary of a mili-
4 tary department may lease military family housing in the
5 National Capital Region (as such term is defined in sec-
6 tion 2674 of this title) to the person serving as the Sec-
7 retary of Defense for the purpose of permitting the person
8 to use the housing as a personal residence while the person
9 is serving as Secretary of Defense. In determining the unit
10 of military family housing to lease under this section, the
11 Secretary of Defense and the Secretaries of the military
12 departments should first consider any units then available
13 that are already substantially equipped for executive com-
14 munications and security.

15 “(b) RENTAL RATE.—A lease under subsection (a)
16 of a unit of military family housing shall provide for the
17 payment by the person serving as the Secretary of Defense
18 of consideration in an amount equal to the higher of the
19 following:

20 “(1) 105 percent of the monthly rate for the
21 basic allowance for housing prescribed under section
22 403(b) of title 37 for a member of the armed forces
23 in the pay grade of 0–10, with dependents, assigned
24 to duty at the military installation on which the
25 housing unit is located.

1 “(2) The assessed fair market value of the
2 housing unit, offset by the security and infrastruc-
3 ture savings associated with housing the lessee on a
4 military installation.

5 “(c) TREATMENT OF PROCEEDS.—(1) The Secretary
6 of a military department shall deposit all money rentals
7 received pursuant to a lease entered into by that Secretary
8 under this section into a special account in the Treasury
9 established for such military department.

10 “(2) The proceeds deposited into a special account
11 of a military department pursuant to paragraph (1) shall
12 be available to the Secretary of that military department,
13 in such amounts as are provided in advance in appropria-
14 tion Acts, for maintenance, protection, alteration, repair,
15 improvement, or restoration of military housing on the in-
16 stallation at which the housing leased pursuant to sub-
17 section (a) is located.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such subchapter is amended by adding
20 at the end the following new item:

 “2838. Lease of military family housing to the Secretary of Defense for use as
 residence.”.

1 **SEC. 2806. REPEAL OF REPORTING REQUIREMENT IN CON-**
2 **NECTION WITH INSTALLATION VULNER-**
3 **ABILITY ASSESSMENTS.**

4 Section 2859 of title 10, United States Code, is
5 amended—

6 (1) by striking subsection (c); and

7 (2) by redesignating subsection (d) as sub-
8 section (c).

9 **SEC. 2807. MODIFICATION OF ALTERNATIVE AUTHORITY**
10 **FOR ACQUISITION AND IMPROVEMENT OF**
11 **MILITARY HOUSING.**

12 (a) **PARTNERSHIP WITH ELIGIBLE ENTITY RE-**
13 **QUIRED.**—Section 2871(5) of title 10, United States
14 Code, is amended by inserting before the period at the
15 end the following: “that is prepared to enter into a con-
16 tract as a partner with the Secretary concerned for the
17 construction of military housing units and ancillary sup-
18 porting facilities”.

19 (b) **BONDING REQUIREMENTS FOR ELIGIBLE ENTI-**
20 **TIES.**—Section 2872 of such title is amended—

21 (1) by inserting “(a) **AVAILABILITY OF ALTER-**
22 **NATIVE AUTHORITIES.**—” before “In addition”; and

23 (2) by adding at the end the following new sub-
24 section:

25 “(b) **BONDING REQUIREMENTS FOR ELIGIBLE ENTI-**
26 **TIES.**—The Secretary concerned shall ensure that an eligi-

1 ble entity that will acquire or construct housing units or
2 ancillary supporting facilities under this subchapter is
3 fully bonded for the construction of the units or facilities
4 by obtaining payment and performance bonds in an
5 amount not less than 100 percent of the maximum price
6 allowable under the contract for the overall project.”.

7 (c) COMPETITIVE PROCESS FOR CONVEYANCE OR
8 LEASE OF PROPERTY.—Section 2878 of such title is
9 amended—

10 (1) by redesignating subsections (c) and (d) as
11 subsections (d) and (e); respectively; and

12 (2) by inserting after subsection (b) the fol-
13 lowing new subsection:

14 “(c) COMPETITIVE PROCESS.—The Secretary con-
15 cerned shall ensure that the time, method, and terms and
16 conditions of the conveyance or lease of property or facili-
17 ties under this section permit full and free competition
18 consistent with the value and nature of the property or
19 facilities involved.”.

20 (d) TREATMENT OF ACQUIRED OR CONSTRUCTED
21 HOUSING UNITS.—

22 (1) REPEAL OF SEPARATE ASSIGNMENT AU-
23 THORITY.—Section 2882 of such title is amended to
24 read as follows:

1 **“§ 2882. Effect of assignment of members to housing**
2 **units acquired or constructed under al-**
3 **ternative authority**

4 “(a) TREATMENT AS QUARTERS OF THE UNITED
5 STATES.—Except as provided in subsection (b), housing
6 units acquired or constructed under this subchapter shall
7 be considered as quarters of the United States or a hous-
8 ing facility under the jurisdiction of a uniformed service
9 for purposes of section 403 of title 37.

10 “(b) AVAILABILITY OF BASIC ALLOWANCE FOR
11 HOUSING.—A member of the armed forces who is as-
12 signed to a housing unit acquired or constructed under
13 this subchapter that is not owned or leased by the United
14 States shall be entitled to a basic allowance for housing
15 under section 403 of title 37.

16 “(c) LEASE PAYMENTS THROUGH PAY ALLOT-
17 MENTS.—The Secretary concerned may require members
18 of the armed forces who lease housing in housing units
19 acquired or constructed under this subchapter to make
20 lease payments for such housing pursuant to allotments
21 of the pay of such members under section 701 of title
22 37.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of subchapter IV of chapter
25 169 of such title is amended by striking the item re-

1 lating to section 2882 and inserting the following
2 new item:

“2882. Effect of assignment of members to housing units acquired or constructed under alternative authority.”.

3 (e) ANNUAL REPORT ON MAINTENANCE AND REPAIR
4 TO PRIVATIZED GENERAL AND FLAG OFFICER QUAR-
5 TERS.—Section 2884(b) of such title is amended by adding
6 at the end the following new paragraph:

7 “(7) A report identifying each family housing
8 unit acquired or constructed under this subchapter
9 that is used, or intended to be used, as quarters for
10 a general officer or flag officer and for which the
11 total operation, maintenance, and repair costs for
12 the unit exceeded \$35,000. For each housing unit so
13 identified, the report shall also include the total of
14 such operation, maintenance, and repair costs.”.

15 **SEC. 2808. REPORT ON CAPTURING HOUSING PRIVATIZA-**
16 **TION BEST PRACTICES.**

17 Section 2884(b) of title 10, United States Code, is
18 amended by adding at the end the following new para-
19 graph:

20 “(7) A separate report on best practices for the
21 execution of housing privatization initiatives, covering
22 the full range of issues that arise throughout
23 the life of the project, from the identification of re-
24 quirements, through construction, to sustainment of

1 the public private venture following conclusion of the
2 contract. Issues covered by this reporting require-
3 ment include project oversight requirements, com-
4 munity, subcontractor, bond holder, and project
5 owner relations, and such other topics that are iden-
6 tified as pertinent by the Department of Defense.”.

7 **Subtitle B—Real Property and** 8 **Facilities Administration**

9 **SEC. 2811. CLARIFICATION OF EXCEPTIONS TO CONGRES-** 10 **SIONAL REPORTING REQUIREMENTS FOR** 11 **CERTAIN REAL PROPERTY TRANSACTIONS.**

12 Section 2662(c) of title 10, United States Code, is
13 amended—

14 (1) by striking “river and harbor projects or
15 flood control projects” and inserting “Army civil
16 works water resource development projects”; and

17 (2) by striking “acquisition specifically author-
18 ized in a Military Construction Authorization Act”
19 and inserting “transaction specifically authorized in
20 a Military Construction Authorization Act or other
21 Act authorizing or directing activities of the Depart-
22 ment of Defense”.

1 **SEC. 2812. AUTHORITY TO LEASE NON-EXCESS PROPERTY**
2 **OF MILITARY DEPARTMENTS AND DEFENSE**
3 **AGENCIES.**

4 (a) CONSOLIDATION OF SEPARATE AUTHORITIES.—

5 (1) ESTABLISHMENT OF SINGLE AUTHORITY.—

6 Subsection (a) of section 2667 of title 10, United
7 States Code, is amended to read as follows:

8 “(a) LEASE AUTHORITY.—Whenever the Secretary
9 concerned considers it advantageous to the United States,
10 the Secretary concerned may lease to such lessee and upon
11 such terms as the Secretary concerned considers will pro-
12 mote the national defense or to be in the public interest,
13 real or personal property that—

14 “(1) is under the control of the Secretary con-
15 cerned;

16 “(2) is not for the time needed for public use;
17 and

18 “(3) is not excess property, as defined by sec-
19 tion 102 of title 40.”.

20 (2) SECRETARY CONCERNED DEFINED.—Sub-
21 section (i) of such section is amended by adding at
22 the end the following new paragraph:

23 “(4) The term ‘Secretary concerned’ means—

24 “(A) the Secretary of a military depart-
25 ment, with respect to matters concerning that
26 military department; and

1 “(B) the Secretary of Defense, with re-
2 spect to matters concerning the Defense Agen-
3 cies.”.

4 (b) LIMITATION ON DURATION OF LEASE.—Sub-
5 section (b)(1) of such section is amended by inserting “,
6 but not to exceed 50 years,” after “longer period”.

7 (c) PROHIBITION ON LEASEBACK WITH EXCESSIVE
8 ANNUAL PAYMENTS.—Subsection (b) of such section is
9 amended—

10 (1) by striking “and” at the end of paragraph
11 (5);

12 (2) by striking the period at the end of para-
13 graph (6) and inserting “; and”; and

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

16 “(7) may not provide for a leaseback by the
17 Secretary concerned with an annual payment in ex-
18 cess of \$500,000.”.

19 (d) IMPROVED CONGRESSIONAL NOTIFICATION RE-
20 QUIREMENTS.—Paragraph (4) of subsection (c) of such
21 section is amended to read as follows:

22 “(4)(A) Not later than 30 days before issuing a con-
23 tract solicitation or other lease offering under this section
24 for a lease whose annual payment, including any in-kind
25 consideration to be accepted under subsection (b)(5) or

1 this subsection, will exceed \$500,000, the Secretary con-
2 cerned shall submit to the congressional defense commit-
3 tees a report containing—

4 “(i) a description of the proposed lease, includ-
5 ing the proposed duration of the lease;

6 “(ii) a description of the authorities to be used
7 in entering the lease and the intended participation
8 of the United States in the lease, including a jus-
9 tification of the intended method of participation;

10 “(iii) a statement of the scored cost of the
11 lease, determined using the scoring criteria of the
12 Office of Management and Budget;

13 “(iv) a determination that the property involved
14 in the lease is not excess property, as required by
15 subsection (a)(3), including the basis for the deter-
16 mination; and

17 “(v) a determination that the lease is directly
18 compatible with the mission of the military installa-
19 tion or Defense Agency whose property is to be sub-
20 ject to the lease and the anticipated long-term use
21 of the property at the conclusion of the lease.

22 “(B) In the case of a lease described in subparagraph
23 (A), the Secretary concerned also shall submit to the con-
24 gressional defense committees a report at least 30 days

1 before the date on which the Secretary concerned enters
2 into a lease the following information:

3 “(i) A copy of the report submitted under sub-
4 paragraph (A).

5 “(ii) A description of the differences between
6 the report submitted under that subparagraph and
7 the new report.

8 “(iii) A description of the agreement reached
9 with the local municipality on taxation issues and
10 other development issues related to the proposed
11 project, including payments-in-lieu-of taxes.

12 “(iv) A description of the lessee payment re-
13 quired under this section.”.

14 (e) PROHIBITION ON ACCEPTANCE OF IN-KIND TO
15 SUPPORT CERTAIN MWR PROJECTS.—Subsection (c) of
16 such section is amended by adding at the end the following
17 new paragraph:

18 “(5) The Secretary concerned may not accept in-kind
19 consideration under paragraph (1) with respect to a lease
20 under this section to support the development of a project
21 for a nonappropriated fund activity of the Department of
22 Defense conducted for the morale, welfare, and recreation
23 of members of the armed forces if the revenues estimated
24 to be generated from the resulting facility would generally
25 cover the operating expenses of the facility.”.

1 (f) CONFORMING AMENDMENTS TO REFERENCES TO
2 MILITARY DEPARTMENTS AND INSTALLATIONS.—

3 (1) COMMUNITY SUPPORT FACILITIES AND
4 COMMUNITY SUPPORT SERVICES.—Subsection (d) of
5 such section is amended—

6 (A) in paragraph (2), by striking “Sec-
7 retary of a military department” and inserting
8 “Secretary concerned”; and

9 (B) in paragraphs (3), (4), and (6), by
10 striking “of the military department” each
11 place it appears.

12 (2) DEPOSIT AND USE OF PROCEEDS.—Sub-
13 section (e) of such section is amended—

14 (A) in paragraph (1)(A)—

15 (i) in the matter preceding clause

16 (i)—

17 (I) by striking “Secretary of a
18 military department” and inserting
19 “Secretary concerned”; and

20 (II) by striking “such military
21 department” and inserting “that Sec-
22 retary”;

23 (ii) in clause (iii), by striking “mili-
24 tary department” and inserting “Sec-
25 retary”;

1 (B) in paragraph (1)(B)(i), by striking
2 “Secretary of a military department” and in-
3 serting “Secretary concerned”;

4 (C) in paragraph (1)(C), by striking “of a
5 military department pursuant to subparagraph
6 (A) shall be available to the Secretary of that
7 military department” and inserting “established
8 for the Secretary concerned shall be available to
9 the Secretary”;

10 (D) in paragraph (1)(D)—

11 (i) by striking “of a military depart-
12 ment under subparagraph (A)” and insert-
13 ing “established for the Secretary con-
14 cerned”; and

15 (ii) by inserting “or Defense Agency
16 location” after “military installation”;

17 (E) in paragraph (1)(E), by striking “in-
18 stallation” and inserting “military installation
19 or Defense Agency location”; and

20 (F) in paragraph (3), by striking “Sec-
21 retary of a military department” and inserting
22 “Secretary concerned”.

23 (3) BASE CLOSURE PROPERTY.—Subsection
24 (g)(1) of such section is amended by striking “Sec-

1 retary of a military department” and inserting “Sec-
2 retary concerned”.

3 (g) REPEAL OF SEPARATE DEFENSE AGENCY AU-
4 THORITY.—

5 (1) REPEAL.—Section 2667a of such title is re-
6 pealed.

7 (2) EFFECT ON EXISTING CONTRACTS.—The
8 repeal of section 2667a of title 10, United States
9 Code, shall not affect the validity or terms of any
10 lease with respect to property of a Defense Agency
11 entered into by the Secretary of Defense under such
12 section before the date of the enactment of this Act.

13 (3) TREATMENT OF MONEY RENTS.—Amounts
14 in any special account established for a Defense
15 Agency pursuant to subsection (d) of section 2667a
16 of title 10, United States Code, before repeal of such
17 section by paragraph (1), and amounts that would
18 be deposited in such an account in connection with
19 a lease referred to in paragraph (2), shall—

20 (A) remain available until expended for the
21 purposes specified in such subsection, notwith-
22 standing the repeal of such section by para-
23 graph (1); or

24 (B) to the extent provided in appropria-
25 tions Acts, be transferred to the special account

1 required for the Secretary of Defense by sub-
 2 section (e) of section 2667 of such title, as
 3 amended by subsection (f)(2) of this section.

4 (h) CLERICAL AMENDMENTS.—

5 (1) SECTION HEADING.—The heading of section
 6 2667 of such title is amended to read as follows:

7 **“§ 2667. Leases: non-excess property of military de-**
 8 **partments and Defense Agencies”.**

9 (2) TABLE OF SECTIONS.—The table of sections
 10 at the beginning of chapter 159 of such title is
 11 amended by striking the items relating to sections
 12 2667 and 2667a and inserting the following new
 13 item:

“2667. Leases: non-excess property of military departments and Defense Agen-
 cies.”.

14 **SEC. 2813. MODIFICATION OF UTILITY SYSTEM CONVEY-**
 15 **ANCE AUTHORITY.**

16 (a) CONVEYANCE OF UTILITY SYSTEM INFRASTRUC-
 17 TURE.—Section 2688 of title 10, United States Code, is
 18 amended—

19 (1) by redesignating subsections (i) and (j) as
 20 subsections (j) and (k), respectively; and

21 (2) by inserting after subsection (h) the fol-
 22 lowing new subsection (i):

23 **“(i) CONVEYANCE OF UTILITY INFRASTRUCTURE**
 24 **AFTER PRIVATIZATION OF UTILITY SYSTEM.—(1) The**

1 Secretary concerned may convey all right, title, and inter-
2 est of the United States, or such lesser estate as the Sec-
3 retary considers appropriate, in and to utility system in-
4 frastructure under the jurisdiction of the Secretary to the
5 entity to which a utility system has been conveyed under
6 subsection (a) if the infrastructure will be used as part
7 of the utility system.

8 “(2) In making a conveyance under paragraph (1),
9 the Secretary concerned may use other than competitive
10 procedures. As consideration for the conveyance, the Sec-
11 retary concerned shall receive an amount equal to the fair
12 market value of the conveyed utility infrastructure, deter-
13 mined in the same manner as the consideration the Sec-
14 retary could require under subsection (c) for the convey-
15 ance of a utility system under subsection (a).”

16 (b) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR
17 REPLACEMENT OF UTILITY INFRASTRUCTURE.—Sub-
18 section (h) of such section is amended—

19 (1) in the subsection heading, by striking “SYS-
20 TEMS.—” and inserting “SYSTEMS OR INFRASTRUC-
21 TURE.—(1)”; and

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

24 “(2) In lieu of carrying out a military construction
25 project to construct, repair, or replace utility infrastruc-

1 ture to be used with a utility system conveyed under sub-
2 section (a), the Secretary concerned may provide, from
3 amounts authorized and appropriated for the project for
4 fiscal year 2009 or subsequent fiscal years, funds to the
5 entity to which the utility system has been conveyed for
6 use by the entity to construct, repair, or replace the utility
7 infrastructure if the infrastructure will be used as part
8 of the utility system. As consideration for the provision
9 of such funds, the Secretary may require a reduction in
10 charges for utility services in the same manner as a reduc-
11 tion in charges may be required under subsection (c) for
12 the conveyance of a utility system under subsection (a).”.

13 **SEC. 2814. PERMANENT AUTHORITY TO PURCHASE MUNIC-**
14 **IPAL SERVICES FOR MILITARY INSTALLA-**
15 **TIONS IN THE UNITED STATES.**

16 (a) PERMANENT AUTHORITY.—Chapter 146 of title
17 10, United States Code, is amended by inserting after sec-
18 tion 2465 the following new section:

19 **“§ 2465a. Contracts for procurement of municipal**
20 **services for military installations in the**
21 **United States**

22 “(a) CONTRACT AUTHORITY.—Subject to section
23 2465 of this title, the Secretary a military department
24 may enter into a contract for the procurement of munic-
25 ipal services described in subsection (b) for a military in-

1 stallation in the United States under the jurisdiction of
2 the Secretary from a county or municipal government for
3 the geographic area in which the installation is located.

4 “(b) COVERED MUNICIPAL SERVICES.—Only the fol-
5 lowing municipal services may be procured for a military
6 installation under the authority of this section:

7 “(1) Refuse collection.

8 “(2) Refuse disposal.

9 “(c) EXCEPTION FROM COMPETITIVE PROCE-
10 DURES.—The Secretary may enter in a contract under
11 subsection (a) using procedures other than competitive
12 procedures if—

13 “(1) the term of the proposed contract does not
14 exceed five years;

15 “(2) the Secretary determines that the price for
16 the municipal services to be provided under the con-
17 tract is fair and reasonable and represents the least
18 cost to the Federal Government; and

19 “(3) the business case supporting the Sec-
20 retary’s determination under paragraph (2)—

21 “(A) describes the availability, benefits,
22 and drawbacks of alternative sources; and

23 “(B) establishes that performance by the
24 county or municipal government will not in-
25 crease costs to the Federal government, when

1 compared to the cost of continued performance
2 by the current provider of the services.

3 “(d) LIMITATION ON DELEGATION.—The authority
4 to make the determination described in subsection (c)(2)
5 may not be delegated to a level lower than a Deputy As-
6 sistant Secretary for Installations and Environment or an-
7 other official of the Department of Defense at an equiva-
8 lent level.

9 “(e) CONGRESSIONAL NOTIFICATION.—The Sec-
10 retary may not enter into a contract under subsection (a)
11 for the procurement of municipal services until the Sec-
12 retary notifies the congressional defense committees of the
13 proposed contract and a period of 14 days elapses from
14 the date the notification is received by the committees.
15 The notification shall include a summary of the business
16 case and an explanation of how the adverse impact, if any,
17 on civilian employees of the Department will be minimized.

18 “(f) GUIDANCE.—The Secretary of Defense shall
19 issue guidance to address the implementation of this sec-
20 tion.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such chapter is amended by inserting
23 after the item relating to section 2465 the following new
24 item:

“2465a. Contracts for purchase of municipal services for military installations
in the United States.”.

1 (c) TERMINATION OF PILOT PROGRAM.—Section 325
2 of the Ronald W. Reagan National Defense Authorization
3 Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C.
4 2461 note) is repealed. The repeal of such section shall
5 not affect the terms or validity of any contract entered
6 into before the date of the enactment of this Act under
7 the pilot program authorized by such section.

8 **SEC. 2815. DEFENSE ACCESS ROADS.**

9 (a) BASIS FOR TRANSPORTATION NEEDS ASSESS-
10 MENT.—Section 210(a) of title 23, United States Code,
11 is amended—

12 (1) by striking “(a)” and inserting “(a)(1)”;

13 and

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

16 “(2) If it is determined that an action of the Depart-
17 ment of Defense will cause a significant transportation im-
18 pact to access to a military reservation, the Secretary of
19 Defense shall conduct a transportation needs assessment
20 to assess the magnitude of the improvement required to
21 address the impact.”.

22 (b) REPORT ON RECENTLY IDENTIFIED TRANSPOR-
23 TATION IMPACTS.—Not later than April 1, 2009, the Sec-
24 retary of Defense shall submit to the congressional defense
25 committees and the Committee on Transportation and In-

1 frastructure of the House of Representatives a report that
2 details the significant transportation impacts resulting
3 from actions of the Department of Defense since January
4 1, 2005. In the report, the Secretary shall assess the fund-
5 ing requirements necessary to address transportation
6 needs resulting from these significant transportation im-
7 pacts.

8 **SEC. 2816. PROTECTING PRIVATE PROPERTY RIGHTS DUR-**
9 **ING DEPARTMENT OF DEFENSE LAND ACQUI-**
10 **SITIONS.**

11 (a) PROTECTION OF PRIVATE PROPERTY.—The Sec-
12 retary of Defense and the Secretaries of the military de-
13 partments shall make every reasonable effort to acquire
14 real property expeditiously by negotiation. Real property
15 offered shall meet the requirements of Secretary-approved
16 real property acquisition plans.

17 (b) WILLING SELLERS.—The Secretary of Defense or
18 the Secretary of a military department shall not be pre-
19 cluded from acquiring real property from willing sellers
20 so long as the real property offered meet the requirements
21 of Secretary-approved real property acquisition plans.

1 **Subtitle C—Provisions Related to**
2 **Guam Realignment**

3 **SEC. 2821. GUAM DEFENSE POLICY REVIEW INITIATIVE AC-**
4 **COUNT.**

5 (a) ESTABLISHMENT OF ACCOUNT.—There is estab-
6 lished on the books of the Treasury an account to be
7 known as the “Guam Defense Policy Review Initiative Ac-
8 count” (in this section referred to as the “account”).

9 (b) CREDITS TO ACCOUNT.—

10 (1) AMOUNTS IN FUND.—There shall be cred-
11 ited to the account all contributions received during
12 fiscal year 2009 and subsequent fiscal years under
13 section 2350k of title 10, United States Code, for
14 the realignment of military installations and the re-
15 location of military personnel on Guam.

16 (2) NOTICE OF RECEIPT OF CONTRIBUTIONS.—

17 The Secretary of Defense shall submit to the con-
18 gressional defense committees written notice of the
19 receipt of contributions referred to in paragraph (1),
20 including the amount of the contributions, not later
21 than 30 days after receiving the contributions.

22 (c) USE OF ACCOUNT.—

23 (1) AUTHORIZED USES.—Subject to paragraph

24 (2), to the extent provided in advance in appropria-

1 tions Acts, amounts in the account may be used as
2 follows:

3 (A) To carry out or facilitate the carrying
4 out of a transaction authorized by this section
5 in connection with the realignment of military
6 installations and the relocation of military per-
7 sonnel on Guam, including military construc-
8 tion, military family housing, unaccompanied
9 housing, general facilities constructions for mili-
10 tary forces, and utilities improvements.

11 (B) To carry out improvements of property
12 or facilities on Guam as part of such a trans-
13 action.

14 (C) To obtain property support services for
15 property or facilities on Guam resulting from
16 such a transaction.

17 (D) To develop military facilities or train-
18 ing ranges in the Commonwealth of the North-
19 ern Mariana Islands.

20 (2) COMPLIANCE WITH GUAM MASTER PLAN.—

21 Transactions authorized by paragraph (1) shall be
22 consistent with the Guam Master Plan, as incor-
23 porated in decisions made in the manner provided in
24 section 102 of the National Environmental Policy
25 Act of 1969 (42 U.S.C. 4332).

1 (3) LIMITATION REGARDING MILITARY HOUS-
2 ING.—To extent that the authorities provided under
3 subchapter IV of chapter 169 of title 10, United
4 States Code, are available to the Secretary of De-
5 fense, the Secretary shall use such authorities to ac-
6 quire, construct, or improve family housing units,
7 military unaccompanied housing units, or ancillary
8 supporting facilities in connection with the relocation
9 of military personnel on Guam.

10 (4) SPECIAL REQUIREMENTS REGARDING USE
11 OF CONTRIBUTIONS.—

12 (A) TREATMENT OF CONTRIBUTIONS.—

13 Except as provided in subparagraph (C), the
14 use of contributions referred to in subsection
15 (b)(1) shall not subject to conditions imposed
16 on the use of appropriated funds by chapter
17 169 of title 10, United States Code, or con-
18 tained in annual military construction appro-
19 priations Acts.

20 (B) NOTICE OF OBLIGATION.—Contribu-
21 tions referred to in subsection (b)(1) may not
22 be obligated for a transaction authorized by
23 paragraph (1) until the Secretary of Defense
24 submits to the congressional defense committees
25 notice of the transaction, including a detailed

1 cost estimate, and a period of 21 days has
2 elapsed after the date on which the notification
3 is received by the committees or, if earlier, a
4 period of 14 days has elapsed after the date on
5 which a copy of the notification is provided in
6 an electronic medium.

7 (C) COST AND SCOPE OF WORK VARI-
8 ATIONS.—Section 2853 of title 10, United
9 States Code, shall apply to the use of contribu-
10 tions referred to in subsection (b)(1).

11 (D) COMPLIANCE WITH WAGE RATE RE-
12 QUIREMENTS.—Subchapter IV of chapter 31 of
13 title 40, United States Code, shall apply to the
14 use of contributions referred to in subsection
15 (b)(1).

16 (d) TRANSFER AUTHORITY.—

17 (1) TRANSFER TO HOUSING FUNDS.—The Sec-
18 retary of Defense may transfer funds from the
19 Guam Defense Policy Review Initiative Account to
20 the following funds:

21 (A) The Department of Defense Family
22 Housing Improvement Fund established by sec-
23 tion 2883(a)(1) of title 10, United States Code.

1 (B) The Department of Defense Military
2 Unaccompanied Housing Improvement Fund
3 established by section 2883(a)(2) of such title.

4 (2) TREATMENT OF TRANSFERRED
5 AMOUNTS.—Amounts transferred under paragraph
6 (1) to a fund referred to in that paragraph shall be
7 available in accordance with the provisions of section
8 2883 of title 10, United States Code for activities on
9 Guam authorized under subchapter IV of chapter
10 169 of such title.

11 (e) REPORT REGARDING GUAM MILITARY CON-
12 STRUCTION.—Not later than February 15 of each year,
13 the Secretary of Defense shall submit to Congress a report
14 containing information on each military construction
15 project included in the budget submission for the next fis-
16 cal year related to the realignment of military installations
17 and the relocation of military personnel on Guam. The
18 Secretary shall present the information in manner con-
19 sistent with the presentation of projects in the military
20 construction accounts for each of the military departments
21 in the budget submission. The report shall also include
22 projects associated with the realignment of military instal-
23 lations and relocation of military personnel on Guam that
24 are included in the future-years defense program pursuant
25 to section 221 of title 10, United States Code.

1 **SEC. 2822. SENSE OF CONGRESS REGARDING USE OF SPE-**
2 **CIAL PURPOSE ENTITIES FOR MILITARY**
3 **HOUSING RELATED TO GUAM REALIGNMENT.**

4 (a) NATURE OF SPECIAL PURPOSE ENTITIES.—It is
5 the sense of Congress that any Special Purpose Entity es-
6 tablished to assist in the provision of military family hous-
7 ing in connection with the realignment of military installa-
8 tions and the relocation of military personnel on Guam
9 should—

10 (1) be operated, to the extent practicable, in the
11 manner provided for public-private ventures under
12 subchapter IV of chapter 169 of title 10, United
13 States Code; and

14 (2) be conducted as joint ventures between Jap-
15 anese and United States private firms, except that
16 any military family housing venture carried out by
17 such a joint venture should be primarily managed by
18 a United States private firm.

19 (b) SCOPE OF ACTIVITIES.—It is the sense of Con-
20 gress that funding for such a Special Purpose Entity
21 should not be limited to only utility improvements and the
22 construction of military family housing in connection with
23 the realignment of military installations and the relocation
24 of military personnel on Guam.

25 (c) UTILITY INFRASTRUCTURE IMPROVEMENTS.—It
26 is the sense of Congress that funding for such a Special

1 Purpose Entity should support proposed utility infrastruc-
2 ture improvements on Guam that incorporate the civilian
3 and military infrastructure into a single grid to realize and
4 maximize the effectiveness of the overall utility system.

5 (d) MILITARY FAMILY HOUSING.—It is the sense of
6 Congress that the building requirements imposed for any
7 military family housing constructed by such a Special Pur-
8 pose Entity in connection with the realignment of military
9 installations and the relocation of military personnel on
10 Guam should be established by the Department of Defense
11 in accordance with current building standards that are
12 used with other projects.

13 (e) SPECIAL PURPOSE ENTITY DEFINED.—In this
14 section, the term “Special Purpose Entity” means a whol-
15 ly independent entity established for a specific and limited
16 purpose to facilitate the realignment of military installa-
17 tions and the relocation of military personnel on Guam.

18 **SEC. 2823. SENSE OF CONGRESS REGARDING FEDERAL AS-**

19 **SISTANCE TO GUAM.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that the Secretary of Defense, in coordination with
22 the Interagency Group on Insular Areas, should enter into
23 a memorandum of understanding with the Government of
24 Guam to identify, before the realignment of military in-
25 stallations and the relocation of military personnel on

1 Guam, local funding requirements for civilian infrastruc-
2 ture development and other needs related to the realign-
3 ment and relocation. The memorandum of understanding
4 would stipulate the commitment of Federal agencies to as-
5 sist the Government of Guam in carrying out the Guam
6 realignment in a responsible and consistent manner.

7 (b) INTERAGENCY GROUP ON INSULAR AREAS DE-
8 FINED.—In this section, the term “Interagency Group on
9 Insular Areas” means the interagency group established
10 by Executive Order No. 13299 of May 12, 2003 (68 Fed.
11 Reg. 25477; 48 U.S.C. note prec. 1451). The term in-
12 cludes any sub-group or working group of that interagency
13 group.

14 **SEC. 2824. COMPTROLLER GENERAL REPORT REGARDING**
15 **INTERAGENCY REQUIREMENTS RELATED TO**
16 **GUAM REALIGNMENT.**

17 (a) REPORT REQUIRED.—Not later than 180 days
18 after the date of the enactment of this Act, the Comp-
19 troller General shall submit to Congress a report on the
20 status of interagency coordination through the Inter-
21 agency Group on Insular Areas of budgetary requests to
22 assist the Government of Guam with its budgetary re-
23 quirements related to the realignment of military forces
24 on Guam. The report shall address to what extent and
25 how the Interagency Group on Insular Areas will be able

1 to coordinate interagency budgets so the realignment of
2 military forces on Guam will meet the 2014 completion
3 date as stipulated in the May 2006 security agreement be-
4 tween the United States and Japan.

5 (b) INTERAGENCY GROUP ON INSULAR AREAS DE-
6 FINED.—In this section, the term “Interagency Group on
7 Insular Areas” means the interagency group established
8 by Executive Order No. 13299 of May 12, 2003 (68 Fed.
9 Reg. 25477; 48 U.S.C. note prec. 1451). The term in-
10 cludes any sub-group or working group of that interagency
11 group.

12 **SEC. 2825. ENERGY AND ENVIRONMENTAL DESIGN INITIA-**
13 **TIVES IN GUAM MILITARY CONSTRUCTION**
14 **AND INSTALLATIONS.**

15 (a) LEADERSHIP IN ENERGY AND ENVIRONMENTAL
16 DESIGN PRINCIPLES.—With respect to all new military
17 construction projects on Guam and military housing to be
18 constructed on Guam related to the realignment of mili-
19 tary forces on Guam, the Secretary of Defense shall re-
20 quire the incorporation of design criteria promulgated in
21 the Leadership in Energy and Environmental Design
22 Green Building Rating System, as developed by the
23 United States Green Building Council, to achieve not less
24 than the silver standard. This requirement shall apply re-
25 gardless of the source of funds for the project.

1 (b) RENEWABLE ENERGY GOAL.—The Secretary of
2 Defense shall establish a goal for the use of renewable en-
3 ergy sources on all military installations on Guam. Not
4 later than one year after the date of the enactment of this
5 Act, the Secretary shall submit to the congressional de-
6 fense committees a report containing the plan of the Sec-
7 retary to achieve the renewable energy goal. The report
8 shall identify the renewable sources of energy that will be
9 utilized and describe how the renewable sources will be uti-
10 lized and installed at military installations on Guam.

11 **SEC. 2826. DEPARTMENT OF DEFENSE INSPECTOR GEN-**
12 **ERAL REPORT REGARDING GUAM REALIGN-**
13 **MENT.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Inspector General of the Department
16 of Defense shall submit to the congressional defense com-
17 mittees a report on the efforts of the Inspector General
18 to address potential waste and fraud associated with the
19 realignment of military forces on Guam.

20 **SEC. 2827. ELIGIBILITY OF THE COMMONWEALTH OF THE**
21 **NORTHERN MARIANA ISLANDS FOR MILI-**
22 **TARY BASE REUSE STUDIES AND COMMUNITY**
23 **PLANNING ASSISTANCE.**

24 (a) INCLUSION IN DEFINITION OF MILITARY INSTAL-
25 LATION.—Section 2687(e)(1) of title 10, United States

1 Code, is amended by inserting after “Virgin Islands,” the
2 following: “the Commonwealth of the Northern Mariana
3 Islands,”.

4 (b) INCLUSION OF FACILITIES OWNED AND OPER-
5 ATED BY COMMONWEALTH.—Section 2391(d)(1) of title
6 10, United States Code, is amended by inserting after
7 “Guam,” the following: “the Commonwealth of the North-
8 ern Mariana Islands,”.

9 **SEC. 2828. PREVAILING WAGE APPLICABLE TO GUAM.**

10 (a) IN GENERAL.—Subchapter I of chapter 169 of
11 title 10, United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 2816. Application of prevailing wage for construc-**
14 **tion on Guam**

15 “Subchapter IV of chapter 31 of title 40, United
16 States Code, shall apply to any military construction au-
17 thorized under this chapter of any facilities on Guam. In
18 order to carry out the requirements of this section, the
19 Secretary of Labor shall have the authority and functions
20 set forth in Reorganization Plan Number 14 of 1950 and
21 section 3145 of title 40, United States Code.”.

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

“2816. Application of prevailing wage for construction on Guam.”.

1 **SEC. 2829. PORT OF GUAM IMPROVEMENT ENTERPRISE**
2 **PROGRAM.**

3 (a) IN GENERAL.—The Secretary of Transportation,
4 acting through the Administrator of the Maritime Admin-
5 istration (in this section referred to as the “Adminis-
6 trator”), may establish a Port of Guam Improvement En-
7 terprise Program (in this section referred to as the “Pro-
8 gram”) to provide for the planning, design, and construc-
9 tion of projects for the Port of Guam to improve facilities,
10 relieve port congestion, and provide greater access to port
11 facilities.

12 (b) AUTHORITIES OF THE ADMINISTRATOR.—In car-
13 rying out the Program, the Administrator may—

14 (1) receive funds provided for the Program
15 from non-Federal entities, including private entities;

16 (2) provide for coordination among appropriate
17 governmental agencies to expedite the review process
18 under the National Environmental Policy Act of
19 1969 (42 U.S.C. 4321 et seq.) for projects carried
20 out under the Program;

21 (3) provide for coordination among appropriate
22 governmental agencies in connection with other re-
23 views and requirements applicable to projects carried
24 out under the Program; and

1 (4) provide technical assistance to the Port Au-
2 thority of Guam (and its agents) as needed for
3 projects carried out under the Program.

4 (c) PORT OF GUAM IMPROVEMENT ENTERPRISE
5 FUND.—

6 (1) ESTABLISHMENT.—There is established in
7 the Treasury of the United States a separate ac-
8 count to be known as the “Port of Guam Improve-
9 ment Enterprise Fund” (in this section referred to
10 as the “Fund”).

11 (2) DEPOSITS.—There shall be deposited into
12 the Fund—

13 (A) amounts received by the Administrator
14 from non-Federal sources under subsection
15 (b)(1);

16 (B) amounts transferred to the Adminis-
17 trator under subsection (d); and

18 (C) amounts appropriated to carry out this
19 section under subsection (f).

20 (3) USE OF AMOUNTS.—Amounts in the Fund
21 shall be available to the Administrator to carry out
22 the Program.

23 (4) ADMINISTRATIVE EXPENSES.—Not to ex-
24 ceed 3 percent of the amounts appropriated to the

1 Fund for a fiscal year may be used for administra-
2 tive expenses of the Administrator.

3 (5) AVAILABILITY OF AMOUNTS.—Amounts in
4 the Fund shall remain available until expended.

5 (d) TRANSFERS OF AMOUNTS.—Amounts appro-
6 priated or otherwise made available for any fiscal year for
7 an intermodal or marine facility comprising a component
8 of the Program shall be transferred to and administered
9 by the Administrator.

10 (e) LIMITATION.—Nothing in this section shall be
11 construed to authorize amounts made available under sec-
12 tion 215 of title 23, United States Code, or any other
13 amounts made available for the construction of highways
14 or amounts otherwise not eligible for making port im-
15 provements to be deposited into the Fund.

16 (f) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Fund such sums
18 as may be necessary to carry out this section.

19 **Subtitle D—Energy Security**

20 **SEC. 2841. CERTIFICATION OF ENHANCED USE LEASES FOR** 21 **ENERGY-RELATED PROJECTS.**

22 Section 2667(h) of title 10, United States Code, is
23 amended by adding at the end the following new para-
24 graph:

1 “(5) If a proposed lease under subsection (a) involves
2 a project related to energy production and the term of the
3 lease exceeds 20 years, the Secretary concerned may not
4 enter into the lease until at least 30 days after the date
5 on which the Secretary of Defense submits to the congress-
6 sional defense committees a certification that the lease is
7 consistent with the Department of Defense performance
8 goals and plan required by section 2911 of this title.”.

9 **SEC. 2842. ANNUAL REPORT ON DEPARTMENT OF DEFENSE**

10 **INSTALLATIONS ENERGY MANAGEMENT.**

11 Section 2925(a) of title 10, United States Code, is
12 amended—

13 (1) by striking the subsection heading and in-
14 sserting the following: “ANNUAL REPORT RELATED
15 TO INSTALLATIONS ENERGY MANAGEMENT.—”;

16 (2) in paragraph (1), by inserting “, the Energy
17 Independence and Security Act of 2007 (Public Law
18 110–140),” after “58”;

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

21 “(6) A description and estimate of the progress
22 made by the military departments to meet the cer-
23 tification requirements for sustainable green-building
24 standards in construction and major renovations.”.

1 **Subtitle E—Land Conveyances**

2 **SEC. 2851. LAND CONVEYANCE, FORMER NAVAL AIR STA-** 3 **TION, ALAMEDA, CALIFORNIA.**

4 (a) **CONVEYANCE REQUIRED.**—The Secretary of the
5 Navy shall convey to the redevelopment authority for the
6 former Naval Air Station Alameda, California (in this sec-
7 tion referred to as the “redevelopment authority”), all
8 right, title and interest of the United States in and to the
9 real and personal property comprising Naval Air Station
10 Alameda, except those parcels identified for public benefit
11 conveyance and certain surplus lands at the Naval Air
12 Station Alameda described in the Federal Register on No-
13 vember 5, 2007. In this section, the real and personal
14 property to be conveyed under this section is referred to
15 as the “NAS Property”.

16 (b) **MULTIPLE CONVEYANCES.**—The conveyance of
17 the NAS Property may be conducted through multiple
18 parcel transfers.

19 (c) **CONSIDERATION OPTIONS.**—As consideration for
20 the conveyance of the NAS Property under subsection (a),
21 the Secretary of the Navy and the redevelopment authority
22 shall agree upon one of the following options:

23 (1) Not later than nine months after the date
24 of the enactment of this Act, the redevelopment au-
25 thority shall accept the consideration terms de-

1 scribed in the document negotiated between the re-
2 development authority and the Secretary of the
3 Navy known as the draft “Summary of Acquisition
4 Terms and Conditions” and dated September 18,
5 2006, as such language may be amended, with value
6 to be determined for the portion of the NAS Prop-
7 erty known as Parcel 3, and subsequently make pay-
8 ments to the Secretary in accordance with such doc-
9 ument.

10 (2)(A) The redevelopment authority shall en-
11 sure that the entity that acquires title to the NAS
12 Property for development (in this paragraph referred
13 to as the “development entity”) submits to the Sec-
14 retary of the Navy a down payment of \$10,000,000
15 dollars at the time the initial portion of the NAS
16 Property is conveyed to the development entity.

17 (B) In addition, the redevelopment entity shall
18 submit to the Secretary 12 percent of all gross resi-
19 dential and commercial building sales to the first
20 bona-fide, arms-length third-party buyer, whether as
21 new construction or the sale of rehabilitated existing
22 structures. In the event that the development entity
23 transfers all or any portion of the NAS Property to
24 a third party, including any subsidiaries, before the
25 completion of new or rehabilitated construction, the

1 development entity shall satisfy the payment require-
2 ment as prescribed in this paragraph at such time
3 as the NAS Property is conveyed to a bona-fide,
4 arms-length third-party buyer. This obligation shall
5 not apply to the sale of any buildings on land held
6 in the public trust by the State of California or sales
7 of land or buildings for the purposes of constructing
8 or otherwise providing affordable housing, as deter-
9 mined by the Secretary.

10 (3)(A) The redevelopment authority shall sub-
11 mit 80 percent of the gross proceeds received by the
12 redevelopment authority from the redevelopment
13 authority's competitive solicitation of any portion of
14 the NAS Property not encumbered by the public
15 trust.

16 (B) To comply with this paragraph, the redevel-
17 opment authority shall—

18 (i) prepare, for review and approval by the
19 Secretary of the Navy, commercially reasonable
20 solicitation materials consisting of a request for
21 qualifications and a request for proposals for
22 the conveyance or lease of the NAS Property,
23 as appropriate, in accordance with established
24 contract principles, and such approval by the

1 Secretary shall not be unreasonably withheld;
2 and

3 (ii) pay to the Secretary the required share
4 of monies received by the redevelopment author-
5 ity by reason of any contract or agreement exe-
6 cuted as a result of the solicitation.

7 (d) EXISTING USES.—During the three-year period
8 beginning on the date on which the first conveyance under
9 this section is made, the redevelopment authority shall
10 make reasonable efforts to accommodate the continued use
11 by the United States of those portions of the NAS Prop-
12 erty covered by a request for Federal Land Transfer so
13 long as the accommodation of such use is at no cost or
14 expense to the redevelopment authority. Such accommoda-
15 tions shall provide adequate protection for the endangered
16 California Least Tern in accordance with the requirements
17 of the existing Biological Opinion for Naval Air Station
18 Alameda dated March 22, 1999, and any future amend-
19 ments to the Biological Opinion.

20 (e) REMEDIATION.—The Secretary of the Navy shall,
21 to the extent practicable, remediate the NAS Property to
22 the standard included by the Secretary and the redevelop-
23 ment authority in the document referred to in subsection
24 (c)(1).

1 (f) SAVINGS PROVISION.—Nothing in this section
2 shall be construed to affect or limit the application of, or
3 any obligation to comply with, any environmental law, in-
4 cluding the Comprehensive Environmental Response,
5 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
6 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901
7 et seq.).

8 (g) DESCRIPTION OF PROPERTY.—The exact acreage
9 and legal description of the real property to be conveyed
10 under this section shall be determined by a survey satis-
11 factory to the Department.

12 (h) MASTER LEASE.—The Lease in Furtherance of
13 Conveyance, dated June 2000, as amended, between the
14 Secretary of the Navy and the redevelopment authority
15 shall remain in full force and effect until conveyance of
16 the NAS Property in accordance with this section, and a
17 lease amendment recognizing this section shall be offered
18 by the Secretary.

19 (i) TREATMENT OF AMOUNTS RECEIVED.—Amounts
20 received by the United States under this section shall be
21 credited to the fund or account intended to receive pro-
22 ceeds from the disposal of the NAS Property pursuant to
23 the Defense Base Closure and Realignment Act of 1990
24 (part A of title XXIX of Public Law 101–510; 10 U.S.C.
25 2687 note).

1 (j) **ADDITIONAL TERMS AND CONDITIONS.**—The Sec-
2 retary of the Navy may require such additional terms and
3 conditions in connection with the conveyance under sub-
4 sections (a) as the Secretary considers appropriate to pro-
5 tect the interests of the United States.

6 **SEC. 2852. LAND CONVEYANCE, NORWALK DEFENSE FUEL**
7 **SUPPLY POINT, NORWALK, CALIFORNIA.**

8 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
9 the Air Force may convey, without consideration, to the
10 City of Norwalk, California (in this section referred to as
11 the “City”), all right, title, and interest of the United
12 States in and to a parcel of real property, including im-
13 provements thereon, consisting of approximately 10 acres
14 of the Norwalk Defense Fuel Supply Point in Norwalk,
15 California, for the purpose of permitting the City to utilize
16 the property for recreational purposes as an addition to
17 the adjacent Holifield Park. In connection with the con-
18 veyance, the Secretary may make a payment to the City
19 to assist the City in making municipal upgrades in the
20 vicinity of the Norwalk Defense Fuel Supply Point.

21 (b) **ENVIRONMENTAL REMEDIATION.**—The Secretary
22 shall manage and carry out environmental remediation ac-
23 tivities with respect to the property to be conveyed under
24 subsection (a) that, at a minimum, achieve the standard
25 sufficient to allow the property to be used for the purposes

1 specified in such subsection. The Secretary shall endeavor
2 to enter into an agreement with the holder of an easement
3 on the property to ensure that the easement holder partici-
4 pates in the remediation of the property.

5 (c) DESCRIPTION OF PROPERTY.—The exact acreage
6 and legal description of the real property to be conveyed
7 under subsection (a) shall be determined by a survey satis-
8 factory to the Secretary.

9 (d) PAYMENT OF COSTS OF CONVEYANCES.—

10 (1) PAYMENT REQUIRED.—The Secretary shall
11 require the City to cover costs to be incurred by the
12 Secretary, or to reimburse the Secretary for costs in-
13 curred by the Secretary, to carry out the conveyance
14 under subsection (a), including survey costs, costs
15 related to environmental documentation, and other
16 administrative costs related to the conveyance. If
17 amounts are collected from the City in advance of
18 the Secretary incurring the actual costs, and the
19 amount collected exceeds the costs actually incurred
20 by the Secretary to carry out the conveyance, the
21 Secretary shall refund the excess amount to the
22 City.

23 (2) TREATMENT OF AMOUNTS RECEIVED.—
24 Amounts received as reimbursements under para-
25 graph (1) shall be credited to the fund or account

1 that was used to cover the costs incurred by the Sec-
2 retary in carrying out the conveyance. Amounts so
3 credited shall be merged with amounts in such fund
4 or account and shall be available for the same pur-
5 poses, and subject to the same conditions and limita-
6 tions, as amounts in such fund or account.

7 (e) SAVINGS PROVISION.—Nothing in this section
8 shall be construed to affect or limit the application of, or
9 any obligation to comply with, any environmental law, in-
10 cluding the Comprehensive Environmental Response,
11 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
12 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901
13 et seq.).

14 (f) ADDITIONAL TERM AND CONDITIONS.—The Sec-
15 retary may require such additional terms and conditions
16 in connection with the conveyance under subsection (a) as
17 the Secretary considers appropriate to protect the inter-
18 ests of the United States.

19 **SEC. 2853. LAND CONVEYANCE, FORMER NAVAL STATION,**
20 **TREASURE ISLAND, CALIFORNIA.**

21 (a) CONVEYANCE AUTHORIZED.—The Secretary of
22 the Navy shall convey to the redevelopment authority for
23 former Naval Station, Treasure Island, California (in this
24 section referred to as the “redevelopment authority”), all
25 right, title, and interest of the United States in and to

1 a parcel of real property consisting of those portions of
2 the former Naval Station still retained by the Navy as of
3 the date of the enactment of this Act and personal prop-
4 erty and related utilities and improvements thereon.

5 (b) CONSIDERATION.—As consideration for the con-
6 veyance of the property under subsection (a), the Sec-
7 retary and the redevelopment authority shall agree upon
8 at least one of the following options:

9 (1) Subject to subsection (c), the redevelopment
10 authority shall assume the remaining obligations of
11 the Department of Defense to address releases or
12 threatened releases of hazardous substances and pe-
13 troleum and its constituents, to the extent necessary
14 to obtain regulatory closure from relevant California
15 and Federal environmental regulatory agencies, in-
16 cluding a CERCLA covenant deferral by the Gov-
17 ernor of the State of California.

18 (2) The redevelopment authority shall pay the
19 United States a share of the gross revenues that the
20 redevelopment authority receives from third-party
21 buyers or lessees from sales and long-term leases of
22 the conveyed property.

23 (c) ENVIRONMENTAL REMEDIATION EXCEPTIONS.—
24 Under the consideration option provided by subsection

1 (b)(1), the redevelopment authority shall not be required
2 to accept any responsibility for—

3 (1) ordnance, explosives, munitions or similar
4 devices or materials located on the conveyed prop-
5 erty;

6 (2) radiological materials located on the con-
7 veyed property, where those materials were not iden-
8 tified before the conveyance under subsection (a)
9 and were authorized to remain in place subject to
10 the establishment of institutional controls enforced
11 by a covenant with the California Department of
12 Toxic Substances Control and deed restrictions to
13 the property recipient;

14 (3) chemical or biological weapons or constitu-
15 ents thereof located on the conveyed property; and

16 (4) releases of hazardous substances and petro-
17 leum and its constituents located on the conveyed
18 property, if the release of the hazardous substances
19 or petroleum and its constituents was not discovered
20 at the time of the conveyance and the costs of reme-
21 diation of such unknown releases is not covered by
22 environmental insurance procured by or benefitting
23 the redevelopment authority.

24 (d) PAYMENT OF COSTS OF CONVEYANCES.—

1 (1) PAYMENT REQUIRED.—The Secretary shall
2 require the redevelopment authority to cover costs to
3 be incurred by the Secretary, or to reimburse the
4 Secretary for costs incurred by the Secretary, to
5 carry out the conveyance under subsection (a), in-
6 cluding survey costs, appraisal costs, and other costs
7 related to the conveyance. If amounts are collected
8 from the redevelopment authority in advance of the
9 Secretary incurring the actual costs, and the amount
10 collected exceeds the costs actually incurred by the
11 Secretary to carry out the conveyance, the Secretary
12 shall refund the excess amount to the redevelopment
13 authority.

14 (2) TREATMENT OF AMOUNTS RECEIVED.—
15 Amounts received under paragraph (1) as reim-
16 bursement for costs incurred by the Secretary to
17 carry out the conveyance under subsection (a), and
18 not refunded under such paragraph, shall be—

19 (A) counted toward the consideration oth-
20 erwise required from the redevelopment author-
21 ity under subsection (b); and

22 (B) credited to the fund or account that
23 was used to cover the costs incurred by the Sec-
24 retary in carrying out the conveyance.

1 (3) USE OF AMOUNTS RECEIVED.—Amounts
2 credited to a fund or account under paragraph
3 (2)(B) shall be merged with amounts in the fund or
4 account and shall be available for the same pur-
5 poses, and subject to the same conditions and limita-
6 tions, as amounts in such fund or account.

7 (e) SAVINGS PROVISION.—Nothing in this section
8 shall be construed to affect or limit the application of, or
9 any obligation to comply with, any environmental law, in-
10 cluding the Comprehensive Environmental Response,
11 Compensation, and Liability Act of 1980 (42 U.S.C. 9601
12 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901
13 et seq.).

14 (f) DESCRIPTION OF PROPERTY.—The exact acreage
15 and legal description of the real property to be conveyed
16 under subsection (a) shall be determined by a survey satis-
17 factory to the Secretary.

18 (g) ADDITIONAL TERMS AND CONDITIONS.—The
19 Secretary may require such additional terms and condi-
20 tions in connection with the conveyance under subsections
21 (a) as the Secretary considers appropriate to protect the
22 interests of the United States, so long as such additional
23 terms and conditions do not materially change the terms
24 and conditions of this section, including the consideration
25 to be provided the United States under subsection (b).

1 **SEC. 2854. CONDITION ON LEASE INVOLVING NAVAL AIR**
2 **STATION, BARBERS POINT, HAWAII.**

3 As a condition of any lease executed by the Secretary
4 of the Navy pursuant to section 2843 of the Military Con-
5 struction Authorization Act for Fiscal Year 2007 (division
6 B of Public Law 109–364; 120 Stat. 2482) with Ford Is-
7 land Properties/Hunt Development involving the former
8 Naval Air Station, Barbers Point, Hawaii, the Secretary
9 of the Navy shall require that Ford Island Properties/
10 Hunt Development enter into a memorandum of under-
11 standing with the Hawaii Community Development Au-
12 thority to ensure that the development plan for the real
13 property covered by the lease conforms with the final
14 Kalaeloa Master Plan and appropriate land use controls
15 of the Hawaii Community Development Authority.

16 **SEC. 2855. LAND CONVEYANCE, SERGEANT FIRST CLASS**
17 **M.L. DOWNS ARMY RESERVE CENTER,**
18 **SPRINGFIELD, OHIO.**

19 (a) CONVEYANCE AUTHORIZED.—At such time as the
20 Army Reserve vacates the Sergeant First Class M.L.
21 Downs Army Reserve Center at 1515 West High Street
22 in Springfield, Ohio, the Secretary of the Army may con-
23 vey, without consideration, to the City of Springfield, Ohio
24 (in this section referred to as the “City”), all right, title,
25 and interest of the United States in and to the parcel of
26 real property, including improvements thereon, containing

1 the Reserve Center for the purpose of permitting the City
2 to utilize the property for municipal government activities.

3 (b) REVERSIONARY INTEREST.—If the Secretary de-
4 termines at any time that the real property conveyed
5 under subsection (a) is not being used in accordance with
6 the purpose of the conveyance, all right, title, and interest
7 in and to such real property, including any improvements
8 and appurtenant easements thereto, shall, at the option
9 of the Secretary, revert to and become the property of the
10 United States, and the United States shall have the right
11 of immediate entry onto such real property. A determina-
12 tion by the Secretary under this subsection shall be made
13 on the record after an opportunity for a hearing.

14 (c) DESCRIPTION OF PROPERTY.—The exact acreage
15 and legal description of the real property to be conveyed
16 under subsection (a) shall be determined by a survey satis-
17 factory to the Secretary.

18 (d) PAYMENT OF COSTS OF CONVEYANCES.—

19 (1) PAYMENT REQUIRED.—The Secretary shall
20 require the City to cover costs to be incurred by the
21 Secretary, or to reimburse the Secretary for costs in-
22 curred by the Secretary, to carry out the conveyance
23 under subsection (a), including survey costs, costs
24 related to environmental documentation, and other
25 administrative costs related to the conveyance. If

1 amounts are collected from the City in advance of
2 the Secretary incurring the actual costs, and the
3 amount collected exceeds the costs actually incurred
4 by the Secretary to carry out the conveyance, the
5 Secretary shall refund the excess amount to the
6 City.

7 (2) TREATMENT OF AMOUNTS RECEIVED.—
8 Amounts received as reimbursements under para-
9 graph (1) shall be credited to the fund or account
10 that was used to cover the costs incurred by the Sec-
11 retary in carrying out the conveyance. Amounts so
12 credited shall be merged with amounts in such fund
13 or account and shall be available for the same pur-
14 poses, and subject to the same conditions and limita-
15 tions, as amounts in such fund or account.

16 (e) ADDITIONAL TERM AND CONDITIONS.—The Sec-
17 retary may require such additional terms and conditions
18 in connection with the conveyance under subsection (a) as
19 the Secretary considers appropriate to protect the inter-
20 ests of the United States.

21 **SEC. 2856. LAND CONVEYANCE, JOHN SEVIER RANGE, KNOX**
22 **COUNTY, TENNESSEE.**

23 (a) CONVEYANCE AUTHORIZATION.—The Secretary
24 of the Army may convey, without consideration, to the
25 State of Tennessee all right, title, and interest of the

1 United States in and to a parcel of real property, including
2 any improvements thereon and appurtenant easements
3 thereto, consisting of approximately 124 acres known as
4 the John Sevier Range in Knox County, Tennessee, if the
5 State agrees to use such real property as a public firing
6 range and for associated recreational activities.

7 (b) REVERSIONARY INTEREST.—If the Secretary de-
8 termines at any time that the real property conveyed
9 under subsection (a) is not being used in accordance with
10 the terms of the conveyance, all right, title, and interest
11 in and to such real property, including any improvements
12 and appurtenant easements thereto, shall, at the option
13 of the Secretary, revert to and become the property of the
14 United States, and the United States shall have the right
15 of immediate entry onto such real property. A determina-
16 tion by the Secretary under this subsection shall be made
17 on the record after an opportunity for a hearing.

18 (c) ADMINISTRATIVE EXPENSES.—In accordance
19 with section 2695 of title 10, United State Code, the Sec-
20 retary may accept amounts provided by the State to cover
21 administrative expenses incurred by the Secretary with re-
22 spect to the conveyance authorized under subsection (a),
23 including survey expenses, expenses related to environ-
24 mental documentation, and other administrative expenses
25 related to such conveyance. Such amounts shall be cred-

1 ited, pursuant to subsection (c) of section 2695 of such
2 title, to the appropriation, fund, or account from which
3 such expenses were paid. If amounts are collected from
4 the State in advance of the Secretary incurring such ex-
5 penses, and the amount collected exceeds the expenses ac-
6 tually incurred by the Secretary, the Secretary shall re-
7 fund the excess amount to the State.

8 (d) DESCRIPTION OF PROPERTY.—The exact acreage
9 and legal description of the real property authorized to
10 be conveyed under subsection (a) shall be determined by
11 a survey satisfactory to the Secretary and the State.

12 (e) ADDITIONAL TERMS AND CONDITIONS.—The
13 Secretary may require such additional terms and condi-
14 tions in connection with the conveyance authorized under
15 subsection (a) as the Secretary considers appropriate to
16 protect the interests of the United States.

17 **SEC. 2857. LAND CONVEYANCE, BUREAU OF LAND MANAGE-**
18 **MENT LAND, CAMP WILLIAMS, UTAH.**

19 (a) CONVEYANCE REQUIRED.—Not later than 120
20 days after the date of the enactment of this Act, the Sec-
21 retary of the Interior, acting through the Bureau of Land
22 Management, shall convey, without consideration, to the
23 State of Utah all right, title, and interest of the United
24 States in and to certain lands comprising approximately
25 431 acres, as generally depicted on a map entitled “Pro-

1 posed Camp Williams Land Transfer” and dated March
2 7, 2008, which are located within the boundaries of the
3 public lands currently withdrawn for military use by the
4 Utah National Guard and known as Camp Williams,
5 Utah, for the purpose of permitting the Utah National
6 Guard to use the conveyed land as provided in subsection
7 (c).

8 (b) REVOCATION OF EXECUTIVE ORDER.—Executive
9 Order No. 1922 of April 24, 1914, as amended by section
10 907 of the Camp W.G. Williams Land Exchange Act of
11 1989 (title IX of Public Law 101–628; 104 Stat. 4501),
12 shall be revoked, only insofar as it affects the lands identi-
13 fied for conveyance to the State of Utah under subsection
14 (a).

15 (c) REVERSIONARY INTEREST.—The lands conveyed
16 to the State of Utah under subsection (a) shall revert to
17 the United States if the Secretary of the Interior deter-
18 mines that the land, or any portion thereof, is sold or at-
19 tempted to be sold, or that the land, or any portion there-
20 of, is used for non-National Guard or non-national defense
21 purposes. Any determination by the Secretary of the Inte-
22 rior under this subsection shall be made in consultation
23 with the Secretary of Defense and the Governor of Utah
24 and on the record after an opportunity for comment.

1 (d) HAZARDOUS MATERIALS.—With respect to any
2 portion of the land conveyed under subsection (a) that the
3 Secretary of the Interior determines is subject to reversion
4 under subsection (c), if the Secretary of the Interior also
5 determines that the portion of the conveyed land contains
6 hazardous materials, the State of Utah shall pay the
7 United States an amount equal to the fair market value
8 of that portion of the land, and the reversionary interest
9 shall not apply to that portion of the land.

10 **SEC. 2858. LAND CONVEYANCE, ARMY PROPERTY, CAMP**
11 **WILLIAMS, UTAH.**

12 (a) CONVEYANCE AUTHORIZED.—The Secretary of
13 the Army may convey, without consideration, to the State
14 of Utah on behalf of the Utah National Guard (in this
15 section referred to as the “State”) all right, title, and in-
16 terest of the United States in and to two parcels of real
17 property, including any improvements thereon, that are lo-
18 cated within the boundaries of Camp Williams, Utah, con-
19 sist of approximately 608 acres and 308 acres, respec-
20 tively, and are identified in the Utah National Guard mas-
21 ter plan as being necessary acquisitions for future mis-
22 sions of the Utah National Guard.

23 (b) REVERSIONARY INTEREST.—If the Secretary de-
24 termines at any time that the real property conveyed
25 under subsection (a), or any portion thereof, has been sold

1 or is being used solely for non-defense, commercial pur-
2 poses, all right, title, and interest in and to the property
3 shall revert, at the option of the Secretary, to the United
4 States, and the United States shall have the right of im-
5 mediate entry onto the property. It is not a violation of
6 the reversionary interest for the State to lease the prop-
7 erty, or any portion thereof, to private, commercial, or
8 governmental interests if the lease facilitates the construc-
9 tion and operation of buildings, facilities, roads, or other
10 infrastructure that directly supports the defense missions
11 of the Utah National Guard. Any determination of the
12 Secretary under this subsection shall be made on the
13 record after an opportunity for a hearing.

14 (c) PAYMENT OF COSTS OF CONVEYANCE.—

15 (1) PAYMENT REQUIRED.—The Secretary shall
16 require the State to cover costs to be incurred by the
17 Secretary, or to reimburse the Secretary for costs in-
18 curred by the Secretary, to carry out the conveyance
19 under subsection (a), including survey costs, costs
20 related to environmental documentation, and other
21 administrative costs related to the conveyance. If
22 amounts are collected from the State in advance of
23 the Secretary incurring the actual costs, and the
24 amount collected exceeds the costs actually incurred
25 by the Secretary to carry out the conveyance, the

1 Secretary shall refund the excess amount to the
2 State.

3 (2) TREATMENT OF AMOUNTS RECEIVED.—
4 Amounts received as reimbursements under para-
5 graph (1) shall be credited to the fund or account
6 that was used to cover the costs incurred by the Sec-
7 retary in carrying out the conveyance. Amounts so
8 credited shall be merged with amounts in such fund
9 or account and shall be available for the same pur-
10 poses, and subject to the same conditions and limita-
11 tions, as amounts in such fund or account.

12 (d) DESCRIPTION OF REAL PROPERTY.—The exact
13 acreage and legal description of the real property to be
14 conveyed under subsection (a) shall be determined by a
15 survey satisfactory to the Secretary.

16 (e) ADDITIONAL TERMS AND CONDITIONS.—The
17 Secretary may require such additional terms and condi-
18 tions in connection with the conveyance under subsection
19 (a) as the Secretary considers appropriate to protect the
20 interests of the United States.

21 **SEC. 2859. EXTENSION OF POTOMAC HERITAGE NATIONAL**
22 **SCENIC TRAIL THROUGH FORT BELVOIR, VIR-**
23 **GINIA.**

24 (a) AGREEMENT AUTHORITY.—The Secretary of the
25 Army may enter into a revocable at will easement with

1 the Secretary of the Interior to provide land along the pe-
2 rimeter of Fort Belvoir, Virginia, to be used as a segment
3 the Potomac Heritage National Scenic Trail.

4 (b) SELECTION CRITERIA.—In determining the ex-
5 tent of the easement, the Secretary of the Army shall pro-
6 vide for a single trail, and select alignments of the trail,
7 along the perimeter of Fort Belvoir. In making that deter-
8 mination, the Secretary shall consider—

9 (1) the perimeter security requirements to pro-
10 tect the assets, people, and agency missions located
11 at Fort Belvoir;

12 (2) the appropriate setback from adjacent road-
13 ways to provide for a safe and enjoyable experience
14 for users of the trail; and

15 (3) any planned future expansion of roadways,
16 including United States Route 1, so that the trail
17 will not be adversely impacted by roadway construc-
18 tion.

19 (c) TRAIL ADMINISTRATION AND MANAGEMENT.—
20 Any segment of the Potomac Heritage National Scenic
21 Trail along the perimeter of Fort Belvoir shall be adminis-
22 tered by the Secretary of the Interior, acting through the
23 National Park Service, and shall be managed by the Sec-
24 retary of the Army, by an appropriate local agency, or by
25 any other party mutually acceptable to the Secretary of

1 the Army and the National Park Service. A written agree-
2 ment confirming this management arrangement shall be
3 co-signed by the parties to the easement agreement.

4 **SEC. 2860. TRANSFER OF ADMINISTRATIVE JURISDICTION,**
5 **DECOMMISSIONED NAVAL SECURITY GROUP**
6 **ACTIVITY, SKAGGS ISLAND, CALIFORNIA.**

7 (a) TRANSFER MEMORANDUM OF AGREEMENT.—
8 The Secretary of the Navy and the Secretary of the Inte-
9 rior shall negotiate a memorandum of agreement that stip-
10 ulates the conditions upon which the decommissioned
11 Naval Security Group Activity, Skaggs Island, Sonoma,
12 California shall be transferred from the administrative ju-
13 risdiction of the Department of the Navy to the United
14 States Fish and Wildlife Service for inclusion in the Na-
15 tional Wildlife Refuge System.

16 (b) ACCEPTANCE OF DONATIONS; USE.—The Sec-
17 retary of the Navy and the Secretary of the Interior may
18 accept contributions from the State of California and
19 other entities to help cover the costs of demolishing and
20 removing structures on the property described in sub-
21 section (a) and to facilitate future environmental restora-
22 tion that furthers the ultimate end use of the property
23 for conservation purposes. Amounts received may be
24 merged with other amounts available to the Secretaries to

1 carry out this section and shall remain available, without
2 further appropriation and until expended.

3 **Subtitle F—Other Matters**

4 **SEC. 2871. REVISED DEADLINE FOR TRANSFER OF ARLING-** 5 **TON NAVAL ANNEX TO ARLINGTON NA-** 6 **TIONAL CEMETERY.**

7 Section 2881(h)(1) of the Military Construction Au-
8 thorization Act for Fiscal Year 2000 (division B of Public
9 Law 106–65; 113 Stat. 879), as amended by section 2871
10 of the Military Construction Authorization Act for Fiscal
11 Year 2008 (division B of Public Law 110–181; 122 Stat.
12 561), is further amended by striking “January 1, 2011”
13 and inserting “January 1, 2012”.

14 **SEC. 2872. DECONTAMINATION AND USE OF FORMER BOM-** 15 **BARDMENT AREA ON ISLAND OF CULEBRA.**

16 Section 204 of the Military Construction Authoriza-
17 tion Act, 1974 (Public Law 93–166; 87 Stat. 668) is
18 amended by striking subsection (c).

19 **SEC. 2873. ACCEPTANCE AND USE OF GIFTS FOR CON-** 20 **STRUCTION OF ADDITIONAL BUILDING AT** 21 **NATIONAL MUSEUM OF THE UNITED STATES** 22 **AIR FORCE, WRIGHT-PATTERSON AIR FORCE** 23 **BASE.**

24 (a) ACCEPTANCE AUTHORIZED.—The Secretary of
25 the Air Force may accept from the Air Force Museum

1 Foundation, a private nonprofit corporation, gifts in the
2 form of cash, treasury instruments, or comparable United
3 States securities for the purpose of paying the costs of
4 design and construction of a fourth building for the Na-
5 tional Museum of the United States Air Force at Wright-
6 Patterson Air Force Base, Ohio. In making a gift, the Air
7 Force Museum Foundation may specify that all or part
8 of the amount of the gift be utilized solely for the purpose
9 of the design and construction of a particular portion of
10 the building.

11 (b) ESCROW ACCOUNT.—

12 (1) DEPOSIT OF GIFTS.—The Secretary of the
13 Air Force, acting through the Director of Financial
14 Management of the Air Force Materiel Command
15 (in this section referred to as the “Director”), shall
16 deposit the amount of any gift accepted under sub-
17 section (a) in an escrow account established for that
18 purpose.

19 (2) INVESTMENT.—Amounts in the escrow ac-
20 count not required to meet current requirements of
21 the account shall be invested in public debt securi-
22 ties with maturities suitable to the needs of the ac-
23 count, as determined by the Director, and bearing
24 interest at rates that take into consideration current
25 market yields on outstanding marketable obligations

1 of the United States of comparable securities. The
2 income on such investments shall be credited to and
3 form a part of the account.

4 (3) LIQUIDATION.—Upon final payment of all
5 invoices and claims associated with the design and
6 construction of the building described in subsection
7 (a), the Secretary shall terminate the escrow ac-
8 count. Any amounts remaining in the account upon
9 termination shall be available to the Secretary, in
10 such amounts as are provided in advance in appro-
11 priations Acts, for such purposes as the Secretary
12 considers appropriate.

13 (c) USE OF GIFTS.—

14 (1) DESIGN AND CONSTRUCTION.—The Direc-
15 tor shall use amounts in the escrow account, includ-
16 ing income on investments, to pay the costs of the
17 design and construction of a fourth building for the
18 National Museum of the United States Air Force,
19 including progress payments for such design and
20 construction, subject to any conditions imposed by
21 the Air Force Museum Foundation under subsection
22 (a). Amounts in the account shall be available to the
23 Director, in such amounts as are provided in ad-
24 vance in appropriations Acts, until expended.

1 (2) TIME FOR PAYMENT.—Amounts shall be
2 payable under paragraph (1) upon receipt by the Di-
3 rector of a notification from the technical represent-
4 ative of the contracting officer that construction ac-
5 tivities for which such amounts are payable under
6 paragraph (1) have been undertaken. To the max-
7 imum extent practicable consistent with good busi-
8 ness practice, the Director shall limit payment of
9 amounts from the account in order to maximize the
10 return on investment of amounts in the account.

11 (d) LIMITATION ON CONTRACTS.—The Secretary of
12 the Air Force may not initiate a contract for the design
13 or construction of a particular portion of the building de-
14 scribed in subsection (a) until amounts in the escrow ac-
15 count are sufficient to cover the amount of the contract.

16 **SEC. 2874. ESTABLISHMENT OF MEMORIAL TO AMERICAN**
17 **RANGERS AT FORT BELVOIR, VIRGINIA.**

18 (a) AUTHORITY TO ESTABLISH MEMORIAL.—The
19 Secretary of the Army may permit the American Ranger
20 Memorial Association, Inc., to establish and maintain, at
21 a suitable location on Fort Belvoir, Virginia, a national
22 memorial to honor the sacrifice and service of American
23 Rangers during their almost four hundred years of exist-
24 ence.

1 (b) LOCATION AND DESIGN.—The actual location
2 and final design of the memorial authorized by subsection
3 (a) shall be subject to the approval of the Secretary. In
4 selecting the location, the Secretary shall seek to maximize
5 visitor access to the resulting memorial.

6 (c) MAINTENANCE.—The maintenance of the memo-
7 rial authorized by subsection (a) by the American Ranger
8 Memorial Association, Inc., shall be subject to such condi-
9 tions regarding access to the memorial, and such other
10 conditions, as the Secretary considers appropriate to pro-
11 tect the interests of the United States.

12 (d) LIMITATION ON PAYMENT OF EXPENSES.—The
13 United States Government shall not pay any expense for
14 the establishment or maintenance of the memorial author-
15 ized by subsection (a).

16 **SEC. 2875. LEASE INVOLVING PIER ON FORD ISLAND,**
17 **PEARL HARBOR NAVAL BASE, HAWAII.**

18 (a) LEASE.—The Secretary of the Navy shall enter
19 into a lease with the USS Missouri Memorial Association
20 to authorize the USS Missouri Memorial Association to
21 use the pier Foxtrot Five and related real property on
22 Ford Island, Pearl Harbor Naval Base, Hawaii, during
23 calendar years 2009 and 2010.

24 (b) CONSIDERATION.—The lease required by sub-
25 section (a) shall be made without consideration.

1 (c) CONDITION ON USE OF LEASED PROPERTY.—As
2 a condition on the lease under subsection (a), the USS
3 Missouri Memorial Association shall agree to preserve and
4 maintain the USS Missouri for education purposes, his-
5 toric preservation, and community outreach.

6 (d) EFFECT OF VIOLATION.—If the Secretary deter-
7 mines at any time that the USS Missouri Memorial Asso-
8 ciation is not in compliance with the condition imposed
9 by subsection (c), the Secretary may terminate the lease
10 referred to in subsection (a). Any determination of the
11 Secretary under this subsection shall be made on the
12 record after an opportunity for a hearing.

13 **SEC. 2876. NAMING OF HEALTH FACILITY, FORT RUCKER,**
14 **ALABAMA.**

15 The health facility located at 301 Andrews Avenue
16 in Fort Rucker, Alabama, shall be known and designated
17 as the “Lyster Army/VA Health Clinic”. Any reference in
18 a law, map, regulation, document, paper, or other record
19 of the United States to such facility shall be deemed to
20 be a reference to the Lyster Army/VA Health Clinic.

1 **TITLE XXIX—ADDITIONAL WAR-**
 2 **RELATED AND EMERGENCY**
 3 **MILITARY CONSTRUCTION**
 4 **AUTHORIZATIONS FOR FIS-**
 5 **CAL YEAR 2008**

Sec. 2901. Authorized Army construction and land acquisition projects.

Sec. 2902. Authorized Navy construction and land acquisition projects.

Sec. 2903. Authorized Air Force construction and land acquisition projects.

Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects for which funds were not appropriated.

6 **SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 7 **ACQUISITION PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in subsection (c)(1), the Secretary of the Army may
 11 acquire real property and carry out military construction
 12 projects for the installations or locations inside the United
 13 States, and in the amounts, set forth in the following
 14 table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	\$17,000,000
California	Fort Irwin	\$11,800,000
Colorado	Fort Carson	\$8,400,000
Georgia	Fort Benning	\$30,500,000
	Fort Gordon	\$39,800,000
Hawaii	Schofield Barracks	\$12,500,000
Kentucky	Fort Campbell	\$9,900,000
	Fort Knox	\$7,400,000
Missouri	Fort Leonard Wood	\$50,000,000
North Carolina	Fort Bragg	\$8,500,000
Oklahoma	Fort Sill	\$9,000,000
South Carolina	Fort Jackson	\$27,000,000
Texas	Fort Bliss	\$17,300,000
	Fort Hood	\$7,200,000
	Fort Sam Houston	\$54,000,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
Virginia	Fort Eustis	\$50,000,000
	Fort Lee	\$7,400,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in subsection (c)(2), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Various Locations	\$54,000,000
Iraq	Baghdad	\$13,000,000
	Camp Adder	\$13,200,000
	Camp Ramadi	\$6,200,000
	Fallujah	\$5,500,000

8 (c) AUTHORIZATION OF APPROPRIATIONS.—Funds
9 are hereby authorized to be appropriated on or after the
10 date of the enactment of this Act for military construction,
11 land acquisition, and military family housing functions of
12 the Department of the Army in the total amount of
13 \$440,700,000 as follows:

14 (1) For military construction projects inside the
15 United States authorized by subsection (a),
16 \$367,700,000.

1 (2) For military construction projects outside
2 the United States authorized by subsection (b),
3 \$67,000,000.

4 (3) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$6,000,000.

7 **SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND**
8 **ACQUISITION PROJECTS.**

9 (a) **INSIDE THE UNITED STATES.**—Using amounts
10 appropriated pursuant to the authorization of appropria-
11 tions in subsection (c)(1), the Secretary of the Navy may
12 acquire real property and carry out military construction
13 projects for the installations or locations inside the United
14 States, and in the amounts, set forth in the following
15 table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	\$19,962,000
	China Lake	\$7,210,000
	Point Mugu	\$7,250,000
	San Diego	\$17,930,000
	San Diego, Marine Corps Recruit Depot ...	\$43,200,000
	Twentynine Palms	\$12,324,000
Florida	Eglin Air Force Base	\$780,000
Mississippi	Gulfport	\$6,570,000
North Carolina	Camp Lejeune	\$27,980,000
	Parris Island Marine Corps Recruit Depot	\$16,000,000
Virginia	Yorktown	\$8,070,000

16 (b) **OUTSIDE THE UNITED STATES.**—Using amounts
17 appropriated pursuant to the authorization of appropria-
18 tions in subsection (c)(2), the Secretary of the Navy may
19 acquire real property and carry out military construction

1 projects for the installations or locations outside the
 2 United States, and in the amounts, set forth in the fol-
 3 lowing table:

Navy: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonier	\$22,390,000

4 (c) AUTHORIZATION OF APPROPRIATIONS.—Subject
 5 to section 2825 of title 10, United States Code, funds are
 6 hereby authorized to be appropriated on or after the date
 7 of the enactment of this Act for military construction, land
 8 acquisition, and military family housing functions of the
 9 Department of the Navy in the total amount of
 10 \$197,618,000 as follows:

11 (1) For military construction projects inside the
 12 United States authorized by subsection (a),
 13 \$171,176,000.

14 (2) For military construction projects outside
 15 the United States authorized by subsection (b),
 16 \$22,390,000.

17 (3) For architectural and engineering services
 18 and construction design under section 2807 of title
 19 10, United States Code, \$4,052,000.

20 (4) For construction and acquisition, planning
 21 and design, and improvement of military family
 22 housing and facilities, \$11,766,000.

1 **SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 2 **LAND ACQUISITION PROJECTS.**

3 (a) INSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in subsection (c)(1), the Secretary of the Air Force
 6 may acquire real property and carry out military construc-
 7 tion projects for the installations or locations inside the
 8 United States, and in the amounts, set forth in the fol-
 9 lowing table:

Air Force: Inside the United States

State	Installation or Location	Amount
California	Beale Air Force Base	\$17,600,000
Florida	Eglin Air Force Base	\$11,000,000
New Jersey	McGuire Air Force Base	\$6,200,000
New Mexico	Cannon Air Force Base	\$8,000,000

10 (b) OUTSIDE THE UNITED STATES.—Using amounts
 11 appropriated pursuant to the authorization of appropria-
 12 tions in subsection (c)(2), the Secretary of the Air Force
 13 may acquire real property and carry out military construc-
 14 tion projects for the installations or locations outside the
 15 United States, and in the amounts, set forth in the fol-
 16 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Oman	Masirah Air Base	\$6,300,000
Qatar	Al Udeid	\$100,400,000

17 (c) AUTHORIZATION OF APPROPRIATIONS.—Funds
 18 are hereby authorized to be appropriated on or after the

1 date of the enactment of this Act for military construction,
 2 land acquisition, and military family housing functions of
 3 the Department of the Air Force in the total amount of
 4 \$150,927,000, as follows:

5 (1) For military construction projects inside the
 6 United States authorized by subsection (a),
 7 \$42,800,000.

8 (2) For military construction projects outside
 9 the United States authorized by subsection (b),
 10 \$106,700,000.

11 (3) For architectural and engineering services
 12 and construction design under section 2807 of title
 13 10, United States Code, \$1,427,000.

14 **SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 15 **TION AND LAND ACQUISITION PROJECTS.**

16 (a) **INSIDE THE UNITED STATES.**—Using amounts
 17 appropriated pursuant to the authorization of appropria-
 18 tions in subsection (b)(1), the Secretary of Defense may
 19 acquire real property and carry out military construction
 20 projects for the installations or locations inside the United
 21 States, and in the amounts, set forth in the following
 22 table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Georgia	Fort Benning	\$350,000,000
Kansas	Fort Riley	\$404,000,000
North Carolina	Camp Lejeune	\$122,000,000

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
2 are hereby authorized to be appropriated on or after the
3 date of the enactment of this Act for military construction,
4 land acquisition, and military family housing functions of
5 the Department of Defense (other than the military de-
6 partments) in the total amount of \$956,000,000, as fol-
7 lows:

8 (1) For military construction projects inside the
9 United States authorized by subsection (a),
10 \$876,000,000.

11 (2) For architectural and engineering services
12 and construction design under section 2807 of title
13 10, United States Code, \$80,000,000.

14 **SEC. 2905. TERMINATION OF AUTHORITY TO CARRY OUT**
15 **FISCAL YEAR 2008 ARMY PROJECTS FOR**
16 **WHICH FUNDS WERE NOT APPROPRIATED.**

17 The table in section 2901(b) of the Military Con-
18 struction Authorization Act for Fiscal Year 2008 (division
19 B of Public Law 110–181; 122 Stat. 570) is amended—

20 (1) in the item relating to Bagram Air Base,
21 Afghanistan, by striking “\$249,600,000” in the
22 amount column and inserting “\$195,600,000”;

23 (2) in the item relating to Camp Adder, Iraq,
24 by striking “\$80,650,000” in the amount column
25 and inserting “\$75,800,000”;

1 (3) in the item relating to Camp Anaconda,
2 Iraq, by striking “\$53,500,000” in the amount col-
3 umn and inserting “\$10,500,000”;

4 (4) in the item relating to Camp Victory, Iraq,
5 by striking “\$65,400,000” in the amount column
6 and inserting “\$60,400,000”;

7 (5) by striking the item relating to Tikrit, Iraq;
8 and

9 (6) in the item relating to Camp Speicher, Iraq,
10 by striking “\$83,900,000” in the amount column
11 and inserting “\$74,100,000”.

12 **DIVISION C—DEPARTMENT OF**
13 **ENERGY NATIONAL SECURITY**
14 **AUTHORIZATIONS AND**
15 **OTHER AUTHORIZATIONS**
16 **TITLE XXXI—DEPARTMENT OF**
17 **ENERGY NATIONAL SECURITY**
18 **PROGRAMS**

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Utilization of international contributions to the Russian plutonium disposition program.
- Sec. 3112. Extension of deadline for Comptroller General report on Department of Energy protective force management.
- Sec. 3113. Enhancing nuclear forensics capabilities.

1 **Subtitle A—National Security**
2 **Programs Authorizations**

3 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
4 **TION.**

5 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
6 are hereby authorized to be appropriated to the Depart-
7 ment of Energy for fiscal year 2009 for the activities of
8 the National Nuclear Security Administration in carrying
9 out programs necessary for national security in the
10 amount of \$9,301,922,000, to be allocated as follows:

11 (1) For weapons activities, \$6,609,639,000.

12 (2) For defense nuclear nonproliferation activi-
13 ties, \$1,455,148,000.

14 (3) For naval reactors, \$828,054,000.

15 (4) For the Office of the Administrator for Nu-
16 clear Security, \$409,081,000.

17 (b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—
18 From funds referred to in subsection (a) that are available
19 for carrying out plant projects, the Secretary of Energy
20 may carry out new plant projects for the National Nuclear
21 Security Administration as follows:

22 (1) For readiness in technical base and facili-
23 ties, the following new plant projects:

1 Project 09–D–404, Test Capabilities Revi-
2 talization, Phase 2, Sandia National Labora-
3 tories, New Mexico, \$3,000,000.

4 Project 08–D–806, Ion Beam Laboratory
5 Refurbishment, Sandia National Laboratories,
6 New Mexico, \$10,014,000.

7 (2) For naval reactors, the following new plant
8 projects:

9 Project 09–D–902, Naval Reactor Facili-
10 ties Production Support Complex, Naval Reac-
11 tors Facility, Idaho, \$8,300,000.

12 Project 09–D–190, KAPL Infrastructure
13 Upgrades, Schenectady, New York, \$1,000,000.

14 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

15 Funds are hereby authorized to be appropriated to
16 the Department of Energy for fiscal year 2009 for defense
17 environmental cleanup activities in carrying out programs
18 necessary for national security in the amount of
19 \$5,317,256,000.

20 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

21 Funds are hereby authorized to be appropriated to
22 the Department of Energy for fiscal year 2009 for other
23 defense activities in carrying out programs necessary for
24 national security in the amount of \$1,321,461,000, of
25 which \$487,008,000 is for construction of the Mixed Oxide

1 Fuel Fabrication Facility at the Savannah River Site,
2 South Carolina, and associated program activities and
3 functions.

4 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

5 Funds are hereby authorized to be appropriated to
6 the Department of Energy for fiscal year 2009 for defense
7 nuclear waste disposal for payment to the Nuclear Waste
8 Fund established in section 302(c) of the Nuclear Waste
9 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount
10 of \$247,371,000.

11 **SEC. 3105. ENERGY SECURITY AND ASSURANCE.**

12 Funds are hereby authorized to be appropriated to
13 the Department of Energy for fiscal year 2009 for energy
14 security and assurance programs necessary for national
15 security in the amount of \$7,622,000.

16 **Subtitle B—Program Authoriza-**
17 **tions, Restrictions, and Limita-**
18 **tions**

19 **SEC. 3111. UTILIZATION OF INTERNATIONAL CONTRIBU-**
20 **TIONS TO THE RUSSIAN PLUTONIUM DIS-**
21 **POSITION PROGRAM.**

22 (a) IN GENERAL.—The Secretary of Energy may, in
23 consultation with the Secretary of State, enter into one
24 or more agreements with any person (including a foreign
25 government, international organization, or multinational

1 entity) that the Secretary of Energy considers appro-
2 priate, under which the person contributes funds for the
3 effective and transparent disposition of excess weapon-
4 grade Russian plutonium in the Russian Federation,
5 known as the Russian Plutonium Disposition Program.

6 (b) RETENTION AND USE OF AMOUNTS.—Subject to
7 the availability of appropriations, the Secretary of Energy
8 may retain and use amounts contributed under an agree-
9 ment under subsection (a) for purposes of the Russian
10 Plutonium Disposition Program. Amounts so contributed
11 shall be retained in a separate fund established in the
12 Treasury for such purposes, subject to the availability of
13 appropriations, consistent with an agreement under sub-
14 section (a).

15 (c) RETURN OF AMOUNTS NOT USED WITHIN 5
16 YEARS.—If an amount contributed under an agreement
17 under subsection (a) is not used under this section within
18 5 years after it was contributed, the Secretary of Energy
19 shall return that amount to the person who contributed
20 it.

21 (d) NOTICE TO APPROPRIATE CONGRESSIONAL COM-
22 MITTEES.—Not later than 30 days after the receipt of an
23 amount contributed under subsection (b), the Secretary of
24 Energy shall submit to the appropriate congressional com-
25 mittees a notice specifying the purpose and value of the

1 contribution and identifying the person who contributed
2 it. The Secretary may not use such amount until 15 days
3 after the notice is submitted.

4 (e) ANNUAL REPORT.—Not later than October 31 of
5 each year, beginning in the fiscal year in which the first
6 contributions are retained under subsection (b), the Sec-
7 retary of Energy shall submit to the appropriate congres-
8 sional committees a report on the receipt and use of
9 amounts under this section during the preceding fiscal
10 year. Each report for a fiscal year shall set forth—

11 (1) a statement of any amounts received under
12 this section, including, for each such amount, the
13 value of the contribution and the person who con-
14 tributed it;

15 (2) a statement of any amounts used under this
16 section, including, for each such amount, the pur-
17 poses for which the amount was used; and

18 (3) a statement of the amounts retained but not
19 used under this section including, for each such
20 amount, the purposes (if known) for which the Sec-
21 retary intends to use the amount.

22 (f) EXPIRATION.—The authority to accept, retain,
23 and use contributions under this section shall expire on
24 December 31, 2013.

1 (g) APPROPRIATE CONGRESSIONAL COMMITTEES
2 DEFINED.—In this section, the term “appropriate con-
3 gressional committees” means—

4 (1) the Committee on Armed Services, the
5 Committee on Appropriations, and the Committee on
6 Foreign Affairs of the House of Representatives;
7 and

8 (2) the Committee on Armed Services, the
9 Committee on Appropriations, and the Committee on
10 Foreign Relations of the Senate.

11 **SEC. 3112. EXTENSION OF DEADLINE FOR COMPTROLLER**
12 **GENERAL REPORT ON DEPARTMENT OF EN-**
13 **ERGY PROTECTIVE FORCE MANAGEMENT.**

14 Section 3124(a)(1) of the National Defense Author-
15 ization Act for Fiscal Year 2008 (Public Law 110–181;
16 122 Stat. 580) is amended by striking “Not later than
17 180 days after the date of the enactment of this Act,”
18 and inserting “No later than March 1, 2009,”.

19 **SEC. 3113. ENHANCING NUCLEAR FORENSICS CAPABILI-**
20 **TIES.**

21 (a) NNSA FELLOWSHIP PROGRAM FOR GRADUATE
22 STUDENTS IN NUCLEAR CHEMISTRY.—

23 (1) IN GENERAL.—The Administrator for Nu-
24 clear Security shall establish a fellowship program

1 for graduate students who are Ph.D. candidates in
2 the field of nuclear chemistry.

3 (2) SENSE OF CONGRESS.—It is the sense of
4 Congress that the fellowship program should—

5 (A) support at least six graduate students
6 per year; and

7 (B) require each graduate student to spend
8 at least two summers in a national security lab-
9 oratory over the course of the program.

10 (3) FUNDING.—Of the amounts appropriated
11 pursuant to an authorization of appropriations in
12 this Act or otherwise made available from amounts
13 for weapons activities from the National Nuclear Se-
14 curity Administration for national technical nuclear
15 forensics for fiscal year 2009, \$3,000,000 shall be
16 available to establish the fellowship program.

17 (4) PLAN.—No later than February 1, 2009,
18 the Administrator shall submit to the congressional
19 defense committees a plan describing the costs of
20 continuing the program for fiscal year 2010 and
21 thereafter.

22 (b) NNSA RESEARCH AND DEVELOPMENT PROGRAM
23 ON NUCLEAR FORENSICS RADIATION-MEASUREMENT
24 EQUIPMENT.—

1 (1) IN GENERAL.—The Administrator for Nu-
2 clear Security shall carry out a research and devel-
3 opment program to improve the speed and accuracy
4 of nuclear forensics radiation-measurement equip-
5 ment.

6 (2) FUNDING.—Of the amounts appropriated
7 pursuant to an authorization of appropriations in
8 this Act or otherwise made available from amounts
9 for weapons activities from the National Nuclear Se-
10 curity Administration for national technical nuclear
11 forensics for fiscal year 2009, \$2,000,000 shall be
12 available to carry out the research and development
13 program.

14 (3) PLAN.—No later than February 1, 2009,
15 the Administrator shall submit to the congressional
16 defense committees a plan for the research and de-
17 velopment program, including a description of the
18 costs of continuing the program for fiscal year 2010
19 and thereafter.

20 (c) RESEARCH AND DEVELOPMENT PLAN FOR NU-
21 CLEAR FORENSICS AND ATTRIBUTION.—

22 (1) RESEARCH AND DEVELOPMENT.—The Sec-
23 retary of Energy shall prepare a research and devel-
24 opment plan to prioritize research and development
25 efforts in the Department of Energy, and at the na-

1 tional laboratories overseen by offices of the Depart-
2 ment of Energy, on the technical capabilities re-
3 quired—

4 (A) to enable a robust and timely nuclear
5 forensic response to a nuclear explosion or to
6 the interdiction of nuclear material or a nuclear
7 weapon anywhere in the world; and

8 (B) to develop an international database
9 containing data on nuclear material, to enable
10 the attribution of nuclear material or a nuclear
11 weapon to its source.

12 (2) REPORTS.—

13 (A) The Secretary of Energy shall submit
14 to the congressional defense committees—

15 (i) not later than 6 months after the
16 date of enactment of this Act, a report on
17 the contents of the research and develop-
18 ment plan described in paragraph (1), and
19 any legislative changes required to imple-
20 ment the plan; and

21 (ii) not later than 18 months after the
22 date of enactment of this Act, a report on
23 the implementation status of the plan.

24 (B) The Secretary shall submit each report
25 required by this subsection in unclassified form,

1 but may include a classified annex with such re-
2 port.

3 (d) ADDITIONAL INFORMATION TO BE INCLUDED IN
4 REPORT ON NUCLEAR FORENSICS CAPABILITIES.—Sec-
5 tion 3129(b) of the National Defense Authorization Act
6 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
7 585) is amended—

8 (1) in paragraph (2), by striking “and” at the
9 end;

10 (2) in paragraph (3), by striking the period at
11 the end and inserting “; and”; and

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

13 “(4) any legislative, regulatory, or treaty ac-
14 tions necessary to facilitate international cooperation
15 in enhancement of international nuclear-material
16 databases and the linking of those databases to en-
17 able prompt data access.”.

18 (e) REPORT ON NUCLEAR FORENSICS ADVISORY
19 PANEL.—

20 (1) ESTABLISHMENT.—The Secretary of De-
21 fense, in consultation with the Secretary of Energy
22 and the Secretary of Homeland Security, shall sub-
23 mit a report describing a joint recommendation for
24 establishing an independent Nuclear Forensics Advi-

1 sory Panel of recognized experts not directly associ-
2 ated with the Federal laboratories.

3 (2) ROLE OF INDEPENDENT PANEL.—The
4 function of such an independent panel should be to
5 provide independent validation of any Federal nu-
6 clear forensics analysis.

7 (3) REPORT.—Not later than 180 days after
8 the date of the enactment of this Act, the Secre-
9 taries referred to in paragraph (1) shall submit a re-
10 port on the structure and membership of the panel
11 required by that paragraph. The report shall be sub-
12 mitted to—

13 (A) the Committee on Appropriations,
14 Committee on Armed Services, and Committee
15 on Homeland Security of the House of Rep-
16 resentatives; and

17 (B) the Committee on Appropriations,
18 Committee on Armed Services, and Committee
19 on Homeland Security and Government Affairs
20 of the Senate.

21 (f) PRESIDENTIAL REPORT ON INVOLVEMENT OF
22 SENIOR-LEVEL EXECUTIVE BRANCH LEADERSHIP IN
23 CERTAIN EXERCISES THAT INCLUDE NUCLEAR
24 FORENSICS ANALYSIS.—Not later than 90 days after the
25 date of the enactment of this Act, the President shall sub-

1 mit a report on the involvement of senior-level executive
 2 branch leadership in planned nuclear terrorism prepared-
 3 ness exercises that have nuclear forensics analysis as a
 4 component of the exercise. The report shall be submitted
 5 to—

6 (1) the Committee on Appropriations, the Com-
 7 mittee on Armed Services, and the Committee on
 8 Homeland Security of the House of Representatives;
 9 and

10 (2) the Committee on Appropriations, the Com-
 11 mittee on Armed Services, and the Committee on
 12 Homeland Security and Government Affairs of the
 13 Senate.

14 **TITLE XXXII—DEFENSE NU-**
 15 **CLEAR FACILITIES SAFETY**
 16 **BOARD**

Sec. 3201. Authorization.

17 **SEC. 3201. AUTHORIZATION.**

18 There are authorized to be appropriated for fiscal
 19 year 2009, \$25,499,000 for the operation of the Defense
 20 Nuclear Facilities Safety Board under chapter 21 of the
 21 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

22 **TITLE XXXIV—NAVAL**
 23 **PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

1 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AMOUNT.—There are hereby authorized to be ap-
 3 propriated to the Secretary of Energy \$19,099,000 for fis-
 4 cal year 2009 for the purpose of carrying out activities
 5 under chapter 641 of title 10, United States Code, relating
 6 to the naval petroleum reserves.

7 (b) PERIOD OF AVAILABILITY.—Funds appropriated
 8 pursuant to the authorization of appropriations in sub-
 9 section (a) shall remain available until expended.

10 **TITLE XXXV—MARITIME**
 11 **ADMINISTRATION**

Sec. 3501. Authorization of appropriations for fiscal year 2009.

Sec. 3502. Limitation on export of vessels owned by the Government of the
 United States for the purpose of dismantling, recycling, or
 scrapping.

Sec. 3503. Student incentive payment agreements.

Sec. 3504. Riding gang member requirements.

Sec. 3505. Maintenance and Repair Reimbursement Program for the Maritime
 Security Fleet.

Sec. 3506. Temporary program authorizing contracts with adjunct professors
 at the United States Merchant Marine Academy.

12 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
 13 **CAL YEAR 2009.**

14 Funds are hereby authorized to be appropriated for
 15 fiscal year 2009, to be available without fiscal year limita-
 16 tion if so provided in appropriations Acts, for the use of
 17 the Department of Transportation for the Maritime Ad-
 18 ministration as follows:

19 (1) For expenses necessary for operations and
 20 training activities, \$117,848,000, of which—

1 (A) \$8,150,000 shall remain available until
2 expended for capital improvements at the
3 United States Merchant Marine Academy, and

4 (B) \$8,306,000 shall remain available until
5 expended for maintenance and repair of school
6 ships of the State Maritime Academies.

7 (2) For expenses to maintain and preserve a
8 United States-flag merchant fleet to serve the na-
9 tional security needs of the United States under
10 chapter 531 of title 46, United States Code,
11 \$193,500,000, of which \$19,500,000 will be avail-
12 able for costs associated with the maintenance reim-
13 bursement pilot program under section 3517 of the
14 Maritime Security Act of 2003 (46 U.S.C 53101
15 note).

16 (3) For assistance to small shipyards and mari-
17 time communities under section 54101 of title 46,
18 United States Code, \$25,000,000.

19 (4) For expenses to dispose of obsolete vessels
20 in the National Defense Reserve Fleet, \$18,000,000.

21 (5) For the cost (as defined in section 502(5)
22 of the Federal Credit Reform Act of 1990 (2 U.S.C.
23 661a(5)) of loan guarantees under the program au-
24 thorized by chapter 537 of title 46, United States
25 Code, \$30,000,000.

1 (6) For administrative expenses related to the
2 implementation of the loan guarantee program
3 under chapter 537 of title 46, United States Code,
4 administrative expenses related to implementation of
5 the reimbursement program under section 3517 of
6 the Maritime Security Act of 2003 (46 U.S.C.
7 53101 note), and administrative expenses related to
8 the implementation of the small shipyards and mari-
9 time communities assistance program under section
10 54101 of title 46, United States Code, \$3,531,000.

11 **SEC. 3502. LIMITATION ON EXPORT OF VESSELS OWNED BY**
12 **THE GOVERNMENT OF THE UNITED STATES**
13 **FOR THE PURPOSE OF DISMANTLING, RECY-**
14 **CLING, OR SCRAPPING.**

15 (a) IN GENERAL.—Except as provided in subsection
16 (b), no vessel that is owned by the Government of the
17 United States shall be approved for export to a foreign
18 country for purposes of dismantling, recycling, or scrap-
19 ping.

20 (b) EXCEPTION.—Subsection (a) shall not apply with
21 respect to a vessel if the Administer of the Maritime Ad-
22 ministration certifies that—

23 (1) a compelling need for dismantling, recy-
24 cling, or scrapping the vessel exists;

1 (2) there is no available capacity in the United
2 States to conduct the dismantling, recycling, or
3 scrapping of the vessel;

4 (3) any dismantling, recycling, or scrapping of
5 the vessel in a foreign country will be conducted in
6 full compliance with environmental, safety, labor,
7 and health requirements for ship dismantling, recy-
8 cling, or scrapping that are equivalent to the laws of
9 the United States; and

10 (4) the export of the vessel under this section
11 will only be for dismantling, recycling, or scrapping
12 of the vessel.

13 (c) CERTIFICATION.—The certification required in
14 subsection (b) must be provided to the Committee on
15 Armed Services of the House of Representatives and the
16 Committee on Commerce, Science, and Transportation of
17 the Senate at least 90 days before any vessel is approved
18 for transport to a foreign country for purposes of disman-
19 tling, recycling, or scrapping.

20 (d) UNITED STATES DEFINED.—In this section the
21 term “United States” means the States of the United
22 States, Puerto Rico, and Guam.

23 **SEC. 3503. STUDENT INCENTIVE PAYMENT AGREEMENTS.**

24 Section 51509(b) of title 46, United States Code, is
25 amended—

1 (1) by striking “\$4,000” and inserting
2 “\$8,000”;

3 (2) by inserting “tuition,” after “uniforms,”;
4 and

5 (3) by inserting “before the start of each aca-
6 demic year” after “and be paid”.

7 **SEC. 3504. RIDING GANG MEMBER REQUIREMENTS.**

8 Section 1018 of the John Warner National Defense
9 Authorization Act for Fiscal Year 2007 (Public Law 109–
10 364; 120 Stat. 2380) is amended to read as follows:

11 **“SEC. 1018. RIDING GANG MEMBER REQUIREMENTS.**

12 “(a) IN GENERAL.—The Secretary of Defense may
13 not award, renew, extend, or exercise an option to extend
14 any charter of a vessel documented under chapter 121 of
15 title 46, United States Code, for the Department of De-
16 fense, or any contract for the carriage of cargo by a vessel
17 documented under that chapter for the Department of De-
18 fense, unless the charter or contract, respectively, includes
19 provisions that—

20 “(1) subject to paragraph (2), allow riding gang
21 members to perform work on the vessel during the
22 effective period of the charter or contract only under
23 terms, conditions, restrictions, and requirements as
24 provided in section 8106 of title 46, United States
25 Code; and

1 “(2) require that riding gang members hold a
2 merchant mariner’s document issued under chapter
3 73 of title 46, United States Code, or a transpor-
4 tation security card issued under section 70105 of
5 such title.

6 “(b) EXEMPTION.—

7 “(1) IN GENERAL.—In accordance with regula-
8 tions issued by the Secretary of Defense, an indi-
9 vidual shall not be treated as a riding gang member
10 for the purposes of section 8106 of title 46, United
11 States Code, and this section if—

12 “(A) the individual is aboard a vessel that
13 is under charter or contract for the carriage of
14 cargo for the Department of Defense, for pur-
15 poses other than engaging in the operation or
16 maintenance of the vessel; and

17 “(B) the individual—

18 “(i) accompanies, supervises, guards,
19 or maintains unit equipment aboard a
20 ship, commonly referred to as supercargo
21 personnel;

22 “(ii) is one of the force protection per-
23 sonnel of the vessel;

24 “(iii) is a specialized repair techni-
25 cian; or

1 “(iv) is otherwise required by the Sec-
2 retary of Defense to be aboard the vessel.

3 “(2) BACKGROUND CHECK.—

4 “(A) IN GENERAL.—This section shall not
5 apply to an individual unless—

6 “(i) the name and other necessary
7 identifying information for the individual is
8 submitted to the Secretary for a back-
9 ground check; and

10 “(ii) except as provided in subpara-
11 graph (B), the individual successfully
12 passes a background check by the Sec-
13 retary prior to going aboard the vessel.

14 “(B) WAIVER.—The Secretary may waive
15 the application of subparagraph (A)(ii) for an
16 individual who holds a merchant mariner’s doc-
17 ument issued under chapter 73 of title 46,
18 United States Code, or a transportation secu-
19 rity card issued under section 70105 of such
20 title.

21 “(3) EXEMPTED INDIVIDUAL NOT TREATED AS
22 IN ADDITION TO THE CREW.—An individual who,
23 under paragraph (1), is not treated as a riding gang
24 member shall not be counted as an individual in ad-

1 dition to the crew for the purposes of section 3304
2 of title 46, United States Code.”.

3 **SEC. 3505. MAINTENANCE AND REPAIR REIMBURSEMENT**
4 **PROGRAM FOR THE MARITIME SECURITY**
5 **FLEET.**

6 Section 3517(a) of the Maritime Security Act of 2003
7 (46 U.S.C. 53101 note; as amended by section 3503 of
8 the National Defense Authorization Act for Fiscal Year
9 2006 (119 Stat. 3548)) is amended by adding at the end
10 the following:

11 “(3) EXISTING OPERATING AGREEMENTS.—The
12 Secretary of Transportation shall, subject to the
13 availability of appropriations, seek to enter into an
14 agreement under this section with one or more con-
15 tractors under an operating agreement under that
16 chapter that is in effect on the date of the enact-
17 ment of this paragraph, regarding maintenance and
18 repair of all vessels that are subject to the operating
19 agreement.”.

20 **SEC. 3506. TEMPORARY PROGRAM AUTHORIZING CON-**
21 **TRACTS WITH ADJUNCT PROFESSORS AT THE**
22 **UNITED STATES MERCHANT MARINE ACAD-**
23 **EMY.**

24 (a) IN GENERAL.—The Maritime Administrator may
25 establish a temporary program for the purpose of, subject

1 to the availability of appropriations, contracting with indi-
2 viduals as personal services contractors to provide services
3 as adjunct professors at the Academy, if the Maritime Ad-
4 ministrator determines that there is a need for adjunct
5 professors and the need is not of permanent duration.

6 (b) CONTRACT REQUIREMENTS.—Each contract
7 under the program—

8 (1) must be approved by the Maritime Adminis-
9 trator;

10 (2) subject to paragraph (3), shall be for a du-
11 ration, including options, of not to exceed one year
12 unless the Maritime Administrator finds that excep-
13 tional circumstances justify an extension of up to
14 one additional year; and

15 (3) shall terminate not later than 6 months
16 after the termination of contract authority under
17 subsection (d).

18 (c) LIMITATION ON NUMBER OF CONTRACTORS.—In
19 awarding contacts under the program, the Maritime Ad-
20 ministrator shall ensure that not more than 25 individuals
21 actively provide services in any one academic trimester,
22 or equivalent, as contractors under the program.

23 (d) TERMINATION OF CONTRACTING AUTHORITY.—
24 The authority to award contracts under the program shall
25 terminate upon the expiration of December 31, 2009.

1 (e) EXISTING CONTRACTS.—Any contract entered
 2 into before the effective date of this section for the services
 3 of an adjunct professor at the Academy shall remain in
 4 effect for the trimester (or trimesters) for which the serv-
 5 ices were contracted.

6 (f) DEFINITIONS.—In this section:

7 (1) ACADEMY.—The term “Academy” means
 8 the United States Merchant Marine Academy.

9 (2) MARITIME ADMINISTRATOR.—The term
 10 “Maritime Administrator” means the Administrator
 11 of the Maritime Administration, or a designee of the
 12 Administrator.

13 (3) PROGRAM.—The term “program” means
 14 the program established under subsection (a).

15 **DIVISION D—GOVERNMENTWIDE** 16 **ACQUISITION IMPROVEMENTS**

Sec. 4001. Short title.

TITLE XLI—ENHANCED COMPETITION

Sec. 4101. Minimizing sole-source contracts.

Sec. 4102. Limitation on length of certain noncompetitive contracts.

Sec. 4103. Requirement for purchase of property and services pursuant to multiple award contracts.

TITLE XLII—CURBING ABUSE-PRONE CONTRACTS

Sec. 4201. Regulations to minimize the inappropriate use of cost-reimbursement contracts.

Sec. 4202. Preventing abuse of interagency contracts.

Sec. 4203. Prohibitions on the use of lead systems integrators.

Sec. 4204. Regulations on excessive pass-through charges.

Sec. 4205. Linking of award and incentive fees to acquisition outcomes.

Sec. 4206. Minimizing abuse of commercial services item authority.

TITLE XLIII—ACQUISITION WORKFORCE

- Sec. 4301. Acquisition workforce development fund.
 Sec. 4302. Contingency contracting corps.

TITLE XLIV—ANTI-FRAUD PROVISIONS

- Sec. 4401. Protection for contractor employees from reprisal for disclosure of certain information.
 Sec. 4402. Mandatory Fraud Reporting.
 Sec. 4403. Access of General Accounting Office to Contractor Employees.
 Sec. 4404. Preventing conflicts of interest.

TITLE XLV—ENHANCED CONTRACT TRANSPARENCY

- Sec. 4501. Disclosure of CEO salaries.
 Sec. 4502. Database for contracting officers and suspension and debarment of officials.
 Sec. 4503. Review of database.
 Sec. 4504. Disclosure in applications.
 Sec. 4505. Role of interagency committee.
 Sec. 4506. Authorization of independent agencies.
 Sec. 4507. Authorization of appropriations.
 Sec. 4508. Report to Congress.
 Sec. 4509. Improvements to the Federal procurement data system.
 Sec. 4510. Protection of child custody arrangements for parents who are members of the armed forces deployed in support of a contingency operation.

1 **SEC. 4001. SHORT TITLE.**

2 This division may be cited as the “Clean Contracting
 3 Act of 2008”.

4 **TITLE XLI—ENHANCED**
 5 **COMPETITION**

6 **SEC. 4101. MINIMIZING SOLE-SOURCE CONTRACTS.**

7 (a) PLANS REQUIRED.—Subject to subsection (c),
 8 the head of each executive agency covered by title III of
 9 the Federal Property and Administrative Services Act of
 10 1949 (41 U.S.C. 251 et seq.) or, in the case of the Depart-
 11 ment of Defense, the Under Secretary of Defense for Ac-
 12 quisition, Technology, and Logistics, shall develop and im-
 13 plement a plan to minimize, to the maximum extent prac-
 14 ticable, the use of contracts entered into using procedures

1 other than competitive procedures by the agency or de-
2 partment concerned. The plan shall contain measurable
3 goals and shall be completed and submitted to the Com-
4 mittee on Oversight and Government Reform of the House
5 of Representatives, the Committee on Homeland Security
6 and Governmental Affairs of the Senate, and the Commit-
7 tees on Appropriations of the House of Representatives
8 and the Senate and, in the case of the Department of De-
9 fense and the Department of Energy, the Committees on
10 Armed Services of the Senate and the House of Represent-
11 atives, with a copy provided to the Comptroller General,
12 not later than 1 year after the date of the enactment of
13 this Act.

14 (b) **COMPTROLLER GENERAL REVIEW.**—The Comp-
15 troller General shall review the plans provided under sub-
16 section (a) and submit a report to Congress on the plans
17 not later than 18 months after the date of the enactment
18 of this Act.

19 (c) **REQUIREMENT LIMITED TO CERTAIN AGEN-**
20 **CIES.**—The requirement of subsection (a) shall apply only
21 to those agencies that awarded contracts in a total amount
22 of at least \$1,000,000,000 in the fiscal year preceding the
23 fiscal year in which the report is submitted.

24 (d) **CERTAIN CONTRACTS EXCLUDED.**—The con-
25 tracts entered into under the authority of the Small Busi-

1 ness Act shall not be included in the plans developed and
2 implemented under subsection (a), except contracts that
3 are awarded pursuant to section 602 of Public Law 100–
4 656 (as amended by section 22 of Public Law 101–37
5 (103 Stat. 75), section 2 of title V of Public Law 101–
6 515 (104 Stat. 2140), section 205 of Public Law 101–
7 574 (104 Stat. 2819), and section 608 of Public Law 103–
8 403 (108 Stat. 4204)).

9 **SEC. 4102. LIMITATION ON LENGTH OF CERTAIN NON-**
10 **COMPETITIVE CONTRACTS.**

11 (a) **CIVILIAN AGENCY CONTRACTS.**—Section 303(d)
12 of the Federal Property and Administrative Services Act
13 of 1949 (41 U.S.C. 253(d)) is amended by adding at the
14 end the following new paragraph:

15 “(3)(A) The contract period of a contract de-
16 scribed in subparagraph (B) that is entered into by
17 an executive agency pursuant to the authority pro-
18 vided under subsection (c)(2)—

19 “(i) may not exceed the time necessary—

20 “(I) to meet the unusual and compel-
21 ling requirements of the work to be per-
22 formed under the contract; and

23 “(II) for the executive agency to enter
24 into another contract for the required

1 goods or services through the use of com-
2 petitive procedures; and

3 “(ii) may not exceed 270 days unless the
4 head of the executive agency entering into such
5 contract determines that exceptional cir-
6 cumstances apply.

7 “(B) This paragraph applies to any contract in
8 an amount greater than \$1,000,000.”.

9 (b) DEFENSE CONTRACTS.—Section 2304(d) of title
10 10, United States Code, is amended by adding at the end
11 the following new paragraph:

12 “(3)(A) The contract period of a contract de-
13 scribed in subparagraph (B) that is entered into by
14 an agency pursuant to the authority provided under
15 subsection (c)(2)—

16 “(i) may not exceed the time necessary—

17 “(I) to meet the unusual and compel-
18 ling requirements of the work to be per-
19 formed under the contract; and

20 “(II) for the agency to enter into an-
21 other contract for the required goods or
22 services through the use of competitive
23 procedures; and

24 “(ii) may not exceed 270 days unless the
25 head of the agency entering into such contract

1 determines that exceptional circumstances
2 apply.

3 “(B) This paragraph applies to any contract in
4 an amount greater than \$1,000,000.”.

5 **SEC. 4103. REQUIREMENT FOR PURCHASE OF PROPERTY**
6 **AND SERVICES PURSUANT TO MULTIPLE**
7 **AWARD CONTRACTS.**

8 (a) REGULATIONS REQUIRED.—Not later than 12
9 months after the date of the enactment of this Act, the
10 Federal Acquisition Regulation shall be amended to re-
11 quire enhanced competition in the purchase of property
12 and services by all executive agencies pursuant to multiple
13 award contracts.

14 (b) CONTENT OF REGULATIONS.—

15 (1) IN GENERAL.—The regulations required by
16 subsection (a) shall provide, at a minimum, that
17 each individual purchase of property or services in
18 excess of the simplified acquisition threshold that is
19 made under a multiple award contract shall be made
20 on a competitive basis unless a contracting officer—

21 (A) waives the requirement on the basis of
22 a determination that—

23 (i) one of the circumstances described
24 in paragraphs (1) through (4) of section
25 303J(b) of the Federal Property and Ad-

1 administrative Services Act of 1949 (41
2 U.S.C. 253j(b)) or section 2304c(b) of title
3 10, United States Code, applies to such in-
4 dividual purchase; or

5 (ii) a law expressly authorizes or re-
6 quires that the purchase be made from a
7 specified source; and

8 (B) justifies the determination in writing.

9 (2) COMPETITIVE BASIS PROCEDURES.—For
10 purposes of this subsection, an individual purchase
11 of property or services is made on a competitive
12 basis only if it is made pursuant to procedures
13 that—

14 (A) except as provided in paragraph (3),
15 require fair notice of the intent to make that
16 purchase (including a description of the work to
17 be performed and the basis on which the selec-
18 tion will be made) to be provided to all contrac-
19 tors offering such property or services under
20 the multiple award contract; and

21 (B) afford all contractors responding to
22 the notice a fair opportunity to make an offer
23 and have that offer fairly considered by the offi-
24 cial making the purchase.

25 (3) EXCEPTION TO NOTICE REQUIREMENT.—

1 (A) IN GENERAL.—Notwithstanding para-
2 graph (2), and subject to subparagraph (B), no-
3 tice may be provided to fewer than all contrac-
4 tors offering such property or services under a
5 multiple award contract as described in sub-
6 section (d)(2) if notice is provided to as many
7 contractors as practicable.

8 (B) LIMITATION ON EXCEPTION.—A pur-
9 chase may not be made pursuant to a notice
10 that is provided to fewer than all contractors
11 under subparagraph (A) unless—

12 (i) offers were received from at least
13 3 qualified contractors; or

14 (ii) a contracting officer of the execu-
15 tive agency determines in writing that no
16 additional qualified contractors were able
17 to be identified despite reasonable efforts
18 to do so.

19 (c) PUBLIC NOTICE REQUIREMENTS RELATED TO
20 SOLE SOURCE TASK OR DELIVERY ORDERS.—Not later
21 than 12 months after the date of the enactment of this
22 Act, the Federal Acquisition Regulation shall be amended
23 to require the head of each executive agency to publish
24 on—

1 (1) FedBizOpps notice of all sole source task or
2 delivery orders in excess of the simplified acquisition
3 threshold that are placed against multiple award
4 contracts not later than 14 days after such orders
5 are placed, except in the event of extraordinary cir-
6 cumstances or classified orders; and

7 (2) the website of the agency and through a
8 Governmentwide website selected by the Adminis-
9 trator for Federal Procurement Policy the deter-
10 minations required by (b)(1)(B) related to sole
11 source task or delivery orders placed against mul-
12 tiple award contracts not later than 14 days after
13 such orders are placed, except in the event of ex-
14 traordinary circumstances or classified orders.

15 (3) This subsection does not require the public
16 availability of information that is exempt from public
17 disclosure under section 552(b) of title 5, United
18 States Code.

19 (d) DEFINITIONS.—In this section:

20 (1) The term “individual purchase” means a
21 task order, delivery order, or other purchase.

22 (2) The term “multiple award contract”
23 means—

24 (A) a contract that is entered into by the
25 Administrator of General Services under the

1 multiple award schedule program referred to in
2 section 2302(2)(C) of title 10, United States
3 Code;

4 (B) a multiple award task order contract
5 that is entered into under the authority of sec-
6 tions 2304a through 2304d of title 10, United
7 States Code, or sections 303H through 303K of
8 the Federal Property and Administrative Serv-
9 ices Act of 1949 (41 U.S.C. 253h through
10 253k); and

11 (C) any other indefinite delivery, indefinite
12 quantity contract that is entered into by the
13 head of an executive agency with 2 or more
14 sources pursuant to the same solicitation.

15 (3) The term “sole source task or delivery
16 order” means any order that does not follow the
17 competitive base procedures in paragraphs (b)(2) or
18 (b)(3).

19 (e) APPLICABILITY.—The regulations required by
20 subsection (a) shall apply to all individual purchases of
21 property or services that are made under multiple award
22 contracts on or after such effective date, without regard
23 to whether the multiple award contracts were entered into
24 before, on, or after such effective date.

1 **TITLE XLII—CURBING ABUSE-**
2 **PRONE CONTRACTS**

3 **SEC. 4201. REGULATIONS TO MINIMIZE THE INAPPRO-**
4 **PRIATE USE OF COST-REIMBURSEMENT CON-**
5 **TRACTS.**

6 (a) **IN GENERAL.**—Not later than 12 months after
7 the date of the enactment of this Act, the Federal Acquisi-
8 tion Regulation shall be amended to minimize the inappro-
9 priate use of cost-reimbursement contracts and to ensure
10 the proper use of such contracts.

11 (b) **CONTENT.**—The regulations required under sub-
12 section (a) shall—

13 (1) identify, at a minimum—

14 (A) the circumstances under which cost re-
15 imbursement contracts or task or delivery or-
16 ders are appropriate;

17 (B) the acquisition plan facts necessary to
18 support a decision to use cost reimbursement
19 contracts;

20 (C) the acquisition workforce resources
21 necessary to award and manage cost reimburse-
22 ment contracts; and

23 (2) establish a requirement for each executive
24 agency to—

1 (A) annually assess its use of cost-reim-
2 bursement contracts;

3 (B) establish and implement metrics to
4 measure progress toward minimizing any inap-
5 propriate use of cost-reimbursement contracts
6 identified during the assessment process; and

7 (C) prepare and submit an annual report
8 to the Office of Management and Budget as-
9 ssuming progress in meeting the metrics estab-
10 lished in (B).

11 (c) COMPTROLLER GENERAL EVALUATIONS.—With-
12 in one year of the completion of the first annual reports
13 required by subsection (b)(2)(C), the Comptroller General
14 shall review the progress of agencies in implementing the
15 regulations required by (a).

16 (d) REPORT.—Subject to subsection (f), the Director
17 of the Office of Management and Budget shall submit an
18 annual report to Congressional committees identified in
19 subparagraph (e) and the Comptroller General on the use
20 of cost-reimbursement contracts and task or delivery or-
21 ders by all Federal agencies, including the Department of
22 Defense. The report shall be submitted no later than
23 March 1 and will cover the fiscal year ending September
24 30 of the prior year. The report shall include—

1 (1) the total number and value of contracts
2 awarded and orders issued during the covered fiscal
3 year;

4 (2) the number and value of cost-reimburse-
5 ment contracts awarded and orders issued during
6 the covered fiscal year;

7 (3) a list of contracts and task and delivery or-
8 ders identified in subparagraph (2) exceeding ten
9 million dollars (\$10,000,000), whose period of per-
10 formance, including options, exceeded three years;
11 the reasons why such contracts or orders could not
12 be priced or converted to a fixed-price basis; and the
13 actions being taken by the agency to do so;

14 (4) a certification by the contracting agency
15 that for each contract identified in subparagraph (3)
16 that an appropriate number of trained acquisition
17 personnel, consistent with the complexity and risk
18 associated with the contract or order, have been as-
19 signed to provide oversight of the contractor's per-
20 formance; and

21 (5) a description of each agency's actions to as-
22 sure the appropriate use of cost-reimbursement con-
23 tracts.

24 (e) CONGRESSIONAL COMMITTEES DEFINED.—The
25 report required by subsection (d) shall be submitted to the

1 Committee on Oversight and Government Reform of the
2 House of Representatives; the Committee on Homeland
3 Security and Governmental Affairs of the Senate; the
4 Committees on Appropriations of the House of Represent-
5 atives and the Senate; and, in the case of the Department
6 of Defense and the Department of Energy, the Commit-
7 tees on Armed Services of the Senate and the House of
8 Representatives.

9 (f) REQUIREMENTS LIMITED TO CERTAIN AGEN-
10 CIES.—The requirements of subsections (b) and (d) shall
11 apply only to those agencies that awarded contracts and
12 issued orders in a total amount of at least \$1,000,000,000
13 in the fiscal year proceeding the fiscal year in which the
14 assessments and reports are submitted.

15 **SEC. 4202. PREVENTING ABUSE OF INTERAGENCY CON-**
16 **TRACTS.**

17 (a) OFFICE OF MANAGEMENT AND BUDGET POLICY
18 GUIDANCE.—

19 (1) REPORT AND GUIDELINES.—Not later than
20 one year after the date of the enactment of this Act,
21 the Director of the Office of Management and Budg-
22 et shall—

23 (A) submit to Congress a comprehensive
24 report on interagency acquisitions, including

1 their frequency of use, management controls,
2 cost-effectiveness, and savings generated; and

3 (B) issue guidelines to assist the heads of
4 executive agencies in improving the manage-
5 ment of interagency acquisitions.

6 (2) MATTERS COVERED BY GUIDELINES.—For
7 purposes of paragraph (1)(B), the Director shall in-
8 clude guidelines on the following matters:

9 (A) Procedures for the use of interagency
10 acquisitions to maximize competition, deliver
11 best value to executive agencies, and minimize
12 waste, fraud, and abuse.

13 (B) Categories of contracting inappropriate
14 for interagency acquisition, due to high risk of
15 waste, fraud, or abuse.

16 (C) Requirements for training acquisition
17 workforce personnel in the proper use of inter-
18 agency acquisitions.

19 (b) REGULATIONS REQUIRED.—Not later than one
20 year after the date of the enactment of this Act, the Fed-
21 eral Acquisition Regulation shall be revised to require that
22 all interagency acquisitions—

23 (1) include a written agreement between the re-
24 questing agency and the servicing agency assigning

1 responsibility for the administration and manage-
2 ment of the contract;

3 (2) include a determination that an interagency
4 acquisition is the best procurement alternative; and

5 (3) include sufficient documentation to ensure
6 an adequate audit.

7 (c) AGENCY REPORTING REQUIREMENT.—The senior
8 procurement executive for each executive agency shall, as
9 directed by the Director of the Office of Management and
10 Budget, submit to the Director annual reports on the ac-
11 tions taken by the executive agency pursuant to the guide-
12 lines issued under subsection (a).

13 (d) DEFINITIONS.—In this section:

14 (1) The term “executive agency” has the mean-
15 ing given such term in section 4(1) of the Office of
16 Federal Procurement Policy Act (41 U.S.C. 403(1)).

17 (2) The term “head of executive agency” means
18 the head of an executive agency except that, in the
19 case of a military department, the term means the
20 Secretary of Defense.

21 (3) The term “interagency acquisition” means
22 a procedure by which an executive agency needing
23 supplies or services (the requesting agency) obtains
24 them from another executive agency (the servicing
25 agency). The term includes acquisitions under sec-

1 tion 1535 of title 31, United States Code (commonly
2 referred to as the “Economy Act”, Federal Supply
3 Schedules above \$500,000, and Governmentwide ac-
4 quisition contracts.

5 **SEC. 4203. PROHIBITIONS ON THE USE OF LEAD SYSTEMS**
6 **INTEGRATORS.**

7 (a) PROHIBITION ON NEW LEAD SYSTEMS INTEGRA-
8 TORS.—(1) Effective October 1, 2010, the head of an ex-
9 ecutive agency may not award a new contract for lead sys-
10 tems integrator functions in the acquisition of a major sys-
11 tem.

12 (2) PROHIBITION ON LEAD SYSTEMS INTEGRATORS
13 BEYOND DEMONSTRATION LEVEL PHASE.—Effective on
14 the date of the enactment of this Act, an executive agency
15 may award a new contract for lead systems integrator
16 functions in the acquisition of a major system only if—

17 (A) the contract for the major system does not
18 proceed beyond the demonstration phase-level; or

19 (B) the head of the agency determines in writ-
20 ing that it would not be practicable to carry out ac-
21 quisition without continuing to use a contractor to
22 perform lead systems integrator functions and that
23 doing so is in the best interest of the agency.

24 (3) REQUIREMENTS RELATING TO DETERMINA-
25 TIONS.—A determination under paragraph (2)(A)—

1 (A) shall specify the reasons why it would not
2 be practicable to carry out the acquisition continuing
3 to use a contractor to perform lead integrator func-
4 tions (including a discussion of alternatives, such as
5 the use of the agency workforce, or a system engi-
6 neering and technical assistance contractor);

7 (B) shall include a plan for phasing out the use
8 of contracted lead systems integrator functions over
9 the shortest period of time consistent with the inter-
10 est of the government;

11 (C) may not be delegated below the level of the
12 Chief Acquisition Officer; and

13 (D) shall be provided to the Committee on
14 Oversight and Government Reform in the House of
15 Representatives and the Committee on Homeland
16 Security and Governmental Affairs in the Senate at
17 least 45 days before the award of a contract pursu-
18 ant to the determination.

19 (b) ACQUISITION WORKFORCE.—

20 (1) REQUIREMENT.—The head of an executive
21 agency shall ensure that the acquisition workforce is
22 of the appropriate size and skill level necessary—

23 (A) to accomplish inherently governmental
24 functions related to acquisition of major sys-
25 tems; and

1 (B) to effectuate the purpose of subsection
2 (a) to minimize and eventually eliminate the use
3 of contractors to perform lead systems inte-
4 grator functions.

5 (2) REPORT.—The head of the agency shall an-
6 nually include an update on the progress made in
7 complying with paragraph (1) in the agency’s Per-
8 formance and Accountability Report.

9 (c) EXCEPTION FOR CONTRACTS FOR OTHER MAN-
10 AGEMENT SERVICES.—The head of an executive agency
11 may continue to award contracts for the procurement of
12 services the primary purpose of which is to perform acqui-
13 sition support functions with respect to the development
14 or production of a major system, if the following condi-
15 tions are met with respect to each such contract:

16 (1) The contract prohibits the contractor from
17 performing inherently governmental functions.

18 (2) The head of the agency responsible for the
19 development or production of the major system en-
20 sures that Federal employees are responsible for de-
21 termining courses of action to be taken in the best
22 interest of the government.

23 (3) The contract requires that the prime con-
24 tractor for the contract may not advise or rec-
25 ommend the award of a contract or subcontract for

1 the development or production of the major system
2 to an entity owned in whole or in part by the prime
3 contractor.

4 (d) DEFINITIONS.—In this section:

5 (1) LEAD SYSTEMS INTEGRATOR.—The term
6 “lead systems integrator” means—

7 (A) a prime contractor for the development
8 or production of a major system, if the prime
9 contractor is not expected at the time of award
10 to perform a substantial portion of the work on
11 the system and the major subsystems; or

12 (B) a prime contractor under a contract
13 for procurement of services the primary purpose
14 of which to perform acquisition functions closely
15 associated with inherently governmental func-
16 tions with respect to the development or pro-
17 duction of a major system.

18 (2) MAJOR SYSTEM.—The term “major system”
19 has the meaning given such term in section 2302d
20 of title 10, United States Code.

21 (3) DEMONSTRATION PHASE LEVEL.—For pur-
22 poses of this section, the term “demonstration phase
23 level” means—

1 (A) work performed prior to first article
2 testing and approval (as defined in part 9.3 of
3 the Federal Acquisition Regulation; or

4 (B) a level comparable to the level identi-
5 fied in subparagraph (A) which the FAR Coun-
6 cil determines, by regulation, after consider-
7 ation of the definition of low-rate initial produc-
8 tion (as defined in section 2400 of title 10,
9 United States Code.

10 (e) INAPPLICABILITY TO DEPARTMENT OF DE-
11 FENSE.—This section does not apply to the Department
12 of Defense.

13 **SEC. 4204. REGULATIONS ON EXCESSIVE PASS-THROUGH**
14 **CHARGES.**

15 (a) REGULATIONS REQUIRED.—

16 (1) Not later than 180 days after the date of
17 enactment of this Act, the Federal Acquisition Regu-
18 lation shall be amended ensure that excessive pass-
19 through charges on contracts or (or task or delivery
20 orders) are not paid by the Federal Government.

21 (2) SCOPE OF REGULATIONS.—The regulations
22 prescribed under this subsection—

23 (A) shall not apply to any firm, fixed-price
24 contract or subcontract (or task or delivery
25 order) that is—

1 (i) awarded on the basis of adequate
2 price competition; or

3 (ii) for the acquisition of a commercial
4 item, as defined in section 4(12) of the Of-
5 fice of Federal Procurement Policy Act (41
6 U.S.C. 403(12)); and

7 (B) may include such additional exceptions
8 as the Federal Acquisition Regulation Council
9 determines to be necessary in the interest of the
10 government.

11 (3) DEFINITION.—In this section, the term “ex-
12 cessive pass-through charge” means a charge to the
13 Government by the contractor or subcontractor that
14 is for overhead or profit on work performed by a
15 lower-tier contractor or subcontractor (other than
16 charges for the direct costs of managing lower-tier
17 contracts and subcontracts and overhead and profit
18 based on such direct costs) and for which the con-
19 tractor or subcontractor adds no, or negligible, value
20 to a contract or subcontract.

21 (b) INAPPLICABILITY TO DEPARTMENT OF DE-
22 FENSE.—This section does not apply to the Department
23 of Defense.

1 **SEC. 4205. LINKING OF AWARD AND INCENTIVE FEES TO**
2 **ACQUISITION OUTCOMES.**

3 (a) GUIDANCE ON LINKING OF AWARD AND INCEN-
4 TIVE FEES TO ACQUISITION OUTCOMES.—Not later than
5 12 months after the date of the enactment of this Act,
6 the Federal Acquisition Regulation shall be amended to
7 provide executive agencies with instructions, including
8 definitions, on the appropriate use of award and incentive
9 fees in Federal acquisition programs.

10 (b) ELEMENTS.—The regulations under subsection
11 (a) shall—

12 (1) ensure that all new contracts using award
13 fees link such fees to acquisition outcomes (which
14 shall be defined in terms of program cost, schedule,
15 and performance);

16 (2) establish standards for identifying the ap-
17 propriate level of officials authorized to approve the
18 use of award and incentive fees in new contracts;

19 (3) provide guidance on the circumstances in
20 which contractor performance may be judged to be
21 “excellent” or “superior” and the percentage of the
22 available award fee which contractors should be paid
23 for such performance;

24 (4) establish standards for determining the per-
25 centage of the available award fee, if any, which con-
26 tractors should be paid for performance that is

1 judged to be “acceptable”, “average”, “expected”,
2 “good”, or “satisfactory”;

3 (5) ensure that no award fee may be paid for
4 contractor performance that is judged to be below
5 satisfactory performance or performance that does
6 not meet the basic requirements of the contract;

7 (6) provide specific direction on the cir-
8 cumstances, if any, in which it may be appropriate
9 to roll over award fees that are not earned in one
10 award fee period to a subsequent award fee period
11 or periods;

12 (7) ensure consistent use of guidelines and defi-
13 nitions relating to award and incentive fees across
14 the Federal Government;

15 (8) ensure that each executive agency—

16 (A) collects relevant data on award and in-
17 centive fees paid to contractors; and

18 (B) has mechanisms in place to evaluate
19 such data on a regular basis;

20 (9) include performance measures to evaluate
21 the effectiveness of award and incentive fees as a
22 tool for improving contractor performance and
23 achieving desired program outcomes; and

24 (10) provide mechanisms for sharing proven in-
25 centive strategies for the acquisition of different

1 types of products and services among contracting
2 and program management officials.

3 **SEC. 4206. MINIMIZING ABUSE OF COMMERCIAL SERVICES**

4 **ITEM AUTHORITY.**

5 (a) REGULATIONS REQUIRED.—Not later than 180
6 days after the date of the enactment of this Act, the Fed-
7 eral Acquisition Regulation shall be amended for the pro-
8 curement of commercial services.

9 (b) APPLICABILITY OF COMMERCIAL PROCE-
10 DURES.—

11 (1) SERVICES OF A TYPE SOLD IN MARKET-
12 PLACE.—The regulations modified pursuant to sub-
13 section (a) shall ensure that services that are not of-
14 fered and sold competitively in substantial quantities
15 in the commercial marketplace, but are of a type of-
16 fered and sold competitively in substantial quantities
17 in the commercial marketplace, may be treated as
18 commercial items for purposes of section 254b of
19 title 41, United States Code (relating to truth in ne-
20 gotiations), only if the contracting officer determines
21 in writing that the offeror has submitted sufficient
22 information to evaluate, through price analysis, the
23 reasonableness of the price for such services.

24 (2) INFORMATION SUBMITTED.—To the extent
25 necessary to make a determination under paragraph

1 (1), the contracting officer may request the offeror
2 to submit—

3 (A) prices paid for the same or similar
4 commercial items under comparable terms and
5 conditions by both government and commercial
6 customers; and

7 (B) if the contracting officer determines
8 that the information described in subparagraph
9 (A) is not sufficient to determine the reason-
10 ableness of price, other relevant information re-
11 garding the basis for price or cost, including in-
12 formation on labor costs, material costs, and
13 overhead rates.

14 (c) TIME-AND-MATERIALS CONTRACTS.—

15 (1) COMMERCIAL ITEM ACQUISITIONS.—The
16 regulations pursuant to subsection (a) shall ensure
17 that procedures applicable to time-and-materials
18 contracts and labor-hour contracts for commercial
19 item acquisitions may be used only for the following:

20 (A) Services procured for support of a
21 commercial item, as described in section
22 4(12)(E) of the Office Federal Procurement
23 Policy Act (41 U.S.C. 403(12)(E)).

24 (B) Emergency repair services.

1 (C) Any other commercial services only to
2 the extent that the head of the agency con-
3 cerned approves a determination in writing by
4 the contracting officer that—

5 (i) the services to be acquired are
6 commercial services as defined in section
7 4(12)(F) of the Office of Federal Procure-
8 ment Policy Act (41 U.S.C. 403(12)(F));

9 (ii) if the services to be acquired are
10 subject to subsection (b), the offeror of the
11 services has submitted sufficient informa-
12 tion in accordance with that subsection;

13 (iii) such services are commonly sold
14 to the general public through use of time-
15 and-materials or labor-hour contracts; and

16 (iv) the use of a time-and-materials or
17 labor-hour contract type is in the best in-
18 terest of the Government.

19 (2) NON-COMMERCIAL ITEM ACQUISITIONS.—

20 Nothing in this subsection shall be construed to pre-
21 clude the use of procedures applicable to time-and-
22 materials contracts and labor-hour contracts for
23 non-commercial item acquisitions for the acquisition
24 of any category of services.

1 **TITLE XLIII—ACQUISITION**
2 **WORKFORCE**

3 **SEC. 4301. ACQUISITION WORKFORCE DEVELOPMENT**
4 **FUND.**

5 (a) **PURPOSE.**—The purpose of this section is to en-
6 sure that there are resources available to recruit, hire,
7 educate, train and retain members of the Federal acquisi-
8 tion workforce with the requisite competencies and skills
9 to ensure that the government receives best value property
10 and services in its acquisitions.

11 (b) **ESTABLISHMENT OF FUND.**—Title III of the
12 Federal Property and Administrative Services Act of 1949
13 (40 U.S.C. 101, et seq.) is amended by adding at the end
14 the following new section:

15 **“SEC. 324. ACQUISITION WORKFORCE DEVELOPMENT**
16 **FUND.**

17 “(a) The Administrator of General Services shall es-
18 tablish an acquisition workforce development fund.

19 “(1) The Administrator shall manage the fund
20 through the Federal Acquisition Institute to recruit,
21 hire, educate, train and retain members of the acqui-
22 sition workforce of the executive agencies other than
23 the Department of Defense.

24 “(2) The Administrator, in consultation with
25 the Administrator for Federal Procurement Policy

1 and the Chief Acquisition Officers or Senior Pro-
2 curement Executives, as appropriate, of the execu-
3 tive agencies, other than the Department of Defense,
4 shall issue detailed guidance for the administration
5 and use of the Fund. Such guidance shall include
6 provisions—

7 “(A) requiring agencies to identify mem-
8 bers of their acquisition workforce consistent
9 with section 433(i) of title 41.

10 “(B) identifying areas of need in the acqui-
11 sition workforce for which amounts in the Fund
12 may be used, including—

13 “(i) changes to the types of skills
14 needed;

15 “(ii) incentives to retain qualified, ex-
16 perience personnel; and

17 “(iii) incentives for attracting new,
18 high-quality personnel;

19 “(C) describing the manner and timing for
20 applications for amounts in the Fund to be sub-
21 mitted;

22 “(D) describing the evaluation criteria to
23 be used for approving or prioritizing applica-
24 tions for amounts in the Fund in any fiscal
25 year; and

1 “(E) describing measurable objectives of
2 performance for determining whether amounts
3 in the Fund are being used in compliance with
4 this section.

5 “(3) The Director of the Office of Management
6 and Budget shall be the approving official for any
7 disbursements from the Fund.

8 “(4) The costs of administering the fund, in-
9 cluding the direct and indirect costs of those employ-
10 ees, not to exceed 5 percent per annum, shall be
11 paid out of the fund.

12 “(5) Amounts in the fund may not be used to
13 pay the base salary of any full-time equivalent posi-
14 tion currently filled as of date of enactment of the
15 Clean Contracting Act of 2008.

16 “(b) There shall be credited to the acquisition work-
17 force development fund the following percentages of the
18 value of funds expended by executive agencies for service
19 contracts, other than services relating to research and de-
20 velopment and services relating to construction:

21 “(1) For fiscal year 2009, 0.5 percent.

22 “(2) For fiscal year 2010, 1 percent.

23 “(3) For fiscal year 2011, 1.5 percent.

24 “(4) For any fiscal year after fiscal year 2011,
25 2 percent.

1 “(c) The Director of the Office and Management and
2 Budget may reduce the amount to be credited upon a de-
3 termination that the funds being credited are excess to
4 the needs of the acquisition workforce development fund.
5 In no event shall the Director of the Office of Management
6 Budget reduce the percentage for any fiscal year below
7 a percentage that results in the deposit in a fiscal year
8 of an amount equal to the following:

9 “(1) For fiscal year 2009, 75,000,000.

10 “(2) For fiscal year 2010, 100,000,000.

11 “(3) For fiscal year 2011, 125,000,000.

12 “(4) For an fiscal year after 2011,
13 150,000,000.

14 “(d) Not later than 30 days after the end of fiscal
15 year 2008, and 30 days after the end of each fiscal year
16 quarter thereafter, the head of each executive agency shall
17 remit to the General Services Administration the amount
18 required to be credited to the fund with respect to the
19 contracts, leases, task and delivery order described in sub-
20 section (b).

21 “(e) The Administrator of General Services, through
22 the Office of the Chief Acquisition Officer, shall ensure
23 that funds collected under this section are not used for
24 any purposes other than the purposes specified in sub-
25 section (a).

1 “(f) Amounts credited to the fund shall be in addition
2 to funds requested and appropriated for salaries, benefits,
3 education and training for all current acquisition work-
4 force members.

5 “(g) Amounts credited to the fund shall remain avail-
6 able until expended.

7 “(h) Not later than 60 days after the end of each
8 fiscal year beginning with fiscal year 2008, the Adminis-
9 trator of General Services shall submit to the congres-
10 sional committees identified in subsection (i) a report on
11 the operation of the fund during such fiscal year. Each
12 report shall include, for the fiscal year covered by such
13 report, the following:

14 “(1) A statement of the amounts remitted to
15 the Administrator for crediting to the Fund for such
16 fiscal year by each executive agency and a statement
17 of the amounts credited to the Fund.

18 “(2) A description of the expenditures made
19 from the Fund, including the purpose of such ex-
20 penditures.

21 “(3) A description and assessment of improve-
22 ments in the Federal acquisition workforce resulting
23 from such expenditures, including the extent to
24 which the fund has been used to increase the num-
25 ber of individuals in the acquisition workforce rel-

1 ative to the number of individuals in the acquisition
2 workforce as of the date of enactment.

3 “(4) Recommendations for additional authori-
4 ties to fulfill the purpose of the Fund.

5 “(5) A statement of the balance remaining in
6 the Fund at the end of such fiscal year.

7 “(i) The report required by subsection (h) shall be
8 submitted to the Committee on Oversight and Government
9 Reform of the House of Representatives; the Committee
10 on Homeland Security and Governmental Affairs of the
11 Senate; and the Committees on Appropriations of the
12 House of Representatives and the Senate.

13 “(j) No expired balances appropriated prior to the
14 date of the enactment of the Clean Contracting Act of
15 2008 may be used to make any payment to the Acquisition
16 Workforce Development Fund.”.

17 (c) EXCEPTION.—This section and the amendments
18 made by this section shall not apply to the acquisition
19 workforce of the Department of Defense.

20 **SEC. 4302. CONTINGENCY CONTRACTING CORPS.**

21 The Office of Federal Procurement Policy Act (41
22 U.S.C. 403 et seq.), as amended by section 102, is further
23 amended by adding at the end the following new section:

1 **“SEC. 44. CONTINGENCY CONTRACTING CORPS.**

2 “(a) ESTABLISHMENT.—The Administrator of Gen-
3 eral Services in consultation with the Director of the Of-
4 fice of Management and Budget, the Secretary of Defense
5 and the Secretary of Homeland Security, shall establish
6 a Governmentwide Contingency Contracting Corps (in this
7 section, referred to as the ‘Corps’). The members of the
8 Corps shall be available for deployment in responding to
9 an emergency or major disaster, or a contingency oper-
10 ation, within or outside the continental United States.

11 “(b) APPLICABILITY.—The authorities provided in
12 this section apply with respect to any procurement of
13 property or services by or for an executive agency that,
14 as determined by the head of such executive agency, are
15 to be used—

16 “(1) in support of a contingency operation as
17 defined in section 101(a)(13) of title 10, United
18 States Code; or

19 “(2) to respond to an emergency or major dis-
20 aster as defined in section 5122 of title 41, United
21 States Code.

22 “(c) MEMBERSHIP.—Membership in the Corps shall
23 be voluntary and open to all Federal employees and uni-
24 formed members of the Armed Services, who are currently
25 members of the Federal acquisition workforce. As a condi-
26 tion precedent to membership in the Corps, each volunteer

1 will execute a mobility agreement consistent with the pro-
2 visions included in sections 3371 through 3375 of title 5,
3 United States Code.

4 “(d) EDUCATION AND TRAINING.—The Director of
5 the Federal Acquisition Institute, in consultation with the
6 Chief Acquisition Officers Council shall establish edu-
7 cational and training requirements for members of the
8 Corps, and shall pay for these additional requirements
9 from funds available in the acquisition workforce develop-
10 ment fund or the Department of Defense Acquisition
11 Workforce Development Fund.

12 “(e) CLOTHING AND EQUIPMENT.—The Adminis-
13 trator shall identify any necessary clothing and equipment
14 requirements, and shall pay for this clothing and equip-
15 ment from funds available in the acquisition workforce de-
16 velopment fund or the Department of Defense Acquisition
17 Workforce Development Fund.

18 “(f) SALARY.—The salaries for members of the Corps
19 shall be paid by their parent agencies out of funds avail-
20 able.

21 “(g) AUTHORITY TO DEPLOY THE CORPS.—The Di-
22 rector of the Office of Management and Budget shall have
23 the authority to determine when members of the Corps
24 shall be deployed, in consultation with the head of the
25 agency or agencies employing the members to be deployed.

1 “(h) ANNUAL REPORT.—

2 “(1) IN GENERAL.—The Administrator of Gen-
3 eral Services shall provide to the Committee on
4 Homeland Security and Governmental Affairs and
5 the Committee on Armed Services of the Senate and
6 the Committee on Oversight and Government Re-
7 form and the Committee on Armed Services of the
8 House of Representatives an annual report on the
9 status of the Contingency Contracting Corps as of
10 September 30 of each fiscal year.

11 “(2) CONTENT.—At a minimum, each report
12 under paragraph (1) shall include the number of
13 members of the Contingency Contracting Corps, the
14 total cost of operating the program, the number of
15 deployments of members of the program, and the
16 performance of members of the program in deploy-
17 ment.”.

18 **TITLE XLIV—ANTI-FRAUD**
19 **PROVISIONS**

20 **SEC. 4401. PROTECTION FOR CONTRACTOR EMPLOYEES**
21 **FROM REPRISAL FOR DISCLOSURE OF CER-**
22 **TAIN INFORMATION.**

23 (a) INCREASED PROTECTION FROM REPRISAL.—
24 Subsection (a) of section 315 of the Federal Property and

1 Administrative Services Act of 1949 (41 U.S.C. 265(a),
2 is amended—

3 (1) by striking “disclosing to a Member of Con-
4 gress” and inserting “disclosing to a Member of
5 Congress, a representative of a committee of Con-
6 gress, an Inspector General, the Government Ac-
7 countability Office, an employee of an executive
8 agency responsible for contract oversight or manage-
9 ment,”; and

10 (2) by striking “information relating to a sub-
11 stantial violation of law related to a contract (includ-
12 ing the competition for or negotiation of a con-
13 tract)” and inserting “information that the employee
14 reasonably believes is evidence of gross mismanage-
15 ment of an executive agency contract or grant, a
16 gross waste of executive agency funds, a substantial
17 and specific danger to public health or safety, or a
18 violation of law related to an executive agency con-
19 tract (including the competition for or negotiation of
20 a contract) or grant”.

21 (b) CLARIFICATION OF INSPECTOR GENERAL DE-
22 TERMINATION.—Subsection (b) of such section is amend-
23 ed—

24 (1) by inserting “(1)” after “INVESTIGATION
25 OF COMPLAINTS.—”; and

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

3 “(2)(A) Except as provided under subparagraph (B),
4 the Inspector General shall make a determination that a
5 complaint is frivolous or submit a report under paragraph
6 (1) within 180 days after receiving the complaint.

7 “(B) If the Inspector General is unable to complete
8 an investigation in time to submit a report within the 180-
9 day period specified in subparagraph (A) and the person
10 submitting the complaint agrees to an extension of time,
11 the Inspector General shall submit a report under para-
12 graph (1) within such additional period of time as shall
13 be agreed upon between the Inspector General and the
14 person submitting the complaint.”.

15 (c) ACCELERATION OF SCHEDULE FOR DENYING RE-
16 LIEF OR PROVIDING REMEDY.—Subsection (c) of such
17 section is amended in paragraph (1), by striking “If the
18 head of an executive agency determines that a contractor
19 has subjected a person to a reprisal prohibited by sub-
20 section (a), the head of the agency may” and inserting
21 after “(1)” the following: “Not later than 30 days after
22 receiving an Inspector General report pursuant to sub-
23 section (b), the head of an executive agency concerned
24 shall determine whether there is sufficient basis to con-
25 clude that the contractor concerned has subjected the com-

1 plainant to a reprisal prohibited by subsection (a) and
2 shall either issue an order denying relief or shall”.

3 (d) DEFINITIONS.—Subsection (e) of such section is
4 amended in paragraph (2), by inserting “or a grant” after
5 “a contract”.

6 **SEC. 4402. MANDATORY FRAUD REPORTING.**

7 (a) AMENDMENT OF FEDERAL ACQUISITION REGU-
8 LATION.—The Federal Acquisition Regulation shall be
9 amended within 180 days after the date of the enactment
10 of this Act pursuant to FAR Case 2007–006 (as published
11 at 72 Fed. Reg. 64019, November 14, 2007) or any fol-
12 low-on FAR case to include provisions that require timely
13 notification by Federal contractors of violations of Federal
14 criminal law or overpayments in connection with the
15 award or performance of covered contracts or sub-
16 contracts, including those performed outside the United
17 States and those for commercial items.

18 (b) COVERED CONTRACT DEFINED.—In this section,
19 the term “covered contract” means any contract in an
20 amount greater than \$5,000,000 and more than 120 days
21 in duration.

22 **SEC. 4403. ACCESS OF GENERAL ACCOUNTING OFFICE TO**
23 **CONTRACTOR EMPLOYEES.**

24 (a) CIVILIAN AGENCIES.—Section 304C of the Fed-
25 eral Property and Administrative Services Act of 1949 (41

1 U.S.C. 254d) is amended in subsection (c)(1) by inserting
2 after “records” the following “, or interview any em-
3 ployee,”.

4 (b) DEFENSE AGENCIES.—Section 2313 of title 10,
5 United States Code, is amended in subsection (c)(1) by
6 inserting after “records” the following “, or interview any
7 employee,”.

8 **SEC. 4404. PREVENTING CONFLICTS OF INTEREST.**

9 (a) ORGANIZATIONAL CONFLICTS OF INTEREST.—
10 Not later than 12 months after the date of the enactment
11 of this Act, the Administrator of the Office of Federal
12 Procurement Policy shall review the Federal Acquisition
13 Regulation to determine whether it contains sufficiently
14 rigorous, comprehensive, and uniform Governmentwide
15 policies to prevent and mitigate organizational conflicts of
16 interest in Federal contracting. In reviewing such regula-
17 tions, the Administrator and the Federal Acquisition Reg-
18 ulatory Council, in consultation with the Office of Govern-
19 ment Ethics, shall, at a minimum, make appropriate revi-
20 sions to the regulations to—

21 (1) establish a standard organizational conflict
22 of interest clause, or a set of standard organizational
23 conflict of interest clauses, for inclusion in solicita-
24 tions and contracts that set forth the contractor’s
25 responsibilities with respect to its employees, sub-

1 contractors, partners, and any other affiliated orga-
2 nizations or individuals;

3 (2) address conflicts that may arise in the con-
4 text of developing requirements and statements of
5 work, the selection process, and contract administra-
6 tion;

7 (3) ensure that adequate organizational conflict
8 of interest safeguards are enacted in situations in
9 which contractors are employed by the Federal Gov-
10 ernment to oversee other contractors or are hired to
11 assist in the acquisition process; and

12 (4) ensure that any policies or clauses developed
13 address conflicts of interest that may arise from fi-
14 nancial interests, unfair competitive advantages, and
15 impaired objectivity.

16 (b) PERSONAL CONFLICTS OF INTEREST.—Not later
17 than 12 months after the date of the enactment of this
18 Act, the Federal Acquisition Regulation shall be amended
19 to establish uniform, Governmentwide policies to prevent
20 personal conflicts of interest by contractor employees in
21 Federal contracting. In developing such regulations, the
22 Federal Acquisition Regulatory Council, in consultation
23 with the Office of Government Ethics, shall, at a min-
24 imum—

1 (1) develop a standard contractor employee per-
2 sonal conflicts of interest clause or a set of standard
3 clauses for inclusion in solicitations and contracts
4 that set forth the contractor's responsibility to en-
5 sure that employees who are performing contracted
6 services for the Federal Government are free of per-
7 sonal conflicts of interest;

8 (2) identify the contracting methods, types and
9 services that raise heightened concerns for potential
10 conflicts of interest; and

11 (3) establish specified principles, examples, a
12 definition of personal conflicts of interest relevant to
13 contractor employees working on Federal Govern-
14 ment contracts, specific prohibitions, and where ap-
15 plicable, greater disclosure for certain contractor em-
16 ployees, that will accomplish the end objective of eth-
17 ical behavior.

18 (c) BEST PRACTICES.—The Administrator of the Of-
19 fice of Federal Procurement Policy, in consultation with
20 the Office of Governmentwide Ethics, shall develop and
21 maintain a repository of best practices relating to the pre-
22 vention and mitigation of organizational and personal con-
23 flicts of interest.

1 **TITLE XLV—ENHANCED**
2 **CONTRACT TRANSPARENCY**

3 **SEC. 4501. DISCLOSURE OF CEO SALARIES.**

4 (a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1)
5 of the Federal Funding Accountability and Transparency
6 Act (Public Law 109–282; 31 U.S.C. 6101 note) is
7 amended—

8 (1) by striking “and” at the end of subpara-
9 graph (E);

10 (2) by redesignating subparagraph (F) as sub-
11 paragraph (G); and

12 (3) by inserting after subparagraph (E) the fol-
13 lowing new subparagraph:

14 “(F) the names and total compensation of
15 the five most highly compensated officers of the
16 entity if—

17 “(i) the entity in the preceding fiscal
18 year received—

19 “(I) 80 percent or more of its an-
20 nual gross revenues in Federal
21 awards; and

22 “(II) \$25,000,000 or more in an-
23 nual gross revenues from Federal
24 awards; and

1 “(ii) the public does not have access
2 to information about the compensation of
3 the senior executives of the entity through
4 periodic reports filed under section 13(a)
5 or 15(d) of the Securities Exchange Act of
6 1934 (15 U.S.C. 78m(a), 78o(d)) or sec-
7 tion 6104 of the Internal Revenue Code of
8 1986.”.

9 (b) REGULATIONS REQUIRED.—The Director of the
10 Office of Management and Budget shall promulgate regu-
11 lations to implement the amendment made by this title.
12 Such regulations shall include a definition of “total com-
13 pensation” that is consistent with regulations of the Secu-
14 rities and Exchange Commission at section 402 of part
15 229 of title 17 of the Code of Federal Regulations (or any
16 subsequent regulation).

17 **SEC. 4502. DATABASE FOR CONTRACTING OFFICERS AND**
18 **SUSPENSION AND DEBARMENT OFFICIALS.**

19 (a) IN GENERAL.—Subject to the authority, direc-
20 tion, and control of the Director of the Office of Manage-
21 ment and Budget, the Administrator of General Services
22 shall establish and maintain a database of information re-
23 garding integrity and performance of persons awarded
24 Federal contracts and grants for use by Federal officials
25 having authority over contracts and grants.

1 (b) PERSONS COVERED.—The database shall cover
2 any person awarded a Federal contract or grant if any
3 information described in subsection (c) exists with respect
4 to such person.

5 (c) INFORMATION INCLUDED.—With respect to a
6 person awarded a Federal contract or grant, the database
7 shall include information (in the form of a brief descrip-
8 tion) for at least the most recent 5-year period regard-
9 ing—

10 (1) any civil or criminal proceeding, or any ad-
11 ministrative proceeding to the extent that such pro-
12 ceeding results in both a finding of fault on the part
13 of the person and the payment of restitution to a
14 government of \$5,000 or more, concluded by the
15 Federal Government or any State government
16 against the person, and any amount paid by the per-
17 son to the Federal Government or a State govern-
18 ment;

19 (2) all Federal contracts and grants awarded to
20 the person that were terminated in such period due
21 to default;

22 (3) all Federal suspensions and debarments of
23 the person in that period;

24 (4) all Federal administrative agreements en-
25 tered into by the person and the Federal Govern-

1 ment in that period to resolve a suspension or debar-
2 ment proceeding and, to the maximum extent prac-
3 ticable, agreements involving a suspension or debar-
4 ment proceeding entered into by the person and a
5 State government in that period; and

6 (5) all final findings by a Federal official in
7 that period that the person has been determined not
8 to be a responsible source under either subparagraph
9 (C) or (D) of section 4(7) of the Office of Federal
10 Procurement Policy Act (41 U.S.C. 403(7)).

11 (d) REQUIREMENTS RELATING TO INFORMATION IN
12 DATABASE.—

13 (1) DIRECT INPUT AND UPDATE.—The Admin-
14 istrator shall design and maintain the database in a
15 manner that allows the appropriate officials of each
16 Federal agency to directly input and update in the
17 database information relating to actions it has taken
18 with regard to contractors or grant recipients.

19 (2) TIMELINESS AND ACCURACY.—The Admin-
20 istrator shall develop policies to require—

21 (A) the timely and accurate input of infor-
22 mation into the database;

23 (B) notification of any covered person
24 when information relevant to the person is en-
25 tered into the database; and

1 (C) an opportunity for any covered person
2 to append comments to information about such
3 person in the database.

4 (e) AVAILABILITY.—

5 (1) AVAILABILITY TO ALL FEDERAL AGEN-
6 CIES.—The Administrator shall make the database
7 available to all Federal agencies.

8 (2) AVAILABILITY TO THE PUBLIC.—The Ad-
9 ministrator shall make the database available to the
10 public by posting the database on the General Serv-
11 ices Administration website.

12 (3) LIMITATION.—This subsection does not re-
13 quire the public availability of information that is
14 exempt from public disclosure under section 552(b)
15 of title 5, United States Code.

16 **SEC. 4503. REVIEW OF DATABASE.**

17 (a) REQUIREMENT TO REVIEW DATABASE.—Prior to
18 the award of a contract or grant, an official responsible
19 for awarding a contract or grant shall review the database
20 established under section 2.

21 (b) REQUIREMENT TO DOCUMENT PRESENT RE-
22 SPONSIBILITY.—In the case of a prospective awardee of
23 a contract or grant against which a judgment or conviction
24 has been rendered more than once within any 3-year pe-
25 riod for the same or similar offences, if each judgment

1 or conviction is a cause for debarment, the official respon-
2 sible for awarding the contract or grant shall document
3 why the prospective awardee is considered presently re-
4 sponsible.

5 **SEC. 4504. DISCLOSURE IN APPLICATIONS.**

6 (a) REQUIREMENT.—Not later than 180 days after
7 the date of the enactment of this Act, Federal regulations
8 shall be amended to require that in applying for any Fed-
9 eral grant or submitting a proposal or bid for any Federal
10 contract a person shall disclose in writing information de-
11 scribed in section 2(c).

12 (b) COVERED CONTRACTS AND GRANTS.—This sec-
13 tion shall apply only to contracts and grants in an amount
14 greater than the simplified acquisition threshold, as de-
15 fined in section 4(11) of the Office of Federal Procure-
16 ment Policy Act (41 U.S.C. 401(11)).

17 **SEC. 4505. ROLE OF INTERAGENCY COMMITTEE.**

18 (a) REQUIREMENT.—The Interagency Committee on
19 Debarment and Suspension shall—

20 (1) resolve issues regarding which of several
21 Federal agencies is the lead agency having responsi-
22 bility to initiate suspension or debarment pro-
23 ceedings;

24 (2) coordinate actions among interested agen-
25 cies with respect to such action;

1 (3) encourage and assist Federal agencies in
2 entering into cooperative efforts to pool resources
3 and achieve operational efficiencies in the Govern-
4 mentwide suspension and debarment system;

5 (4) recommend to the Office of Management
6 and Budget changes to Government suspension and
7 debarment system and its rules, if such rec-
8 ommendations are approved by a majority of the
9 Interagency Committee;

10 (5) authorize the Office of Management and
11 Budget to issue guidelines that implement those rec-
12 ommendations;

13 (6) authorize the chair of the Committee to es-
14 tablish subcommittees as appropriate to best enable
15 the Interagency Committee to carry out its func-
16 tions; and

17 (7) submit to the Congress an annual report
18 on—

19 (A) the progress and efforts to improve the
20 suspension and debarment system;

21 (B) member agencies' active participation
22 in the committee's work; and

23 (C) a summary of each agency's activities
24 and accomplishments in the Governmentwide
25 debarment system.

1 (b) DEFINITION.—The term “Interagency Committee
2 on Debarment and Suspension” means such committee
3 constituted under sections 4 and 5 and of Executive Order
4 No. 12549.

5 **SEC. 4506. AUTHORIZATION OF INDEPENDENT AGENCIES.**

6 Any agency, commission, or organization of the Fed-
7 eral Government to which Executive Order No. 12549
8 does not apply is authorized to participate in the Govern-
9 mentwide suspension and debarment system and may rec-
10 ognize the suspension or debarment issued by an executive
11 branch agency in its own procurement or assistance activi-
12 ties.

13 **SEC. 4507. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated to the Ad-
15 ministrator of General Services such funds as may be nec-
16 essary to establish the database described in section 2.

17 **SEC. 4508. REPORT TO CONGRESS.**

18 (a) REPORT REQUIRED.—Not later than 180 days
19 after the date of the enactment of this Act, the Adminis-
20 trator of General Services shall submit to Congress a re-
21 port.

22 (b) CONTENTS OF REPORT.—The report shall con-
23 tain the following:

24 (1) A list of all databases that include informa-
25 tion about Federal contracting and Federal grants.

1 (2) Recommendations for further legislation or
2 administrative action that the Administrator con-
3 siders appropriate to create a centralized, com-
4 prehensive Federal contracting and Federal grant
5 database.

6 **SEC. 4509. IMPROVEMENTS TO THE FEDERAL PROCURE-**
7 **MENT DATA SYSTEM.**

8 (a) **ENHANCED TRANSPARENCY ON INTERAGENCY**
9 **CONTRACTING AND OTHER TRANSACTIONS.**—Not later
10 than 12 months after the date of the enactment of this
11 Act, the Director of the Office of Management and Budget
12 shall direct appropriate revisions to the Federal Procure-
13 ment Data System or any successor system to facilitate
14 the collection of complete, timely, and reliable data on
15 interagency contracting actions and on transactions other
16 than contracts, grants, and cooperative agreements issued
17 pursuant to section 2371 of title 10, United States Code,
18 or similar authorities. The Director shall ensure that data,
19 consistent with what is collected for contract actions, is
20 obtained on—

- 21 (1) interagency contracting actions, including
22 data at the task or delivery-order level; and
23 (2) other transactions, including the initial
24 award and any subsequent modifications awarded or
25 orders issued.

1 (b) AMENDMENT.—Subsection (d) of section 19 of
2 the Office of Federal Procurement Policy Act (41 U.S.C.
3 417(d)) is amended to read as follows:

4 “(d) TRANSMISSION AND DATA ENTRY OF INFORMA-
5 TION.—The head of each executive agency shall ensure the
6 accuracy of the information included in the record estab-
7 lished and maintained by such agency under subsection
8 (a) and shall timely transmit such information to the Gen-
9 eral Services Administration for entry into the Federal
10 Procurement Data System referred to in section 6(d)(4),
11 or any successor system.”.

12 **SEC. 4510. PROTECTION OF CHILD CUSTODY ARRANGE-**
13 **MENTS FOR PARENTS WHO ARE MEMBERS OF**
14 **THE ARMED FORCES DEPLOYED IN SUPPORT**
15 **OF A CONTINGENCY OPERATION.**

16 (a) CHILD CUSTODY PROTECTION.—Title II of the
17 Servicemembers Civil Relief Act (50 U.S.C. App. 521 et
18 seq.) is amended by adding at the end the following new
19 section:

20 **“SEC. 208. CHILD CUSTODY PROTECTION.**

21 “(a) RESTRICTION ON CHANGE OF CUSTODY.—If a
22 motion for change of custody of a child of a servicemember
23 is filed while the servicemember is deployed in support of
24 a contingency operation, no court may enter an order
25 modifying or amending any previous judgment or order,

1 or issue a new order, that changes the custody arrange-
2 ment for that child that existed as of the date of the de-
3 ployment of the servicemember, except that a court may
4 enter a temporary custody order if there is clear and con-
5 vincing evidence that it is in the best interest of the child.

6 “(b) COMPLETION OF DEPLOYMENT.—In any pre-
7 ceding covered under subsection (a), a court shall require
8 that, upon the return of the servicemember from deploy-
9 ment in support of a contingency operation, the custody
10 order that was in effect immediately preceding the date
11 of the deployment of the servicemember is reinstated, un-
12 less there is clear and convincing evidence that such a re-
13 instatement is not in the best interest of the child.

14 “(c) EXCLUSION OF MILITARY SERVICE FROM DE-
15 TERMINATION OF CHILD’S BEST INTEREST.—If a motion
16 for the change of custody of the child of a servicemember
17 is filed, no court may consider the absence of the
18 servicemember by reason of deployment, or possibility of
19 deployment, in determining the best interest of the child.

20 “(d) CONTINGENCY OPERATION DEFINED.—In this
21 section, the term ‘contingency operation’ has the meaning
22 given that term in section 101(a)(13) of title 10, United
23 States Code, except that the term may include such other
24 deployments as the Secretary may prescribe.”

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

“208. Child custody protection.”.

Passed the House of Representatives May 22, 2008.

Attest: LORRAINE C. MILLER,
Clerk.

Calendar No. 758

110TH CONGRESS
2^D SESSION

H. R. 5658

AN ACT

To authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to amend the Servicemembers Civil Relief Act to provide for the protection of child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation, and for other purposes.

JUNE 3, 2008

Received; read twice and placed on the calendar