

In the House of Representatives, U. S.,

September 24, 2008.

Resolved, That the bill from the Senate (S. 3001) entitled “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, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; FINDINGS; SENSE OF CONGRESS.***

2 *(a) SHORT TITLE.—This Act may be cited as the*
3 *“Duncan Hunter National Defense Authorization Act for*
4 *Fiscal Year 2009”.*

5 *(b) FINDINGS.—Congress makes the following findings:*

6 *(1) Representative Duncan Hunter was elected to*
7 *serve northern and eastern San Diego in 1980 and*
8 *served in the House of Representatives until the end*
9 *of the 110th Congress in 2009, representing the people*
10 *of California’s 52d Congressional district.*

11 *(2) Previous to his service in Congress, Rep-*
12 *resentative Hunter served in the Army’s 173rd Air-*
13 *borne and 75th Ranger Regiment from 1969 to 1971.*

1 (3) *During the Vietnam conflict, Representative*
2 *Hunter's distinguished service was recognized by the*
3 *award of the Bronze Star and Air Medal, as well as*
4 *the National Defense Service Medal and the Vietnam*
5 *Service Medal.*

6 (4) *Representative Hunter served on the Com-*
7 *mittee on Armed Services of the House of Representa-*
8 *tives for 28 years, including service as Chairman of*
9 *the Subcommittee on Military Research and Develop-*
10 *ment from 2001 through 2002 and the Subcommittee*
11 *on Military Procurement from 1995 through 2000, the*
12 *Chairman of the full committee from 2003 through*
13 *2006, and the ranking member of the full committee*
14 *from 2007 through 2008.*

15 (5) *Representative Hunter has persistently advo-*
16 *cated for a more efficient military organization on be-*
17 *half of the American people, to ensure maximum war-*
18 *fighting capability and troop safety.*

19 (6) *Representative Hunter is known by his col-*
20 *leagues to put the security of the Nation above all else*
21 *and to provide for the men and women in uniform*
22 *who valiantly dedicate and sacrifice themselves for the*
23 *protection of the Nation.*

24 (7) *Representative Hunter has demonstrated this*
25 *devotion to the troops by working to authorize and*

1 *ensure quick deployment of add-on vehicle armor and*
2 *improvised explosive device jammers, which have been*
3 *invaluable in protecting the troops from attack in*
4 *Iraq.*

5 *(8) Representative Hunter worked to increase the*
6 *size of the U.S. Armed Forces, which resulted in sig-*
7 *nificant increases in the size of the Army and Marine*
8 *Corps.*

9 *(9) Representative Hunter has been a leader in*
10 *ensuring sufficient force structure and end-strength,*
11 *including through the 2006 Committee Defense Re-*
12 *view, to meet any challenges to the Nation. His efforts*
13 *to increase the size of the Army and Marine Corps*
14 *contributed to the enactment by the Congress and the*
15 *subsequent implementation by the Administration of*
16 *the larger forces.*

17 *(10) Representative Hunter is a leading advocate*
18 *for securing America's borders.*

19 *(11) Representative Hunter led efforts to*
20 *strengthen the United States Industrial Base by work-*
21 *ing to enact legislation that ensures that the national*
22 *industrial base will be able to design and manufac-*
23 *ture those products critical to America's national se-*
24 *curity.*

1 (c) *SENSE OF CONGRESS.*—*It is the sense of Congress*
 2 *that the Honorable Duncan Hunter, Representative from*
 3 *California, has discharged his official duties with integrity*
 4 *and distinction, has served the House of Representatives*
 5 *and the American people selflessly, and deserves the sincere*
 6 *and humble gratitude of Congress and the Nation.*

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

9 (a) *DIVISIONS.*—*This Act is organized into three divi-*
 10 *sions as follows:*

11 (1) *Division A—Department of Defense Author-*
 12 *izations.*

13 (2) *Division B—Military Construction Author-*
 14 *izations.*

15 (3) *Division C—Department of Energy National*
 16 *Security Authorizations and Other Authorizations.*

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

Sec. 1. Short title; findings; sense of Congress.

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

Sec. 3. Congressional defense committees.

Sec. 4. Explanatory statement.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. National Guard and Reserve equipment.

Subtitle B—Army Programs

- Sec. 111. Separate procurement line items for Future Combat Systems program.*
Sec. 112. Clarification of status of Future Combat Systems program lead system integrator.
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.
Sec. 115. Stryker Mobile Gun System.

Subtitle C—Navy Programs

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

Subtitle D—Air Force Programs

- Sec. 131. Maintenance of retired KC-135E aircraft.*
Sec. 132. Repeal of multi-year contract authority for procurement of tanker aircraft.
Sec. 133. Reports on KC-(X) tanker aircraft requirements.
Sec. 134. F-22A fighter aircraft.

Subtitle E—Joint and Multiservice Matters

- Sec. 141. Annual long-term plan for the procurement of aircraft for the Navy and the Air Force.*
Sec. 142. Report on body armor acquisition strategy.
Sec. 143. Small arms acquisition strategy and requirements review.
Sec. 144. Requirement for common ground stations and payloads for manned and unmanned aerial vehicle systems.
Sec. 145. Report on future jet carrier trainer requirements of the Navy.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION*Subtitle A—Authorization of Appropriations*

- Sec. 201. Authorization of appropriations.*
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Additional determinations to be made as part of Future Combat Systems 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 expenditures.*
- Sec. 217. Requirement for plan on overhead nonimaging infrared systems.*
- Sec. 218. Advanced energy storage technology and manufacturing.*
- Sec. 219. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.*
- Sec. 220. Requirements for certain airborne intelligence collection systems.*
- Sec. 221. Limitation on obligation of funds for Enhanced AN/TPQ-36 radar system pending submission of report.*

Subtitle C—Missile Defense Programs

- Sec. 231. Annual Director of Operational Test and Evaluation characterization of operational effectiveness, suitability, and survivability of the ballistic missile defense system.*
- Sec. 232. Independent study of boost-phase missile defense.*
- Sec. 233. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.*
- Sec. 234. Review of the ballistic missile defense policy and strategy of the United States.*
- Sec. 235. Airborne Laser System.*
- Sec. 236. Activation and deployment of AN/TPY-2 forward-based X-band radar.*

Subtitle D—Reports

- Sec. 241. Biennial reports on joint and service concept development and experimentation.*
- Sec. 242. Report on participation of the historically black colleges and universities and minority-serving institutions in research and educational programs and activities of the Department of Defense.*
- Sec. 243. Report on Department of Defense response to findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.*

Subtitle E—Other Matters

- Sec. 251. Modification of systems subject to survivability testing oversight by the Director of Operational Test and evaluation.*
- Sec. 252. 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. 253. Assessment of technology transition programs and repeal of reporting requirement.*
- Sec. 254. Trusted defense systems.*
- Sec. 255. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.*
- Sec. 256. Executive agent for printed circuit board technology.*
- Sec. 257. Review of conventional prompt global strike technology applications and concepts.*

TITLE III—OPERATION AND 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. Expedited use of appropriate technology related to unexploded ordnance detection.*
- Sec. 315. Closed loop re-refining of used motor vehicle lubricating oil.*
- Sec. 316. Comprehensive program for the eradication of the brown tree snake population from military facilities in Guam.*

Subtitle C—Workplace and Depot Issues

- Sec. 321. Comprehensive analysis and development of single Government-wide definition of inherently governmental function and criteria for critical functions.*
- Sec. 322. Study on future depot capability.*
- Sec. 323. Government Accountability Office review of high-performing organizations.*
- Sec. 324. Consolidation of Air Force and Air National Guard aircraft maintenance.*
- Sec. 325. Report on Air Force civilian personnel consolidation plan.*
- Sec. 326. Report on reduction in number of firefighters on Air Force bases.*
- Sec. 327. Minimum capital investment for certain depots.*

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 and wind energy for use for expeditionary forces.*
- Sec. 334. Study on alternative and synthetic fuels.*
- Sec. 335. Mitigation of power outage risks for Department of Defense facilities and activities.*

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.*
- Sec. 344. Comptroller General report on link between preparation and use of Army reserve component forces to support ongoing operations.*
- Sec. 345. Comptroller General report on adequacy of funding, staffing, and organization of Department of Defense Military Munitions Response Program.*

Subtitle F—Other Matters

- Sec. 351. Extension of Enterprise Transition Plan reporting requirement.*

- Sec. 352. Demilitarization of loaned, given, or exchanged documents, historical artifacts, and condemned or obsolete combat materiel.*
- Sec. 353. Repeal of requirement that Secretary of Air Force provide training and support to other military departments for A-10 aircraft.*
- Sec. 354. Display of annual budget requirements for Air Sovereignty Alert Mission.*
- Sec. 355. Revision of certain Air Force regulations required.*
- Sec. 356. Transfer of C-12 aircraft to California Department of Forestry and Fire Protection.*
- Sec. 357. Limitation on treatment of retired B-52 aircraft for Air Combat Command headquarters.*
- Sec. 358. Increase of domestic breeding of military working dogs used by the Department of Defense.*

TITLE IV—MILITARY 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 component members authorized to be on active duty.*

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.*

TITLE V—MILITARY PERSONNEL 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. Authorized number of general officers on active duty in the Army and Marine Corps, limited exclusion for joint duty requirements, and increase in number of officers serving in grades above major general and rear admiral.*
- Sec. 504. Modification of authority on Staff Judge Advocate to the Commandant of the Marine Corps.*
- Sec. 505. Eligibility of reserve officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons.*
- Sec. 506. Delayed authority to alter distribution requirements for commissioned officers on active duty in general officer and flag officer grades and limitations on authorized strengths of general and flag officers on active duty.*

Subtitle B—Reserve Component Management

- Sec. 511. Extension to other reserve components of Army authority for deferral of mandatory separation of military technicians (dual status) until age 60.*
- Sec. 512. Modification of authorized strengths for certain Army National Guard, Marine Corps Reserve, and Air National Guard officers and Army National Guard enlisted personnel serving on full-time reserve component duty.*
- 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. Modification of authorities on dual duty status of National Guard officers.*
- Sec. 518. Study and report regarding Marine Corps personnel policies regarding assignments in Individual Ready Reserve.*
- Sec. 519. Report on collection of information on civilian skills of members of the reserve components of the Armed Forces.*

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. Modification of limitations on authorized strengths of reserve general and flag officers in active status serving in joint duty assignments.*
- Sec. 527. Reports on joint education courses available through the Department of Defense.*

Subtitle D—General Service Authorities

- Sec. 531. Increase in maximum period of reenlistment of regular members of the Armed Forces.*
- Sec. 532. Paternity leave for members of the Armed Forces.*
- Sec. 533. Pilot programs on career flexibility to enhance retention of members of the Armed Forces.*

Subtitle E—Education and Training

- Sec. 540. Authorized strength of military service academies and repeal of prohibition on phased increase in midshipmen and cadet strength limit at Naval Academy and Air Force Academy.*
- Sec. 541. Promotion of foreign and cultural exchange activities at military service academies.*
- Sec. 542. Increased authority to enroll defense industry employees in defense product development program.*

- Sec. 543. Expanded authority for institutions of professional military education to award degrees.*
- Sec. 544. Tuition for attendance of Federal employees at the United States Air Force Institute of Technology.*
- Sec. 545. Increase in number of permanent professors at the United States Air Force Academy.*
- Sec. 546. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve component members supporting contingency operations.*
- Sec. 547. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.*
- Sec. 548. Increase in number of units of Junior Reserve Officers' Training Corps.*
- Sec. 549. Correction of erroneous Army College Fund benefit amounts.*
- Sec. 550. Enhancing education partnerships to improve accessibility and flexibility for members of the Armed Forces.*

Subtitle F—Defense Dependents' Education

- Sec. 551. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.*
- Sec. 552. Impact aid for children with severe disabilities.*
- Sec. 553. Transition of military dependent students among local educational agencies.*
- Sec. 554. Calculation of payments for eligible federally connected children under Department of Education's Impact Aid program.*

Subtitle G—Military Justice

- Sec. 561. Effective period of military protective orders.*
- Sec. 562. Mandatory notification of issuance of military protective order to civilian law enforcement.*
- Sec. 563. Implementation of information database on sexual assault incidents in the Armed Forces.*

Subtitle H—Decorations, Awards, and Honorary Promotions

- Sec. 571. Replacement of military decorations.*
- Sec. 572. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.*

Subtitle I—Military Families

- Sec. 581. Presentation of burial flag to the surviving spouse and children of deceased members of the Armed Forces.*
- Sec. 582. Education and training opportunities for military spouses.*
- Sec. 583. Sense of Congress regarding honor guard details for funerals of veterans.*

Subtitle J—Other Matters

- Sec. 591. Prohibition on interference in independent legal advice by the Legal Counsel to the Chairman of the Joint Chiefs of Staff.*
- 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. Modification of matching fund requirements under National Guard Youth Challenge Program.*
- Sec. 595. Military salute for the flag during the national anthem by members of the Armed Forces not in uniform and by veterans.*
- Sec. 596. Military Leadership Diversity Commission.*
- Sec. 597. Demonstration project on service of retired nurse corps officers as faculty at civilian nursing schools.*
- Sec. 598. Report on planning for participation and hosting of the Department of Defense in international sports activities, competitions, and events.*

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Fiscal year 2009 increase in military basic pay.*
- Sec. 602. Permanent extension of prohibition on charges for meals received at military treatment facilities by members receiving continuous care.*
- Sec. 603. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.*
- Sec. 604. Availability of second family separation allowance for married couples with dependents.*
- Sec. 605. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.*

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 and health professions stipend 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 and authorization of incentive pay for members of precommissioning programs pursuing foreign language proficiency.*
- Sec. 620. Accession and retention bonuses for the recruitment and retention of officers in certain health professions.*

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Special weight allowance for transportation of professional books and equipment for spouses.*
- Sec. 622. Shipment of family pets during evacuation of personnel.*

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 631. 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. 632. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.*

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

- Sec. 641. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve component and retired members.*
- Sec. 642. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.*

Subtitle F—Other Matters

- Sec. 651. 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.*

TITLE VII—HEALTH CARE AND WOUNDED WARRIOR 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. Chiropractic health care for members on active duty.*
- Sec. 704. Calculation of monthly premiums for coverage under TRICARE Reserve Select after 2008.*
- Sec. 705. Program for health care delivery at military installations projected to grow.*
- Sec. 706. Guidelines for combined medical facilities of the Department of Defense and the Department of Veterans Affairs.*

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.*
- Sec. 715. Additional authority for studies and demonstration projects relating to delivery of health and medical care.*

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. Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries and Amputations.*
- Sec. 724. Additional responsibilities for the wounded warrior resource center.*

- Sec. 725. Sense of Congress on research on traumatic brain injury.*
- Sec. 726. Extension of Senior Oversight Committee with respect to wounded warrior matters.*
- Sec. 727. Modification of utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.*

Subtitle D—Other Matters

- Sec. 731. Report on providing the Extended Care Health Option Program to dependents of military retirees.*
- Sec. 732. Increase in cap on extended benefits under extended health care option (ECHO).*
- Sec. 733. Department of Defense task force on the prevention of suicide by members of the Armed Forces.*
- Sec. 734. Transitional health care for certain members of the Armed Forces who agree to serve in the Selected Reserve of the Ready Reserve.*
- Sec. 735. Enhancement of medical and dental readiness of members of the Armed Forces.*

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

- Sec. 801. Assessment of urgent operational needs fulfillment.*
- Sec. 802. Implementation of statutory requirements regarding the national technology and industrial base.*
- Sec. 803. Commercial software reuse preference.*
- Sec. 804. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.*

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

- Sec. 811. Inclusion of major subprograms to major defense acquisition programs under acquisition reporting requirements.*
- Sec. 812. Inclusion of certain major information technology investments in acquisition oversight authorities for major automated information system programs.*
- Sec. 813. Transfer of sections of title 10 relating to Milestone A and Milestone B for clarity.*
- Sec. 814. Configuration steering boards for cost control under major defense acquisition programs.*
- Sec. 815. Preservation of tooling for major defense acquisition programs.*

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 821. Definition of system for Defense Acquisition Challenge Program.*
- Sec. 822. Technical data rights.*
- Sec. 823. Revision to the application of Cost Accounting Standards.*
- Sec. 824. Modification and extension of pilot program for transition to follow-on contracts under authority to carry out certain prototype projects.*
- Sec. 825. Clarification of status of Government rights in the designs of Department of Defense vessels, boats, craft, and components thereof.*

Subtitle D—Provisions Relating to Acquisition Workforce and Inherently Governmental Functions

- Sec. 831. Development of guidance on personal services contracts.*
Sec. 832. Sense of Congress on performance by private security contractors of certain functions in an area of combat operations.
Sec. 833. Acquisition workforce expedited hiring authority.
Sec. 834. Career path and other requirements for military personnel in the acquisition field.

Subtitle E—Department of Defense Contractor Matters

- Sec. 841. Ethics safeguards related to contractor conflicts of interest.*
Sec. 842. Information for Department of Defense contractor employees on their whistleblower rights.
Sec. 843. Requirement for Department of Defense to adopt an acquisition strategy for Defense Base Act insurance.
Sec. 844. Report on use of off-shore subsidiaries by defense contractors.
Sec. 845. Defense industrial security.

Subtitle F—Matters Relating to Iraq and Afghanistan

- Sec. 851. Clarification and modification of authorities relating to the Commission on Wartime Contracting in Iraq and Afghanistan.*
Sec. 852. Comprehensive audit of spare parts purchases and depot overhaul and maintenance of equipment for operations in Iraq and Afghanistan.
Sec. 853. Additional matters required to be reported by contractors performing security functions in areas of combat operations.
Sec. 854. Additional contractor requirements and responsibilities relating to alleged crimes by or against contractor personnel in Iraq and Afghanistan.
Sec. 855. Suspension of statutes of limitations when Congress authorizes the use of military force.

Subtitle G—Governmentwide Acquisition Improvements

- Sec. 861. Short title.*
Sec. 862. Limitation on length of certain noncompetitive contracts.
Sec. 863. Requirements for purchase of property and services pursuant to multiple award contracts.
Sec. 864. Regulations on the use of cost-reimbursement contracts.
Sec. 865. Preventing abuse of interagency contracts.
Sec. 866. Limitations on tiering of subcontractors.
Sec. 867. Linking of award and incentive fees to acquisition outcomes.
Sec. 868. Minimizing abuse of commercial services item authority.
Sec. 869. Acquisition workforce development strategic plan.
Sec. 870. Contingency Contracting Corps.
Sec. 871. Access of Government Accountability Office to contractor employees.
Sec. 872. Database for Federal agency contract and grant officers and suspension and debarment officials.
Sec. 873. Role of Interagency Committee on Debarment and Suspension.
Sec. 874. Improvements to the Federal procurement data system.

Subtitle H—Other Matters

- Sec. 881. Expansion of authority to retain fees from licensing of intellectual property.*
- Sec. 882. Report on market research.*
- Sec. 883. Report relating to munitions.*
- Sec. 884. Motor carrier fuel surcharges.*
- Sec. 885. Procurement by State and local governments of equipment for homeland security and emergency response activities through the Department of Defense.*
- Sec. 886. Review of impact of covered subsidies on acquisition of KC-45 aircraft.*
- Sec. 887. Report on the implementation of earned value management at the Department of Defense.*

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT*Subtitle A—Department of Defense Management*

- Sec. 901. Plan required for personnel management of special operations forces.*
- Sec. 902. Director of Operational Energy Plans and Programs.*
- Sec. 903. Corrosion control and prevention executives for the military departments.*
- Sec. 904. Participation of Deputy Chief Management Officer of the Department of Defense on Defense Business System Management Committee.*
- Sec. 905. Modification of status of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.*
- Sec. 906. Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves.*
- Sec. 907. General Counsel to the Inspector General of the Department of Defense.*
- Sec. 908. Business transformation initiatives for the military departments.*

Subtitle B—Space Activities

- Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to entities outside United States Government.*
- Sec. 912. Investment and acquisition strategy for commercial satellite capabilities.*
- Sec. 913. Space posture review.*

Subtitle C—Chemical Demilitarization Program

- Sec. 921. Responsibilities for Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky.*
- Sec. 922. Cost-benefit analysis of future treatment 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. Enhancement of authorities relating to Department of Defense regional centers for security studies.*
- Sec. 942. Restriction on obligation of funds for United States Southern Command development assistance activities.*
- Sec. 943. Authorization of non-conventional assisted recovery capabilities.*
- Sec. 944. Report on homeland defense and civil support issues.*
- Sec. 945. Report on National Guard resource requirements.*

*TITLE X—GENERAL PROVISIONS**Subtitle A—Financial Matters*

- Sec. 1001. General transfer authority.*
- Sec. 1002. One-time shift of military retirement payments.*
- Sec. 1003. Management of purchase cards.*
- Sec. 1004. Codification of recurring authority on United States contributions to the North Atlantic Treaty Organization common-funded budgets.*
- Sec. 1005. Incorporation of funding decisions into law.*

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. Report on plan for disposal of certain vessels stricken from the Naval Vessel Register.*
- Sec. 1014. Reimbursement of expenses for certain Navy mess operations.*
- Sec. 1015. Policy relating to major combatant vessels of the strike forces of the United States Navy.*

Subtitle C—Counter-Drug Activities

- Sec. 1021. Extension 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 United States Africa Command.*
- Sec. 1026. Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions.*

Subtitle D—Miscellaneous Authorities and Limitations

- Sec. 1031. Enhancement of the capacity of the United States Government to conduct complex operations.*
- Sec. 1032. Crediting of admiralty claim receipts for damage to property funded from a Department of Defense working capital fund.*
- Sec. 1033. Minimum annual purchase requirements for charter air transportation services from carriers participating in the Civil Reserve Air Fleet.*

- Sec. 1034. *Semi-annual reports on status of Navy Next Generation Enterprise Networks program.*
- Sec. 1035. *Sense of Congress on nuclear weapons management.*
- Sec. 1036. *Sense of Congress on joint Department of Defense-Federal Aviation Administration executive committee on conflict and dispute resolution.*
- Sec. 1037. *Sense of Congress on sale of new outsize cargo, strategic airlift aircraft for civilian use.*

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. *Report on nuclear weapons.*
- Sec. 1045. *Report on compliance by Department of Defense with Guam tax and licensing laws.*
- Sec. 1046. *Report on detention operations in Iraq.*
- Sec. 1047. *Review of bandwidth capacity requirements of the Department of Defense and the intelligence community.*
- Sec. 1048. *Review of findings and recommendations applicable to the Department of Defense regarding electromagnetic pulse attack.*

Subtitle F—Other Matters

- Sec. 1051. *Additional information under annual submissions of information regarding information technology capital assets.*
- Sec. 1052. *Submission to Congress of revision to regulation on enemy prisoners of war, retained personnel, civilian internees, and other detainees.*
- Sec. 1053. *Barnegat Inlet to Little Egg Inlet, New Jersey.*
- Sec. 1054. *Standing advisory panel on improving coordination among the Department of Defense, the Department of State, and the United States Agency for International Development on matters of national security.*
- Sec. 1055. *Reports on strategic communication and public diplomacy activities of the Federal Government.*
- Sec. 1056. *Prohibitions relating to propaganda.*
- Sec. 1057. *Sense of Congress on interrogation of detainees by contractor personnel.*
- Sec. 1058. *Sense of Congress with respect to 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. 1059. *Modification of deadlines for standards required for entry to military installations in the United States.*
- Sec. 1060. *Extension of certain dates for Congressional Commission on the Strategic Posture of the United States.*
- Sec. 1061. *Technical and clerical amendments.*
- Sec. 1062. *Notification of Committees on Armed Services with respect to certain nonproliferation and proliferation activities.*
- Sec. 1063. *Assessment of security measures at consolidated center for North American Aerospace Defense Command and United States Northern Command.*

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.*
- Sec. 1102. Temporary discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.*
- Sec. 1103. Election of insurance coverage by Federal civilian employees deployed in support of a contingency operation.*
- Sec. 1104. Extension of authority to make lump-sum severance payments.*
- Sec. 1105. Extension of voluntary reduction-in-force authority of Department of Defense.*
- Sec. 1106. Enhancement of authorities relating to additional positions under the national security personnel system.*
- Sec. 1107. Expedited hiring authority for health care professionals.*
- Sec. 1108. Direct hire authority at personnel demonstration laboratories for certain candidates.*
- Sec. 1109. Status reports relating to laboratory personnel demonstration projects.*
- Sec. 1110. Technical amendment relating to definition of professional accounting position for purposes of certification and credentialing standards.*
- Sec. 1111. Exceptions and adjustments to limitations on personnel and reports on such exceptions and adjustments.*

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

- Sec. 1201. Extension of authority to build the capacity of the Pakistan Frontier Corps.*
- Sec. 1202. Availability across fiscal years of funds for military-to-military contacts and comparable activities.*
- Sec. 1203. Availability across fiscal years of funds to pay incremental expenses for participation of developing countries in combined exercises.*
- Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.*
- Sec. 1205. Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the Armed Forces.*
- Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.*
- Sec. 1207. Extension of authority and increased funding for security and stabilization assistance.*
- Sec. 1208. Extension and expansion of authority for support of special operations to combat terrorism.*
- Sec. 1209. Increase in amount available for costs of education and training of foreign military forces under 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. Reports on enhancing security and stability in the region along the border of Afghanistan and Pakistan.*
- Sec. 1218. Study and report on Police Transition Teams to train, assist, and advise units of the Iraqi Police Service.*

Subtitle C—Other Matters

- Sec. 1231. Payment of personnel expenses for multilateral cooperation programs.*
- Sec. 1232. Participation of the Department of Defense in multinational military centers of excellence.*
- Sec. 1233. Review of security risks of participation by defense contractors in certain space activities of the People's Republic of China.*
- Sec. 1234. Report on Iran's capability to produce nuclear weapons.*
- Sec. 1235. Employment for resettled Iraqis.*
- Sec. 1236. Extension and modification of updates on report on claims relating to the bombing of the Labelle Discotheque.*
- Sec. 1237. Report on utilization of certain global partnership authorities.*
- Sec. 1238. Modification and repeal of requirement to submit certain annual reports to Congress regarding allied contributions to the common defense.*

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.*
- Sec. 1302. Funding allocations.*

TITLE XIV—OTHER 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.*
- Sec. 1407. National Defense Sealift Fund amendments.*

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. Authorization of appropriations for Armed Forces Retirement Home.*

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

- Sec. 1501. Authorization of additional appropriations for operations in Afghanistan and Iraq for fiscal year 2009.*
- Sec. 1502. Requirement for separate display of budgets for Afghanistan and Iraq.*
- Sec. 1503. Joint Improvised Explosive Device Defeat Fund.*
- Sec. 1504. Science and technology investment strategy to defeat or counter improvised explosive devices.*
- Sec. 1505. Limitations on Iraq Security Forces Fund.*
- Sec. 1506. Limitations on Afghanistan Security Forces Fund.*
- Sec. 1507. Special transfer authority.*
- Sec. 1508. Prohibition on use of United States funds for certain facilities projects in Iraq and contributions by the Government of Iraq to combined operations and other activities in Iraq.*

TITLE XVI—RECONSTRUCTION AND STABILIZATION CIVILIAN 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.*

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.*
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.*
- Sec. 2003. Effective date.*

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.*

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.

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.

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.

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. Modification of authority to carry out certain fiscal year 2008 project.

Sec. 2608. Extension of authorizations of certain fiscal year 2006 projects.

Sec. 2609. 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.*
- 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. Modification of annual base closure and realignment reporting requirements.*
- Sec. 2712. 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. Independent design review of National Naval Medical Center and military hospital at 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. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.*
- Sec. 2803. Use of military family housing constructed under build and lease authority to house members without dependents.*
- Sec. 2804. Leasing of military family housing to Secretary of Defense.*
- Sec. 2805. Improved oversight and accountability for military housing privatization initiative projects.*
- Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command and United States Africa Command areas of responsibility.*
- Sec. 2807. Cost-benefit analysis of dissolution of Patrick Family Housing LLC.*

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Clarification of 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. Defense access roads.*
- Sec. 2815. Report on application of force protection and anti-terrorism standards to gates and entry points on military installations.*

Subtitle C—Provisions Related to Guam Realignment

- Sec. 2821. Sense of Congress regarding military housing and utilities related to Guam realignment.*
- Sec. 2822. Federal assistance to Guam.*
- Sec. 2823. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.*
- Sec. 2824. Support for realignment of military installations and relocation of military personnel on Guam.*

Subtitle D—Energy Security

- Sec. 2831. Certification of enhanced use leases for energy-related projects.*
- Sec. 2832. Annual report on Department of Defense installations energy management.*

Subtitle E—Land Conveyances

- Sec. 2841. Land conveyance, former Naval Air Station, Alameda, California.*
- Sec. 2842. Transfer of administrative jurisdiction, decommissioned Naval Security Group Activity, Skaggs Island, California.*
- Sec. 2843. Transfer of proceeds from property conveyance, Marine Corps Logistics Base, Albany, Georgia.*
- Sec. 2844. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.*
- Sec. 2845. Land conveyance, John Sevier Range, Knox County, Tennessee.*
- Sec. 2846. Land conveyance, Army property, Camp Williams, Utah.*
- Sec. 2847. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.*

Subtitle F—Other Matters

- Sec. 2851. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.*
- Sec. 2852. 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. 2853. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.*
- Sec. 2854. Use of runway at NASJRB Willow Grove, Pennsylvania.*
- Sec. 2855. Naming of health facility, Fort Rucker, Alabama.*

**TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION
AUTHORIZATIONS**

Subtitle A—Fiscal Year 2008 Projects

- 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.*

Subtitle B—Fiscal Year 2009 Projects

- Sec. 2911. Authorized Army construction and land acquisition projects.*
- Sec. 2912. Authorized Navy construction and land acquisition projects.*

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

*TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY
PROGRAMS*

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.*
- 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. Modification of functions of Administrator for Nuclear Security to include elimination of surplus fissile materials usable for nuclear weapons.*
- Sec. 3112. Limitation on Funding for Project 04-D-125 Chemistry and Metallurgy Research Replacement facility project, Los Alamos National Laboratory, Los Alamos, New Mexico.*
- Sec. 3113. Nonproliferation and national security scholarship and fellowship program.*
- Sec. 3114. Enhancing nuclear forensics capabilities.*
- Sec. 3115. Utilization of contributions to International Nuclear Materials Protection and Cooperation program and Russian plutonium disposition program.*
- Sec. 3116. Review of and reports on Global Initiatives for Proliferation Prevention program.*
- Sec. 3117. Limitation on availability of funds for Global Nuclear Energy Partnership.*

Subtitle C—Reports

- Sec. 3121. Extension of deadline for Comptroller General report on Department of Energy protective force management.*
- Sec. 3122. Report on compliance with Design Basis Threat issued by the Department of Energy in 2005.*
- Sec. 3123. Modification of submittal of reports on inadvertent releases of restricted data.*

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 and for other purposes.

Sec. 3507. Actions to address sexual harassment and violence at the United States Merchant Marine Academy.

Sec. 3508. Assistance for small shipyards and maritime communities.

Sec. 3509. Marine war risk insurance.

Sec. 3510. MarAd consultation on Jones Act Waivers.

Sec. 3511. Transportation in American vessels of government personnel and certain cargoes.

Sec. 3512. Port of Guam Improvement Enterprise Program.

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 SEC. 4. EXPLANATORY STATEMENT.

6 *The explanatory statement regarding S. 3001, the Na-*
 7 *tional Defense Authorization Act for Fiscal Year 2009, as*
 8 *amended by the House of Representatives, printed in the*
 9 *House section of the Congressional Record on or about Sep-*
 10 *tember 30, 2008, by the Chairman of the Committee on*
 11 *Armed Services of the House, shall have the same effect with*
 12 *respect to the implementation of this Act as if it were a*
 13 *joint explanatory statement of a committee of conference.*

14 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.

Subtitle B—Army Programs

Sec. 111. Separate procurement line items for Future Combat Systems program.

Sec. 112. *Clarification of status of Future Combat Systems program lead system integrator.*

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.*

Sec. 115. *Stryker Mobile Gun System.*

Subtitle C—Navy Programs

Sec. 121. *Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.*

Sec. 122. *Littoral Combat Ship (LCS) program.*

Sec. 123. *Report on F/A-18 procurement costs, comparing multiyear to annual.*

Sec. 124. *Authority for advanced procurement and construction of components for the Virginia-class submarine program.*

Subtitle D—Air Force Programs

Sec. 131. *Maintenance of retired KC-135E aircraft.*

Sec. 132. *Repeal of multi-year contract authority for procurement of tanker aircraft.*

Sec. 133. *Reports on KC-(X) tanker aircraft requirements.*

Sec. 134. *F-22A fighter aircraft.*

Subtitle E—Joint and Multiservice Matters

Sec. 141. *Annual long-term plan for the procurement of aircraft for the Navy and the Air Force.*

Sec. 142. *Report on body armor acquisition strategy.*

Sec. 143. *Small arms acquisition strategy and requirements review.*

Sec. 144. *Requirement for common ground stations and payloads for manned and unmanned aerial vehicle systems.*

Sec. 145. *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 fis-*
 5 *cal year 2009 for procurement for the Army as follows:*

6 (1) *For aircraft, \$4,848,835,000.*

7 (2) *For missiles, \$2,207,460,000.*

8 (3) *For weapons and tracked combat vehicles,*
 9 *\$3,516,398,000.*

10 (4) *For ammunition, \$2,280,791,000.*

11 (5) *For other procurement, \$11,143,076,000.*

1 (6) *For the Joint Improvised Explosive Device*
2 *Defeat Fund, \$200,000,000.*

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

4 (a) *NAVY.—Funds are hereby authorized to be appro-*
5 *priated for fiscal year 2009 for procurement for the Navy*
6 *as follows:*

7 (1) *For aircraft, \$14,557,874,000.*

8 (2) *For weapons, including missiles and tor-*
9 *pedoes, \$3,553,282,000.*

10 (3) *For shipbuilding and conversion,*
11 *\$14,057,022,000.*

12 (4) *For other procurement, \$5,463,565,000.*

13 (b) *MARINE CORPS.—Funds are hereby authorized to*
14 *be appropriated for fiscal year 2009 for procurement for*
15 *the Marine Corps in the amount of \$1,486,189,000.*

16 (c) *NAVY AND MARINE CORPS AMMUNITION.—Funds*
17 *are hereby authorized to be appropriated for fiscal year*
18 *2009 for procurement of ammunition for the Navy and the*
19 *Marine Corps in the amount of \$1,110,012,000.*

20 **SEC. 103. AIR FORCE.**

21 *Funds are hereby authorized to be appropriated for fis-*
22 *cal year 2009 for procurement for the Air Force as follows:*

23 (1) *For aircraft, \$12,826,858,000.*

24 (2) *For ammunition, \$894,478,000.*

25 (3) *For missiles, \$5,553,528,000.*

1 (4) *For other procurement, \$16,087,887,000.*

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

3 *Funds are hereby authorized to be appropriated for fis-*
 4 *cal year 2009 for Defense-wide procurement in the amount*
 5 *of \$3,382,628,000.*

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

7 *Funds are hereby authorized to be appropriated for fis-*
 8 *cal year 2009 for the procurement of aircraft, missiles,*
 9 *wheeled and tracked combat vehicles, tactical wheeled vehi-*
 10 *cles, ammunition, other weapons, and other procurement*
 11 *for the reserve components of the Armed Forces in the*
 12 *amount of \$800,000,000.*

13 ***Subtitle B—Army Programs***

14 **SEC. 111. SEPARATE PROCUREMENT LINE ITEMS FOR FU-**
 15 ***TURE COMBAT SYSTEMS PROGRAM.***

16 *Effective for the budget of the President submitted to*
 17 *Congress under section 1105(a) of title 31, United States*
 18 *Code, for fiscal year 2011 and for each fiscal year thereafter,*
 19 *the Secretary of Defense shall ensure that a separate, dedi-*
 20 *cated procurement line item is designated for each of the*
 21 *following elements of the Future Combat Systems program*
 22 *(in this section referred to as “FCS”), to the extent the*
 23 *budget includes funding for such elements:*

24 (1) *FCS Manned Ground Vehicles.*

25 (2) *FCS Unmanned Ground Vehicles.*

1 (3) *FCS Unmanned Aerial Systems.*

2 (4) *FCS Unattended Ground Systems.*

3 (5) *Other FCS elements.*

4 **SEC. 112. CLARIFICATION OF STATUS OF FUTURE COMBAT**
 5 **SYSTEMS PROGRAM LEAD SYSTEM INTE-**
 6 **GRATOR.**

7 *Section 802 of the National Defense Authorization Act*
 8 *for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 206;*
 9 *10 U.S.C. 2410p note) is amended by adding at the end*
 10 *the following new subsection:*

11 “(e) *STATUS OF FUTURE COMBAT SYSTEMS PROGRAM*
 12 *LEAD SYSTEM INTEGRATOR.*—

13 “(1) *LEAD SYSTEMS INTEGRATOR.*—*In the case*
 14 *of the Future Combat Systems program, the prime*
 15 *contractor of the program shall be considered to be a*
 16 *lead systems integrator until 45 days after the Sec-*
 17 *retary of the Army certifies in writing to the congres-*
 18 *sional defense committees that such contractor is no*
 19 *longer serving as the lead systems integrator.*

20 “(2) *NEW CONTRACTS.*—*In applying subsection*
 21 *(a)(1) or (a)(2), any modification to the existing con-*
 22 *tract for the Future Combat Systems program, for the*
 23 *purpose of entering into full-rate production of major*
 24 *systems or subsystems, shall be considered a new con-*
 25 *tract.”.*

1 **SEC. 113. RESTRICTION ON OBLIGATION OF FUNDS FOR**
2 **ARMY TACTICAL RADIO PENDING REPORT.**

3 (a) *REPORT REQUIRED.*—Not later than March 30,
4 2009, the Assistant Secretary of Defense for Networks and
5 Information Integration shall submit to the congressional
6 defense committees a report on Army tactical radio fielding
7 plans. The report shall include the following:

8 (1) *A description of the Army tactical radio*
9 *fielding strategy, including a description of the over-*
10 *all combination of various tactical radio systems and*
11 *how they integrate to provide communications and*
12 *network capability.*

13 (2) *A detailed description of the combination of*
14 *various tactical radio systems in use or planned for*
15 *use for Army infantry brigade combat teams, heavy*
16 *brigade combat teams, Stryker brigade combat teams,*
17 *and Future Combat Systems brigade combat teams.*

18 (3) *A description of the combination of various*
19 *tactical radio systems in use or planned for use for*
20 *Army support brigades, headquarters elements, and*
21 *training units.*

22 (4) *A description of the plan by the Army to in-*
23 *tegrate joint tactical radio systems, including the*
24 *number of each type of joint tactical radio the Army*
25 *plans to procure.*

1 (5) *An assessment of the total cost of the tactical*
2 *radio fielding strategy of the Army, including pro-*
3 *urement of joint tactical radio systems.*

4 **(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING**
5 **REPORT.**—*Of the amounts appropriated pursuant to an*
6 *authorization of appropriations in this Act or otherwise*
7 *made available for fiscal year 2009 for other procurement,*
8 *Army, for tactical radio systems, not more than 75 percent*
9 *may be obligated or expended until 30 days after the report*
10 *required by subsection (a) is received by the congressional*
11 *defense committees.*

12 **SEC. 114. RESTRICTION ON OBLIGATION OF PROCUREMENT**
13 **FUNDS FOR ARMED RECONNAISSANCE HELI-**
14 **COPTER PROGRAM PENDING CERTIFICATION.**

15 **(a) CERTIFICATION REQUIRED.**—*The Under Secretary*
16 *of Defense for Acquisition, Technology, and Logistics shall*
17 *certify to the congressional defense committees that the*
18 *Armed Reconnaissance Helicopter has—*

19 (1) *satisfactorily been certified under section*
20 *2433(e)(2) of title 10, United States Code;*

21 (2) *been restructured as an acquisition program*
22 *by the Army;*

23 (3) *satisfactorily completed a Limited User Test;*
24 *and*

25 (4) *been approved to enter Milestone C.*

1 **(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING**
2 *CERTIFICATION.*—*Of the amounts appropriated pursuant*
3 *to an authorization of appropriations in this Act or other-*
4 *wise made available for fiscal year 2009 for aircraft pro-*
5 *curement, Army, for the Armed Reconnaissance Helicopter,*
6 *not more than 20 percent may be obligated until 30 days*
7 *after the certification required by subsection (a) is received*
8 *by the congressional defense committees.*

9 **SEC. 115. STRYKER MOBILE GUN SYSTEM.**

10 **(a) LIMITATION ON AVAILABILITY OF FUNDS.**—*None*
11 *of the amounts authorized to be appropriated by this Act*
12 *for procurement of weapons and tracked combat vehicles for*
13 *the Army may be obligated or expended for purposes of the*
14 *procurement of the Stryker Mobile Gun System until the*
15 *Under Secretary of Defense for Acquisition, Technology,*
16 *and Logistics submits to the congressional defense commit-*
17 *tees a written certification that the Under Secretary has*
18 *approved a plan for the Army to mitigate all Stryker Mo-*
19 *bile Gun System deficiencies.*

20 **(b) REPORTS REQUIRED.**—*Not later than 60 days*
21 *after the date of the enactment of this Act, and every 180*
22 *days thereafter until December 31, 2011, the Secretary of*
23 *the Army, in consultation with the Director of Operational*
24 *Test and Evaluation, shall submit to the congressional de-*
25 *fense committees a report on the status of actions by the*

1 *Army to mitigate all Stryker Mobile Gun System defi-*
2 *ciencies. Each report shall include the following:*

3 (1) *An explanation of the plan by the Army to*
4 *mitigate all Stryker Mobile Gun System deficiencies.*

5 (2) *The cost estimate for implementing each*
6 *mitigating action, and the status of funding for each*
7 *mitigating action.*

8 (3) *An inventory of the Stryker Mobile Gun Sys-*
9 *tem vehicle fleet that specifies which mitigating ac-*
10 *tions have been implemented.*

11 (4) *An updated production and fielding schedule*
12 *for Stryker Mobile Gun System vehicles required by*
13 *the Army but not yet fielded as of the date of the re-*
14 *port.*

15 (c) *WAIVER AUTHORITY.—The Secretary of Defense*
16 *may waive the limitation in subsection (a) if the Sec-*
17 *retary—*

18 (1) *determines that continued procurement of*
19 *Stryker Mobile Gun System vehicles will provide a*
20 *vital combat capability to the Armed Forces; and*

21 (2) *submits to the congressional defense commit-*
22 *tees written notification of the waiver and a discus-*
23 *sion of the reasons for the determination made under*
24 *paragraph (1).*

1 (d) *STRYKER MOBILE GUN SYSTEM DEFICIENCIES*
 2 *DEFINED.*—*In this section, the term “Stryker Mobile Gun*
 3 *System deficiencies” means deficiencies of the Stryker Mo-*
 4 *bile Gun System specified in the memorandum by the De-*
 5 *partment of Defense titled “Stryker Mobile Gun System*
 6 *(MGS) Acquisition Decision Memorandum” and dated Au-*
 7 *gust 5, 2008.*

8 ***Subtitle C—Navy Programs***

9 ***SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE***
 10 ***U.S.S. THEODORE ROOSEVELT.***

11 (a) *AMOUNT AUTHORIZED FROM SCN ACCOUNT.*—*Of*
 12 *the amount appropriated pursuant to the authorization of*
 13 *appropriations in section 102 or otherwise made available*
 14 *for shipbuilding, conversion, and repair, Navy, for fiscal*
 15 *year 2009, \$124,500,000 is available for the commencement*
 16 *of the nuclear refueling and complex overhaul of the U.S.S.*
 17 *Theodore Roosevelt (CVN-71) during fiscal year 2009. The*
 18 *amount made available in the preceding sentence is the first*
 19 *increment in the three-year funding planned for the nuclear*
 20 *refueling and complex overhaul of that vessel.*

21 (b) *CONTRACT AUTHORITY.*—*The Secretary of the*
 22 *Navy is authorized to enter into a contract during fiscal*
 23 *year 2009 for the nuclear refueling and overhaul of the*
 24 *U.S.S. Theodore Roosevelt (CVN-71).*

1 (c) *CONDITION FOR OUT-YEAR CONTRACT PAY-*
2 *MENTS.*—*A contract entered into under subsection (b) shall*
3 *provide that any obligation of the United States to make*
4 *a payment under the contract for a fiscal year after fiscal*
5 *year 2009 is subject to the availability of appropriations*
6 *for that purpose for that later fiscal year.*

7 **SEC. 122. LITTORAL COMBAT SHIP (LCS) PROGRAM.**

8 *Section 124 of the National Defense Authorization Act*
9 *for fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157),*
10 *as amended by section 125 of the National Defense Author-*
11 *ization Act for Fiscal Year 2008 (Public Law 110–181; 122*
12 *Stat. 29), is further amended—*

13 (1) *in subsection (a)—*

14 (A) *in paragraph (1), by striking “post-*
15 *2007 LCS vessels” and inserting “post-2009 LCS*
16 *vessels”; and*

17 (B) *in paragraph (3)—*

18 (i) *in the paragraph heading, by strik-*
19 *ing “POST-2007 LCS VESSELS” and inserting*
20 *“POST-2009 LCS VESSELS”; and*

21 (ii) *by striking “‘post-2007 LCS ves-*
22 *sel’” and inserting “‘post-2009 LCS ves-*
23 *sel’”;*

24 (2) *in subsection (b), by striking “post-2007 LCS*
25 *vessels” and inserting “post-2009 LCS vessels”; and*

1 (3) *in subsection (c), by striking “post-2007 LCS*
2 *vessels” and inserting “post-2009 LCS vessels”.*

3 **SEC. 123. REPORT ON F/A-18 PROCUREMENT COSTS, COM-**
4 **PARING MULTIYEAR TO ANNUAL.**

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

9 (1) *The number of F/A-18E/F and EA-18G air-*
10 *craft programmed for procurement for fiscal years*
11 *2010 through 2015.*

12 (2) *The estimated procurement costs for those*
13 *aircraft, if procured through annual procurement*
14 *contracts.*

15 (3) *The estimated procurement costs for those*
16 *aircraft, if procured through a multiyear procurement*
17 *contract.*

18 (4) *The estimated savings that could be derived*
19 *from the procurement of those aircraft through a*
20 *multiyear procurement contract, and whether the Sec-*
21 *retary considers the amount of those savings to be*
22 *substantial.*

23 (5) *A discussion comparing the costs and benefits*
24 *of obtaining those aircraft through annual procure-*
25 *ment contracts with the costs and benefits of obtain-*

1 *ing those aircraft through a multiyear procurement*
 2 *contract.*

3 *(6) The recommendations of the Secretary re-*
 4 *garding whether Congress should authorize a*
 5 *multiyear procurement contract for those aircraft.*

6 *(b) CERTIFICATIONS REQUIRED.—If the Secretary rec-*
 7 *ommends under subsection (a)(6) that Congress authorize*
 8 *a multiyear procurement contract for the aircraft, the Sec-*
 9 *retary shall include in the report under subsection (a) the*
 10 *certifications required by section 2306b of title 10, United*
 11 *States Code, to enable the award of a multiyear contract*
 12 *beginning with fiscal year 2010.*

13 **SEC. 124. AUTHORITY FOR ADVANCED PROCUREMENT AND**
 14 **CONSTRUCTION OF COMPONENTS FOR THE**
 15 **VIRGINIA-CLASS SUBMARINE PROGRAM.**

16 *Section 121 of the National Defense Authorization Act*
 17 *for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 26)*
 18 *is amended—*

19 *(1) by redesignating subsection (b) as subsection*
 20 *(c); and*

21 *(2) by inserting after subsection (a) the following*
 22 *new subsection (b):*

23 *“(b) ADVANCE PROCUREMENT AND CONSTRUCTION OF*
 24 *COMPONENTS.—The Secretary may enter into one or more*
 25 *contracts for advance procurement and advance construc-*

1 *tion of those components for the Virginia-class submarine*
 2 *program for which authorization to enter into a multiyear*
 3 *procurement contract is granted under subsection (a) if the*
 4 *Secretary determines that cost savings or construction effi-*
 5 *ciencies may be achieved for Virginia-class submarines*
 6 *through the use of such contracts.”.*

7 ***Subtitle D—Air Force Programs***

8 ***SEC. 131. MAINTENANCE OF RETIRED KC-135E AIRCRAFT.***

9 *Section 135(b) of the John Warner National Defense*
 10 *Authorization Act for Fiscal Year 2007 (Public Law 109–*
 11 *364; 120 Stat. 2114) is amended by striking “each KC–*
 12 *135E aircraft that is retired” and inserting “at least 74*
 13 *of the KC–135E aircraft retired”.*

14 ***SEC. 132. REPEAL OF MULTI-YEAR CONTRACT AUTHORITY*** 15 ***FOR PROCUREMENT OF TANKER AIRCRAFT.***

16 *Section 135 of the National Defense Authorization Act*
 17 *for Fiscal Year 2004 (10 U.S.C. 2401a note) is repealed.*

18 ***SEC. 133. REPORTS ON KC-(X) TANKER AIRCRAFT REQUIRE-*** 19 ***MENTS.***

20 *(a) REPORT REQUIRED.—Not later than March 1,*
 21 *2009, the Secretary of Defense shall submit to the congres-*
 22 *sional defense committees a report regarding the competi-*
 23 *tion for the KC-(X) tanker aircraft that was terminated on*
 24 *September 10, 2008. The report shall include the following:*

1 (1) *An examination of original requirements for*
2 *the KC-(X) tanker aircraft, including an explanation*
3 *for the use of the KC-135R tanker aircraft as the*
4 *baseline for the KC-(X) tanker aircraft.*

5 (2) *A summary of commercial derivative or com-*
6 *mmercial off-the-shelf aircraft available as potential*
7 *aerial refueling platforms using aerial refueling capa-*
8 *bilities (such as range, offload at range, and pas-*
9 *senger and cargo capacity) in each of the following*
10 *ranges:*

11 (A) *Maximum gross take-off weight that is*
12 *less than 300,000 pounds.*

13 (B) *Maximum gross take-off weight in the*
14 *range from 301,000 pounds maximum gross*
15 *take-off weight to 550,000 pound maximum gross*
16 *take-off weight.*

17 (C) *Maximum gross take-off weight in the*
18 *range from 551,000 pounds maximum gross*
19 *take-off weight to 1,000,000 pound maximum*
20 *gross take-off weight.*

21 (D) *Maximum gross take-off weight that is*
22 *greater than 1,000,000 pounds.*

23 (b) *REASSESSMENT REQUIRED.—The Secretary of De-*
24 *fense shall reassess the requirements for aerial refueling that*
25 *were validated by the Joint Requirements Oversight Council*

1 *on December 27, 2006. Not later than 30 days after the reas-*
2 *essment, the Secretary shall submit to the congressional de-*
3 *fense committees a report containing the complete results*
4 *of the reassessment.*

5 **SEC. 134. F-22A FIGHTER AIRCRAFT.**

6 (a) *AVAILABILITY OF FUNDS.*—Subject to subsection
7 (b), of the amount authorized to be appropriated for pro-
8 curement of aircraft for the Air Force, \$523,000,000 shall
9 be available for advance procurement of F-22A fighter air-
10 craft.

11 (b) *RESTRICTION ON OBLIGATION OF FUNDS PENDING*
12 *CERTIFICATION.*—Of the amounts appropriated pursuant
13 to an authorization of appropriations in this Act or other-
14 wise made available for fiscal year 2009 for advance pro-
15 curement, Air Force, for the F-22A, not more than
16 \$140,000,000 may be obligated until 15 days after the cer-
17 tification required by subsection (c) is received by the con-
18 gressional defense committees.

19 (c) *CERTIFICATION.*—

20 (1) *IN GENERAL.*—Of the amount referred to in
21 subsection (a), \$383,000,000 shall not be available
22 until the President certifies to the congressional de-
23 fense committees that—

1 (A) the procurement of F-22A fighter air-
2 craft is in the national interest of the United
3 States; or

4 (B) the termination of the production line
5 for F-22A fighter aircraft is in the national in-
6 terest of the United States.

7 (2) *DATE OF SUBMITTAL.*—Any certification
8 submitted under this subsection may not be submitted
9 before January 21, 2009, and must be submitted not
10 later than March 1, 2009.

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

13 ***SEC. 141. ANNUAL LONG-TERM PLAN FOR THE PROCURE-***
14 ***MENT OF AIRCRAFT FOR THE NAVY AND THE***
15 ***AIR FORCE.***

16 (a) *IN GENERAL.*—Chapter 9 of title 10, United States
17 Code, is amended by inserting after section 231 the fol-
18 lowing new section:

19 ***“§231a. Budgeting for procurement of aircraft for the***
20 ***Navy and Air Force: annual plan and cer-***
21 ***tification***

22 “(a) *ANNUAL AIRCRAFT PROCUREMENT PLAN AND*
23 ***CERTIFICATION.***—The Secretary of Defense shall include
24 with the defense budget materials for each fiscal year—

1 “(1) a plan for the procurement of the aircraft
2 specified in subsection (b) for the Department of the
3 Navy and the Department of the Air Force developed
4 in accordance with this section; and

5 “(2) a certification by the Secretary that both
6 the budget for such fiscal year and the future-years
7 defense program submitted to Congress in relation to
8 such budget under section 221 of this title provide for
9 funding of the procurement of aircraft at a level that
10 is sufficient for the procurement of the aircraft pro-
11 vided for in the plan under paragraph (1) on the
12 schedule provided in the plan.

13 “(b) COVERED AIRCRAFT.—The aircraft specified in
14 this subsection are the aircraft as follows:

15 “(1) Fighter aircraft.

16 “(2) Attack aircraft.

17 “(3) Bomber aircraft.

18 “(4) Strategic lift aircraft.

19 “(5) Intratheater lift aircraft.

20 “(6) Intelligence, surveillance, and reconnais-
21 sance aircraft.

22 “(7) Tanker aircraft.

23 “(8) Any other major support aircraft designated
24 by the Secretary of Defense for purposes of this sec-
25 tion.

1 “(c) *ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1)*
2 *The annual aircraft procurement plan developed for a fiscal*
3 *year for purposes of subsection (a)(1) should be designed*
4 *so that the aviation force provided for under the plan is*
5 *capable of supporting the national security strategy of the*
6 *United States as set forth in the most recent national secu-*
7 *rity strategy report of the President under section 108 of*
8 *the National Security Act of 1947 (50 U.S.C. 404a), except*
9 *that, if at the time the plan is submitted with the defense*
10 *budget materials for that fiscal year, a national security*
11 *strategy report required under such section 108 has not been*
12 *submitted to Congress as required by paragraph (2) or*
13 *paragraph (3), if applicable, of subsection (a) of such sec-*
14 *tion, then the plan should be designed so that the aviation*
15 *force provided for under the plan is capable of supporting*
16 *the aviation force structure recommended in the report of*
17 *the most recent Quadrennial Defense Review.*

18 “(2) *Each annual aircraft procurement plan shall in-*
19 *clude the following:*

20 “(A) *A detailed program for the procurement of*
21 *the aircraft specified in subsection (b) for each of the*
22 *Department of the Navy and the Department of the*
23 *Air Force over the next 30 fiscal years.*

24 “(B) *A description of the necessary aviation*
25 *force structure to meet the requirements of the na-*

1 *tional security strategy of the United States or the*
2 *most recent Quadrennial Defense Review, whichever is*
3 *applicable under paragraph (1).*

4 *“(C) The estimated levels of annual funding nec-*
5 *essary to carry out the program, together with a dis-*
6 *cussion of the procurement strategies on which such*
7 *estimated levels of annual funding are based.*

8 *“(D) An assessment by the Secretary of Defense*
9 *of the extent to which the combined aircraft forces of*
10 *the Department of the Navy and the Department of*
11 *the Air Force meet the national security requirements*
12 *of the United States.*

13 *“(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT*
14 *BUDGET IS INSUFFICIENT TO MEET APPLICABLE RE-*
15 *QUIREMENTS.—If the budget for a fiscal year provides for*
16 *funding of the procurement of aircraft for either the Depart-*
17 *ment of the Navy or the Department of the Air Force at*
18 *a level that is not sufficient to sustain the aviation force*
19 *structure specified in the aircraft procurement plan for such*
20 *Department for that fiscal year under subsection (a), the*
21 *Secretary shall include with the defense budget materials*
22 *for that fiscal year an assessment that describes and dis-*
23 *cusses the risks associated with the reduced force structure*
24 *of aircraft that will result from funding aircraft procure-*
25 *ment at such level. Such assessment shall be coordinated*

1 *in advance with the commanders of the combatant com-*
 2 *mands.*

3 “(e) *DEFINITIONS.—In this section:*

4 “(1) *The term ‘budget’, with respect to a fiscal*
 5 *year, means the budget for that fiscal year that is*
 6 *submitted to Congress by the President under section*
 7 *1105(a) of title 31.*

8 “(2) *The term ‘defense budget materials’, with*
 9 *respect to a fiscal year, means the materials sub-*
 10 *mitted to Congress by the Secretary of Defense in sup-*
 11 *port of the budget for that fiscal year.*

12 “(3) *The term ‘Quadrennial Defense Review’*
 13 *means the review of the defense programs and policies*
 14 *of the United States that is carried out every 4 years*
 15 *under section 118 of this title.”.*

16 (b) *CLERICAL AMENDMENT.—The table of sections at*
 17 *the beginning of chapter 9 of such title is amended by in-*
 18 *serting after the item relating to section 231 the following*
 19 *new item:*

“231a. *Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification.”.*

20 **SEC. 142. REPORT ON BODY ARMOR ACQUISITION STRAT-**
 21 **EGY.**

22 *Not later than 120 days after the date of the enactment*
 23 *of this Act, the Secretary of Defense shall submit to the con-*
 24 *gressional defense committees a report that provides—*

1 (1) *a survey and assessment of the capabilities,*
2 *capacities, and risks of the domestic industrial base*
3 *of the United States, including critical subcontractor*
4 *suppliers, in meeting the requirements of the military*
5 *departments for body armor during the 20 years fol-*
6 *lowing the date of the report;*

7 (2) *an assessment of the long-term maintenance*
8 *requirements of the body armor industrial base in the*
9 *United States;*

10 (3) *an assessment of body armor and related re-*
11 *search, development, and acquisition objectives, prior-*
12 *ities, and funding profiles for—*

13 (A) *advances in the level of protection;*

14 (B) *weight reduction; and*

15 (C) *manufacturing productivity;*

16 (4) *an assessment of the feasibility and advis-*
17 *ability of establishing a separate, dedicated procure-*
18 *ment line item for the acquisition of body armor and*
19 *associated components for fiscal year 2011 and for*
20 *each fiscal year thereafter;*

21 (5) *an assessment of the feasibility and advis-*
22 *ability of establishing an executive agent for the ac-*
23 *quisition of body armor and associated components*
24 *for the military departments beginning in fiscal year*
25 *2011; and*

1 (6) *an assessment of existing initiatives used by*
2 *the military departments to manage or execute body*
3 *armor programs, including the Cross-Service*
4 *Warfighter Equipment Board, the Joint Clothing and*
5 *Textiles Governance Board, and advanced planning*
6 *briefings for industry.*

7 **SEC. 143. SMALL ARMS ACQUISITION STRATEGY AND RE-**
8 **QUIREMENTS REVIEW.**

9 (a) *SECRETARY OF DEFENSE REPORT.*—*Not later*
10 *than 120 days after the date of the enactment of this Act,*
11 *the Secretary of Defense shall submit to the congressional*
12 *defense committees a report on the small arms requirements*
13 *of the Armed Forces and the industrial base of the United*
14 *States. The report shall include the following:*

15 (1) *An assessment of Department of Defense-wide*
16 *small arms requirements in terms of capabilities and*
17 *quantities, based on an analysis of the small arms ca-*
18 *pability assessments of each military department.*

19 (2) *An assessment of plans for small arms re-*
20 *search, development, and acquisition programs to*
21 *meet the requirements identified under paragraph (1).*

22 (3) *An assessment of capabilities, capacities, and*
23 *risks in the small arms industrial base of the United*
24 *States to meet the requirements of the Department of*
25 *Defense for pistols, carbines, rifles, and light, me-*

1 *dium, and heavy machine guns during the 20 years*
2 *following the date of the report.*

3 *(4) An assessment of the costs, benefits, and risks*
4 *of full and open competition for the procurement of*
5 *non-developmental pistols and carbines that are not*
6 *technically compatible with the M9 pistol or M4 car-*
7 *bine to meet the requirements identified under para-*
8 *graph (1).*

9 *(b) COMPETITION FOR A NEW INDIVIDUAL WEAPON.—*

10 *(1) COMPETITION REQUIRED.—If the small arms*
11 *capabilities based assessments by the Army identifies*
12 *gaps in small arms capabilities and the Secretary of*
13 *the Army determines that a new individual weapon*
14 *is required to address such gaps, the Secretary shall*
15 *procure the new individual weapon using full and*
16 *open competition as described in paragraph (2).*

17 *(2) FULL AND OPEN COMPETITION.—The full*
18 *and open competition described in this paragraph is*
19 *competition among all responsible manufacturers*
20 *that—*

21 *(A) is open to all developmental item solu-*
22 *tions and non-developmental item solutions; and*

23 *(B) provides for the award of a contract*
24 *based on selection criteria that reflect the key*
25 *performance parameters and attributes identified*

1 *in a service requirements document approved by*
2 *the Army.*

3 (c) *SMALL ARMS DEFINED.*—*In this section, the term*
4 *“small arms”—*

5 (1) *means man-portable or vehicle-mounted light*
6 *weapons, designed primarily for use by individual*
7 *military personnel for anti-personnel use; and*

8 (2) *includes pistols, carbines, rifles, and light,*
9 *medium, and heavy machine guns.*

10 **SEC. 144. REQUIREMENT FOR COMMON GROUND STATIONS**
11 **AND PAYLOADS FOR MANNED AND UN-**
12 **MANNED AERIAL VEHICLE SYSTEMS.**

13 (a) *POLICY AND ACQUISITION STRATEGY RE-*
14 *QUIRED.*—*The Secretary of Defense, in consultation with*
15 *the Chairman of the Joint Chiefs of Staff, shall establish*
16 *a policy and an acquisition strategy for intelligence, sur-*
17 *veillance, and reconnaissance payloads and ground stations*
18 *for manned and unmanned aerial vehicle systems. The pol-*
19 *icy and acquisition strategy shall be applicable throughout*
20 *the Department of Defense and shall achieve integrated re-*
21 *search, development, test, and evaluation, and procurement*
22 *commonality.*

23 (b) *OBJECTIVES.*—*The policy and acquisition strategy*
24 *required by subsection (a) shall have the following objec-*
25 *tives:*

- 1 (1) *Procurement of common payloads by vehicle*
2 *class, including—*
 - 3 (A) *signals intelligence;*
 - 4 (B) *electro optical;*
 - 5 (C) *synthetic aperture radar;*
 - 6 (D) *ground moving target indicator;*
 - 7 (E) *conventional explosive detection;*
 - 8 (F) *foliage penetrating radar;*
 - 9 (G) *laser designator;*
 - 10 (H) *chemical, biological, radiological, nu-*
11 *clear, explosive detection; and*
 - 12 (I) *national airspace operations avionics or*
13 *sensors, or both.*
- 14 (2) *Commonality of ground system architecture*
15 *by vehicle class.*
- 16 (3) *Common management of vehicle and pay-*
17 *loads procurement.*
- 18 (4) *Ground station interoperability standardiza-*
19 *tion.*
- 20 (5) *Maximum use of commercial standard hard-*
21 *ware and interfaces.*
- 22 (6) *Open architecture software.*
- 23 (7) *Acquisition of technical data rights in ac-*
24 *cordance with section 2320 of title 10, United States*
25 *Code.*

1 (8) *Acquisition of vehicles, payloads, and ground*
2 *stations through competitive procurement.*

3 (9) *Common standards for exchange of data and*
4 *metadata.*

5 (c) *AFFECTED SYSTEMS.*—*For the purposes of this sec-*
6 *tion, the Secretary shall establish manned and unmanned*
7 *aerial vehicle classes for all intelligence, surveillance, and*
8 *reconnaissance programs of record based on factors such as*
9 *vehicle weight, payload capacity, and mission.*

10 (d) *REPORT.*—*Not later than 120 days after the date*
11 *of the enactment of this Act, the Secretary shall submit to*
12 *the congressional defense committees, the Permanent Select*
13 *Committee on Intelligence of the House of Representatives,*
14 *and the Select Committee on Intelligence of the Senate a*
15 *report containing—*

16 (1) *the policy required by subsection (a); and*

17 (2) *the acquisition strategy required by sub-*
18 *section (a).*

19 **SEC. 145. REPORT ON FUTURE JET CARRIER TRAINER RE-**
20 **QUIREMENTS OF THE NAVY.**

21 *Not later than 120 days after the date of the enactment*
22 *of this Act, the Secretary of the Navy shall submit to the*
23 *congressional defense committees a report on future jet car-*
24 *rier trainer requirements. In addressing such requirements,*
25 *the report shall include a plan based on the following:*

1 (1) *Studies conducted by independent organiza-*
 2 *tions concerning future jet carrier trainer require-*
 3 *ments.*

4 (2) *The results of a cost-benefit analysis com-*
 5 *paring the creation of a new jet carrier trainer pro-*
 6 *gram with the modification of the current jet carrier*
 7 *trainer program in order to fulfill future jet carrier*
 8 *trainer requirements.*

9 **TITLE II—RESEARCH, DEVELOP-**
 10 **MENT, TEST, AND EVALUA-**
 11 **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 soft-
ware.

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 Net-
work—Tactical program.

Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft expendi-
tures.

Sec. 217. Requirement for plan on overhead nonimaging infrared systems.

Sec. 218. Advanced energy storage technology and manufacturing.

Sec. 219. Mechanisms to provide funds for defense laboratories for research and
development of technologies for military missions.

Sec. 220. Requirements for certain airborne intelligence collection systems.

Sec. 221. Limitation on obligation of funds for Enhanced AN/TPQ-36 radar sys-
tem pending submission of report.

Subtitle C—Missile Defense Programs

- Sec. 231. Annual Director of Operational Test and Evaluation characterization of operational effectiveness, suitability, and survivability of the ballistic missile defense system.*
- Sec. 232. Independent study of boost-phase missile defense.*
- Sec. 233. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.*
- Sec. 234. Review of the ballistic missile defense policy and strategy of the United States.*
- Sec. 235. Airborne Laser System.*
- Sec. 236. Activation and deployment of AN/TPY-2 forward-based X-band radar.*

Subtitle D—Reports

- Sec. 241. Biennial reports on joint and service concept development and experimentation.*
- Sec. 242. Report on participation of the historically black colleges and universities and minority-serving institutions in research and educational programs and activities of the Department of Defense.*
- Sec. 243. Report on Department of Defense response to findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.*

Subtitle E—Other Matters

- Sec. 251. Modification of systems subject to survivability testing oversight by the Director of Operational Test and evaluation.*
- Sec. 252. 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. 253. Assessment of technology transition programs and repeal of reporting requirement.*
- Sec. 254. Trusted defense systems.*
- Sec. 255. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.*
- Sec. 256. Executive agent for printed circuit board technology.*
- Sec. 257. Review of conventional prompt global strike technology applications and concepts.*

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

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

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

7 (1) *For the Army, \$11,045,052,000.*

1 (2) *For the Navy, \$19,345,603,000.*

2 (3) *For the Air Force, \$26,289,508,000.*

3 (4) *For Defense-wide activities, \$21,131,501,000,*
4 *of which \$188,772,000 is authorized for the Director*
5 *of Operational Test and Evaluation.*

6 **SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECH-**
7 **NOLOGY.**

8 (a) *FISCAL YEAR 2009.—Of the amounts authorized*
9 *to be appropriated by section 201, \$11,799,660 shall be*
10 *available for the Defense Science and Technology Program,*
11 *including basic research, applied research, and advanced*
12 *technology development projects.*

13 (b) *BASIC RESEARCH, APPLIED RESEARCH, AND AD-*
14 *VANCED TECHNOLOGY DEVELOPMENT DEFINED.—For pur-*
15 *poses of this section, the term “basic research, applied re-*
16 *search, and advanced technology development” means work*
17 *funded in programs elements for defense research and devel-*
18 *opment under Department of Defense budget activity 1, 2,*
19 *or 3.*

1 ***Subtitle B—Program Requirements,***
2 ***Restrictions, and Limitations***

3 ***SEC. 211. ADDITIONAL DETERMINATIONS TO BE MADE AS***
4 ***PART OF FUTURE COMBAT SYSTEMS MILE-***
5 ***STONE REVIEW.***

6 *Section 214(b) of the John Warner National Defense*
7 *Authorization Act for Fiscal Year 2007 (Public Law 109–*
8 *364; 120 Stat. 2123) is amended by striking paragraphs*
9 *(4) through (6) and inserting the following new paragraphs:*

10 *“(4) Whether actual demonstrations, rather than*
11 *simulations, have shown that the software for the pro-*
12 *gram is on a path to achieve threshold requirements*
13 *on cost and schedule.*

14 *“(5) Whether the program’s planned major com-*
15 *munications network demonstrations are sufficiently*
16 *complex and realistic to inform major program deci-*
17 *sion points.*

18 *“(6) The extent to which Future Combat Systems*
19 *manned ground vehicle survivability is likely to be re-*
20 *duced in a degraded Future Combat Systems commu-*
21 *nications network environment.*

22 *“(7) The level of network degradation at which*
23 *Future Combat Systems manned ground vehicle crew*
24 *survivability is significantly reduced.*

1 “(8) *The extent to which the Future Combat Sys-*
2 *tems communications network is capable of with-*
3 *standing network attack, jamming, or other inter-*
4 *ference.*”

5 “(9) *What the cost estimate for the program is,*
6 *including all spin outs, and an assessment of the con-*
7 *fidence level for that estimate.*”

8 “(10) *What the affordability assessment for the*
9 *program is, given projected Army budgets, based on*
10 *the cost estimate referred to in paragraph (9).”*

11 **SEC. 212. ANALYSIS OF FUTURE COMBAT SYSTEMS COMMU-**
12 **NICATIONS NETWORK AND SOFTWARE.**

13 (a) *REPORT REQUIRED.*—*Not later than September*
14 *30, 2009, the Assistant Secretary of Defense for Networks*
15 *and Information Integration shall submit to the congres-*
16 *sional defense committees a report on the Future Combat*
17 *Systems communications network and software. The report*
18 *shall include the following:*

19 (1) *An assessment of the vulnerability of the Fu-*
20 *ture Combat Systems communications network and*
21 *software to enemy network attack, in particular the*
22 *effect of the use of significant amounts of commercial*
23 *software in Future Combat Systems software.*

24 (2) *An assessment of the vulnerability of the Fu-*
25 *ture Combat Systems communications network to*

1 *electronic warfare, jamming, and other potential*
2 *enemy interference.*

3 *(3) An assessment of the vulnerability of the Fu-*
4 *ture Combat Systems communications network to ad-*
5 *verse weather and complex terrain.*

6 *(4) An assessment of the Future Combat Systems*
7 *communication network's dependence on satellite com-*
8 *munications support, and an assessment of the net-*
9 *work's performance in the absence of assumed levels*
10 *of satellite communications support.*

11 *(5) An assessment of the performance of the Fu-*
12 *ture Combat Systems communications network when*
13 *operating in a degraded condition due to the factors*
14 *analyzed in paragraphs (1), (2), (3), and (4), and*
15 *how such a degraded network environment would af-*
16 *fect the performance of Future Combat Systems bri-*
17 *gades and the survivability of Future Combat Sys-*
18 *tems manned ground vehicles.*

19 *(6) An assessment, developed in coordination*
20 *with the Director of Operational Test and Evalua-*
21 *tion, of the adequacy of the Future Combat Systems*
22 *communications network testing schedule.*

23 *(7) An assessment, developed in coordination*
24 *with the Director of Operational Test and Evalua-*
25 *tion, of the synchronization of the funding, schedule,*

1 *and technology maturity of the Warfighter Informa-*
2 *tion Network-Tactical and Joint Tactical Radio Sys-*
3 *tem programs in relation to the Future Combat Sys-*
4 *tems program, including any planned Future Combat*
5 *Systems spin outs.*

6 (b) *FORM.*—*The report required by subsection (a) shall*
7 *be submitted in unclassified form, but may include a classi-*
8 *fied annex.*

9 **SEC. 213. FUTURE COMBAT SYSTEMS MANNED GROUND VE-**
10 **HICLE SELECTED ACQUISITION REPORTS.**

11 (a) *REPORT REQUIRED.*—*Not later than February 15*
12 *of each of the years 2009 through 2015, the Secretary of*
13 *the Army shall submit a Selected Acquisition Report under*
14 *section 2432 of title 10, United States Code, to Congress*
15 *for each Future Combat Systems manned ground vehicle*
16 *variant.*

17 (b) *REQUIRED ELEMENTS.*—*Each report required by*
18 *subsection (a) shall include the same information required*
19 *in comprehensive annual Selected Acquisition Reports*
20 *under section 2432(c) of title 10, United States Code.*

21 (c) *DEFINITION.*—*In this section, the term “manned*
22 *ground vehicle variant” means—*

23 (1) *the eight distinct variants of manned ground*
24 *vehicles designated on pages seven and eight of the*
25 *Future Combat Systems Selected Acquisition Report*

1 of the Department of Defense dated December 31,
2 2007; and

3 (2) any additional manned ground vehicle
4 variants designated in Future Combat Systems Ac-
5 quisition Reports of the Department of Defense after
6 the date of the enactment of this Act.

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

12 *Effective for fiscal year 2010 and for each fiscal year*
13 *thereafter, the Secretary of Defense shall ensure that, in the*
14 *annual budget submission of the Department of Defense to*
15 *the President, within both the account for procurement and*
16 *the account for research, development, test, and evaluation,*
17 *a separate, dedicated line item and program element is des-*
18 *ignated for the Sky Warrior Unmanned Aerial Systems*
19 *project, to the extent such accounts include funding for such*
20 *project.*

21 **SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS FOR**
22 **THE WARFIGHTER INFORMATION NETWORK-**
23 **TACTICAL PROGRAM.**

24 (a) *NOTIFICATION REQUIRED.*—*Not later than five*
25 *days after the completion of all actions described in sub-*

1 *section (b), the Under Secretary of Defense for Acquisition,*
2 *Technology, and Logistics shall submit to the congressional*
3 *defense committees notice in writing of such completion.*

4 *(b) COVERED ACTIONS.—An action described in this*
5 *subsection is any of the following:*

6 *(1) Approval by the Under Secretary of a new*
7 *acquisition program baseline for the Warfighter Infor-*
8 *mation Network—Tactical Increment 3 program (in*
9 *this section referred to as the “WIN-T Increment 3*
10 *program”).*

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

15 *(3) Completion of the technology readiness assess-*
16 *ment of the WIN-T Increment 3 program by the Di-*
17 *rector, Defense Research and Engineering, as required*
18 *by the June 5, 2007, recertification by the Under Sec-*
19 *retary.*

20 *(c) RESTRICTION ON OBLIGATION OF FUNDS PENDING*
21 *NOTIFICATION.—Of the amounts appropriated pursuant to*
22 *an authorization of appropriations in this Act or otherwise*
23 *made available for research, development, test, and evalua-*
24 *tion, Army, for fiscal year 2009 for the WIN-T Increment*
25 *3 program, not more than 50 percent of those amounts may*

1 *be obligated or expended until 15 days after the date on*
2 *which the notification required by subsection (a) is received*
3 *by the congressional defense committees.*

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

6 (a) *LIMITATION.*—*Of the amounts appropriated pur-*
7 *suant to an authorization of appropriations in this Act or*
8 *otherwise made available for fiscal year 2009 or any fiscal*
9 *year thereafter for the Army or the Air Force, the Secretary*
10 *of the Army and the Secretary of the Air Force may fund*
11 *relevant expenditures for the Joint Cargo Aircraft only*
12 *through amounts made available for procurement or for re-*
13 *search, development, test, and evaluation.*

14 (b) *RELEVANT EXPENDITURES FOR THE JOINT CARGO*
15 *AIRCRAFT DEFINED.*—*In this section, the term “relevant*
16 *expenditures for the Joint Cargo Aircraft” means expendi-*
17 *tures relating to—*

- 18 (1) *support equipment;*
19 (2) *initial spares;*
20 (3) *training simulators;*
21 (4) *systems engineering and management; and*
22 (5) *post-production modifications.*

1 **SEC. 217. REQUIREMENT FOR PLAN ON OVERHEAD NON-**
2 **IMAGING INFRARED SYSTEMS.**

3 (a) *IN GENERAL.*—*The Secretary of Defense, in con-*
4 *sultation with the Director of National Intelligence, shall*
5 *develop a comprehensive plan to conduct and support re-*
6 *search, development, and demonstration of technologies that*
7 *could evolve into the next generation of overhead non-*
8 *imaging infrared systems.*

9 (b) *ELEMENTS.*—*The plan required by subsection (a)*
10 *shall include the following:*

11 (1) *The research objectives to be achieved under*
12 *the plan.*

13 (2) *A description of the research, development,*
14 *and demonstration activities under the plan.*

15 (3) *An estimate of the duration of the research,*
16 *development, and demonstration of technologies under*
17 *the plan.*

18 (4) *The cost and duration of any flight or on-*
19 *orbit demonstrations of the technologies being devel-*
20 *oped.*

21 (5) *A plan for implementing any acquisition*
22 *programs with respect to technologies determined to*
23 *be successful under the plan.*

24 (6) *An identification of the date by which a deci-*
25 *sion must be made to begin any follow-on programs*
26 *and a justification for the date identified.*

1 (7) *A schedule for completion of a full analysis*
2 *of the on-orbit performance characteristics of the*
3 *Space-Based Infrared System and the Space Tracking*
4 *and Surveillance System, and an assessment of how*
5 *the performance characteristics of such systems will*
6 *inform the decision to proceed to a next generation*
7 *overhead nonimaging infrared system.*

8 (c) *LIMITATION ON OBLIGATION AND EXPENDITURE OF*
9 *FUNDS FOR THIRD GENERATION INFRARED SURVEILLANCE*
10 *PROGRAM.—Not more than 50 percent of the amounts au-*
11 *thorized to be appropriated for fiscal year 2009 by section*
12 *201(3) for research, development, test, and evaluation for*
13 *the Air Force and available for the Third Generation Infra-*
14 *red Surveillance program may be obligated or expended*
15 *until the date that is 30 days after the date on which the*
16 *Secretary submits to Congress the plan required by sub-*
17 *section (a).*

18 **SEC. 218. ADVANCED ENERGY STORAGE TECHNOLOGY AND**
19 **MANUFACTURING.**

20 (a) *ROADMAP REQUIRED.—The Secretary of Defense,*
21 *acting through the Director of Defense Research and Engi-*
22 *neering, the Deputy Under Secretary of Defense for Indus-*
23 *trial Policy, and service acquisition executives, shall, in co-*
24 *ordination with the Secretary of Energy, develop a multi-*
25 *year roadmap to develop advanced energy storage tech-*

1 *nologies and sustain domestic advanced energy storage tech-*
2 *nology manufacturing capabilities and an assured supply*
3 *chain necessary to ensure that the Department of Defense*
4 *has assured access to advanced energy storage technologies*
5 *to support current military requirements and emerging*
6 *military needs.*

7 (b) *ELEMENTS.*—*The roadmap required by subsection*
8 *(a) shall include, but not be limited to, the following:*

9 (1) *An identification of current and future capa-*
10 *bility gaps, performance enhancements, cost savings*
11 *goals, and assured technology access goals that require*
12 *advances in energy storage technology and manufac-*
13 *turing capabilities.*

14 (2) *Specific research, technology, and manufac-*
15 *turing goals and milestones, and timelines and esti-*
16 *mates of funding necessary for achieving such goals*
17 *and milestones.*

18 (3) *A summary of applications for energy stor-*
19 *age technologies by the Department of Defense and,*
20 *for each type of application, an assessment of the de-*
21 *mand for such technologies, in terms of quantity and*
22 *military need.*

23 (4) *Specific mechanisms for coordinating the ac-*
24 *tivities of Federal agencies, State and local govern-*

1 *ments, coalition partners, private industry, and aca-*
2 *demia covered by the roadmap.*

3 *(5) Such other matters as the Secretary of De-*
4 *fense and the Secretary of Energy consider appro-*
5 *priate for purposes of the roadmap.*

6 *(c) COORDINATION.—*

7 *(1) IN GENERAL.—The roadmap required by sub-*
8 *section (a) shall be developed in coordination with the*
9 *military departments, appropriate Defense Agencies*
10 *and other elements and organizations of the Depart-*
11 *ment of Defense, other appropriate Federal, State,*
12 *and local government organizations, and appropriate*
13 *representatives of private industry and academia.*

14 *(2) DEPARTMENT OF DEFENSE SUPPORT.—The*
15 *Secretary of Defense shall ensure that appropriate ele-*
16 *ments and organizations of the Department of Defense*
17 *provide such information and other support as is re-*
18 *quired for the development of the roadmap.*

19 *(d) SUBMITTAL TO CONGRESS.—The Secretary of De-*
20 *fense shall submit to the congressional defense committees*
21 *the roadmap required by subsection (a) not later than one*
22 *year after the date of the enactment of this Act.*

23 *(e) ADVANCED ENERGY STORAGE TECHNOLOGY INI-*
24 *TIATIVE INVESTMENT SUMMARY.—Not later than 6 months*
25 *after the date of enactment of this Act, the Secretary of De-*

1 *fense shall submit to the congressional defense committees*
2 *a report on the expenditures for energy storage technologies*
3 *within the Department of Defense, Defense Agencies, and*
4 *military departments, for fiscal years 2008 and 2009 and*
5 *the projected expenditures for such technologies for fiscal*
6 *year 2010.*

7 **SEC. 219. MECHANISMS TO PROVIDE FUNDS FOR DEFENSE**
8 **LABORATORIES FOR RESEARCH AND DEVEL-**
9 **OPMENT OF TECHNOLOGIES FOR MILITARY**
10 **MISSIONS.**

11 *(a) MECHANISMS TO PROVIDE FUNDS.—*

12 *(1) IN GENERAL.—The Secretary of Defense, in*
13 *consultation with the Secretaries of the military de-*
14 *partments, shall establish mechanisms under which*
15 *the director of a defense laboratory may use an*
16 *amount of funds equal to not more than three percent*
17 *of all funds available to the defense laboratory for the*
18 *following purposes:*

19 *(A) To fund innovative basic and applied*
20 *research that is conducted at the defense labora-*
21 *tory and supports military missions.*

22 *(B) To fund development programs that*
23 *support the transition of technologies developed*
24 *by the defense laboratory into operational use.*

1 (C) *To fund workforce development activi-*
2 *ties that improve the capacity of the defense lab-*
3 *oratory to recruit and retain personnel with*
4 *needed scientific and engineering expertise.*

5 (2) *CONSULTATION REQUIRED.—The mechanisms*
6 *established under paragraph (1) shall provide that*
7 *funding shall be used under paragraph (1) at the dis-*
8 *cretion of the director of a defense laboratory in con-*
9 *sultation with the science and technology executive of*
10 *the military department concerned.*

11 (b) *ANNUAL REPORT ON USE OF AUTHORITY.—*

12 (1) *IN GENERAL.—Not later than March 1 of*
13 *each year, the Secretary of Defense shall submit to the*
14 *congressional defense committees a report on the use*
15 *of the authority under subsection (a) during the pre-*
16 *ceding year.*

17 (2) *ELEMENTS.—Each report under paragraph*
18 *(1) shall include, with respect to the year covered by*
19 *such report, the following:*

20 (A) *A description of the mechanisms used to*
21 *provide funding under subsection (a)(1).*

22 (B) *A statement of the amount of funding*
23 *made available to each defense laboratory for re-*
24 *search described under such subsection.*

1 (C) *A description of the investments made*
2 *by each defense laboratory using funds under*
3 *such subsection.*

4 (D) *A description and assessment of any*
5 *improvements in the performance of the defense*
6 *laboratories as a result of investments under*
7 *such subsection.*

8 (E) *A description and assessment of the*
9 *contributions to the development of needed mili-*
10 *tary capabilities provided by research using*
11 *funds under such subsection.*

12 (F) *A description of any modification to the*
13 *mechanisms under subsection (a) that would im-*
14 *prove the efficacy of the authority under such*
15 *subsection to support military missions.*

16 (c) *SUNSET.—The authority under subsection (a) shall*
17 *expire on October 1, 2013.*

18 **SEC. 220. REQUIREMENTS FOR CERTAIN AIRBORNE INTEL-**

19 **LIGENCE COLLECTION SYSTEMS.**

20 (a) *IN GENERAL.—Except as provided pursuant to*
21 *subsection (b), effective as of October 1, 2012, each airborne*
22 *intelligence collection system of the Department of Defense*
23 *that is connected to the Distributed Common Ground/Sur-*
24 *face System shall have the capability to operate with the*
25 *Network-Centric Collaborative Targeting System.*

1 (b) *EXCEPTIONS.*—*The requirement in subsection (a)*
2 *with respect to a particular airborne intelligence collection*
3 *system may be waived by the Chairman of the Joint Re-*
4 *quirements Oversight Council under section 181 of title 10,*
5 *United States Code. Waivers under this subsection shall be*
6 *made on a case-by-case basis.*

7 **SEC. 221. LIMITATION ON OBLIGATION OF FUNDS FOR EN-**
8 **HANCED AN/TPQ-36 RADAR SYSTEM PENDING**
9 **SUBMISSION OF REPORT.**

10 *Of the amounts appropriated pursuant to section*
11 *201(1) of this Act or otherwise made available for fiscal*
12 *year 2009 for research, development, test, and evaluation,*
13 *Army, for the Enhanced AN/TPQ-36 radar system, not*
14 *more than 70 percent of the amounts remaining unobligated*
15 *as of the date of the enactment of this Act may be obligated*
16 *until the Secretary of the Army submits to the congressional*
17 *defense committees a report describing the plan to transi-*
18 *tion the Counter-Rockets, Artillery, and Mortars program*
19 *to a program of record.*

1 **Subtitle C—Missile Defense**
2 **Programs**

3 **SEC. 231. ANNUAL DIRECTOR OF OPERATIONAL TEST AND**
4 **EVALUATION CHARACTERIZATION OF OPER-**
5 **ATIONAL EFFECTIVENESS, SUITABILITY, AND**
6 **SURVIVABILITY OF THE BALLISTIC MISSILE**
7 **DEFENSE SYSTEM.**

8 (a) *ANNUAL CHARACTERIZATION.*—Section 232(h) of
9 *the National Defense Authorization Act for Fiscal Year*
10 *2002 (10 U.S.C. 2431 note) is amended—*

11 (1) *by redesignating paragraph (2) as para-*
12 *graph (3);*

13 (2) *by inserting after paragraph (1) the fol-*
14 *lowing new paragraph (2):*

15 “(2) *The Director of Operational Test and Evaluation*
16 *shall also each year characterize the operational effective-*
17 *ness, suitability, and survivability of the ballistic missile*
18 *defense system, and its elements, that have been fielded or*
19 *tested before the end of the preceding fiscal year.”; and*

20 (3) *in paragraph (3), as redesignated by para-*
21 *graph (1) of this subsection, by inserting “and the*
22 *characterization under paragraph (2)” after “the as-*
23 *essment under paragraph (1)”.*

24 (b) *CONFORMING AMENDMENT.*—*The heading of such*
25 *section is amended to read as follows: “ANNUAL OT&E AS-*

1 *ASSESSMENT AND CHARACTERIZATION OF CERTAIN BAL-*
2 *LISTIC MISSILE DEFENSE MATTERS.—”.*

3 *(c) EFFECTIVE DATE.—The amendments made by this*
4 *section shall take effect on October 1, 2008, and shall apply*
5 *with respect to fiscal years beginning on or after that date.*

6 **SEC. 232. INDEPENDENT STUDY OF BOOST-PHASE MISSILE**
7 **DEFENSE.**

8 *(a) STUDY.—Not later than 90 days after the date of*
9 *the enactment of this Act, the Secretary of Defense shall*
10 *enter into an agreement with the National Academy of*
11 *Sciences to conduct an independent study of concepts and*
12 *systems for boost-phase missile defense.*

13 *(b) ELEMENTS.—*

14 *(1) CONTENT.—The study required by subsection*
15 *(a) shall address the following:*

16 *(A) The extent to which boost-phase missile*
17 *defense is technically feasible and practical.*

18 *(B) Whether any demonstration efforts by*
19 *the Department of Defense of boost-phase missile*
20 *defense technology existing as of the date of the*
21 *study (including the Airborne Laser and the Ki-*
22 *netic Energy Interceptor) have a high prob-*
23 *ability of performing a boost-phase missile de-*
24 *fense mission in an operationally effective, suit-*
25 *able, and survivable manner.*

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

4 (A) *The Airborne Laser.*

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

7 (C) *Other existing boost-phase technology*
8 *demonstration programs.*

9 (3) *FACTORS TO BE EVALUATED.*—*The study*
10 *shall evaluate each system identified in paragraph (2)*
11 *based on the following factors:*

12 (A) *Technical capability of the system*
13 *against scenarios identified in paragraph (4).*

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

16 (C) *The results of key milestone tests con-*
17 *ducted prior to preparation of the report under*
18 *subsection (c).*

19 (D) *Survivability.*

20 (E) *Suitability.*

21 (F) *Concept of operations, including basing*
22 *considerations.*

23 (G) *Operations and maintenance support.*

1 (H) *Command and control considerations,*
2 *including timelines for detection, decision-mak-*
3 *ing, and engagement.*

4 (I) *Shortfall from intercepts.*

5 (J) *Force structure requirements.*

6 (K) *Effectiveness against countermeasures.*

7 (L) *Estimated cost of sustaining the system*
8 *in the field.*

9 (M) *Reliability, availability, and maintain-*
10 *ability.*

11 (N) *Geographic considerations, including*
12 *limitations on the ability to deploy systems with-*
13 *in operational range of potential targets.*

14 (O) *Cost and cost-effectiveness, including*
15 *total lifecycle cost estimates.*

16 (4) *SCENARIOS TO BE ASSESSED.—The study*
17 *shall include an assessment of each system identified*
18 *in paragraph (2) regarding the performance and*
19 *operational capabilities of the system—*

20 (A) *to counter short-range, medium-range,*
21 *and intermediate-range ballistic missile threats*
22 *from rogue states to the deployed forces of the*
23 *United States and its allies; and*

24 (B) *to defend the territory of the United*
25 *States against limited ballistic missile attack.*

1 (5) *COMPARISON WITH NON-BOOST SYSTEMS.*—

2 *The study shall include an assessment of the perform-*
3 *ance and operational capabilities of non-boost missile*
4 *defense systems to counter the scenarios identified in*
5 *paragraph (4). The results under this paragraph shall*
6 *be compared to the results under paragraph (4). For*
7 *purposes of this paragraph, non-boost missile defense*
8 *systems include—*

9 (A) *the Patriot PAC-3 system and the Me-*
10 *dium Extended Air Defense System follow-on*
11 *system;*

12 (B) *the Aegis Ballistic Missile Defense sys-*
13 *tem, with all variants of the Standard Missile-*
14 *3 interceptor;*

15 (C) *the Terminal High Altitude Area De-*
16 *fense system; and*

17 (D) *the Ground-based Midcourse Defense*
18 *system.*

19 (c) *REPORT.*—

20 (1) *IN GENERAL.*—*Upon the completion of the*
21 *study required by subsection (a), but not later than*
22 *October 31, 2010, the National Academy of Sciences*
23 *shall submit to the Secretary of Defense and the con-*
24 *gressional defense committees a report on the study.*
25 *The report shall include such recommendations re-*

1 *garding the future direction of the boost-phase bal-*
2 *listic missile defense programs of the United States as*
3 *the Academy considers appropriate.*

4 (2) *FORM.—The report under paragraph (1)*
5 *shall be submitted to the congressional defense com-*
6 *mittees in unclassified form, but may include a clas-*
7 *sified annex.*

8 (d) *FUNDING.—Of the funds appropriated pursuant to*
9 *the authorization of appropriations in section 201(4) for*
10 *research, development, test, and evaluation, Defense-wide,*
11 *and available for the Missile Defense Agency, \$3,500,000*
12 *may be available to conduct the study required by sub-*
13 *section (a).*

14 (e) *COOPERATION FROM GOVERNMENT.—In carrying*
15 *out the study, the National Academy of Sciences shall re-*
16 *ceive the full and timely cooperation of the Secretary of De-*
17 *fense and any other Federal Government official in pro-*
18 *viding the Academy with analyses, briefings, and other in-*
19 *formation necessary for the fulfillment of its responsibil-*
20 *ities.*

1 **SEC. 233. 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 be
6 appropriated by this Act or otherwise made available for
7 the Department of Defense for fiscal year 2009 or any fiscal
8 year thereafter may be obligated or expended for procure-
9 ment, site activation, construction, preparation of equip-
10 ment for, or deployment of a long-range missile defense sys-
11 tem in Europe until the following conditions have been met:

12 (1) *In the case of the proposed midcourse radar*
13 *element of such missile defense system, the host nation*
14 *has signed and ratified the missile defense basing*
15 *agreement and status of forces agreement that allow*
16 *for the stationing in such nation of the radar and*
17 *personnel to carry out the proposed deployment.*

18 (2) *In the case of the proposed long-range missile*
19 *defense interceptor site element of such missile defense*
20 *system—*

21 (A) *the condition in paragraph (1) has been*
22 *met; and*

23 (B) *the host nation has signed and ratified*
24 *the missile defense basing agreement and status*
25 *of forces agreement that allow for the stationing*

1 in such nation of the interceptor site and per-
2 sonnel to carry out the proposed deployment.

3 (3) *In the case of either element of such missile*
4 *defense system described in paragraph (1) or (2), 45*
5 *days have elapsed following the receipt by the congres-*
6 *sional defense committees of the report required by*
7 *section 226(c)(6) of the National Defense Authoriza-*
8 *tion Act for Fiscal Year 2008 (Public Law 110–181;*
9 *122 Stat. 42).*

10 (b) *ADDITIONAL LIMITATION.—In addition to the limi-*
11 *tation in subsection (a), no funds authorized to be appro-*
12 *priated by this Act or otherwise made available for the De-*
13 *partment of Defense for fiscal year 2009 may be obligated*
14 *or expended for the acquisition (other than initial long-lead*
15 *procurement) or deployment of operational missiles of a*
16 *long-range missile defense system in Europe until the Sec-*
17 *retary of Defense, after receiving the views of the Director*
18 *of Operational Test and Evaluation, submits to the congres-*
19 *sional defense committees a report certifying that the pro-*
20 *posed interceptor to be deployed as part of such missile de-*
21 *fense system has demonstrated, through successful, oper-*
22 *ationally realistic flight testing, a high probability of work-*
23 *ing in an operationally effective manner and the ability*
24 *to accomplish the mission.*

1 (c) *CONSTRUCTION.*—Nothing in this section shall be
2 construed to limit continuing obligation and expenditure
3 of funds for missile defense, including for research and de-
4 velopment and for other activities not otherwise limited by
5 subsection (a) or (b), including, but not limited to, site sur-
6 veys, studies, analysis, and planning and design for the
7 proposed missile defense deployment in Europe.

8 **SEC. 234. REVIEW OF THE BALLISTIC MISSILE DEFENSE**
9 **POLICY AND STRATEGY OF THE UNITED**
10 **STATES.**

11 (a) *REVIEW REQUIRED.*—The Secretary of Defense
12 shall conduct a review of the ballistic missile defense policy
13 and strategy of the United States.

14 (b) *ELEMENTS.*—The matters addressed by the review
15 required by subsection (a) shall include the following:

16 (1) *The ballistic missile defense policy of the*
17 *United States in relation to the overall national secu-*
18 *rity policy of the United States.*

19 (2) *The ballistic missile defense strategy and ob-*
20 *jectives of the United States in relation to the na-*
21 *tional security strategy of the United States and the*
22 *military strategy of the United States.*

23 (3) *The ballistic missile threat to the United*
24 *States, deployed forces of the United States, and*
25 *friends and allies of the United States from short, me-*

1 *dium, intermediate, and long-range ballistic missile*
2 *threats.*

3 (4) *The organization, discharge, and oversight of*
4 *acquisition for the ballistic missile defense programs*
5 *of the United States.*

6 (5) *The roles and responsibilities of the Office of*
7 *the Secretary of Defense, defense agencies, combatant*
8 *commands, the Joint Chiefs of Staff, and the military*
9 *departments in such programs.*

10 (6) *The process for determining requirements for*
11 *missile defense capabilities under such programs, in-*
12 *cluding input from the joint military requirements*
13 *process.*

14 (7) *The process for determining the force struc-*
15 *ture and inventory objectives for such programs.*

16 (8) *Standards for the military utility, oper-*
17 *ational effectiveness, suitability, and survivability of*
18 *the ballistic missile defense systems of the United*
19 *States.*

20 (9) *The method in which resources for the bal-*
21 *listic missile defense mission are planned, pro-*
22 *grammed, and budgeted within the Department of De-*
23 *fense.*

24 (10) *The near-term and long-term affordability*
25 *and cost-effectiveness of such programs.*

1 (11) *The objectives, requirements, and standards*
2 *for test and evaluation with respect to such programs.*

3 (12) *Accountability, transparency, and oversight*
4 *with respect to such programs.*

5 (13) *The role of international cooperation on*
6 *missile defense in the ballistic missile defense policy*
7 *and strategy of the United States.*

8 (14) *Any other matters the Secretary determines*
9 *relevant.*

10 *(c) REPORT.—*

11 (1) *IN GENERAL.—Not later than January 31,*
12 *2010, the Secretary shall submit to Congress a report*
13 *setting forth the results of the review required by sub-*
14 *section (a).*

15 (2) *FORM.—The report required by this sub-*
16 *section shall be in unclassified form, but may include*
17 *a classified annex.*

18 **SEC. 235. AIRBORNE LASER SYSTEM.**

19 (a) *REPORT ON DIRECTOR OF OPERATIONAL TEST*
20 *AND EVALUATION ASSESSMENT OF TESTING.—Not later*
21 *than January 15, 2010, the Director of Operational Test*
22 *and Evaluation shall—*

23 (1) *review and evaluate the testing conducted on*
24 *the first Airborne Laser System aircraft, including*
25 *the planned shoot-down demonstration testing; and*

1 (2) *submit to the Secretary of Defense and to*
 2 *Congress an assessment by the Director of the oper-*
 3 *ational effectiveness, suitability, and survivability of*
 4 *the Airborne Laser System.*

5 **(b) LIMITATION ON AVAILABILITY OF FUNDS FOR**
 6 **LATER AIRBORNE LASER SYSTEM AIRCRAFT.**—*No funds*
 7 *appropriated pursuant to an authorization of appropria-*
 8 *tions or otherwise made available for the Department of De-*
 9 *fense may be obligated or expended for the procurement of*
 10 *a second or subsequent aircraft for the Airborne Laser Sys-*
 11 *tem program until the later of the following dates:*

12 (1) *The date on which the Secretary of Defense,*
 13 *after receiving the assessment under subsection (a)(2),*
 14 *submits to Congress a certification that the Airborne*
 15 *Laser System has demonstrated, through successful*
 16 *testing and operational and cost analysis, a high*
 17 *probability of being operationally effective, suitable,*
 18 *survivable, and affordable.*

19 (2) *The date that is 60 days after the date on*
 20 *which Congress receives the independent assessment of*
 21 *boost-phase missile defense required by section 232.*

22 **SEC. 236. ACTIVATION AND DEPLOYMENT OF AN/TPY-2 FOR-**
 23 **WARD-BASED X-BAND RADAR.**

24 **(a) AVAILABILITY OF FUNDS.**—*Subject to subsection*
 25 *(b), of the amount authorized to be appropriated by section*

1 201(4) for research, development, test, and evaluation, De-
2 fense-wide activities, up to \$89,000,000 may be available
3 for Ballistic Missile Defense Sensors for the activation and
4 deployment of the AN/TPY-2 forward-based X-band radar
5 to a classified location.

6 (b) LIMITATION.—

7 (1) IN GENERAL.—Funds may not be available
8 under subsection (a) for the purpose specified in that
9 subsection until the Secretary of Defense submits to
10 the Committees on Armed Services of the Senate and
11 the House of Representatives a report on the deploy-
12 ment of the AN/TPY-2 forward-based X-band radar
13 as described in that subsection, including:

14 (A) The location of deployment of the radar.

15 (B) A description of the operational param-
16 eters of the deployment of the radar, including
17 planning for force protection.

18 (C) A description of any recurring and
19 non-recurring expenses associated with the de-
20 ployment of the radar.

21 (D) A description of the cost-sharing ar-
22 rangements between the United States and the
23 country in which the radar will be deployed re-
24 garding the expenses described in subparagraph
25 (C).

1 (E) A description of the other terms and
 2 conditions of the agreement between the United
 3 States and such country regarding the deploy-
 4 ment of the radar.

5 (2) FORM.—The report under paragraph (1)
 6 shall be submitted in unclassified form, but may in-
 7 clude a classified annex.

8 **Subtitle D—Reports**

9 **SEC. 241. BIENNIAL REPORTS ON JOINT AND SERVICE CON-** 10 **CEPT DEVELOPMENT AND EXPERIMEN-** 11 **TATION.**

12 (a) IN GENERAL.—Section 485 of title 10, United
 13 States Code, is amended to read as follows:

14 **“§485. Joint and service concept development and ex-** 15 **perimentation**

16 “(a) BIENNIAL REPORTS REQUIRED.—Not later than
 17 January 1 of each even numbered-year, the Secretary of De-
 18 fense or the Secretary’s designee shall submit to the congres-
 19 sional defense committees a report on the conduct and out-
 20 comes of joint and service concept development and experi-
 21 mentation.

22 “(b) MATTERS TO BE INCLUDED.—Each report under
 23 subsection (a) shall include the following:

1 “(1) A description of any changes since the latest
2 report submitted under this section to each of the fol-
3 lowing:

4 “(A) The organization of the Department of
5 Defense responsible for executing the mission of
6 joint concept development and experimentation,
7 or its specific authorities related to that mission.

8 “(B) The process for tasking forces (includ-
9 ing forces designated as joint experimentation
10 forces) to participate in joint concept develop-
11 ment and experimentation, and the specific au-
12 thority of the organization responsible for exe-
13 cuting the mission of joint concept development
14 and experimentation over those forces.

15 “(C) The resources provided for initial im-
16 plementation of joint concept development and
17 experimentation, the process for providing such
18 resources to the organization responsible for exe-
19 cuting the mission of joint concept development
20 and experimentation, the categories of funding
21 for joint concept development and experimen-
22 tation, and the authority of the organization re-
23 sponsible for executing the mission of joint con-
24 cept development and experimentation for budget
25 execution for such activities.

1 “(D) *The assigned role of the organization*
2 *responsible for executing the mission of joint con-*
3 *cept development and experimentation for—*

4 “(i) *integrating and testing in joint*
5 *concept development and experimentation*
6 *the systems that emerge from warfighting*
7 *experimentation by the armed forces and*
8 *the Defense Agencies;*

9 “(ii) *assessing the effectiveness of orga-*
10 *nizational structures, operational concepts,*
11 *and technologies relating to joint concept*
12 *development and experimentation; and*

13 “(iii) *assisting the Secretary of Defense*
14 *and the Chairman of the Joint Chiefs of*
15 *Staff in setting priorities for requirements*
16 *or acquisition programs in light of joint*
17 *concept development and experimentation.*

18 “(2) *A description of the conduct of joint concept*
19 *development and experimentation activities, and of*
20 *concept development and experimentation activities of*
21 *each of the military departments, during the two-year*
22 *period ending on the date of such report, including—*

23 “(A) *the funding involved;*

24 “(B) *the number of activities engaged in;*

25 “(C) *the forces involved;*

1 “(D) the national and homeland security
2 challenges addressed;

3 “(E) the operational concepts assessed;

4 “(F) the technologies assessed;

5 “(G) the scenarios and measures of effective-
6 ness utilized; and

7 “(H) specific interactions under such activi-
8 ties with the commanders of the combatant com-
9 mands and with other organizations and entities
10 inside and outside the Department.

11 “(3) A description of the conduct of joint concept
12 development and experimentation, and of the conduct
13 of concept development and experimentation by each
14 of the military departments, during the two-year pe-
15 riod ending on the date of such report with respect to
16 the development of warfighting concepts for oper-
17 ational scenarios more than 10 years in the future,
18 including—

19 “(A) the funding involved;

20 “(B) the number of activities engaged in;

21 “(C) the forces involved;

22 “(D) the challenges addressed;

23 “(E) the operational concepts assessed;

24 “(F) the technologies assessed;

1 “(G) the scenarios and measures of effective-
2 ness utilized; and

3 “(H) specific interactions with the com-
4 manders of the combatant commands and with
5 other organizations and entities inside and out-
6 side the Department.

7 “(4) A description of the mechanisms used to co-
8 ordinate joint, service, interagency, Coalition, and
9 other appropriate concept development and experi-
10 mentation activities.

11 “(5) An assessment of the return on investment
12 in concept development and experimentation activi-
13 ties, including a description of the following:

14 “(A) Specific outcomes and impacts within
15 the Department of the results of past joint and
16 service concept development and experimentation
17 in terms of new doctrine, operational concepts,
18 organization, training, materiel, leadership, per-
19 sonnel, or the allocation of resources, or in ac-
20 tivities that terminated support for legacy con-
21 cepts, programs, or systems.

22 “(B) Specific actions taken to implement
23 the recommendations of the Commander of
24 United States Joint Forces Command based on

1 *joint concept development and experimentation*
2 *activities.*

3 “(6) *Such recommendations (based primarily on*
4 *the results of joint and service concept development*
5 *and experimentation) as the Secretary considers ap-*
6 *propriate for enhancing the development of joint*
7 *warfighting capabilities by modifying activities*
8 *throughout the Department relating to—*

9 “(A) *the development or acquisition of spe-*
10 *cific advanced technologies, systems, or weapons*
11 *or systems platforms;*

12 “(B) *key systems attributes and key per-*
13 *formance parameters for the development or ac-*
14 *quisition of advanced technologies and systems;*

15 “(C) *joint or service doctrine, organization,*
16 *training, materiel, leadership development, per-*
17 *sonnel, or facilities;*

18 “(D) *the reduction or elimination of redun-*
19 *dant equipment and forces, including the syn-*
20 *chronization of the development and fielding of*
21 *advanced technologies among the armed forces to*
22 *enable the development and execution of joint*
23 *operational concepts; and*

24 “(E) *the development or modification of ini-*
25 *tial capabilities documents, operational require-*

1 *ments, and relative priorities for acquisition*
2 *programs to meet joint requirements.*

3 “(7) *With respect to improving the effectiveness*
4 *of joint concept development and experimentation ca-*
5 *pabilities, such recommendations (based primarily on*
6 *the results of joint warfighting experimentation) as*
7 *the Secretary considers appropriate regarding—*

8 “(A) *the conduct of, adequacy of resources*
9 *for, or development of technologies to support*
10 *such capabilities; and*

11 “(B) *changes in support from other ele-*
12 *ments of the Department responsible for concept*
13 *development and experimentation by joint or*
14 *service organizations.*

15 “(8) *The coordination of the concept development*
16 *and experimentation activities of the Commander of*
17 *the United States Joint Forces Command with the ac-*
18 *tivities of the Commander of the North Atlantic Trea-*
19 *ty Organization Supreme Allied Command Trans-*
20 *formation.*

21 “(9) *Any other matters that the Secretary con-*
22 *sider appropriate.*

23 “(c) *COORDINATION AND SUPPORT.—The Secretary of*
24 *Defense shall ensure that the Secretaries of the military de-*
25 *partments and the heads of other appropriate elements of*

1 *the Department of Defense provide such information and*
 2 *support as is required for the preparation of the reports*
 3 *required by this section.”.*

4 (b) *CLERICAL AMENDMENT.—The table of sections at*
 5 *the beginning of chapter 23 of such title is amended by*
 6 *striking the item relating to section 485 and inserting the*
 7 *following new item:*

“485. Joint and service concept development and experimentation.”.

8 **SEC. 242. REPORT ON PARTICIPATION OF THE HISTORI-**
 9 **CALLY BLACK COLLEGES AND UNIVERSITIES**
 10 **AND MINORITY-SERVING INSTITUTIONS IN**
 11 **RESEARCH AND EDUCATIONAL PROGRAMS**
 12 **AND ACTIVITIES OF THE DEPARTMENT OF DE-**
 13 **FENSE.**

14 (a) *IN GENERAL.—The Secretary of Defense shall*
 15 *carry out an independent assessment of the participation*
 16 *of covered educational institutions in research and edu-*
 17 *cational programs and activities of the Department of De-*
 18 *fense.*

19 (b) *REPORT.—Not later than 12 months after the date*
 20 *of the enactment of this Act, the Secretary of Defense shall*
 21 *submit to the congressional defense committees a report on*
 22 *the assessment required under subsection (a).*

23 (c) *MATTERS INCLUDED.—The report required under*
 24 *subsection (b) shall include the following:*

1 (1) *A description of research, training, technical*
2 *assistance, infrastructure support, and educational*
3 *programs and activities conducted by the Department*
4 *of Defense in support of covered educational institu-*
5 *tions.*

6 (2) *A survey of the level of participation of cov-*
7 *ered educational institutions in programs described*
8 *in paragraph (1), and lessons learned from the sur-*
9 *vey.*

10 (3) *An assessment of the relevance, including*
11 *outcomes and effects, of the programs and activities*
12 *identified in paragraph (1) to the research and edu-*
13 *cational programs, activities, and missions of the De-*
14 *partment of Defense.*

15 (4) *An assessment of additional activities by the*
16 *Department of Defense that support covered edu-*
17 *cational institutions whose primary focus is the*
18 *training and educating of minority scientists, engi-*
19 *neers, and technicians.*

20 (5) *An assessment of barriers to the participa-*
21 *tion of covered educational institutions in the re-*
22 *search and educational programs and activities of the*
23 *Department of Defense.*

24 (6) *Recommendations to increase the capacity of*
25 *covered educational institutions to participate in re-*

1 *search and educational programs and activities that*
2 *are critical to the national security functions of the*
3 *Department of Defense.*

4 (7) *Any other matters the Secretary of Defense*
5 *considers appropriate.*

6 (d) *COOPERATION OF DEFENSE ORGANIZATIONS.—*
7 *The Secretary of Defense shall ensure that the relevant ele-*
8 *ments of the Department of Defense provide all information*
9 *necessary for the completion of the assessment required*
10 *under subsection (a).*

11 (e) *DEFINITIONS.—In this section:*

12 (1) *The term “covered educational institutions”*
13 *means—*

14 (A) *a historically Black college or univer-*
15 *sity that is a part B institution, as defined in*
16 *section 322(2) of the Higher Education Act of*
17 *1965 (20 U.S.C. 1061(2));*

18 (B) *a minority institution, as defined in*
19 *section 365(3) of that Act (20 U.S.C. 1067k(3));*

20 (C) *a Hispanic-serving institution, as de-*
21 *fined in section 502(a)(5) of that Act (20 U.S.C.*
22 *1101a(a)(5));*

23 (D) *a Tribal College or University, as de-*
24 *fined in section 316(b)(3) of that Act (20 U.S.C.*
25 *1059c(b)(3)); and*

1 (E) other minority postsecondary institu-
2 tions.

3 (2) The term “research and educational pro-
4 grams and activities” includes programs and activi-
5 ties relating to research, development, test, and eval-
6 uation and education.

7 **SEC. 243. REPORT ON DEPARTMENT OF DEFENSE RE-**
8 **SPONSE TO FINDINGS AND RECOMMENDA-**
9 **TIONS OF THE DEFENSE SCIENCE BOARD**
10 **TASK FORCE ON DIRECTED ENERGY WEAP-**
11 **ONS.**

12 (a) *REPORT REQUIRED.*—Not later than January 1,
13 2010, the Secretary of Defense shall submit to the Com-
14 mittee on Armed Services of the Senate and the Committee
15 on Armed Services of the House of Representatives a report
16 on the implementation of the recommendations of the De-
17 fense Science Board Task Force on Directed Energy Weap-
18 ons.

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

21 (1) An analysis of each of the findings and rec-
22 ommendations of the Defense Science Board Task
23 Force on Directed Energy Weapons.

1 (2) *A detailed description of the response of the*
2 *Department of Defense to each finding and rec-*
3 *ommendation of the Task Force, including—*

4 (A) *for each recommendation that is being*
5 *implemented or that the Secretary plans to im-*
6 *plement—*

7 (i) *a summary of actions that have*
8 *been taken to implement such recommenda-*
9 *tion; and*

10 (ii) *a schedule, with specific mile-*
11 *stones, for completing the implementation of*
12 *such recommendation; and*

13 (B) *for each recommendation that the Sec-*
14 *retary does not plan to implement—*

15 (i) *the reasons for the decision not to*
16 *implement such recommendation; and*

17 (ii) *a summary of the alternative ac-*
18 *tions the Secretary plans to take to address*
19 *the purposes underlying such recommenda-*
20 *tion.*

21 (3) *A summary of any additional actions the*
22 *Secretary plans to take to address concerns raised by*
23 *the Task Force.*

Subtitle E—Other Matters

1 **SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIV-**
2 **ABILITY TESTING OVERSIGHT BY THE DIREC-**
3 **TOR OF OPERATIONAL TEST AND EVALUA-**
4 **TION.**

5 **(a) AUTHORITY TO DESIGNATE ADDITIONAL SYSTEMS**
6 **AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO TEST-**
7 **ING.**—Section 2366(e)(1) of title 10, United States Code,
8 is amended to read as follows:
9

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

11 “(A) a vehicle, weapon platform, or conven-

12 tional weapon system that—

13 “(i) includes features designed to pro-

14 vide some degree of protection to users in

15 combat; and

16 “(ii) is a major system as defined in

17 section 2302(5) of this title; or

18 “(B) any other system or program des-

19 ignated by the Secretary of Defense for purposes

20 of this section.”.

21 **(b) REVISION TO REPORT REQUIREMENT.**—Section
22 2366(d) of such title is amended—

23 (1) by inserting “(1)” before “At the conclusion”;

24 and

1 (2) by adding at the end the following new para-
2 graph:

3 “(2) If a decision is made within the Department of
4 Defense to proceed to operational use of a system, or to make
5 procurement funds available for a system, before Milestone
6 C approval of that system, the Secretary of Defense shall
7 submit to the congressional defense committees, as soon as
8 practicable after such decision, the following:

9 “(A) A report describing the status of surviv-
10 ability and live fire testing of that system.

11 “(B) The report required under paragraph (1).”.

12 (c) *FORCE PROTECTION EQUIPMENT*.—Section 139(b)
13 of such title is amended—

14 (1) by striking paragraph (3); and

15 (2) by redesignating paragraphs (4) through (7)
16 as paragraphs (3) through (6), respectively.

17 **SEC. 252. TECHNOLOGY-NEUTRAL INFORMATION TECH-**
18 **NOLOGY GUIDELINES AND STANDARDS TO**
19 **SUPPORT FULLY INTEROPERABLE ELEC-**
20 **TRONIC PERSONAL HEALTH INFORMATION**
21 **FOR THE DEPARTMENT OF DEFENSE AND DE-**
22 **PARTMENT OF VETERANS AFFAIRS.**

23 Section 1635 of the Wounded Warrior Act (title XVI
24 of Public Law 110–181; 122 Stat. 460; 10 U.S.C. 1071
25 note) is amended—

1 (1) in subsection (h)(1), by adding at the end the
2 following new subparagraphs:

3 “(C) A description and analysis of the level
4 of interoperability and security of technologies
5 for sharing healthcare information among the
6 Department of Defense, the Department of Vet-
7 erans Affairs, and their transaction partners.

8 “(D) A description and analysis of the
9 problems the Department of Defense and the De-
10 partment of Veterans Affairs are having with,
11 and the progress such departments are making
12 toward, ensuring interoperable and secure
13 healthcare information systems and electronic
14 healthcare records.”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(j) *TECHNOLOGY-NEUTRAL GUIDELINES AND STAND-*
18 *ARDS.—The Director, in consultation with industry and*
19 *appropriate Federal agencies, shall develop, or shall adopt*
20 *from industry, technology-neutral information technology*
21 *infrastructure guidelines and standards for use by the De-*
22 *partment of Defense and the Department of Veterans Affairs*
23 *to enable those departments to effectively select and utilize*
24 *information technologies to meet the requirements of this*
25 *section.”.*

1 **SEC. 253. ASSESSMENT OF TECHNOLOGY TRANSITION PRO-**
2 **GRAMS AND REPEAL OF REPORTING RE-**
3 **QUIREMENT.**

4 *(a) ASSESSMENT AND REPORT REQUIRED.—*

5 *(1) IN GENERAL.—The Under Secretary of De-*
6 *fense for Acquisition, Technology, and Logistics shall*
7 *assess the feasibility of consolidating the various tech-*
8 *nology transition programs in the Department of De-*
9 *fense into a unified effort managed by a senior offi-*
10 *cial of the Department.*

11 *(2) PROGRAMS INCLUDED.—The assessment re-*
12 *quired by paragraph (1) shall include—*

13 *(A) the technology transition programs*
14 *managed or overseen by the Secretary of Defense;*
15 *and*

16 *(B) as the Under Secretary considers appro-*
17 *priate, the technology transition programs of the*
18 *military departments.*

19 *(3) REPORT.—Not later than October 1, 2009,*
20 *the Under Secretary shall submit to the congressional*
21 *defense committees a report on the assessment re-*
22 *quired by paragraph (1). The report shall include the*
23 *following:*

24 *(A) A description of each of the technology*
25 *transition programs considered as part of the as-*
26 *essment.*

1 (B) *An evaluation of the extent to which*
2 *each technology transition program fulfills its*
3 *intended mission and supports effective and effi-*
4 *cient technology transition.*

5 (C) *For each technology transition program*
6 *considered in the assessment, a summary of the*
7 *funding available for the five fiscal years pre-*
8 *ceding the date on which the report is submitted.*

9 (D) *The conclusion of the Under Secretary*
10 *as to whether there are any benefits in consoli-*
11 *dating the technology transition programs into a*
12 *unified effort managed by a senior official of the*
13 *Department of Defense.*

14 (E) *Recommendations to add, repeal, or*
15 *amend statutes or regulations in order to more*
16 *effectively enable technology transition.*

17 (F) *Recommendations regarding the appro-*
18 *priate management structure, fiscal controls, and*
19 *stakeholder engagement required to ensure that a*
20 *unified technology transition program will cost-*
21 *effectively and efficiently enable technology tran-*
22 *sition.*

23 (b) *REPORTING REQUIREMENT REPEALED.*—*Section*
24 *2359a of title 10, United States Code, is amended—*

25 (1) *by striking subsection (h); and*

1 (2) by redesignating subsection (i) as subsection
2 (h).

3 **SEC. 254. TRUSTED DEFENSE SYSTEMS.**

4 (a) *VULNERABILITY ASSESSMENT REQUIRED.*—The
5 Secretary of Defense shall conduct an assessment of selected
6 covered acquisition programs to identify vulnerabilities in
7 the supply chain of each program’s electronics and informa-
8 tion processing systems that potentially compromise the
9 level of trust in the systems. Such assessment shall—

10 (1) identify vulnerabilities at multiple levels of
11 the electronics and information processing systems of
12 the selected programs, including microcircuits, soft-
13 ware, and firmware;

14 (2) prioritize the potential vulnerabilities and ef-
15 fects of the various elements and stages of the system
16 supply chain to identify the most effective balance of
17 investments to minimize the effects of compromise;

18 (3) provide recommendations regarding ways of
19 managing supply chain risk for covered acquisition
20 programs; and

21 (4) identify the appropriate lead person, and
22 supporting elements, within the Department of De-
23 fense for the development of an integrated strategy for
24 managing risk in the supply chain for covered acqui-
25 sition programs.

1 **(b) ASSESSMENT OF METHODS FOR VERIFYING THE**
2 **TRUST OF SEMICONDUCTORS PROCURED FROM COMMER-**
3 **CIAL SOURCES.**—*The Under Secretary of Defense for Acqui-*
4 *sition, Technology, and Logistics, in consultation with ap-*
5 *propriate elements of the Department of Defense, the intel-*
6 *ligence community, private industry, and academia, shall*
7 *conduct an assessment of various methods of verifying the*
8 *trust of semiconductors procured by the Department of De-*
9 *fense from commercial sources for use in mission-critical*
10 *components of potentially vulnerable defense systems. The*
11 *assessment shall include the following:*

12 (1) *An identification of various methods of*
13 *verifying the trust of semiconductors, including meth-*
14 *ods under development at the Defense Agencies, gov-*
15 *ernment laboratories, institutions of higher education,*
16 *and in the private sector.*

17 (2) *A determination of the methods identified*
18 *under paragraph (1) that are most suitable for the*
19 *Department of Defense.*

20 (3) *An assessment of the additional research and*
21 *technology development needed to develop methods of*
22 *verifying the trust of semiconductors that meet the*
23 *needs of the Department of Defense.*

24 (4) *Any other matters that the Under Secretary*
25 *considers appropriate.*

1 (c) *STRATEGY REQUIRED.*—

2 (1) *IN GENERAL.*—*The lead person identified*
3 *under subsection (a)(4), in cooperation with the sup-*
4 *porting elements also identified under such subsection,*
5 *shall develop an integrated strategy—*

6 (A) *for managing risk—*

7 (i) *in the supply chain of electronics*
8 *and information processing systems for cov-*
9 *ered acquisition programs; and*

10 (ii) *in the procurement of semiconduc-*
11 *tors; and*

12 (B) *that ensures dependable, continuous,*
13 *long-term access and trust for all mission-critical*
14 *semiconductors procured from both foreign and*
15 *domestic sources.*

16 (2) *REQUIREMENTS.*—*At a minimum, the strat-*
17 *egy shall—*

18 (A) *address the vulnerabilities identified by*
19 *the assessment under subsection (a);*

20 (B) *reflect the priorities identified by such*
21 *assessment;*

22 (C) *provide guidance for the planning, pro-*
23 *gramming, budgeting, and execution process in*
24 *order to ensure that covered acquisition pro-*

1 *grams have the necessary resources to implement*
2 *all appropriate elements of the strategy;*

3 *(D) promote the use of verification tools, as*
4 *appropriate, for ensuring trust of commercially*
5 *acquired systems;*

6 *(E) increase use of trusted foundry services,*
7 *as appropriate; and*

8 *(F) ensure sufficient oversight in implemen-*
9 *tation of the plan.*

10 *(d) POLICIES AND ACTIONS FOR ASSURING TRUST IN*
11 *INTEGRATED CIRCUITS.—Not later than 180 days after the*
12 *date of the enactment of this Act, the Secretary of Defense*
13 *shall—*

14 *(1) develop policy requiring that trust assurance*
15 *be a high priority for covered acquisition programs in*
16 *all phases of the electronic component supply chain*
17 *and integrated circuit development and production*
18 *process, including design and design tools, fabrication*
19 *of the semiconductors, packaging, final assembly, and*
20 *test;*

21 *(2) develop policy requiring that programs whose*
22 *electronics and information systems are determined to*
23 *be vital to operational readiness or mission effective-*
24 *ness are to employ trusted foundry services to fab-*

1 *ricate their custom designed integrated circuits, un-*
2 *less the Secretary specifically authorizes otherwise;*

3 *(3) incorporate the strategies and policies of the*
4 *Department of Defense regarding development and*
5 *use of trusted integrated circuits into all relevant De-*
6 *partment directives and instructions related to the ac-*
7 *quisition of integrated circuits and programs that use*
8 *such circuits; and*

9 *(4) take actions to promote the use and develop-*
10 *ment of tools that verify the trust in all phases of the*
11 *integrated circuit development and production process*
12 *of mission-critical parts acquired from non-trusted*
13 *sources.*

14 *(e) SUBMISSION TO CONGRESS.—Not later than 12*
15 *months after the date of the enactment of this Act, the Sec-*
16 *retary of Defense shall submit to the congressional defense*
17 *committees—*

18 *(1) the assessments required by subsections (a)*
19 *and (b);*

20 *(2) the strategy required by subsection (c); and*

21 *(3) a description of the policies developed and*
22 *actions taken under subsection (d).*

23 *(f) DEFINITIONS.—In this section:*

24 *(1) The term “covered acquisition programs”*
25 *means an acquisition program of the Department of*

1 *Defense that is a major system for purposes of section*
2 *2302(5) of title 10, United States Code.*

3 (2) *The terms “trust” and “trusted” refer, with*
4 *respect to electronic and information processing sys-*
5 *tems, to the ability of the Department of Defense to*
6 *have confidence that the systems function as intended*
7 *and are free of exploitable vulnerabilities, either in-*
8 *tentionally or unintentionally designed or inserted as*
9 *part of the system at any time during its life cycle.*

10 (3) *The term “trusted foundry services” means*
11 *the program of the National Security Agency and the*
12 *Department of Defense, or any similar program ap-*
13 *proved by the Secretary of Defense, for the develop-*
14 *ment and manufacture of integrated circuits for crit-*
15 *ical defense systems in secure industrial environ-*
16 *ments.*

17 **SEC. 255. CAPABILITIES-BASED ASSESSMENT TO OUTLINE A**
18 **JOINT APPROACH FOR FUTURE DEVELOP-**
19 **MENT OF VERTICAL LIFT AIRCRAFT AND**
20 **ROTORCRAFT.**

21 (a) *ASSESSMENT REQUIRED.*—*The Secretary of De-*
22 *fense and the Chairman of the Joint Chiefs of Staff shall*
23 *carry out a capabilities-based assessment that outlines a*
24 *joint approach to the future development of vertical lift air-*

1 *craft and rotorcraft for all of the Armed Forces. The assess-*
2 *ment shall—*

3 (1) *address critical technologies required for fu-*
4 *ture development, including a technology roadmap;*

5 (2) *include the development of a detailed science*
6 *and technology investment and implementation plan*
7 *and an identification of the resources required to im-*
8 *plement such plan; and*

9 (3) *include the development of a strategic plan*
10 *that—*

11 (A) *formalizes the strategic vision of the De-*
12 *partment of Defense for the next generation of*
13 *vertical lift aircraft and rotorcraft;*

14 (B) *establishes joint requirements for the*
15 *next generation of vertical lift aircraft and rotor-*
16 *craft technology; and*

17 (C) *emphasizes the development of common*
18 *service requirements.*

19 (b) *REPORT.—The Secretary and the Chairman shall*
20 *submit to the congressional defense committees a report on*
21 *the assessment under subsection (a). The report shall in-*
22 *clude—*

23 (1) *the technology roadmap referred to in sub-*
24 *section (a)(1);*

1 (2) *the plan and the identification of resources*
2 *referred to in subsection (a)(2);*

3 (3) *the strategic plan referred to in subsection*
4 *(a)(3); and*

5 (4) *a detailed plan to establish a Joint Vertical*
6 *Lift Aircraft/Rotorcraft Office based on lessons*
7 *learned from the Joint Advanced Strike Technology*
8 *Office.*

9 **SEC. 256. EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD**

10 **TECHNOLOGY.**

11 (a) *EXECUTIVE AGENT.*—*Not later than 90 days after*
12 *the date of the enactment of this Act, the Secretary of De-*
13 *fense shall designate a senior official of the Department of*
14 *Defense to act as the executive agent for printed circuit*
15 *board technology.*

16 (b) *ROLES, RESPONSIBILITIES, AND AUTHORITIES.*—

17 (1) *ESTABLISHMENT.*—*Not later than one year*
18 *after the date of the enactment of this Act, and in ac-*
19 *cordance with Directive 5101.1, the Secretary of De-*
20 *fense shall prescribe the roles, responsibilities, and au-*
21 *thorities of the executive agent designated under sub-*
22 *section (a).*

23 (2) *SPECIFICATION.*—*The roles and responsibil-*
24 *ities of the executive agent designated under sub-*
25 *section (a) shall include each of the following:*

1 (A) *Development and maintenance of a*
2 *printed circuit board and interconnect tech-*
3 *nology roadmap that ensures that the Depart-*
4 *ment of Defense has access to the manufacturing*
5 *capabilities and technical expertise necessary to*
6 *meet future military requirements regarding*
7 *such technology.*

8 (B) *Development of recommended funding*
9 *strategies necessary to meet the requirements of*
10 *the roadmap developed under subparagraph (A).*

11 (C) *Assessment of the vulnerabilities, trust-*
12 *worthiness, and diversity of the printed circuit*
13 *board supply chain, including the development of*
14 *trustworthiness requirements for printed circuit*
15 *boards used in defense systems, and to develop*
16 *strategies to address matters that are identified*
17 *as a result of such assessment.*

18 (D) *Such other roles and responsibilities as*
19 *the Secretary of Defense considers appropriate.*

20 (c) *SUPPORT WITHIN DEPARTMENT OF DEFENSE.—*

21 *In accordance with Directive 5101.1, the Secretary of De-*
22 *fense shall ensure that the military departments, Defense*
23 *Agencies, and other components of the Department of De-*
24 *fense provide the executive agent designated under sub-*
25 *section (a) with the appropriate support and resources*

1 *needed to perform the roles, responsibilities, and authorities*
2 *of the executive agent.*

3 (d) *DEFINITIONS.—In this section:*

4 (1) *The term “Directive 5101.1” means Depart-*
5 *ment of Defense Directive 5101.1, or any successor di-*
6 *rective relating to the responsibilities of an executive*
7 *agent of the Department of Defense.*

8 (2) *The term “executive agent” has the meaning*
9 *given the term “DoD Executive Agent” in Directive*
10 *5101.1.*

11 **SEC. 257. REVIEW OF CONVENTIONAL PROMPT GLOBAL**
12 **STRIKE TECHNOLOGY APPLICATIONS AND**
13 **CONCEPTS.**

14 (a) *AVAILABILITY OF FUNDS FOR PROMPT GLOBAL*
15 *STRIKE CAPABILITY DEVELOPMENT.—Notwithstanding*
16 *any other provision of this Act, funds for conventional*
17 *prompt global strike capability development are authorized*
18 *by this Act only for those activities expressly delineated in*
19 *the expenditure plan for fiscal years 2008 and 2009 that*
20 *was required by section 243 of the National Defense Author-*
21 *ization Act for Fiscal Year 2008 (Public Law 110–181; 122*
22 *Stat. 51; 10 U.S.C. 113 note) and submitted to the congres-*
23 *sional defense committees and dated March 24, 2008, those*
24 *activities for which funds are authorized to be appropriated*

1 *in this Act, or those activities otherwise expressly authorized*
2 *by Congress.*

3 (b) *REPORT ON TECHNOLOGY APPLICATIONS.*—Not
4 *later than April 1, 2009, the Secretary of Defense shall sub-*
5 *mit to the congressional defense committees a report that*
6 *contains—*

7 (1) *a description of the technology applications*
8 *developed pursuant to conventional prompt global*
9 *strike activities during fiscal year 2009; and*

10 (2) *for each such technology application, the con-*
11 *ventional prompt global strike concept towards which*
12 *the application could be applied.*

13 (c) *REVIEW OF CONVENTIONAL PROMPT GLOBAL*
14 *STRIKE CONCEPTS.*—*The Secretary of Defense shall, in con-*
15 *sultation with the Secretary of State, conduct a review of*
16 *each nonnuclear prompt global strike concept with respect*
17 *to which the President requests funding in the budget of*
18 *the President for fiscal year 2010 (as submitted to Congress*
19 *pursuant to section 1105 of title 31, United States Code).*

20 (d) *ELEMENTS OF REVIEW.*—*The review required by*
21 *subsection (c) shall include, for each concept described in*
22 *that subsection, the following:*

23 (1) *The full cost of demonstrating such concept.*

24 (2) *An assessment of any policy, legal, or treaty-*
25 *related issues that could arise during the course of, or*

1 *as a result of, deployment of each concept and rec-*
 2 *ommendations to address such issues.*

3 *(3) The extent to which the concept could be mis-*
 4 *construed as a nuclear weapon or delivery system and*
 5 *recommendations to mitigate the risk of such a*
 6 *misconstrual.*

7 *(4) An assessment of the potential basing and de-*
 8 *ployment options for the concept.*

9 *(5) A description of the types of targets against*
 10 *which the concept might be used.*

11 *(6) An assessment of the adequacy of the intel-*
 12 *ligence that would be needed to support an attack in-*
 13 *volving the concept.*

14 *(e) REPORT ON CONVENTIONAL PROMPT GLOBAL*
 15 *STRIKE CONCEPTS.—Not later than September 1, 2009, the*
 16 *Secretary of Defense shall submit to the congressional de-*
 17 *fense committees a report setting forth the results of the re-*
 18 *view required by subsection (c).*

19 **TITLE III—OPERATION AND**
 20 **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. Expedited use of appropriate technology related to unexploded ordnance detection.*
- Sec. 315. Closed loop re-refining of used motor vehicle lubricating oil.*
- Sec. 316. Comprehensive program for the eradication of the brown tree snake population from military facilities in Guam.*

Subtitle C—Workplace and Depot Issues

- Sec. 321. Comprehensive analysis and development of single Government-wide definition of inherently governmental function and criteria for critical functions.*
- Sec. 322. Study on future depot capability.*
- Sec. 323. Government Accountability Office review of high-performing organizations.*
- Sec. 324. Consolidation of Air Force and Air National Guard aircraft maintenance.*
- Sec. 325. Report on Air Force civilian personnel consolidation plan.*
- Sec. 326. Report on reduction in number of firefighters on Air Force bases.*
- Sec. 327. Minimum capital investment for certain depots.*

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 and wind energy for use for expeditionary forces.*
- Sec. 334. Study on alternative and synthetic fuels.*
- Sec. 335. Mitigation of power outage risks for Department of Defense facilities and activities.*

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.*
- Sec. 344. Comptroller General report on link between preparation and use of Army reserve component forces to support ongoing operations.*
- Sec. 345. Comptroller General report on adequacy of funding, staffing, and organization of Department of Defense Military Munitions Response Program.*

Subtitle F—Other Matters

- Sec. 351. Extension of Enterprise Transition Plan reporting requirement.*
- Sec. 352. Demilitarization of loaned, given, or exchanged documents, historical artifacts, and condemned or obsolete combat materiel.*
- Sec. 353. Repeal of requirement that Secretary of Air Force provide training and support to other military departments for A-10 aircraft.*
- Sec. 354. Display of annual budget requirements for Air Sovereignty Alert Mission.*
- Sec. 355. Revision of certain Air Force regulations required.*

Sec. 356. Transfer of C-12 aircraft to California Department of Forestry and Fire Protection.

Sec. 357. Limitation on treatment of retired B-52 aircraft for Air Combat Command headquarters.

Sec. 358. Increase of domestic breeding of military working dogs used by the Department of Defense.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, \$31,251,702,000.

(2) For the Navy, \$34,850,310,000.

(3) For the Marine Corps, \$5,604,254,000.

(4) For the Air Force, \$35,454,487,000.

(5) For Defense-wide activities, \$25,948,864,000.

(6) For the Army Reserve, \$2,642,341,000.

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

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

(9) For the Air Force Reserve, \$3,150,692,000.

*(10) For the Army National Guard,
\$5,893,546,000.*

*(11) For the Air National Guard,
\$5,882,326,000.*

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

3 (13) *For Environmental Restoration, Army,*
4 *\$447,776,000.*

5 (14) *For Environmental Restoration, Navy,*
6 *\$290,819,000.*

7 (15) *For Environmental Restoration, Air Force,*
8 *\$496,277,000.*

9 (16) *For Environmental Restoration, Defense-*
10 *wide, \$13,175,000.*

11 (17) *For Environmental Restoration, Formerly*
12 *Used Defense Sites, \$257,796,000.*

13 (18) *For Overseas Humanitarian, Disaster, and*
14 *Civic Aid programs, \$83,273,000.*

15 (19) *For Cooperative Threat Reduction pro-*
16 *grams, \$434,135,000.*

17 (20) *For the Overseas Contingency Operations*
18 *Transfer Fund, \$9,101,000.*

1 **Subtitle B—Environmental**
2 **Provisions**

3 **SEC. 311. AUTHORIZATION FOR DEPARTMENT OF DEFENSE**
4 **PARTICIPATION IN CONSERVATION BANKING**
5 **PROGRAMS.**

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

9 **“§2694c. Participation in conservation banking pro-**
10 **grams**

11 “(a) *AUTHORITY TO PARTICIPATE.*—Subject to the
12 availability of appropriated funds to carry out this section,
13 the Secretary concerned, when engaged or proposing to en-
14 gage in an activity described in subsection (b) that may
15 or will result in an adverse impact to one or more species
16 protected (or pending protection) under any applicable pro-
17 vision of law, or habitat for such species, may make pay-
18 ments to a conservation banking program or ‘in-lieu-fee’
19 mitigation sponsor approved in accordance with—

20 “(1) *the Federal Guidance for the Establishment,*
21 *Use and Operation of Mitigation Banks (60 Fed. Reg.*
22 *58605; November 28, 1995);*

23 “(2) *the Guidance for the Establishment, Use,*
24 *and Operation of Conservation Banks (68 Fed. Reg.*
25 *24753; May 2, 2003);*

1 “(3) *the Federal Guidance on the Use of In-Lieu-*
2 *Fee Arrangements for Compensatory Mitigation*
3 *Under Section 404 of the Clean Water Act and Sec-*
4 *tion 10 of the Rivers and Harbors Act (65 Fed. Reg.*
5 *66915; November 7, 2000); or*

6 “(4) *any successor or related administrative*
7 *guidance or regulation.*

8 “(b) *COVERED ACTIVITIES.—Payments to a conserva-*
9 *tion banking program or ‘in-lieu-fee’ mitigation sponsor*
10 *under subsection (a) may be made only for the purpose of*
11 *facilitating one or more of the following activities:*

12 “(1) *Military testing, operations, training, or*
13 *other military activity.*

14 “(2) *Military construction.*

15 “(c) *TREATMENT OF AMOUNTS FOR CONSERVATION*
16 *BANKING.—Payments made under subsection (a) to a con-*
17 *servaion banking program or ‘in-lieu-fee’ mitigation spon-*
18 *sor for the purpose of facilitating military construction*
19 *may be treated as eligible costs of the military construction*
20 *project.*

21 “(d) *SECRETARY CONCERNED DEFINED.—In this sec-*
22 *tion, the term ‘Secretary concerned’ means—*

23 “(1) *the Secretary of a military department; and*

24 “(2) *the Secretary of Defense with respect to a*
25 *Defense Agency.’.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of such chapter is amended by inserting after*
 3 *the item relating to section 2694b the following new item:*

“2694c. *Participation in conservation banking programs.*”.

4 (c) *EFFECTIVE DATE.*—*Section 2694c of title 10,*
 5 *United States Code, as added by subsection (a), shall take*
 6 *effect on October 1, 2008, and only funds appropriated for*
 7 *fiscal years beginning after September 30, 2008, may be*
 8 *used to carry out such section.*

9 **SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
 10 **TION AGENCY FOR CERTAIN COSTS IN CON-**
 11 **NECTION WITH MOSES LAKE WELLFIELD**
 12 **SUPERFUND SITE, MOSES LAKE, WASH-**
 13 **INGTON.**

14 (a) *AUTHORITY TO REIMBURSE.*—

15 (1) *TRANSFER AMOUNT.*—*Using funds described*
 16 *in subsection (b) and notwithstanding section 2215 of*
 17 *title 10, United States Code, the Secretary of Defense*
 18 *may transfer not more than \$64,049.40 during fiscal*
 19 *year 2009 to the Moses Lake Wellfield Superfund Site*
 20 *10–6J Special Account.*

21 (2) *PURPOSE OF REIMBURSEMENT.*—*The pay-*
 22 *ment under paragraph (1) is to reimburse the Envi-*
 23 *ronmental Protection Agency for its costs incurred in*
 24 *overseeing a remedial investigation/feasibility study*
 25 *performed by the Department of the Army under the*

1 *Defense Environmental Restoration Program at the*
 2 *former Larson Air Force Base, Moses Lake Superfund*
 3 *Site, Moses Lake, Washington.*

4 (3) *INTERAGENCY AGREEMENT.*—*The reimburse-*
 5 *ment described in paragraph (2) is provided for in*
 6 *the interagency agreement entered into by the Depart-*
 7 *ment of the Army and the Environmental Protection*
 8 *Agency for the Moses Lake Wellfield Superfund Site*
 9 *in March 1999.*

10 (b) *SOURCE OF FUNDS.*—*Any payment under sub-*
 11 *section (a) shall be made using funds authorized to be ap-*
 12 *propriated by section 301(17) for operation and mainte-*
 13 *nance for Environmental Restoration, Formerly Used De-*
 14 *fense Sites.*

15 (c) *USE OF FUNDS.*—*The Environmental Protection*
 16 *Agency shall use the amount transferred under subsection*
 17 *(a) to pay costs incurred by the Agency at the Moses Lake*
 18 *Wellfield Superfund Site.*

19 **SEC. 313. EXPAND COOPERATIVE AGREEMENT AUTHORITY**
 20 **FOR MANAGEMENT OF NATURAL RESOURCES**
 21 **TO INCLUDE OFF-INSTALLATION MITIGATION.**

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

24 (1) *by striking “to provide for the” and inserting*
 25 *“to provide for the following:*

1 “(1) *The*”; and

2 (2) *by adding at the end the following new para-*
3 *graph:*

4 “(2) *The maintenance and improvement of nat-*
5 *ural resources located off of a Department of Defense*
6 *installation if the purpose of the cooperative agree-*
7 *ment is to relieve or eliminate current or anticipated*
8 *challenges that could restrict, impede, or otherwise*
9 *interfere with, whether directly or indirectly, current*
10 *or anticipated military activities.*”.

11 **SEC. 314. EXPEDITED USE OF APPROPRIATE TECHNOLOGY**
12 **RELATED TO UNEXPLODED ORDNANCE DE-**
13 **TECTION.**

14 (a) *EXPEDITED USE OF APPROPRIATE TECH-*
15 *NOLOGIES.*—*The Secretary shall expedite the use of appro-*
16 *priate unexploded ordnance detection instrument tech-*
17 *nology developed through research funded by the Depart-*
18 *ment of Defense or developed by entities other than the De-*
19 *partment of Defense.*

20 (b) *REPORT.*—*Not later than October 1, 2009, the Sec-*
21 *retary shall submit to the Committee on Armed Services*
22 *of the Senate and the Committee on Armed Services of the*
23 *House of Representatives a report describing and evalu-*
24 *ating the following:*

1 (1) *The amounts allocated for research, develop-*
2 *ment, test, and evaluation for unexploded ordnance*
3 *detection technologies.*

4 (2) *The amounts allocated for transition of new*
5 *unexploded ordnance detection technologies.*

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

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

13 (5) *The transfer of such technologies to private*
14 *sector entities involved in the detection of unexploded*
15 *ordnance.*

16 (6) *Activities undertaken by the Department to*
17 *raise public awareness regarding unexploded ord-*
18 *nance.*

19 (c) *UNEXPLODED ORDNANCE DEFINED.—In this sec-*
20 *tion, the term “unexploded ordnance” has the meaning*
21 *given such term in section 101(e)(5) of title 10, United*
22 *States Code.*

1 **SEC. 315. CLOSED LOOP RE-REFINING OF USED MOTOR VE-**
2 **HICLE LUBRICATING OIL.**

3 (a) *STUDY AND EVALUATION.*—Not later than one year
4 after the date of the enactment of this Act, the Secretary
5 of Defense shall submit to Congress a report which reviews
6 the Department of Defense’s policies concerning the re-use,
7 recycling, sale, and disposal of used motor vehicle lubri-
8 cating oil, and shall include in the report an evaluation
9 of the feasibility and desirability of implementing policies
10 to require re-use or recycling through closed loop re-refining
11 of used oil as a means of reducing total indirect energy
12 usage and greenhouse gas emissions.

13 (b) *DEFINITION.*— For purposes of this section, the
14 term “closed loop re-refining” means the sale of used oil
15 to entities that re-refine used oil into base oil and vehicle
16 lubricants that meet Department of Defense and industry
17 standards, and the purchase of re-refined oil produced
18 through such re-refining process.

19 **SEC. 316. COMPREHENSIVE PROGRAM FOR THE ERADI-**
20 **CATION OF THE BROWN TREE SNAKE POPU-**
21 **LATION FROM MILITARY FACILITIES IN**
22 **GUAM.**

23 The Secretary of Defense shall establish a comprehen-
24 sive program to control and, to the extent practicable, eradi-
25 cate the brown tree snake population from military facili-
26 ties in Guam and to ensure that military activities, includ-

1 *ing the transport of civilian and military personnel and*
 2 *equipment to and from Guam, do not contribute to the*
 3 *spread of brown tree snakes.*

4 ***Subtitle C—Workplace and Depot***
 5 ***Issues***

6 ***SEC. 321. COMPREHENSIVE ANALYSIS AND DEVELOPMENT***
 7 ***OF SINGLE GOVERNMENT-WIDE DEFINITION***
 8 ***OF INHERENTLY GOVERNMENTAL FUNCTION***
 9 ***AND CRITERIA FOR CRITICAL FUNCTIONS.***

10 *(a) DEVELOPMENT AND IMPLEMENTATION.—The Di-*
 11 *rector of the Office of Management and Budget, in consulta-*
 12 *tion with appropriate representatives of the Chief Acquisi-*
 13 *tion Officers Council under section 16A of the Office of Fed-*
 14 *eral Procurement Policy Act (41 U.S.C. 414b) and the Chief*
 15 *Human Capital Officers Council under section 1401 of title*
 16 *5, United States Code, shall—*

17 *(1) review the definitions of the term “inherently*
 18 *governmental function” described in subsection (b) to*
 19 *determine whether such definitions are sufficiently fo-*
 20 *cused to ensure that only officers or employees of the*
 21 *Federal Government or members of the Armed Forces*
 22 *perform inherently governmental functions or other*
 23 *critical functions necessary for the mission of a Fed-*
 24 *eral department or agency;*

1 (2) *develop a single consistent definition for such*
2 *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; and*

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

15 (3) *develop criteria to be used by the head of*
16 *each such department or agency to—*

17 (A) *identify critical functions with respect*
18 *to the unique missions and structure of that de-*
19 *partment or agency; and*

20 (B) *identify each position within that de-*
21 *partment or agency that, while the position may*
22 *not exercise an inherently governmental func-*
23 *tion, nevertheless should only be performed by of-*
24 *ficers or employees of the Federal Government or*
25 *members of the Armed Forces to ensure the de-*

1 *partment or agency maintains control of its mis-*
2 *sion and operations;*

3 *(4) in addition to the actions described under*
4 *paragraphs (1), (2), and (3), provide criteria that*
5 *would identify positions within Federal departments*
6 *and agencies that are to be performed by officers or*
7 *employees of the Federal Government or members of*
8 *the Armed Forces to ensure that the head of each Fed-*
9 *eral department or agency—*

10 *(A) develops and maintains sufficient or-*
11 *ganic expertise and technical capability;*

12 *(B) develops guidance to implement the def-*
13 *inition of inherently governmental as described*
14 *in paragraph (2) and the criteria for critical*
15 *functions as described in paragraph (3) in a*
16 *manner that is consistent with agency missions*
17 *and operational goals; and*

18 *(C) develops guidance to manage internal*
19 *decisions regarding staffing in an integrated*
20 *manner to ensure officers or employees of the*
21 *Federal Government or members of the Armed*
22 *Forces are filling critical management roles by*
23 *identifying—*

24 *(i) functions, activities, or positions, or*
25 *some combination thereof, or*

1 (ii) *additional mechanisms and fac-*
2 *tors, including the management or oversight*
3 *of awarded contracts, statutory mandates,*
4 *and international obligations; 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 of*
10 *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 Code;*

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

16 (4) *the Federal Acquisition Regulation; and*

17 (5) *any other relevant Federal law or regulation,*
18 *as determined by the Director of the Office of Manage-*
19 *ment and Budget in consultation with the Chief Ac-*
20 *quisition Officers Council and the Chief Human Cap-*
21 *ital Officers Council.*

22 (c) *REPORT TO CONGRESS.—Not later than one year*
23 *after the date of the enactment of this Act, the Director of*
24 *the Office of Management and Budget, in consultation with*
25 *the Chief Acquisition Officers Council and the Chief Human*

1 *Capital Officers Council, shall submit to the Committees on*
2 *Armed Services of the Senate and House of Representatives,*
3 *the Committee on Homeland Security and Governmental*
4 *Affairs in the Senate, and the Committee on Oversight and*
5 *Government Reform of the House of Representatives a re-*
6 *port on the actions taken by the Director under this section.*
7 *Such report shall contain each of the following:*

8 (1) *A description of the actions taken by the Di-*
9 *rector under this section to develop a single definition*
10 *of inherently governmental function and criteria for*
11 *critical functions.*

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

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

17 (A) *to ensure that the single definition and*
18 *criteria developed under this section are consist-*
19 *ently applied through all Federal regulations,*
20 *circulars, policy letters, agency guidance, and*
21 *other documents;*

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

1 *by the definition and criteria developed under*
2 *this 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 sub-*
8 *mission of the report required by subsection (c), the Director*
9 *of the Office of Management and Budget shall issue regula-*
10 *tions to implement actions taken under this section to de-*
11 *velop a single definition of inherently governmental func-*
12 *tion and criteria for critical functions.*

13 **SEC. 322. 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 De-*
16 *fense shall enter into a contract with an independent re-*
17 *search 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 logistics*
22 *capabilities and capacity necessary for national defense.*

23 *(b) CONTENTS OF STUDY.—The study carried out*
24 *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 the*
6 *Secretary of Defense and the logistics and acquisition*
7 *leadership of the military departments, including ma-*
8 *teriel 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 reg-*
21 *ulations prescribed by the Secretary of Defense and*
22 *the Secretary of each of the military departments, in-*
23 *cluding with respect to programming and budgeting*
24 *and the annual budget displays provided to Congress;*
25 *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 strat-*
8 *egies and implementation plans of the Department of*
9 *Defense and the military departments that cover—*

10 (A) *the role of each type of maintenance ac-*
11 *tivity;*

12 (B) *business operations;*

13 (C) *workload projection;*

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

16 (E) *the adequacy of information technology*
17 *systems, including workload management sys-*
18 *tems;*

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

21 (G) *budget and fiscal planning policies; and*

22 (H) *capital investment strategies, including*
23 *the implementation of section 2476 of title 10,*
24 *United States Code.*

1 (2) *Current and future maintenance environ-*
2 *ments, including—*

3 (A) *performance-based logistics;*

4 (B) *supply chain management;*

5 (C) *condition-based maintenance;*

6 (D) *reliability-based maintenance;*

7 (E) *consolidation and centralization, in-*
8 *cluding—*

9 (i) *regionalization;*

10 (ii) *two-level maintenance; and*

11 (iii) *forward-based depot capacity;*

12 (F) *public-private partnerships;*

13 (G) *private-sector depot capability and ca-*
14 *capacity; and*

15 (H) *the impact of proprietary technical doc-*
16 *umentation.*

17 (3) *The adequate visibility of the maintenance*
18 *workload of each military department in reports sub-*
19 *mitted to Congress, including—*

20 (A) *whether the depot budget lines in cur-*
21 *rent budget displays accurately reflect depot level*
22 *workloads;*

23 (B) *the accuracy of core and 50/50 calcula-*
24 *tions;*

1 (C) *the usefulness of current reporting re-*
2 *quirements to the oversight function of senior*
3 *military and congressional leaders; and*

4 (D) *whether current budgetary guidelines*
5 *provide sufficient financial flexibility during the*
6 *year of execution to permit the heads of the mili-*
7 *tary departments to make best-value decisions*
8 *between maintenance activities.*

9 (4) *Such other information as determined rel-*
10 *evant by the entity carrying out the study.*

11 (d) *AVAILABILITY OF INFORMATION.—The Secretary of*
12 *Defense and the Secretaries of each of the military depart-*
13 *ments shall make available to the entity carrying out the*
14 *study under subsection (a) all necessary and relevant infor-*
15 *mation to allow the entity to conduct the study in a quan-*
16 *titative and analytical manner.*

17 (e) *REPORTS TO COMMITTEES ON ARMED SERVICES.—*

18 (1) *INTERIM REPORT.—The contract that the*
19 *Secretary enters into under subsection (a) shall pro-*
20 *vide that not later than one year after the commence-*
21 *ment of the study conducted under this section, the*
22 *chief executive officer of the entity that carries out the*
23 *study pursuant to the contract shall submit to the*
24 *Committees on Armed Services of the Senate and*

1 *House of Representatives an interim report on the*
2 *study.*

3 (2) *FINAL REPORT.*—*Such contract shall provide*
4 *that not later than 22 months after the date on which*
5 *the Secretary of Defense enters into the contract under*
6 *subsection (a), the chief executive officer of the entity*
7 *that carries out the study pursuant to the contract*
8 *shall submit to the Committees on Armed Services of*
9 *the Senate and House of Representatives a final re-*
10 *port on the study. The report shall include each of the*
11 *following:*

12 (A) *A description of the depot maintenance*
13 *environment, as of the date of the conclusion of*
14 *the study, and the anticipated future environ-*
15 *ment, together with the quantitative data used in*
16 *conducting the assessment of such environments*
17 *under the study.*

18 (B) *Recommendations with respect to what*
19 *would be required to maintain, in a post-reset*
20 *environment, an efficient and enduring Depart-*
21 *ment of Defense depot capability necessary for*
22 *national defense.*

23 (C) *Recommendations with respect to any*
24 *changes to any applicable law that would be ap-*

1 *appropriate for a post-reset depot maintenance en-*
2 *vironment.*

3 *(D) Recommendations with respect to the*
4 *methodology of the Department of Defense for de-*
5 *termining core logistics requirements, including*
6 *an assessment of risk.*

7 *(E) Proposed business rules that would pro-*
8 *vide incentives for the Secretary of Defense and*
9 *the Secretaries of the military departments to*
10 *keep Department of Defense depots efficient and*
11 *cost effective, including the workload level re-*
12 *quired for efficiency.*

13 *(F) A proposed strategy for enabling, re-*
14 *quiring, and monitoring the ability of the De-*
15 *partment of Defense depots to produce perform-*
16 *ance-driven outcomes and meet materiel readi-*
17 *ness goals with respect to availability, reli-*
18 *ability, total ownership cost, and repair cycle*
19 *time.*

20 *(G) Comments provided by the Secretary of*
21 *Defense and the Secretaries of the military de-*
22 *partments on the findings and recommendations*
23 *of the study.*

24 *(f) COMPTROLLER GENERAL REVIEW.—Not later than*
25 *90 days after the date on which the report under subsection*

1 *(e)(2) is submitted, the Comptroller General shall review*
2 *the report and submit to the Committees on Armed Services*
3 *of the Senate and House of Representatives an assessment*
4 *of the feasibility of the recommendations and whether the*
5 *findings are supported by the data and information exam-*
6 *ined.*

7 *(g) DEFINITIONS.—In this section:*

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

11 *(2) The term “reset” means actions taken to re-*
12 *pair, enhance, or replace military equipment used in*
13 *support of operations underway as of the date of the*
14 *enactment of this Act and associated sustainment.*

15 *(3) The term “military equipment” includes all*
16 *weapon systems, weapon platforms, vehicles and mu-*
17 *nitions of the Department of Defense, and the compo-*
18 *nents of such items.*

19 **SEC. 323. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW**
20 **OF HIGH-PERFORMING ORGANIZATIONS.**

21 *Not later than 120 days after the date of the enactment*
22 *of this Act, the Comptroller General shall submit to the con-*
23 *gressional defense committees a review on the high-per-*
24 *forming organization initiatives of the Department of De-*

1 *fense. The review shall include each of the following for each*
2 *such initiative reviewed:*

3 (1) *Any policies or guidance developed to imple-*
4 *ment the initiative.*

5 (2) *Whether the initiative was undertaken pursu-*
6 *ant to the pilot project under section 337 of the Na-*
7 *tional Defense Authorization Act for Fiscal Year 2004*
8 *(Public Law 108-136; 10 U.S.C. 113 note) or under*
9 *Office of Management and Budget Circular A-76.*

10 (3) *The cost of development and implementation*
11 *of the initiative.*

12 (4) *Any cost savings and overall financial im-*
13 *provements promised or realized by reason of the ini-*
14 *tiative and an analysis of how such savings or im-*
15 *provements were calculated.*

16 (5) *Whether criteria were developed to measure*
17 *the performance, efficiency, and effectiveness improve-*
18 *ments of the initiative.*

19 (6) *The effect of the initiative on the workforce,*
20 *including any relocations, change in collective bar-*
21 *gaining status, or reductions in force that may have*
22 *resulted.*

23 (7) *Whether and to what extent employees and*
24 *their representatives were consulted in the develop-*
25 *ment and implementation of the initiative.*

1 **SEC. 324. CONSOLIDATION OF AIR FORCE AND AIR NA-**
2 **TIONAL GUARD AIRCRAFT MAINTENANCE.**

3 (a) *RESTRICTION ON IMPLEMENTATION OF CONSOLI-*
4 *DATION.*—*The Secretary of the Air Force shall not imple-*
5 *ment the consolidation of aircraft repair facilities and per-*
6 *sonnel of the active Air Force with aircraft repair facilities*
7 *and personnel of the Air National Guard or the consolida-*
8 *tion of aircraft repair facilities and personnel of the Air*
9 *National Guard with aircraft repair facilities and per-*
10 *sonnel of the active Air Force unless and until the Secretary*
11 *of the Air Force submits the reports required by (b) and*
12 *(c), the Chief of the National Guard Bureau submits the*
13 *assessment required by subsection (d), and the Secretary of*
14 *Defense submits the certification required by subsection (e).*

15 (b) *REPORT ON CRITERIA.*—*Not later than 30 days*
16 *after the date of the enactment of this Act, the Secretary*
17 *of the Air Force shall submit to the Committees on Armed*
18 *Services of the Senate and House of Representatives a re-*
19 *port stating all the criteria being used by the Department*
20 *of the Air Force and the Rand Corporation to evaluate the*
21 *feasibility of consolidating Air Force maintenance functions*
22 *into organizations that would integrate active, Guard, and*
23 *Reserve components into a total-force approach. The report*
24 *shall include the assumptions that were provided to or de-*
25 *veloped by the Rand Corporation for their study of the feasi-*
26 *bility of the consolidation proposal.*

1 (c) *REPORT ON FEASIBILITY STUDY.*—At least 90 days
2 before any consolidation of aircraft repair facilities and
3 personnel of the active Air Force with aircraft repair facili-
4 ties and personnel of the Air National Guard, the Secretary
5 of the Air Force shall submit to the Committees on Armed
6 Services of the Senate and House of Representatives a re-
7 port on the findings of the Rand Corporation feasibility
8 study and the Rand Corporation's recommendations, the
9 Air Force's assessment of the findings and recommenda-
10 tions, any plans developed for implementation of the con-
11 solidation, and a delineation of all infrastructure costs an-
12 ticipated as a result of implementation.

13 (d) *ASSESSMENT BY CHIEF OF THE NATIONAL GUARD*
14 *BUREAU.*—Not later than 30 days after the date on which
15 the report required by subsection (c) is submitted, the Chief
16 of the National Guard Bureau shall submit to the Commit-
17 tees on Armed Services of the Senate and House of Rep-
18 resentatives a written assessment of—

19 (1) the proposed actions to consolidate aircraft
20 repair facilities and personnel of the active Air Force
21 with aircraft repair facilities and personnel of the Air
22 National Guard by the Secretary of the Air Force;
23 and

24 (2) the information included in the report re-
25 quired by subsection (c).

1 (e) *CERTIFICATION BY THE SECRETARY OF DE-*
2 *FENSE.—After the Secretary of the Air Force submits the*
3 *reports required by subsections (b) and (c), and before any*
4 *consolidation of aircraft repair facilities and personnel of*
5 *the active Air Force with aircraft repair facilities and per-*
6 *sonnel of the Air National Guard by the Secretary of the*
7 *Air Force, the Secretary of Defense shall certify that such*
8 *consolidation is in the national interest and will not ad-*
9 *versely affect recruitment, retention, or execution of the Air*
10 *National Guard mission in the individual States.*

11 **SEC. 325. REPORT ON AIR FORCE CIVILIAN PERSONNEL**
12 **CONSOLIDATION PLAN.**

13 (a) *REPORT REQUIRED.—Not later than 90 days after*
14 *the date of the enactment of this Act, the Secretary of the*
15 *Air Force shall submit to the Committees on Armed Services*
16 *of the Senate and House of Representatives a report on the*
17 *Air Force plan for implementing the direction of the Base*
18 *Realignment and Closure Commission for the consolidation*
19 *of transactional workloads from the civilian personnel of-*
20 *fices within the service components and defense agencies,*
21 *retaining sufficient positions and personnel at the large ci-*
22 *vilian centers to perform the personnel management advi-*
23 *sory services, including non-transactional functions, nec-*
24 *essary to support the civilian workforce.*

1 (b) *CONTENTS OF REPORT.*—*At a minimum, the re-*
2 *port required by subsection (a) shall address the steps taken*
3 *by the Air Force to ensure that such direction is imple-*
4 *mented in a manner that best meets the future needs of the*
5 *Air Force, and shall address each of the following:*

6 (1) *The anticipated positive or negative effect on*
7 *the productivity and mission accomplishment of the*
8 *managed workforces at the different commands.*

9 (2) *The potential future efficiencies to be*
10 *achieved through an enterprise-wide transformation of*
11 *civilian personnel services.*

12 (3) *The size and complexity of the civilian work-*
13 *force.*

14 (4) *The extent to which mission accomplishment*
15 *is dependent upon the productivity of the civilian*
16 *workforce.*

17 (5) *Input from the commanders of the large ci-*
18 *vilian centers regarding the effect of consolidation on*
19 *workforce productivity and costs.*

20 (6) *The status of ongoing consolidation efforts at*
21 *the Air Force Personnel Center at Randolph Air*
22 *Force Base, Texas, and the target timelines for deliv-*
23 *ery of services to the various installations.*

24 (7) *The advantages and disadvantages of retain-*
25 *ing certain personnel management and advisory serv-*

1 *ices functions at the large civilian centers under local*
2 *command authority to include on-site control of staff-*
3 *ing of positions filled through internal or external re-*
4 *ruitment processes, employee management relations,*
5 *labor force planning and management, and managing*
6 *workers compensation programs.*

7 (8) *The standards and timeliness for*
8 *transitioning the personnel classifications currently*
9 *performed by large civilian centers, the transition*
10 *plan, particularly as it assures ready access to classi-*
11 *fications needed for staffing and other purposes by the*
12 *large civilian centers, and the expected performance*
13 *and evaluation standards for providing classification*
14 *services to the large civilian centers once the transi-*
15 *tion is complete.*

16 (c) *UPDATES OF REPORT.—The Secretary of the Air*
17 *Force shall submit to the Committees on Armed Services*
18 *of the Senate and House of Representatives biannual up-*
19 *dates of the report required under subsection (a) until Jan-*
20 *uary 3, 2012.*

21 **SEC. 326. REPORT ON REDUCTION IN NUMBER OF FIRE-**
22 **FIGHTERS ON AIR FORCE BASES.**

23 *To ensure that the Air Force is meeting the minimum*
24 *safety standards for staffing, equipment, and training, as*
25 *required by Department of Defense Installation and Envi-*

1 *ronment Instruction 6055.6, the Secretary of the Air Force*
2 *shall submit to Congress, by not later than 90 days after*
3 *the date of the enactment of this Act, a report on the effects*
4 *of the reduction in the number of fire fighters on Air Force*
5 *bases during the three fiscal years preceding the fiscal year*
6 *in which the report is submitted. Such report shall include*
7 *each of the following:*

8 (1) *An evaluation of current fire fighting capa-*
9 *bility of the Air Force and whether the reduction in*
10 *the number of fire fighters on Air Force bases has in-*
11 *creased the risk of harm to either fire fighters or those*
12 *they may serve in response to an emergency.*

13 (2) *An evaluation of whether adequate capability*
14 *exists in the municipal communities surrounding the*
15 *Air Force bases covered by the report to support a*
16 *base aircraft rescue or to respond to a fire involving*
17 *a combat aircraft, cargo aircraft, or weapon system.*

18 (3) *An evaluation of the effects that the reduc-*
19 *tions in fire fighting personnel or functions have had*
20 *on the certifications of Air Force base fire depart-*
21 *ments.*

22 (4) *If the Secretary determines that reductions*
23 *in the number of fire fighting personnel during the*
24 *fiscal years covered by the report have negatively af-*
25 *ected the ability of fire fighters on Air Forces bases*

1 to perform their missions, a plan to restore the fire
2 fighting personnel needed to adequately support such
3 missions.

4 **SEC. 327. MINIMUM CAPITAL INVESTMENT FOR CERTAIN**
5 **DEPOTS.**

6 (a) *ADDITIONAL ARMY DEPOTS.*—Subsection (e)(1) of
7 section 2476 of title 10, United States Code, is amended
8 by adding at the end the following new subparagraphs:

9 “(F) Watervliet Arsenal, New York.

10 “(G) Rock Island Arsenal, Illinois.

11 “(H) Pine Bluff Arsenal, Arkansas.”.

12 (b) *SEPARATE CONSIDERATION AND REPORTING OF*
13 *NAVY DEPOTS AND MARINE CORPS DEPOTS.*—Such section
14 is further amended—

15 (1) in subsection (d)(2), by adding at the end the
16 following new subparagraph:

17 “(D) Separate consideration and reporting of
18 Navy Depots and Marine Corps depots.”; and

19 (2) in subsection (e)(2)—

20 (A) by redesignating subparagraphs (A)
21 through (G) as clauses (i) through (vii), respec-
22 tively, and indenting the margins of such
23 clauses, as so redesignated, 6 ems from the left
24 margin;

1 (B) by inserting after “Department of the
2 Navy:” the following:

3 “(A) The following Navy depots:”;

4 (C) by inserting after clause (vii), as redesi-
5 gnated by subparagraph (A), the following:

6 “(B) The following Marine Corps depots:”;

7 and

8 (D) by redesignating subparagraphs (H)
9 and (I) as clauses (i) and (ii), respectively, and
10 indenting the margins of such clauses, as so re-
11 designated, 6 ems from the left margin.

12 ***Subtitle D—Energy Security***

13 ***SEC. 331. ANNUAL REPORT ON OPERATIONAL ENERGY MAN-*** 14 ***AGEMENT AND IMPLEMENTATION OF OPER-*** 15 ***ATIONAL 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 EN-*
20 *ERGY.*—(1) Simultaneous with the annual report required
21 by subsection (a), the Secretary of Defense, acting through
22 the Director of Operational Energy Plans and Programs,
23 shall submit to the congressional defense committees a re-
24 port on operational energy management and the implemen-

1 *tation of the operational energy strategy established pursu-*
2 *ant to section 139b of this title.*

3 “(2) *The annual report under this subsection shall ad-*
4 *dress and include the following:*

5 “(A) *Statistical information on operational en-*
6 *ergy demands, in terms of expenditures and consump-*
7 *tion, for the preceding five fiscal years, including*
8 *funding made available in regular defense appropria-*
9 *tions Acts and any supplemental appropriation Acts.*

10 “(B) *An estimate of operational energy demands*
11 *for the current fiscal year and next fiscal year, in-*
12 *cluding funding requested to meet operational energy*
13 *demands in the budget submitted to Congress under*
14 *section 1105 of title 31 and in any supplemental re-*
15 *quests.*

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

21 “(D) *An evaluation of progress made by the De-*
22 *partment of Defense—*

23 “(i) *in implementing the operational energy*
24 *strategy, including the progress of key initiatives*

1 *and technology investments related to oper-*
2 *ational energy demand and management; and*

3 “(i) *in meeting the operational energy*
4 *goals set forth in the strategy.*”

5 “(E) *Such recommendations as the Director con-*
6 *siders appropriate for additional changes in organi-*
7 *zation or authority within the Department of Defense*
8 *to enable further implementation of the energy strat-*
9 *egy and such other comments and recommendations*
10 *as the Director considers appropriate.*”

11 “(3) *If a report under this subsection is submitted in*
12 *a classified form, the Secretary shall concurrently submit*
13 *to the congressional defense committees an unclassified*
14 *version of the information required by this subsection.*”

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

20 (b) *CLERICAL AMENDMENTS.—*

21 (1) *SECTION HEADING.—The heading of such sec-*
22 *tion 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 to*
 6 *section 2925 and inserting the following new item:*

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

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

11 (a) *PLANNING.*—*In the case of analyses and force plan-*
 12 *ning processes that are used to establish capability require-*
 13 *ments and inform acquisition decisions, the Secretary of*
 14 *Defense shall require that analyses and force planning proc-*
 15 *esses consider the requirements for, and vulnerability of,*
 16 *fuel logistics.*

17 (b) *CAPABILITY REQUIREMENTS DEVELOPMENT PROC-*
 18 *ESS.*—*The Secretary of Defense shall develop and imple-*
 19 *ment a methodology to enable the implementation of a fuel*
 20 *efficiency key performance parameter in the requirements*
 21 *development process for the modification of existing or de-*
 22 *velopment of new fuel consuming systems.*

23 (c) *ACQUISITION PROCESS.*—*The Secretary of Defense*
 24 *shall require that the life-cycle cost analysis for new capa-*
 25 *bilities include the fully burdened cost of fuel during anal-*

1 *ysis of alternatives and evaluation of alternatives and ac-*
2 *quisition program design trades.*

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

10 (e) *PROGRESS REPORT.*—*Not later than two years*
11 *after the date of the enactment of this Act, the Secretary*
12 *of Defense shall submit to the congressional defense commit-*
13 *tees a report describing progress made to implement the re-*
14 *quirements of this section, including an assessment of*
15 *whether the implementation plan required by section (d)*
16 *is being carried out on schedule.*

17 (f) *NOTIFICATION OF COMPLIANCE.*—*As soon as prac-*
18 *ticable during the three-year period beginning on the date*
19 *of the enactment of this Act, the Secretary of Defense shall*
20 *notify the congressional defense committees that the Sec-*
21 *retary has complied with the requirements of this section.*
22 *If the Secretary is unable to provide the notification, the*
23 *Secretary shall submit to the congressional defense commit-*
24 *tees at the end of the three-year period a report con-*
25 *taining—*

1 (1) *an explanation of the reasons why the re-*
2 *quirements, or portions of the requirements, have not*
3 *been implemented; and*

4 (2) *a revised plan under subsection (d) to com-*
5 *plete implementation or a rationale regarding why*
6 *portions of the requirements cannot or should not be*
7 *implemented.*

8 (g) *FULLY BURDENED COST OF FUEL DEFINED.*—*In*
9 *this section, the term “fully burdened cost of fuel” means*
10 *the commodity price for fuel plus the total cost of all per-*
11 *sonnel and assets required to move and, when necessary,*
12 *protect the fuel from the point at which the fuel is received*
13 *from the commercial supplier to the point of use.*

14 **SEC. 333. STUDY ON SOLAR AND WIND ENERGY FOR USE**
15 **FOR EXPEDITIONARY FORCES.**

16 (a) *STUDY REQUIRED.*—*The Secretary of Defense shall*
17 *conduct a study to examine the feasibility of using solar*
18 *and wind energy to provide electricity for expeditionary*
19 *forces.*

20 (b) *MATTERS EXAMINED.*—*In conducting the study re-*
21 *quired by subsection (a), the Secretary shall examine, at*
22 *a minimum, each of the following:*

23 (1) *The potential for solar and wind energy to*
24 *reduce the fuel supply needed to provide electricity for*
25 *expeditionary forces and the extent to which such re-*

1 *duction will decrease the risk of casualties by reduc-*
2 *ing the number of convoys needed to supply fuel to*
3 *forward operating locations.*

4 (2) *The cost of using solar and wind energy to*
5 *provide electricity.*

6 (3) *The potential savings of using solar and*
7 *wind energy to provide electricity compared to cur-*
8 *rent methods.*

9 (4) *The environmental benefits of using solar*
10 *and wind energy to provide electricity instead of the*
11 *current methods.*

12 (5) *The sustainability and operating require-*
13 *ments of solar and wind energy systems for providing*
14 *electricity compared to current methods.*

15 (6) *Potential opportunities for experimenting*
16 *with the use of deployable solar and wind energy sys-*
17 *tems in current training environments, including re-*
18 *mote areas of training ranges.*

19 (c) *REPORT.—Not later than 120 days after the date*
20 *of the enactment of this Act, the Secretary shall submit to*
21 *the congressional defense committees a report on the results*
22 *of the study required by subsection (a).*

23 **SEC. 334. STUDY ON ALTERNATIVE AND SYNTHETIC FUELS.**

24 (a) *STUDY REQUIRED.—The Secretary of Defense shall*
25 *conduct a study on alternatives to reduce the life cycle emis-*

1 *sions of alternative and synthetic fuels (including coal-to-*
2 *liquid fuels).*

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

5 (1) *The potential clean energy alternatives for*
6 *powering the conversion processes, including nuclear,*
7 *solar, and wind energies.*

8 (2) *The alternatives for reducing carbon emis-*
9 *sions during the conversion processes.*

10 (3) *The military utility of domestically-produced*
11 *alternative and synthetic fuels for military operations*
12 *and for use by expeditionary forces compared with the*
13 *military utility and life cycle emissions of mobile, in-*
14 *theater synthetic fuel processes.*

15 (4) *The goals and progress of the military de-*
16 *partments related to the research, testing, and certifi-*
17 *cation for use of alternative or synthetic fuels in mili-*
18 *tary vehicles and aircraft.*

19 (5) *An analysis of trends, levels of investment,*
20 *and the development of refining capacity in the alter-*
21 *native or synthetic fuel industry capable of meeting*
22 *fuel requirements for the Department of Defense.*

23 (c) *USE OF FEDERALLY FUNDED RESEARCH AND DE-*
24 *VELOPMENT CENTER.—The Secretary of Defense shall select*

1 *a federally funded research and development center to per-*
2 *form the study required by subsection (a).*

3 *(d) REPORT.—Not later than March 1, 2009, the feder-*
4 *ally funded research and development center shall submit*
5 *to the congressional defense committees and the Secretary*
6 *of Defense a report on the results of the study required by*
7 *subsection (a).*

8 **SEC. 335. MITIGATION OF POWER OUTAGE RISKS FOR DE-**
9 **PARTMENT OF DEFENSE FACILITIES AND AC-**
10 **TIVITIES.**

11 *(a) RISK ASSESSMENT.—The Secretary of Defense*
12 *shall conduct a comprehensive technical and operational*
13 *risk assessment of the risks posed to mission critical instal-*
14 *lations, facilities, and activities of the Department of De-*
15 *fense by extended power outages resulting from failure of*
16 *the commercial electricity supply or grid and related infra-*
17 *structure.*

18 *(b) RISK MITIGATION PLANS.—*

19 *(1) IN GENERAL.—The Secretary of Defense shall*
20 *develop integrated prioritized plans to eliminate, re-*
21 *duce, or mitigate significant risks identified in the*
22 *risk assessment under subsection (a).*

23 *(2) ADDITIONAL CONSIDERATIONS.—In devel-*
24 *oping the risk mitigation plans under paragraph (1),*
25 *the Secretary of Defense shall—*

1 (A) prioritize the mission critical installa-
2 tions, facilities, and activities that are subject to
3 the greatest and most urgent risks; and

4 (B) consider the cost effectiveness of risk
5 mitigation options.

6 (c) *ANNUAL REPORT.*—

7 (1) *IN GENERAL.*—*The Secretary of Defense shall*
8 *submit a report on the efforts of the Department of*
9 *Defense to mitigate the risks described in subsection*
10 *(a) as part of the budget justification materials sub-*
11 *mitted to Congress in support of the Department of*
12 *Defense budget for fiscal year 2010 and each fiscal*
13 *year thereafter (as submitted with the budget of the*
14 *President under section 1105(a) of title 31, United*
15 *States Code).*

16 (2) *CONTENT.*—*Each report submitted under*
17 *paragraph (1) shall describe the integrated prioritized*
18 *plans developed under subsection (b) and the progress*
19 *made toward achieving the goals established under*
20 *such subsection.*

21 **Subtitle E—Reports**

22 **SEC. 341. COMPTROLLER GENERAL REPORT ON READINESS** 23 **OF ARMED FORCES.**

24 (a) *REPORT REQUIRED.*—

1 (1) *IN GENERAL.*—Not later than June 1, 2009,
2 the Comptroller General shall submit to the Commit-
3 tees on Armed Services of the Senate and House of
4 Representatives a report on the readiness of the reg-
5 ular and reserve components of the Armed Forces. The
6 report shall be unclassified but may contain a classi-
7 fied annex.

8 (2) *ONE OR MORE REPORTS.*—In complying
9 with the requirements of this section, the Comptroller
10 General may submit a single report addressing all the
11 elements specified in subsection (b) or two or more re-
12 ports addressing any combination of such elements.

13 (b) *ELEMENTS.*—The elements specified in this sub-
14 section are the following:

15 (1) *An analysis of the readiness status, as of the*
16 *date of the enactment of this Act, of the regular and*
17 *reserve components of the Army and the Marine*
18 *Corps, including any significant changes in any*
19 *trends with respect to such components since 2001.*

20 (2) *An analysis of the readiness status, as of*
21 *such date, of the regular and reserve components of*
22 *the Air Force and the Navy, including a description*
23 *of any major factors that affect the ability of the*
24 *Navy or Air Force to provide trained and ready*

1 *forces for ongoing operations and to meet overall*
2 *readiness goals.*

3 (3) *An analysis of the efforts of the Secretary of*
4 *each military department to address any major fac-*
5 *tors affecting the readiness of the regular and reserve*
6 *components under the jurisdiction of that Secretary.*

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

9 (a) *REPORT REQUIRED.*—*At the same time as the*
10 *budget for fiscal year 2010 is submitted to Congress under*
11 *section 1105(a) of title 31, United States Code, the Sec-*
12 *retary of Defense shall submit to the Committees on Armed*
13 *Services of the Senate and House of Representatives a re-*
14 *port on—*

15 (1) *the plans of the Secretary of the Navy to im-*
16 *prove the combat skills of the members of the Navy;*
17 *and*

18 (2) *the plans of the Secretary of the Air Force*
19 *to improve the combat skills of the members of the Air*
20 *Force.*

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

23 (1) *The criteria that the Secretary of the Air*
24 *Force and the Secretary of the Navy use to select per-*

1 *manent sites for their Common Battlefield Airmen*
2 *Training and Expeditionary Combat Skills courses.*

3 (2) *An identification of the extent to which the*
4 *Secretary of the Navy and Secretary of the Air Force*
5 *coordinated with each other and with the Secretary of*
6 *the Army and the Commandant of the Marine Corps*
7 *with respect to their plans to expand combat skills*
8 *training for members of the Navy and Air Force, re-*
9 *spectively, together with a complete list of bases or lo-*
10 *cations that were considered as possible sites for the*
11 *coordinated training.*

12 (3) *The estimated implementation and*
13 *sustainment costs for the Air Force Common Battle-*
14 *field Airmen Training and Navy Expeditionary Com-*
15 *bat Skills courses.*

16 (4) *The estimated cost savings, if any, which*
17 *could result by carrying out such combat skills train-*
18 *ing at existing Department of Defense facilities or by*
19 *using existing ground combat training resources.*

20 **SEC. 343. COMPTROLLER GENERAL REPORT ON THE USE OF**
21 **THE ARMY RESERVE AND NATIONAL GUARD**
22 **AS AN OPERATIONAL RESERVE.**

23 (a) *REPORT REQUIRED.*—*Not later than June 1, 2009,*
24 *the Comptroller General shall submit to the Committees on*
25 *Armed Services of the Senate and House of Representatives*

1 *a report on the use of the Army Reserve and Army National*
 2 *Guard forces as an operational reserve.*

3 (b) *ELEMENTS.*—*The report required by subsection (a)*
 4 *shall include a description of current and programmed re-*
 5 *sources, force structure, and organizational challenges that*
 6 *the Army Reserve and Army National Guard forces may*
 7 *face serving as an operational reserve, including—*

8 (1) *force structure;*

9 (2) *manning;*

10 (3) *equipment availability, maintenance, and lo-*
 11 *gistics issues;*

12 (4) *training constraints limiting access to—*

13 (A) *facilities and ranges, including the*
 14 *Combat Training Centers; and*

15 (B) *military schools and skill training; and*

16 (5) *any conflicts with requirements under title*
 17 *32, United States Code.*

18 **SEC. 344. COMPTROLLER GENERAL REPORT ON LINK BE-**
 19 **TWEEN PREPARATION AND USE OF ARMY RE-**
 20 **SERVE COMPONENT FORCES TO SUPPORT**
 21 **ONGOING OPERATIONS.**

22 (a) *REPORT REQUIRED.*—*Not later than June 1, 2009,*
 23 *the Comptroller General shall submit to the Committees on*
 24 *Armed Services of the Senate and House of Representatives*

1 *a report on the correlation between the preparation and*
2 *operational use of the Army's reserve component forces.*

3 *(b) ELEMENTS.—The report required by subsection (a)*
4 *shall include—*

5 *(1) an analysis of the Army's training relative*
6 *to the employment of reserve component units—*

7 *(A) to execute the wartime or primary mis-*
8 *sions of the Army for which the units are de-*
9 *signed; and*

10 *(B) to execute missions to which such units*
11 *are assigned, as of the date of the enactment of*
12 *this Act, in support of ongoing operations in*
13 *Iraq and Afghanistan, including factors affecting*
14 *unit or individual preparation, the effect of noti-*
15 *fication timelines, and access to training facili-*
16 *ties, including the Combat Training Centers;*

17 *(2) an analysis of the effect of mobilization and*
18 *deployment laws, regulations, goals, and policies on*
19 *the Army's ability to train and employ reserve com-*
20 *ponent units for the purposes described in paragraph*
21 *(1); and*

22 *(3) any other information that the Comptroller*
23 *General determines is relevant.*

1 **SEC. 345. COMPTROLLER GENERAL REPORT ON ADEQUACY**
 2 **OF FUNDING, STAFFING, AND ORGANIZATION**
 3 **OF DEPARTMENT OF DEFENSE MILITARY MU-**
 4 **NITIONS RESPONSE PROGRAM.**

5 (a) *REPORT REQUIRED.*—Not later than one year
 6 after the date of the enactment of this Act, the Comptroller
 7 General shall submit to the Committees on Armed Services
 8 of the Senate and House of Representatives a report on the
 9 adequacy of the funding, staffing, and organization of the
 10 Military Munitions Response Program of the Department
 11 of Defense.

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

14 (1) *an analysis of the funding, staffing, and or-*
 15 *ganization of the Military Munitions Response Pro-*
 16 *gram; and*

17 (2) *an assessment of the Program mechanisms*
 18 *for the accountability, reporting, and monitoring of*
 19 *the progress of munitions response projects and meth-*
 20 *ods to reduce the length of time of such projects.*

21 ***Subtitle F—Other Matters***

22 **SEC. 351. EXTENSION OF ENTERPRISE TRANSITION PLAN**
 23 **REPORTING REQUIREMENT.**

24 Section 2222(i) of title 10, United States Code, is
 25 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 COM-**
4 **BAT 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 in the interest of*
11 *public safety, as determined necessary by the Sec-*
12 *retary or the Secretary’s delegee.”; and*

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

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

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

24 *(b) CLERICAL AMENDMENT.—The table of sections at*
25 *the beginning of such chapter is amended by striking the*
26 *item relating to section 9316.*

1 **SEC. 354. DISPLAY OF ANNUAL BUDGET REQUIREMENTS**
2 **FOR AIR SOVEREIGNTY ALERT MISSION.**

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

12 (b) *REQUIREMENTS FOR BUDGET DISPLAY.*—*The*
13 *budget display under subsection (a) for a fiscal year shall*
14 *include for such fiscal year the following:*

15 (1) *The funding requirements for the Air Sov-*
16 *ereignty Alert mission, and the associated Command*
17 *and Control mission, including such requirements*
18 *for—*

19 (A) *military personnel costs;*

20 (B) *flying hours; and*

21 (C) *any other associated mission costs.*

22 (2) *The amount in the budget for the Air Force*
23 *for each of the items referred to in paragraph (1).*

24 (3) *The amount in the budget for the Air Na-*
25 *tional Guard for each such item.*

1 **SEC. 355. REVISION OF CERTAIN AIR FORCE REGULATIONS**
2 **REQUIRED.**

3 (a) *REVISION REQUIRED.*—Not later than 90 days
4 after the date of the enactment of this Act, the Secretary
5 of the Air Force shall revise the Air Freight Transportation
6 Regulation Number 5, dated January 15, 1999, to conform
7 with Defense Transportation Regulations to ensure that
8 freight covered by Air Freight Transportation Regulation
9 Number 5 is carried in accordance with commercial best
10 practices that are based upon a mode-neutral approach.

11 (b) *MODE-NEUTRAL APPROACH DEFINED.*—For pur-
12 poses of this section, the term “mode-neutral approach”
13 means a method of shipment that allows a shipper to choose
14 a carrier with a time-definite performance standard for de-
15 livery without specifying a particular mode of conveyance
16 and allows the carrier to select the mode of conveyance
17 using best commercial practices as long as the mode of con-
18 veyance can reasonably be expected to ensure the time-defi-
19 nite delivery requested by the shipper.

20 **SEC. 356. TRANSFER OF C-12 AIRCRAFT TO CALIFORNIA DE-**
21 **PARTMENT OF FORESTRY AND FIRE PROTEC-**
22 **TION.**

23 (a) *AUTHORITY.*—The Secretary of the Army may con-
24 vey to the California Department of Forestry and Fire Pro-
25 tection (hereinafter in this section referred to as “CAL
26 FIRE”) all right, title, and interest of the United States

1 *in three C-12 aircraft that the Secretary has determined*
2 *are surplus to need.*

3 (b) *CONVEYANCE AT NO COST TO THE UNITED*
4 *STATES.—The conveyance of an aircraft authorized by this*
5 *section shall be made at no cost to the United States. Any*
6 *costs associated with such conveyance, costs of determining*
7 *compliance with terms of the conveyance, and costs of oper-*
8 *ation and maintenance of the aircraft conveyed shall be*
9 *borne by CAL FIRE.*

10 **SEC. 357. LIMITATION ON TREATMENT OF RETIRED B-52**
11 **AIRCRAFT FOR AIR COMBAT COMMAND HEAD-**
12 **QUARTERS.**

13 *Section 131(a)(4) of the John Warner National De-*
14 *fense Authorization Act for Fiscal Year 2007 (Public Law*
15 *109-364; 120 Stat. 2111), as amended by section 137(a)(2)*
16 *of the National Defense Authorization Act for Fiscal Year*
17 *2008 (Public Law 110-181; 122 Stat. 32), is further*
18 *amended by striking “may use not more than 2 such air-*
19 *craft for maintenance ground training” and inserting*
20 *“may use not more than 4 such aircraft for maintenance*
21 *ground training”.*

1 **SEC. 358. INCREASE OF DOMESTIC BREEDING OF MILITARY**
2 **WORKING DOGS USED BY THE DEPARTMENT**
3 **OF DEFENSE.**

4 (a) *INCREASED CAPACITY.*—*The Secretary of Defense,*
5 *acting through the Executive Agent for Military Working*
6 *Dogs (hereinafter in this section referred to as the “Execu-*
7 *tive Agent”), shall—*

8 (1) *identify the number of military working dogs*
9 *required to fulfill the various missions of the Depart-*
10 *ment of Defense for which such dogs are used, includ-*
11 *ing force protection, facility and check point security,*
12 *and explosives and drug detection;*

13 (2) *take such steps as are practicable to ensure*
14 *an adequate number of military working dog teams*
15 *are available to meet and sustain the mission require-*
16 *ments identified in paragraph (1);*

17 (3) *ensure that the Department’s needs and per-*
18 *formance standards with respect to military working*
19 *dogs are readily available to dog breeders and train-*
20 *ers; and*

21 (4) *coordinate with other Federal, State, or local*
22 *agencies, nonprofit organizations, universities, or pri-*
23 *vate sector entities, as appropriate, to increase the*
24 *training capacity for military working dog teams.*

25 (b) *MILITARY WORKING DOG PROCUREMENT.*—*The*
26 *Secretary, acting through the Executive Agent shall work*

1 *to ensure that military working dogs are procured as effi-*
 2 *ciently as possible and at the best value to the Government,*
 3 *while maintaining the necessary level of quality and en-*
 4 *couraging increased domestic breeding.*

5 *(c) MILITARY WORKING DOG DEFINED.—For purposes*
 6 *of this section, the term “military working dog” means a*
 7 *dog used in any official military capacity, as defined by*
 8 *the Secretary of Defense.*

9 **TITLE IV—MILITARY PERSONNEL**
 10 **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.

11 ***Subtitle A—Active Forces***

12 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

13 *The Armed Forces are authorized strengths for active*
 14 *duty personnel as of September 30, 2009, as follows:*

15 *(1) The Army, 532,400.*

16 *(2) The Navy, 326,323.*

17 *(3) The Marine Corps, 194,000.*

1 (4) *The Air Force, 317,050.*

2 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**
3 **STRENGTH MINIMUM LEVELS.**

4 *Section 691(b) of title 10, United States Code, is*
5 *amended by striking paragraphs (1) through (4) and insert-*
6 *ing the following new paragraphs:*

7 “(1) *For the Army, 532,400.*

8 “(2) *For the Navy, 325,300.*

9 “(3) *For the Marine Corps, 194,000.*

10 “(4) *For the Air Force, 317,050.*”.

11 ***Subtitle B—Reserve Forces***

12 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

13 (a) *IN GENERAL.—The Armed Forces are authorized*
14 *strengths for Selected Reserve personnel of the reserve com-*
15 *ponents as of September 30, 2009, as follows:*

16 (1) *The Army National Guard of the United*
17 *States, 352,600.*

18 (2) *The Army Reserve, 205,000.*

19 (3) *The Navy Reserve, 66,700.*

20 (4) *The Marine Corps Reserve, 39,600.*

21 (5) *The Air National Guard of the United*
22 *States, 106,756.*

23 (6) *The Air Force Reserve, 67,400.*

24 (7) *The Coast Guard Reserve, 10,000.*

1 (b) *END STRENGTH REDUCTIONS.*—*The end strengths*
2 *prescribed by subsection (a) for the Selected Reserve of any*
3 *reserve component shall be proportionately reduced by—*

4 (1) *the total authorized strength of units orga-*
5 *nized to serve as units of the Selected Reserve of such*
6 *component which are on active duty (other than for*
7 *training) at the end of the fiscal year; and*

8 (2) *the total number of individual members not*
9 *in units organized to serve as units of the Selected*
10 *Reserve of such component who are on active duty*
11 *(other than for training or for unsatisfactory partici-*
12 *pation in training) without their consent at the end*
13 *of the fiscal year.*

14 (c) *END STRENGTH INCREASES.*—*Whenever units or*
15 *individual members of the Selected Reserve of any reserve*
16 *component are released from active duty during any fiscal*
17 *year, the end strength prescribed for such fiscal year for*
18 *the Selected Reserve of such reserve component shall be in-*
19 *creased proportionately by the total authorized strengths of*
20 *such units and by the total number of such individual mem-*
21 *bers.*

22 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
23 **DUTY IN SUPPORT OF THE RESERVES.**

24 *Within the end strengths prescribed in section 411(a),*
25 *the reserve components of the Armed Forces are authorized,*

1 *as of September 30, 2009, the following number of Reserves*
2 *to be serving on full-time active duty or full-time duty, in*
3 *the case of members of the National Guard, for the purpose*
4 *of organizing, administering, recruiting, instructing, or*
5 *training the reserve components:*

6 (1) *The Army National Guard of the United*
7 *States, 32,060.*

8 (2) *The Army Reserve, 16,170.*

9 (3) *The Navy Reserve, 11,099.*

10 (4) *The Marine Corps Reserve, 2,261.*

11 (5) *The Air National Guard of the United*
12 *States, 14,360.*

13 (6) *The Air Force Reserve, 2,733.*

14 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
15 **(DUAL STATUS).**

16 *The minimum number of military technicians (dual*
17 *status) as of the last day of fiscal year 2009 for the reserve*
18 *components of the Army and the Air Force (notwith-*
19 *standing section 129 of title 10, United States Code) shall*
20 *be the following:*

21 (1) *For the Army Reserve, 8,395.*

22 (2) *For the Army National Guard of the United*
23 *States, 27,210.*

24 (3) *For the Air Force Reserve, 10,003.*

1 (4) *For the Air National Guard of the United*
2 *States, 22,452.*

3 **SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF**
4 **NON-DUAL STATUS TECHNICIANS.**

5 (a) *LIMITATIONS.—*

6 (1) *NATIONAL GUARD.—Within the limitation*
7 *provided in section 10217(c)(2) of title 10, United*
8 *States Code, the number of non-dual status techni-*
9 *cians employed by the National Guard as of Sep-*
10 *tember 30, 2009, may not exceed the following:*

11 (A) *For the Army National Guard of the*
12 *United States, 1,600.*

13 (B) *For the Air National Guard of the*
14 *United States, 350.*

15 (2) *ARMY RESERVE.—The number of non-dual*
16 *status technicians employed by the Army Reserve as*
17 *of September 30, 2009, may not exceed 595.*

18 (3) *AIR FORCE RESERVE.—The number of non-*
19 *dual status technicians employed by the Air Force*
20 *Reserve as of September 30, 2009, may not exceed 90.*

21 (b) *NON-DUAL STATUS TECHNICIANS DEFINED.—In*
22 *this section, the term “non-dual status technician” has the*
23 *meaning given that term in section 10217(a) of title 10,*
24 *United States Code.*

1 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
 2 **THORIZED TO BE ON ACTIVE DUTY FOR**
 3 **OPERATIONAL SUPPORT.**

4 *During fiscal year 2009, the maximum number of*
 5 *members of the reserve components of the Armed Forces who*
 6 *may be serving at any time on full-time operational sup-*
 7 *port duty under section 115(b) of title 10, United States*
 8 *Code, is the following:*

9 (1) *The Army National Guard of the United*
 10 *States, 17,000.*

11 (2) *The Army Reserve, 13,000.*

12 (3) *The Navy Reserve, 6,200.*

13 (4) *The Marine Corps Reserve, 3,000.*

14 (5) *The Air National Guard of the United*
 15 *States, 16,000.*

16 (6) *The Air Force Reserve, 14,000.*

17 **SEC. 416. ADDITIONAL WAIVER AUTHORITY OF LIMITATION**
 18 **ON NUMBER OF RESERVE COMPONENT MEM-**
 19 **BERS AUTHORIZED TO BE ON ACTIVE DUTY.**

20 (a) *ADDITIONAL WAIVER AUTHORITY.*—*Subsection (a)*
 21 *of section 123a of title 10, United States Code, is amend-*
 22 *ed—*

23 (1) *by inserting “(1)” before “If at the end”;* and

24 (2) *by adding at the end the following new para-*
 25 *graph:*

1 “(2) When a designation of a major disaster or emer-
2 gency (as those terms are defined in section 102 of the Rob-
3 ert T. Stafford Disaster Relief and Emergency Assistance
4 Act (42 U.S.C. 5122)) is in effect, the President may waive
5 any statutory limit that would otherwise apply during the
6 period of the designation on the number of members of a
7 reserve component who are authorized to be on active duty
8 under subparagraph (A) or (B) of section 115(b)(1) of this
9 title, if the President determines the waiver is necessary to
10 provide assistance in responding to the major disaster or
11 emergency.”.

12 (b) *TERMINATION OF WAIVER.*—Subsection (b) of such
13 section is amended—

14 (1) by striking the subsection heading and in-
15 serting the following: “*TERMINATION OF WAIVER.*—
16 (1)”;

17 (2) by striking “subsection (a)” and inserting
18 “subsection (a)(1)”; and

19 (3) by adding at the end the following new para-
20 graph:

21 “(2) A waiver granted under subsection (a)(2) shall
22 terminate not later than 90 days after the date on which
23 the designation of the major disaster or emergency that was
24 the basis for the waiver expires.”.

25 (c) *CLERICAL AMENDMENTS.*—

1 (1) *SECTION HEADING.*—*The heading of such sec-*
2 *tion is amended to read as follows:*

3 “§ 123a. **Suspension of end-strength and other**
4 **strength limitations in time of war or na-**
5 **tional emergency”.**

6 (2) *TABLE OF SECTIONS.*—*The table of sections*
7 *at the beginning of chapter 3 of such title is amended*
8 *by striking the item relating to section 123a and in-*
9 *serting the following new item:*

 “123a. *Suspension of end-strength and other strength limitations in time of war*
 or national emergency.”.

10 **Subtitle C—Authorization of**
11 **Appropriations**

12 **SEC. 421. MILITARY PERSONNEL.**

13 *There is hereby authorized to be appropriated to the*
14 *Department of Defense for military personnel for fiscal year*
15 *2009 a total of \$124,791,336,000. The authorization in the*
16 *preceding sentence supersedes any other authorization of*
17 *appropriations (definite or indefinite) for such purpose for*
18 *fiscal year 2009.*

19 **TITLE V—MILITARY PERSONNEL**
20 **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. Authorized number of general officers on active duty in the Army and
 Marine Corps, limited exclusion for joint duty requirements, and
 increase in number of officers serving in grades above major gen-
 eral and rear admiral.

- Sec. 504. Modification of authority on Staff Judge Advocate to the Commandant of the Marine Corps.*
- Sec. 505. Eligibility of reserve officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons.*
- Sec. 506. Delayed authority to alter distribution requirements for commissioned officers on active duty in general officer and flag officer grades and limitations on authorized strengths of general and flag officers on active duty.*

Subtitle B—Reserve Component Management

- Sec. 511. Extension to other reserve components of Army authority for deferral of mandatory separation of military technicians (dual status) until age 60.*
- Sec. 512. Modification of authorized strengths for certain Army National Guard, Marine Corps Reserve, and Air National Guard officers and Army National Guard enlisted personnel serving on full-time reserve component duty.*
- 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. Modification of authorities on dual duty status of National Guard officers.*
- Sec. 518. Study and report regarding Marine Corps personnel policies regarding assignments in Individual Ready Reserve.*
- Sec. 519. Report on collection of information on civilian skills of members of the reserve components of the Armed Forces.*

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. Modification of limitations on authorized strengths of reserve general and flag officers in active status serving in joint duty assignments.*
- Sec. 527. Reports on joint education courses available through the Department of Defense.*

Subtitle D—General Service Authorities

- Sec. 531. Increase in maximum period of reenlistment of regular members of the Armed Forces.*
- Sec. 532. Paternity leave for members of the Armed Forces.*
- Sec. 533. Pilot programs on career flexibility to enhance retention of members of the Armed Forces.*

Subtitle E—Education and Training

- Sec. 540. Authorized strength of military service academies and repeal of prohibition on phased increase in midshipmen and cadet strength limit at Naval Academy and Air Force Academy.*
- Sec. 541. Promotion of foreign and cultural exchange activities at military service academies.*
- Sec. 542. Increased authority to enroll defense industry employees in defense product development program.*
- Sec. 543. Expanded authority for institutions of professional military education to award degrees.*
- Sec. 544. Tuition for attendance of Federal employees at the United States Air Force Institute of Technology.*
- Sec. 545. Increase in number of permanent professors at the United States Air Force Academy.*
- Sec. 546. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve component members supporting contingency operations.*
- Sec. 547. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.*
- Sec. 548. Increase in number of units of Junior Reserve Officers' Training Corps.*
- Sec. 549. Correction of erroneous Army College Fund benefit amounts.*
- Sec. 550. Enhancing education partnerships to improve accessibility and flexibility for members of the Armed Forces.*

Subtitle F—Defense Dependents' Education

- Sec. 551. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.*
- Sec. 552. Impact aid for children with severe disabilities.*
- Sec. 553. Transition of military dependent students among local educational agencies.*
- Sec. 554. Calculation of payments for eligible federally connected children under Department of Education's Impact Aid program.*

Subtitle G—Military Justice

- Sec. 561. Effective period of military protective orders.*
- Sec. 562. Mandatory notification of issuance of military protective order to civilian law enforcement.*
- Sec. 563. Implementation of information database on sexual assault incidents in the Armed Forces.*

Subtitle H—Decorations, Awards, and Honorary Promotions

- Sec. 571. Replacement of military decorations.*
- Sec. 572. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.*

Subtitle I—Military Families

- Sec. 581. Presentation of burial flag to the surviving spouse and children of deceased members of the Armed Forces.*
- Sec. 582. Education and training opportunities for military spouses.*
- Sec. 583. Sense of Congress regarding honor guard details for funerals of veterans.*

Subtitle J—Other Matters

Sec. 591. Prohibition on interference in independent legal advice by the Legal Counsel to the Chairman of the Joint Chiefs of Staff.

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. Modification of matching fund requirements under National Guard Youth Challenge Program.

Sec. 595. Military salute for the flag during the national anthem by members of the Armed Forces not in uniform and by veterans.

Sec. 596. Military Leadership Diversity Commission.

Sec. 597. Demonstration project on service of retired nurse corps officers as faculty at civilian nursing schools.

Sec. 598. Report on planning for participation and hosting of the Department of Defense in international sports activities, competitions, and events.

1 ***Subtitle A—Officer Personnel Policy***
 2 ***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 para-*
 16 *graph:*

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 high-*
15 *er commissioned grade shall require certification by the Sec-*
16 *retary concerned that, at the time of death of the member,*
17 *the member was qualified for appointment to that higher*
18 *grade.*”.

19 (b) *POSTHUMOUS WARRANTS.*—Section 1522 of such
20 *title is amended—*

21 (1) *in subsection (a), by striking “in line of*
22 *duty”;* and

23 (2) *by adding at the end the following new sub-*
24 *section:*

1 “(c) A warrant issued under subsection (a) in connec-
 2 tion with the promotion of a deceased member to a higher
 3 grade shall require a finding by the Secretary concerned
 4 that, at the time of death of the member, the member was
 5 qualified for appointment to that higher grade.”.

6 **SEC. 503. AUTHORIZED NUMBER OF GENERAL OFFICERS ON**
 7 **ACTIVE DUTY IN THE ARMY AND MARINE**
 8 **CORPS, LIMITED EXCLUSION FOR JOINT**
 9 **DUTY REQUIREMENTS, AND INCREASE IN**
 10 **NUMBER OF OFFICERS SERVING IN GRADES**
 11 **ABOVE MAJOR GENERAL AND REAR ADMIRAL.**

12 (a) INCREASE IN NUMBER OF ARMY GENERAL OFFI-
 13 CERS.—Section 526(a)(1) of title 10, United States Code,
 14 is amended by striking “302” and inserting “307”.

15 (b) INCREASE IN NUMBER OF MARINE CORPS GEN-
 16 ERAL OFFICERS.—Section 526(a)(4) of such title is amend-
 17 ed by striking “80” and inserting “81”.

18 (c) INCREASE IN EXCLUSION FOR JOINT DUTY RE-
 19 QUIREMENTS.—Section 526(b)(1) of such title is amended
 20 by striking “12” and inserting “65”.

21 (d) INCREASE IN NUMBER OF OFFICERS SERVING IN
 22 GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—
 23 Section 525 of such title is amended—

24 (1) in the first sentence of subsection (a), by
 25 striking “that armed force” and inserting “the Army

1 *or Air Force, or more than 51 percent of the general*
2 *officers of the Marine Corps,”; and*

3 *(2) in subsection (b)—*

4 *(A) in paragraphs (1) and (2)(A), by strik-*
5 *ing “16.3 percent” each place it appears and in-*
6 *serting “16.4 percent”; and*

7 *(B) in paragraph (2)(B), by striking “17.5*
8 *percent” and inserting “19 percent”.*

9 *(e) ACQUISITION AND CONTRACTING BILLETS.—*

10 *(1) RESERVATION OF ARMY INCREASE.—The in-*
11 *crease in the number of general officers on active duty*
12 *in the Army, as authorized by the amendment made*
13 *by subsection (a) is reserved for general officers in the*
14 *Army who serve in an acquisition position.*

15 *(2) RESERVATION OF PORTION OF INCREASE IN*
16 *JOINT DUTY ASSIGNMENTS EXCLUDED FROM LIMITA-*
17 *TION.—Of the increase in the number of general offi-*
18 *cer and flag officer joint duty assignments that may*
19 *be designated for exclusion from the limitations on the*
20 *number of general officers and flag officers on active*
21 *duty, as authorized by the amendment made by sub-*
22 *section (c), five of the designated assignments are re-*
23 *served for general officers or flag officers who serve in*
24 *an acquisition position, including one assignment in*
25 *the Defense Contract Management Agency.*

1 **SEC. 504. MODIFICATION OF AUTHORITY ON STAFF JUDGE**
2 **ADVOCATE TO THE COMMANDANT OF THE**
3 **MARINE CORPS.**

4 (a) *GRADE OF STAFF JUDGE ADVOCATE TO THE COM-*
5 *MANDANT OF THE MARINE CORPS.*—Section 5046(a) of title
6 10, United States Code, is amended by striking the last sen-
7 tence and inserting the following new sentence: “The Staff
8 Judge Advocate to the Commandant of the Marine Corps,
9 while so serving, has the grade of major general.”.

10 (b) *EXCLUSION FROM GENERAL OFFICER DISTRIBUTION*
11 *LIMITATIONS.*—Section 525(a) of such title, as amend-
12 ed by section 503, is further amended—

13 (1) by inserting “(1)” after “(a)”; and

14 (2) by adding at the end the following new para-
15 graph:

16 “(2) An officer while serving in the position of Staff
17 Judge Advocate to the Commandant of the Marine Corps
18 under section 5046 of this title is in addition to the number
19 that would otherwise be permitted for the Marine Corps for
20 officers in grades above brigadier general under the first
21 sentence of paragraph (1).”.

1 **SEC. 505. ELIGIBILITY OF RESERVE OFFICERS TO SERVE ON**
 2 **BOARDS OF INQUIRY FOR SEPARATION OF**
 3 **REGULAR OFFICERS FOR SUBSTANDARD PER-**
 4 **FORMANCE AND OTHER REASONS.**

5 (a) *ELIGIBILITY.*—Section 1187 of title 10, United
 6 States Code, is amended—

7 (1) in subsection (a)—

8 (A) by striking paragraph (2); and

9 (B) by redesignating paragraphs (3) and
 10 (4) as paragraphs (2) and (3), respectively; and

11 (2) in subsection (b), by striking “on active
 12 duty” in the matter preceding paragraph (1).

13 (b) *CONFORMING AMENDMENT.*—The heading of sub-
 14 section (a) of such section is amended by striking “ACTIVE
 15 DUTY OFFICERS” and inserting “IN GENERAL”.

16 **SEC. 506. DELAYED AUTHORITY TO ALTER DISTRIBUTION**
 17 **REQUIREMENTS FOR COMMISSIONED OFFI-**
 18 **CERS ON ACTIVE DUTY IN GENERAL OFFICER**
 19 **AND FLAG OFFICER GRADES AND LIMITA-**
 20 **TIONS ON AUTHORIZED STRENGTHS OF GEN-**
 21 **ERAL AND FLAG OFFICERS ON ACTIVE DUTY.**

22 (a) *IMPLEMENTATION OF SPECIAL GENERAL OFFICER*
 23 *AND FLAG OFFICER AUTHORITY.*—

24 (1) *REPORT ON PROPOSED IMPLEMENTATION.*—

25 The Secretary of Defense shall submit to the Commit-
 26 tees on Armed Forces of the Senate and House of Rep-

1 *representatives a report, reflecting input from the Armed*
2 *Forces, containing the following:*

3 *(A) A statement of the total number of vali-*
4 *dated and required joint duty assignments for*
5 *general officers and flag officers and the total*
6 *number of validated assignments for general offi-*
7 *cers and flag officers required by the Army,*
8 *Navy, Air Force, and Marine Corps to meet in-*
9 *ternal (non-joint) requirements.*

10 *(B) A description of the process used by the*
11 *Secretary of Defense and the Secretary of the*
12 *military department concerned to validate joint*
13 *general officer and flag officer requirements and*
14 *authorizations under the authority provided by*
15 *this section and how that process will function to*
16 *make adjustments (increases and reductions) in*
17 *the numbers of general officers and flag officers*
18 *required for joint duty assignments and internal*
19 *requirements of the Armed Force concerned.*

20 *(C) A description of how the Secretary of*
21 *Defense intends to minimize the incremental ap-*
22 *proaches to increases in the number of general*
23 *officers and flag officers and the use of exemp-*
24 *tions to effect such increases.*

1 (D) *A description of how the Secretaries of*
2 *the military departments intend to manage the*
3 *increase and development of general officer and*
4 *flag officer positions under the authority pro-*
5 *vided by this section.*

6 (E) *An explanation of and rationale for the*
7 *grade distribution of the general and flag officers*
8 *in the joint pool authorized by subsection (f)(1).*

9 (F) *A proposal specifying such legislative*
10 *changes, including technical and conforming*
11 *changes, as may be necessary to conform sections*
12 *525, 526, and 721 of title 10, United States*
13 *Code, and such other provisions of such title re-*
14 *lating to the management of general officers and*
15 *flag officers to the authorities provided by this*
16 *section.*

17 (2) *TIME FOR IMPLEMENTATION.*—*After the end*
18 *of the one-year period beginning on the date on which*
19 *the Secretary of Defense submits the report required*
20 *by paragraph (1), the Secretary of Defense may im-*
21 *plement the authorities provided by this section re-*
22 *garding the distribution of commissioned officers on*
23 *active duty in general officer and flag officer grades*
24 *and altering the limitations on authorized strengths*
25 *of general and flag officers on active duty.*

1 (3) *EFFECT OF IMPLEMENTATION.*—After the im-
2 plementation date specified in paragraph (2), the au-
3 thorities provided by this section supersede any re-
4 quirement of section 525, 526, or 721 of title 10,
5 United States Code, to the contrary.

6 (b) *DISTRIBUTION OF GENERAL AND FLAG OFFI-*
7 *CERS.*—After the implementation date specified in sub-
8 section (a)(2), no appointment of an officer on the active
9 duty list officer may be made—

10 (1) *in the Army, if that appointment would re-*
11 *sult in more than—*

12 (A) 225 officers serving on active duty
13 above the grade of colonel;

14 (B) 7 officers in the grade of general;

15 (C) 45 officers in a grade above the grade
16 of major general; or

17 (D) 90 officers in the grade of major gen-
18 eral;

19 (2) *in the Air Force, if that appointment would*
20 *result in more than—*

21 (A) 208 officers serving on active duty in a
22 grade above the grade of colonel;

23 (B) 9 officers in the grade of general;

24 (C) 43 officers in a grade above the grade
25 of major general; or

1 (D) 73 officers in the grade of major gen-
2 eral;

3 (3) in the Navy, if that appointment would re-
4 sult in more than—

5 (A) 160 officers serving on active duty in a
6 grade above the grade of captain;

7 (B) 6 officers in the grade of admiral;

8 (C) 32 officers in a grade above the grade
9 of rear admiral; or

10 (D) 50 officers in the grade of rear admiral;

11 or

12 (4) in the Marine Corps, if that appointment
13 would result in more than—

14 (A) 60 officers serving on active duty in a
15 grade above the grade of colonel;

16 (B) 2 officers in the grade of general;

17 (C) 15 officers in a grade above the grade
18 of major general; or

19 (D) 22 officers in the grade of major gen-
20 eral.

21 (c) *EXCLUSION OF CERTAIN OFFICERS FROM DIS-*
22 *TRIBUTION LIMITS.—*

23 (1) *JOINT ASSIGNMENTS.—*The limitations con-
24 tained in subsection (b) do not apply to officers serv-
25 ing in joint duty assignments, as designated by the

1 *Secretary of Defense under section 526(b) of title 10,*
2 *United States Code, or this section or for officers re-*
3 *leased from joint duty assignments, but only during*
4 *the 60-day period beginning on the date the officer de-*
5 *parts the joint duty assignment. Of the officers serv-*
6 *ing in such joint duty assignments—*

7 (A) *the number of officers in the grade of*
8 *general or admiral may not exceed 20;*

9 (B) *the number of officers in a grade above*
10 *the grade of major general or rear admiral may*
11 *not exceed 68; and*

12 (C) *the number of officers in the grade of*
13 *major general or rear admiral may not exceed*
14 *144.*

15 (2) *OFFICERS AFTER RELIEF FROM CERTAIN PO-*
16 *SITIONS.—An officer continuing to hold the grade of*
17 *general or admiral under section 601(b)(4) of title 10*
18 *United States Code, after relief from the position of*
19 *Chairman of the Joint Chiefs of Staff, Chief of Staff*
20 *of the Army, Chief of Naval Operations, Chief of Staff*
21 *of the Air Force, or Commandant of the Marine Corps*
22 *shall not be counted for purposes of subsection (b).*

23 (3) *ATTENDING PHYSICIAN.—An officer while*
24 *-serving as Attending Physician to the Congress is in*
25 *addition to the number that would otherwise be per-*

1 *mitted for that officer's Armed Force for officers serv-*
2 *ing on active duty in grades above brigadier general*
3 *or rear admiral (lower half) under subsection (b).*

4 (4) *OFFICERS PENDING RETIREMENT OR AFTER*
5 *RELIEF AND RELATED CIRCUMSTANCES.—The fol-*
6 *lowing officers shall not be counted for purposes of*
7 *subsection (b):*

8 (A) *An officer of an Armed Force in the*
9 *grade of brigadier general or above or, in the*
10 *case of the Navy, in the grade of rear admiral*
11 *(lower half) or above, who is on leave pending*
12 *the retirement, separation, or release of that offi-*
13 *cer from active duty, but only during the 60-day*
14 *period beginning on the date of the commence-*
15 *ment of such leave of such officer.*

16 (B) *An officer of an Armed Force who has*
17 *been relieved from a position designated under*
18 *section 601(a) of title 10, United States Code,*
19 *and is under orders to assume another such posi-*
20 *tion, but only during the 60-day period begin-*
21 *ning on the date on which those orders are pub-*
22 *lished.*

23 (d) *APPOINTMENTS IN EXCESS OF DISTRIBUTION LIM-*
24 *ITS.—*

1 (1) *APPOINTMENT AUTHORITY.*—*Subject to para-*
2 *graph (3), the President—*

3 (A) *may make appointments in the Army,*
4 *Air Force, and Marine Corps in the grade of*
5 *lieutenant general and in the Army, Air Force,*
6 *and Marine Corps in the grade of general in ex-*
7 *cess of the applicable numbers determined under*
8 *subsection (b) if each such appointment is made*
9 *in conjunction with an offsetting reduction*
10 *under paragraph (2); and*

11 (B) *may make appointments in the Navy in*
12 *the grades of vice admiral and admiral in excess*
13 *of the applicable numbers determined under sub-*
14 *section (b) if each such appointment is made in*
15 *conjunction with an offsetting reduction under*
16 *paragraph (2).*

17 (2) *OFFSETTING REDUCTIONS.*—*For each ap-*
18 *pointment made under the authority of paragraph (1)*
19 *in the Army, Air Force, or Marine Corps in the grade*
20 *of lieutenant general or general or in the Navy in the*
21 *grade of vice admiral or admiral, the number of ap-*
22 *pointments that may be made in the equivalent grade*
23 *in one of the other Armed Forces (other than the*
24 *Coast Guard) shall be reduced by one. When such an*
25 *appointment is made, the President shall specify the*

1 *Armed Force in which the reduction required by this*
2 *paragraph is to be made.*

3 (3) *MAXIMUM.*—*The number of officers that may*
4 *be serving on active duty in the grades of lieutenant*
5 *general and vice admiral by reason of appointments*
6 *made under the authority of paragraph (1) may not*
7 *exceed 15. The number of officers that may be serving*
8 *on active duty in the grades of general and admiral*
9 *by reason of appointments made under the authority*
10 *of paragraph (1) may not exceed 5.*

11 (4) *DURATION OF REDUCTION.*—*Upon the termi-*
12 *nation of the appointment of an officer in the grade*
13 *of lieutenant general or vice admiral or general or*
14 *admiral that was made in connection with an in-*
15 *crease under paragraph (1) in the number of officers*
16 *that may be serving on active duty in that Armed*
17 *Force in that grade, the reduction made under para-*
18 *graph (2) in the number of appointments permitted*
19 *in such grade in another Armed Force by reason of*
20 *that increase shall no longer be in effect.*

21 (e) *AUTHORIZED STRENGTH LIMITS FOR GENERAL*
22 *AND FLAG OFFICERS ON ACTIVE DUTY.*—*After the imple-*
23 *mentation date specified in subsection (a)(2), the number*
24 *of general officers on active duty in the Army, Air Force,*
25 *and Marine Corps, and the number of flag officers on active*

1 *duty in the Navy, may not exceed the number specified for*
2 *the Armed Force concerned as follows:*

3 (1) *For the Army, 225.*

4 (2) *For the Navy, 160.*

5 (3) *For the Air Force, 208.*

6 (4) *For the Marine Corps, 60.*

7 (f) *LIMITED EXCLUSION FOR JOINT DUTY REQUIRE-*
8 *MENTS.—*

9 (1) *DESIGNATION OF POSITIONS.—The Secretary*
10 *of Defense may designate up to 324 general officer*
11 *and flag officer positions that are joint duty assign-*
12 *ments for the purposes of chapter 38 of title 10,*
13 *United States Code, for exclusion from the limitations*
14 *in subsection (e). The Secretary of Defense will allo-*
15 *cate these exclusions to the Armed Forces based on the*
16 *number of general or flag officers required from each*
17 *Armed Force for assignment to these designated posi-*
18 *tions.*

19 (2) *MINIMUM NUMBER OF POSITIONS.—Unless*
20 *the Secretary of Defense determines that a lower num-*
21 *ber is in the best interests of the United States, the*
22 *minimum number of officers serving in positions des-*
23 *ignated under paragraph (1) for each Armed Force*
24 *shall be as follows:*

25 (A) *For the Army, 85.*

1 (B) *For the Navy, 61.*

2 (C) *For the Air Force, 76.*

3 (D) *For the Marine Corps, 21.*

4 (g) *TEMPORARY EXCLUSION FOR ASSIGNMENT TO*
5 *CERTAIN TEMPORARY BILLETS.—The limitations in sub-*
6 *section (e) do not apply to a general or flag officer assigned*
7 *to a temporary joint duty assignment billet designated by*
8 *the Secretary of Defense for purposes of this section. A gen-*
9 *eral or flag officer assigned to a temporary joint duty as-*
10 *ignment as described in this subsection may not be ex-*
11 *cluded under this subsection from the limitations in sub-*
12 *section (e) for a period longer than one year.*

13 (h) *EXCLUSION OF CERTAIN RESERVE OFFICERS.—*

14 (1) *DISTRIBUTION LIMITS.—The limitations of*
15 *subsection (b) do not apply to a reserve component*
16 *general or flag officer who is on active duty and serv-*
17 *ing in billets other than joint duty assignments under*
18 *a call or order specifying a period of not longer than*
19 *two years.*

20 (2) *AUTHORIZED STRENGTH LIMITS.—The limi-*
21 *tations in subsection (e) do not apply to a reserve*
22 *component general or flag officer who is on active*
23 *duty and serving in a position that is a joint duty*
24 *assignment for the purposes of chapter 38 of title 10,*

1 *United States Code, for a period not to exceed three*
2 *years.*

3 *(i) PENDING OR AFTER JOINT DUTY ASSIGNMENTS.—*
4 *Upon determination by the Secretary of Defense that such*
5 *action is in the national interest, the Secretary may allow*
6 *the Secretary of a military department to exceed the dis-*
7 *tribution of general and flag officers established under sub-*
8 *section (b) and the limitation in subsection (e) for up to*
9 *one year for officers pending assignment to or return from*
10 *joint duty assignments designated under section 526(b) of*
11 *title 10, United States Code, or this section.*

12 ***Subtitle B—Reserve Component***
13 ***Management***

14 ***SEC. 511. EXTENSION TO OTHER RESERVE COMPONENTS***
15 ***OF ARMY AUTHORITY FOR DEFERRAL OF***
16 ***MANDATORY SEPARATION OF MILITARY***
17 ***TECHNICIANS (DUAL STATUS) UNTIL AGE 60.***

18 *Section 10216(f) of title 10, United States Code, is*
19 *amended by inserting “and the Secretary of the Air Force”*
20 *after “Secretary of the Army”.*

1 **SEC. 512. MODIFICATION OF AUTHORIZED STRENGTHS FOR**
 2 **CERTAIN ARMY NATIONAL GUARD, MARINE**
 3 **CORPS RESERVE, AND AIR NATIONAL GUARD**
 4 **OFFICERS AND ARMY NATIONAL GUARD EN-**
 5 **LISTED PERSONNEL SERVING ON FULL-TIME**
 6 **RESERVE COMPONENT DUTY.**

7 (a) *ARMY NATIONAL GUARD AND MARINE CORPS RE-*
 8 *SERVE OFFICERS.*—*The table in section 12011(a) of title*
 9 *10, United States Code, relating to the number of officers*
 10 *of a reserve component who may be serving in the grades*
 11 *of major, lieutenant colonel, or colonel given the total num-*
 12 *ber of members of that reserve component serving on full-*
 13 *time reserve component duty, is amended by striking the*
 14 *portion of the table relating to the Army National Guard*
 15 *and the Marine Corps Reserve and inserting the following:*

“Army National Guard:

20,000	1,500	850	325
22,000	1,650	930	350
24,000	1,790	1,010	378
26,000	1,930	1,085	395
28,000	2,070	1,168	420
30,000	2,200	1,245	445
32,000	2,330	1,315	460
34,000	2,450	1,385	470
36,000	2,570	1,455	480
38,000	2,670	1,527	490
40,000	2,770	1,590	500
42,000	2,837	1,655	505

“Marine Corps Reserve:

1,000	99	63	20
1,200	103	67	21
1,300	107	70	22
1,400	111	73	23
1,500	114	76	24

“Marine Corps Reserve:

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	100	32
2,400	138	103	33
2,500	140	106	34
2,600	142	109	35”.

1 **(b) AIR NATIONAL GUARD OFFICERS.**—*The table in*
2 *such section is further amended by striking the portion of*
3 *the table relating to the Air National Guard and inserting*
4 *the following:*

“Air National Guard:

5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	665	313
11,000	740	759	339
12,000	807	827	353
13,000	873	886	363
14,000	939	945	374
15,000	1,005	1,001	384
16,000	1,067	1,057	394
17,000	1,126	1,113	404
18,000	1,185	1,169	414
19,000	1,235	1,224	424
20,000	1,283	1,280	428”.

5 **(c) ARMY NATIONAL GUARD ENLISTED PERSONNEL.**—
6 *The table in section 12012(a) of such title, relating to the*
7 *number of members of a reserve component who may be*
8 *serving in the grade of E–8 or E–9 given the total number*
9 *of members of that reserve component serving on full-time*
10 *reserve component duty, is amended by striking the portion*

1 *of the table relating to the Army National Guard and in-*
 2 *serting the following:*

“Army National Guard:

20,000	1,650	550
22,000	1,775	615
24,000	1,950	645
26,000	2,100	675
28,000	2,250	715
30,000	2,400	735
32,000	2,500	760
34,000	2,600	780
36,000	2,700	800
38,000	2,800	820
40,000	2,900	830
42,000	3,000	840”.

3 **SEC. 513. CLARIFICATION OF AUTHORITY TO CONSIDER**
 4 **FOR A VACANCY PROMOTION NATIONAL**
 5 **GUARD OFFICERS ORDERED TO ACTIVE DUTY**
 6 **IN SUPPORT OF A CONTINGENCY OPERATION.**

7 (a) *ADDITIONAL EXCEPTION.*—Subsection (d) of sec-
 8 *tion 14317 of title 10, United States Code, is amended—*

9 (1) *in the first sentence—*

10 (A) *by striking “Except” and inserting “(1)*
 11 *Except”;*

12 (B) *by striking “unless the officer is or-*
 13 *dered” and inserting “unless the officer—*

14 *“(A) is ordered”;*

15 (C) *by striking the period at the end and*
 16 *inserting “; or”; and*

17 (D) *by adding at the end the following new*
 18 *subparagraph:*

1 “(B) has been ordered to or is serving on active
2 duty in support of a contingency operation.”; and

3 (2) in the second sentence, by striking “If” and
4 inserting the following:

5 “(2) If”.

6 **(b) CONSIDERATION FOR PROMOTION BY EXAMINATION**
7 **FOR FEDERAL RECOGNITION.**—Subsection (e)(1)(B) of such
8 section is amended by inserting before the period at the end
9 the following: “, or by examination for Federal recognition
10 under title 32”.

11 **SEC. 514. INCREASE IN MANDATORY RETIREMENT AGE FOR**
12 **CERTAIN RESERVE OFFICERS.**

13 **(a) SELECTIVE SERVICE AND PROPERTY AND FISCAL**
14 **OFFICERS.**—Section 12647 of title 10, United States Code,
15 is amended by striking “60 years” and inserting “62
16 years”.

17 **(b) CERTAIN RESERVE OFFICERS IN GRADES OF**
18 **MAJOR THROUGH BRIGADIER GENERAL.**—Section
19 14702(b) of such title is amended—

20 (1) in the subsection heading, by striking “AT
21 AGE 60” and inserting “FOR AGE”; and

22 (2) by striking “subsection (a)(1) or (a)(2).” and
23 all that follows through the period at the end of the
24 last sentence and inserting the following: “paragraph
25 (1) or (2) of subsection (a). An officer described in

1 paragraph (1) of such subsection may not be retained
 2 under this section after the last day of the month in
 3 which the officer becomes 62 years of age. An officer
 4 described in paragraph (2) of such subsection may
 5 not be retained under this section after the last day
 6 of the month in which the officer becomes 60 years of
 7 age.”.

8 (c) CLERICAL AMENDMENTS.—

9 (1) SECTION HEADING.—The heading of section
 10 14702 of such title is amended to read as follows:

11 **“§ 14702. Retention on reserve active-status list of cer-**
 12 **tain officers in the grade of major, lieu-**
 13 **tenant colonel, colonel, or brigadier gen-**
 14 **eral”.**

15 (2) TABLE OF SECTIONS.—The table of sections
 16 at the beginning of chapter 1409 of such title is
 17 amended by striking the item relating to section
 18 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.”.

19 **SEC. 515. AGE LIMIT FOR RETENTION OF CERTAIN RESERVE**
 20 **OFFICERS ON ACTIVE-STATUS LIST AS EXCEP-**
 21 **TION TO REMOVAL FOR YEARS OF COMMIS-**
 22 **SIONED SERVICE.**

23 Section 14508 of title 10, United States Code, is
 24 amended—

1 (1) *by redesignating subsection (g) as subsection*
 2 *(h); and*

3 (2) *by inserting after subsection (f) the following*
 4 *new subsection (g):*

5 “(g) *RETENTION OF LIEUTENANT GENERALS.—A re-*
 6 *serve officer of the Army or Air Force in the grade of lieu-*
 7 *tenant general who would otherwise be removed from an*
 8 *active status under subsection (c) may, in the discretion*
 9 *of the Secretary of the Army or the Secretary of the Air*
 10 *Force, as the case may be, be retained in an active status,*
 11 *but not later than the date on which the officer becomes*
 12 *66 years of age.”.*

13 **SEC. 516. AUTHORITY TO RETAIN RESERVE CHAPLAINS AND**
 14 **OFFICERS IN MEDICAL AND RELATED SPE-**
 15 **CIALTIES UNTIL AGE 68.**

16 (a) *RESERVE CHAPLAINS AND MEDICAL OFFICERS.—*
 17 *Section 14703(b) of title 10, United States Code, is amended*
 18 *by striking “67 years” and inserting “68 years”.*

19 (b) *NATIONAL GUARD CHAPLAINS AND MEDICAL OFFI-*
 20 *CERS.—Section 324 of title 32, United States Code, is*
 21 *amended by adding at the end the following new subsection:*

22 “(c) *Notwithstanding subsection (a)(1), an officer of*
 23 *the National Guard serving as a chaplain, medical officer,*
 24 *dental officer, nurse, veterinarian, Medical Service Corps*
 25 *officer, or biomedical sciences officer may be retained, with*

1 *the officer's consent, until the date on which the officer be-*
 2 *comes 68 years of age."*

3 **SEC. 517. MODIFICATION OF AUTHORITIES ON DUAL DUTY**

4 **STATUS OF NATIONAL GUARD OFFICERS.**

5 *(a) DUAL DUTY STATUS AUTHORIZED FOR ANY OFFI-*
 6 *CER ON ACTIVE DUTY.—Subsection (a)(2) of section 325*
 7 *of title 32, United States Code, is amended by striking "in*
 8 *command of a National Guard unit".*

9 *(b) ADVANCE AUTHORIZATION AND CONSENT TO DUAL*
 10 *DUTY STATUS.—Such section is further amended—*

11 *(1) by redesignating subsection (b) as subsection*
 12 *(c); and*

13 *(2) by inserting after subsection (a) the following*
 14 *new subsection (b):*

15 *"(b) ADVANCE AUTHORIZATION AND CONSENT.—The*
 16 *President and the Governor of a State or Territory, or of*
 17 *the Commonwealth of Puerto Rico, or the commanding gen-*
 18 *eral of the District of Columbia National Guard, as appli-*
 19 *cable, may give the authorization or consent required by*
 20 *subsection (a)(2) with respect to an officer in advance for*
 21 *the purpose of establishing the succession of command of*
 22 *a unit."*

1 **SEC. 518. STUDY AND REPORT REGARDING MARINE CORPS**
2 **PERSONNEL POLICIES REGARDING ASSIGN-**
3 **MENTS IN INDIVIDUAL READY RESERVE.**

4 (a) *STUDY.*—*The Secretary of the Navy shall conduct*
5 *a study to analyze the policies and procedures used by the*
6 *Marine Corps Reserve during fiscal years 2001 through*
7 *2008 to govern the assignment of members of the Marine*
8 *Corps Reserve in the Individual Ready Reserve.*

9 (b) *ELEMENTS.*—*The study shall contain, at a min-*
10 *imum, the following elements:*

11 (1) *A summary of the actual policies and proce-*
12 *dures used to assign members of the Marine Corps Re-*
13 *serve to the Individual Ready Reserve and to remove*
14 *members from the Individual Ready Reserve, to in-*
15 *clude the grade and authority of the official respon-*
16 *sible for making the decision regarding the assign-*
17 *ment.*

18 (2) *The number of members of the Marine Corps*
19 *Reserve assigned to the Individual Ready Reserve*
20 *during fiscal years 2001 through 2008.*

21 (3) *The number of members of the Marine Corps*
22 *Reserve who spent less than 12 months in the Indi-*
23 *vidual Ready Reserve during fiscal years 2001*
24 *through 2008, categorized by the reason provided for*
25 *assigning the members to the Individual Ready Re-*
26 *serve.*

1 (4) *The impact of assigning a member of the Ma-*
2 *rine Corps Reserve to the Individual Ready Reserve*
3 *on the eligibility of the member for health care cov-*
4 *erage under TRICARE.*

5 (5) *The policies and procedures used to account*
6 *for members of the Marine Corps Reserve who are ex-*
7 *cess to a unit's authorization document, to include*
8 *members selected for promotion or command who have*
9 *not yet been promoted or assumed duties as officers*
10 *in command.*

11 (6) *Recommendations for improvements to poli-*
12 *cies and procedures used to assign members of the*
13 *Marine Corps Reserve to the Individual Ready Re-*
14 *serve and to remove members from the Individual*
15 *Ready Reserve.*

16 (c) *REPORT.—Not later than 180 days after the date*
17 *of the enactment of this Act, the Secretary of the Navy shall*
18 *submit to the Committee on Armed Services of the Senate*
19 *and House of Representatives a report containing the re-*
20 *sults of the study.*

1 **SEC. 519. REPORT ON COLLECTION OF INFORMATION ON**
2 **CIVILIAN SKILLS OF MEMBERS OF THE RE-**
3 **SERVE COMPONENTS OF THE ARMED**
4 **FORCES.**

5 *Not later than March 1, 2009, the Secretary of Defense*
6 *shall submit to the congressional defense committees a re-*
7 *port on the feasibility and advisability, utility, and cost*
8 *effectiveness of the following:*

9 *(1) The collection by the Department of Defense*
10 *of information on the civilian skills, qualifications,*
11 *and professional certifications of members of the re-*
12 *serve components of the Armed Forces that are rel-*
13 *evant to military manpower requirements.*

14 *(2) The establishment by each military depart-*
15 *ment, and by the Department of Defense generally, of*
16 *a system that would match billets and personnel re-*
17 *quirements with members of the reserve components of*
18 *the Armed Forces who have skills, qualifications, and*
19 *certifications relevant to such billets and require-*
20 *ments.*

21 *(3) The establishment by the Department of De-*
22 *fense of one or more systems accessible by private em-*
23 *ployers who employ individuals with skills, qualifica-*
24 *tions, and certifications possessed by members of the*
25 *reserve components of the Armed Forces to assist such*
26 *employers in hiring and employing such members.*

1 (4) *Actions to ensure that employment informa-*
2 *tion collected for and maintained in the Civilian Em-*
3 *ployment Information database of the Department of*
4 *Defense is current and accurate.*

5 (5) *Actions to incorporate any matter deter-*
6 *mined feasible and advisable under paragraphs (1)*
7 *through (4) into the Defense Integrated Military*
8 *Human Resources System.*

9 ***Subtitle C—Joint Qualified Officers***
10 ***and Requirements***

11 ***SEC. 521. JOINT DUTY REQUIREMENTS FOR PROMOTION TO***
12 ***GENERAL OR FLAG OFFICER.***

13 (a) *IN GENERAL.*—*Section 619a of title 10, United*
14 *States Code, is amended—*

15 (1) *in subsection (a), by striking “unless—” and*
16 *all that follows through “the joint specialty” and in-*
17 *serting “unless the officer has been designated as a*
18 *joint qualified officer”;*

19 (2) *in subsection (b)—*

20 (A) *by striking “paragraph (1) or para-*
21 *graph (2) of subsection (a), or both paragraphs*
22 *(1) and (2) of subsection (a),” in the matter pre-*
23 *ceding paragraph (1) and inserting “subsection*
24 *(a)”;* and

1 (B) in paragraph (4), by striking “within
2 that immediate organization is not less than two
3 years” and inserting “is not less than two years
4 and the officer has successfully completed a pro-
5 gram of education described in subsections (b)
6 and (c) of section 2155 of this title”; and
7 (3) by striking subsection (h).

8 (b) CLERICAL AMENDMENTS.—

9 (1) SECTION HEADING.—The heading of such sec-
10 tion is amended to read as follows:

11 “**§ 619a. Eligibility for consideration for promotion:**
12 **designation as joint qualified officer re-**
13 **quired before promotion to general or flag**
14 **grade; exceptions”.**

15 (2) TABLE OF SECTIONS.—The table of sections
16 at the beginning of subchapter II of chapter 36 of
17 such title is amended by striking the item relating to
18 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; excep-
tions.”.

19 **SEC. 522. TECHNICAL, CONFORMING, AND CLERICAL**
20 **CHANGES TO JOINT SPECIALTY TERMI-**
21 **NOLOGY.**

22 (a) REFERENCE TO JOINT QUALIFIED OFFICER.—

23 (1) IN GENERAL.—Subsection (a) of section 661
24 of title 10, United States Code, is amended in the sec-

1 *ond sentence by striking “in such manner as the Sec-*
 2 *retary of Defense directs” and inserting “as a joint*
 3 *qualified officer or in such other manner as the Sec-*
 4 *retary of Defense directs”.*

5 (2) *SECTION HEADING.—The heading of such sec-*
 6 *tion is amended to read as follows:*

7 **“§661. Management policies for joint qualified offi-**
 8 **cers”.**

9 (3) *TABLE OF SECTIONS.—The table of sections*
 10 *at the beginning of chapter 38 of such title is amend-*
 11 *ed by striking the item related to section 661 and in-*
 12 *serting the following new item:*

“661. Management policies for joint qualified officers.”.

13 (b) *JOINT DUTY ASSIGNMENTS AFTER COMPLETION*
 14 *OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section*
 15 *663 of such title is amended—*

16 (1) *in subsection (a)—*

17 (A) *in the subsection heading, by striking*
 18 *“JOINT SPECIALTY” and inserting “JOINT*
 19 *QUALIFIED”; and*

20 (B) *by striking “with the joint specialty”*
 21 *and inserting “designated as a joint qualified of-*
 22 *ficer”; and*

23 (2) *in subsection (b)(1), by striking “do not have*
 24 *the joint specialty” and inserting “are not designated*
 25 *as a joint qualified officer”.*

1 (c) *PROCEDURES FOR MONITORING CAREERS OF*
2 *JOINT QUALIFIED OFFICERS.*—

3 (1) *IN GENERAL.*—Section 665 of such title is
4 amended—

5 (A) in subsection (a)(1)(A), by striking
6 “with the joint specialty” and inserting “des-
7 ignated as a joint qualified officer”; and

8 (B) in subsection (b)(1), by striking “with
9 the joint specialty” and inserting “designated as
10 a joint qualified officer”.

11 (2) *SECTION HEADING.*—The heading of such sec-
12 tion is amended to read as follows:

13 **“§665. Procedures for monitoring careers of joint**
14 **qualified officers”.**

15 (3) *TABLE OF SECTIONS.*—The table of sections
16 at the beginning of chapter 38 of such title is amend-
17 ed by striking the item related to section 665 and in-
18 serting the following new item:

“665. Procedures for monitoring careers of joint qualified officers.”.

19 (d) *JOINT SPECIALTY TERMINOLOGY IN ANNUAL RE-*
20 *PORT.*—Section 667 of such title is amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (A), by striking “se-
23 lected for the joint specialty” and inserting “des-
24 ignated as a joint qualified officer”; and

1 (B) in subparagraph (B), by striking “selec-
2 tion for the joint specialty” and inserting “des-
3 ignation as a joint qualified officer,”;

4 (2) in paragraph (2), by striking “with the joint
5 specialty” and inserting “designated as a joint quali-
6 fied officer”;

7 (3) in paragraph (3), by striking “selected for
8 the joint specialty” each place it appears and insert-
9 ing “designated as a joint qualified officer”;

10 (4) in paragraph (4)—

11 (A) in subparagraph (A), by striking “se-
12 lected for the joint specialty” and inserting “des-
13 ignated as a joint qualified officer”; and

14 (B) by striking subparagraph (B) and in-
15 serting the following new subparagraph:

16 “(B) a comparison of the number of officers
17 who were designated as a joint qualified officer
18 who had served in a Joint Duty Assignment List
19 billet and completed Joint Professional Military
20 Education Phase II, with the number designated
21 as a joint qualified officer based on their aggre-
22 gated joint experiences and completion of Joint
23 Professional Military Education Phase II.”;

24 (5) by striking paragraphs (5) through (10),
25 (13), and (16), and redesignating paragraphs (11),

1 (12), (14) (15), (17), and (18) as paragraphs (7), (8),
2 (9), (10), (12), and (13), respectively;

3 (6) by inserting after paragraph (4) the fol-
4 lowing new paragraphs:

5 “(5) The promotion rate for officers designated
6 as a joint qualified officer, compared with the pro-
7 motion rate for other officers considered for promotion
8 from within the promotion zone in the same pay
9 grade and the same competitive category. A similar
10 comparison will be made for officers both below the
11 promotion zone and above the promotion zone.

12 “(6) An analysis of assignments of officers after
13 their designation as a joint qualified officer.”; and

14 (7) by inserting after paragraph (10), as redesign-
15 ated by paragraph (5) of this subsection, the fol-
16 lowing new paragraph (11):

17 “(11) The number of officers in the grade of cap-
18 tain (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 reported
23 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 amend-*
4 *ed—*

5 *(1) in subsection (a)(2), by striking “officers who*
6 *are serving or have served in joint duty assignments”*
7 *and inserting “officers in the grade of major (or in*
8 *the case of the Navy, lieutenant commander) or above*
9 *who have been designated as a joint qualified officer”;*
10 *and*

11 *(2) in subsection (b), by inserting after “joint*
12 *duty assignments” the following: “or on the Joint*
13 *Staff, and officers who have been designated as a joint*
14 *qualified officer in the grades of major (or in the case*
15 *of the Navy, lieutenant commander) through colonel*
16 *(or in the case of the Navy, captain)”.*

17 **SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENTS.**

18 *(a) SERVICE EXCLUDED FROM TOUR LENGTH.—Sub-*
19 *section (d) of section 664 of title 10, United States Code,*
20 *is amended—*

21 *(1) in paragraph (1), by striking subparagraph*
22 *(D) and inserting the following new subparagraph*
23 *(D):*

24 *“(D) a qualifying reassignment from a joint*
25 *duty assignment—*

1 “(i) for unusual personal reasons, in-
 2 cluding extreme hardship and medical con-
 3 ditions, beyond the control of the officer or
 4 the armed forces; or

5 “(ii) to another joint duty assignment
 6 immediately after—

7 “(I) the officer was promoted to a
 8 higher grade, if the reassignment was
 9 made because no joint duty assignment
 10 was available within the same organi-
 11 zation that was commensurate with the
 12 officer’s new grade; or

13 “(II) the officer’s position was
 14 eliminated in a reorganization.”; and

15 (2) by striking paragraph (3) and inserting the
 16 following new paragraph (3):

17 “(3) Service in a joint duty assignment in a case
 18 in which the officer’s tour of duty in that assignment
 19 brings the officer’s accrued service for purposes of sub-
 20 section (f)(3) to the applicable standard prescribed in
 21 subsection (a).”.

22 (b) COMPUTING AVERAGE LENGTH OF JOINT DUTY
 23 ASSIGNMENTS.—Subsection (e) of such section is amended
 24 by striking paragraph (2) and inserting the following new
 25 paragraph (2):

1 “(2) *In computing the average length of joint duty as-*
2 *signments for purposes of paragraph (1), the Secretary may*
3 *exclude the following service:*

4 “(A) *Service described in subsection (c).*

5 “(B) *Service described in subsection (d).*

6 “(C) *Service described in subsection (f)(6).*”.

7 (c) *COMPLETION OF TOUR OF DUTY.—Subsection (f)*
8 *of such section is amended—*

9 (1) *in paragraph (3), by striking “Cumulative*
10 *service” and inserting “Accrued joint experience”;*

11 (2) *in paragraph (4), by striking “(except” and*
12 *all that follows through “any time)”;* and

13 (3) *by striking paragraph (6) and inserting the*
14 *following new paragraph (6):*

15 “(6) *A second and subsequent joint duty assign-*
16 *ment that is less than the period required under sub-*
17 *section (a), but not less than two years.*”.

18 (d) *ACCRUED JOINT EXPERIENCE AS FULL TOUR OF*
19 *DUTY.—Subsection (g) of such section is amended to read*
20 *as follows:*

21 “(g) *ACCRUED JOINT EXPERIENCE.—For the purposes*
22 *of subsection (f)(3), the Secretary of Defense may prescribe,*
23 *by regulation, certain joint experience, such as temporary*
24 *duty in joint assignments, joint individual training, and*
25 *participation in joint exercises, that may be aggregated to*

1 *equal a full tour of duty. The Secretary shall prescribe the*
2 *regulations with the advice of the Chairman of the Joint*
3 *Chiefs of Staff.”.*

4 *(e) CONSTRUCTIVE CREDIT.—Subsection (h) of such*
5 *section is amended—*

6 *(1) in paragraph (1), by striking “subsection*
7 *(f)(1), (f)(2), (f)(4), or (g)(2)” and inserting “para-*
8 *graphs (1), (2), and (4) of subsection (f)”;* and

9 *(2) by striking paragraph (3).*

10 *(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN*
11 *JOINT TASK FORCE ASSIGNMENTS.—Such section is further*
12 *amended by striking subsection (i).*

13 **SEC. 525. DESIGNATION OF GENERAL AND FLAG OFFICER**
14 **POSITIONS ON JOINT STAFF AS POSITIONS**
15 **TO BE HELD ONLY BY RESERVE COMPONENT**
16 **OFFICERS.**

17 *Section 526(b)(2)(A) of title 10, United States Code,*
18 *is amended by striking “a general and flag officer position”*
19 *and inserting “up to three general and flag officer posi-*
20 *tions”.*

1 **SEC. 526. MODIFICATION OF LIMITATIONS ON AUTHORIZED**
2 **STRENGTHS OF RESERVE GENERAL AND**
3 **FLAG OFFICERS IN ACTIVE STATUS SERVING**
4 **IN JOINT DUTY ASSIGNMENTS.**

5 (a) *EXCLUSION OF ARMY AND AIR FORCE OFFICERS*
6 *SERVING IN JOINT DUTY ASSIGNMENTS.*—Subsection (b) of
7 section 12004 of title 10, United States Code, is amended
8 by adding at the end the following new paragraph;

9 “(4) *Those serving in a joint duty assignment*
10 *for purposes of chapter 38 of this title, except that the*
11 *number of officers who may be excluded under this*
12 *paragraph may not exceed the number equal to 20*
13 *percent of the number of officers authorized for the*
14 *armed force concerned by subsection (a).”.*

15 (b) *EXCLUSION OF NAVY OFFICERS SERVING IN JOINT*
16 *DUTY ASSIGNMENTS.*—Subsection (c) of such section is
17 amended—

18 (1) *by redesignating paragraphs (2), (3), and (4)*
19 *as paragraphs (3), (4), and (5), respectively; and*

20 (2) *in paragraph (1), by striking “(1)” and all*
21 *that follows through “as follows:” and inserting the*
22 *following:*

23 “(1) *The following Navy reserve officers shall not be*
24 *counted for purposes of this section:*

25 “(A) *Those counted under section 526 of this*
26 *title.*

1 “(B) Those serving in a joint duty assignment
2 for purposes of chapter 38 of this title, except that the
3 number of officers who may be excluded under this
4 paragraph may not exceed the number equal to 20
5 percent of the number of officers authorized for the
6 Navy in subsection (a).

7 “(2) Of the number of Navy reserve officers authorized
8 by subsection (a), 40 are distributed among the line and
9 staff corps as follows:”.

10 (c) *EXCLUSION OF MARINE CORPS OFFICERS SERVING*
11 *IN JOINT DUTY ASSIGNMENTS.*—Subsection (d) of such sec-
12 *tion is amended to read as follows:*

13 “(d) The following Marine Corps reserve officers shall
14 not be counted for purposes of this section:

15 “(1) Those counted under section 526 of this
16 title.

17 “(2) Those serving in a joint duty assignment
18 for purposes of chapter 38 of this title, except that the
19 number of officers who may be excluded under this
20 paragraph may not exceed the number equal to 20
21 percent of the number of officers authorized for the
22 Marine Corps in subsection (a).”.

1 **SEC. 527. REPORTS ON JOINT EDUCATION COURSES AVAIL-**
2 **ABLE THROUGH THE DEPARTMENT OF DE-**
3 **FENSE.**

4 (a) *REPORTS REQUIRED.*—Not later than April 1 of
5 each of 2009, 2010, and 2011, the Chairman of the Joint
6 Chiefs of Staff shall submit to Congress a report setting
7 forth information on the joint education courses available
8 through the Department of Defense for purposes of the pur-
9 suit of joint careers by officers in the Armed Forces.

10 (b) *ELEMENTS.*—Each report under subsection (a)
11 shall include, for the preceding year covered by the report,
12 the following:

13 (1) *A list and description of the joint education*
14 *courses available during the year covered by the re-*
15 *port.*

16 (2) *A list and description of the joint education*
17 *courses listed under paragraph (1) that are available*
18 *to, and may be completed by, officers of the reserve*
19 *components of the Armed Forces in other than an in-*
20 *resident duty status under title 10 or 32, United*
21 *States Code.*

22 (3) *For each joint education course listed under*
23 *paragraph (1), the number of officers from each*
24 *Armed Force who pursued the course during the year*
25 *covered by the report, including the number of officers*

1 of the Army National Guard and Air National Guard
2 who pursued the course.

3 **Subtitle D—General Service**
4 **Authorities**

5 **SEC. 531. INCREASE IN MAXIMUM PERIOD OF REENLIST-**
6 **MENT OF REGULAR MEMBERS OF THE ARMED**
7 **FORCES.**

8 (a) *INCREASE TO EIGHT-YEAR MAXIMUM.*—Section
9 505(d) of title 10, United States Code, is amended—

10 (1) in paragraph (2), by striking “six years”
11 and inserting “eight years”; and

12 (2) in paragraph (3)(A), by striking “six years”
13 and inserting “eight years”.

14 (b) *CONFORMING AMENDMENT REGARDING REENLIST-*
15 *MENT BONUS.*—Section 308(a)(2)(A)(ii) of title 37, United
16 States Code, is amended by striking “not to exceed six”.

17 **SEC. 532. PATERNITY LEAVE FOR MEMBERS OF THE ARMED**
18 **FORCES.**

19 (a) *LEAVE AUTHORIZED.*—Section 701 of title 10,
20 United States Code, is amended by adding at the end the
21 following new subsection:

22 “(j)(1) Under regulations prescribed by the Secretary
23 concerned, a married member of the armed forces on active
24 duty whose wife gives birth to a child shall receive 10 days
25 of leave to be used in connection with the birth of the child.

1 “(2) Leave under paragraph (1) is in addition to other
2 leave authorized under this section.”.

3 (b) *EFFECTIVE DATE.*—The amendment made by sub-
4 section (a) shall take effect on the date of the enactment
5 of this Act and applies only with respect to children born
6 on or after that date.

7 **SEC. 533. PILOT PROGRAMS ON CAREER FLEXIBILITY TO**
8 **ENHANCE RETENTION OF MEMBERS OF THE**
9 **ARMED FORCES.**

10 (a) *PILOT PROGRAMS AUTHORIZED.*—

11 (1) *IN GENERAL.*—Each Secretary of a military
12 department may carry out pilot programs under
13 which officers and enlisted members of the regular
14 components of the Armed Forces under the jurisdic-
15 tion of such Secretary may be inactivated from active
16 duty in order to meet personal or professional needs
17 and returned to active duty at the end of such period
18 of inactivation from active duty.

19 (2) *PURPOSE.*—The purpose of the pilot pro-
20 grams under this section shall be to evaluate whether
21 permitting inactivation from active duty and greater
22 flexibility in career paths for members of the Armed
23 Forces will provide an effective means to enhance re-
24 tention of members of the Armed Forces and the ca-
25 pacity of the Department of Defense to respond to the

1 *personal and professional needs of individual mem-*
2 *bers of the Armed Forces.*

3 *(b) LIMITATION ON ELIGIBLE MEMBERS.—A member*
4 *of the Armed Forces is not eligible to participate in a pilot*
5 *program under this section during any period of service*
6 *required of the member—*

7 *(1) under an agreement upon entry of the mem-*
8 *ber on active duty; or*

9 *(2) due to receipt by the member of a retention*
10 *bonus as a member qualified in a critical military*
11 *skill or assigned to a high priority unit under section*
12 *355 of title 37, United States Code.*

13 *(c) LIMITATION ON NUMBER OF PARTICIPANTS.—Not*
14 *more than 20 officers and 20 enlisted members of each*
15 *Armed Force may be selected during each of calendar years*
16 *2009 through 2012 to participate in the pilot programs*
17 *under this section.*

18 *(d) PERIOD OF INACTIVATION FROM ACTIVE DUTY;*
19 *EFFECT OF INACTIVATION.—*

20 *(1) LIMITATION.—The period of inactivation*
21 *from active duty under a pilot program under this*
22 *section of a member participating in the pilot pro-*
23 *gram shall be such period as the Secretary of the*
24 *military department concerned shall specify in the*

1 *agreement of the member under subsection (e), except*
2 *that such period may not exceed three years.*

3 (2) *EXCLUSION FROM COMPUTATION OF RESERVE*
4 *OFFICER'S TOTAL YEARS OF SERVICE.—Any service*
5 *by a Reserve officer while participating in a pilot*
6 *program under this section shall be excluded from*
7 *computation of the officer's total years of service pur-*
8 *suant to section 14706(a) of title 10, United States*
9 *Code.*

10 (3) *RETIREMENT AND RELATED PURPOSES.—*
11 *Any period of participation of a member in a pilot*
12 *program under this section shall not count toward—*

13 (A) *eligibility for retirement or transfer to*
14 *the Ready Reserve under either chapter 571 or*
15 *1223 of title 10, United States Code; or*

16 (B) *computation of retired or retainer pay*
17 *under chapter 71 or 1223 of title 10, United*
18 *States Code.*

19 (e) *AGREEMENT.—Each member of the Armed Forces*
20 *who participates in a pilot program under this section shall*
21 *enter into a written agreement with the Secretary of the*
22 *military department concerned under which agreement that*
23 *member shall agree as follows:*

24 (1) *To accept an appointment or enlist, as ap-*
25 *plicable, and serve in the Ready Reserve of the Armed*

1 *Force concerned during the period of the member's in-*
2 *activation from active duty under the pilot program.*

3 (2) *To undergo during the period of the inactiva-*
4 *tion of the member from active duty under the pilot*
5 *program such inactive duty training as the Secretary*
6 *concerned shall require in order to ensure that the*
7 *member retains proficiency, at a level determined by*
8 *the Secretary concerned to be sufficient, in the mem-*
9 *ber's military skills, professional qualifications, and*
10 *physical readiness during the inactivation of the*
11 *member from active duty.*

12 (3) *Following completion of the period of the in-*
13 *activation of the member from active duty under the*
14 *pilot program, to serve two months as a member of*
15 *the Armed Forces on active duty for each month of*
16 *the period of the inactivation of the member from ac-*
17 *tive duty under the pilot program.*

18 (f) *CONDITIONS OF RELEASE.—The Secretary of De-*
19 *fense shall issue regulations specifying the guidelines re-*
20 *garding the conditions of release that must be considered*
21 *and addressed in the agreement required by subsection (e).*
22 *At a minimum, the Secretary shall prescribe the procedures*
23 *and standards to be used to instruct a member on the obli-*
24 *gations to be assumed by the member under paragraph (2)*

1 *of such subsection while the member is released from active*
2 *duty.*

3 *(g) ORDER TO ACTIVE DUTY.—Under regulations pre-*
4 *scribed by the Secretary of the military department con-*
5 *cerned, a member of the Armed Forces participating in a*
6 *pilot program under this section may, in the discretion of*
7 *such Secretary, be required to terminate participation in*
8 *the pilot program and be ordered to active duty.*

9 *(h) PAY AND ALLOWANCES.—*

10 *(1) BASIC PAY.—During each month of partici-*
11 *pation in a pilot program under this section, a mem-*
12 *ber who participates in the pilot program shall be*
13 *paid basic pay in an amount equal to two-thirtieths*
14 *of the amount of monthly basic pay to which the*
15 *member would otherwise be entitled under section 204*
16 *of title 37, United States Code, as a member of the*
17 *uniformed services on active duty in the grade and*
18 *years of service of the member when the member com-*
19 *mences participation in the pilot program.*

20 *(2) PROHIBITION ON RECEIPT OF SPECIAL AND*
21 *INCENTIVE PAYS.—*

22 *(A) PROHIBITION ON RECEIPT DURING PAR-*
23 *TICIPATION.—A member who participates in a*
24 *pilot program shall not, while participating in*
25 *the pilot program, be paid any special or incen-*

1 *tive pay or bonus to which the member is other-*
2 *wise entitled under an agreement under chapter*
3 *5 of title 37, United States Code, that is in force*
4 *when the member commences participation in*
5 *the pilot program.*

6 *(B) TREATMENT OF REQUIRED SERVICE.—*

7 *The inactivation from active duty of a member*
8 *participating in a pilot program shall not be*
9 *treated as a failure of the member to perform*
10 *any period of service required of the member in*
11 *connection with an agreement for a special or*
12 *incentive pay or bonus under chapter 5 of title*
13 *37, United States Code, that is in force when the*
14 *member commences participation in the pilot*
15 *program.*

16 *(3) REVIVAL OF SPECIAL PAYS UPON RETURN TO*
17 *ACTIVE DUTY.—*

18 *(A) REVIVAL REQUIRED.—Subject to sub-*
19 *paragraph (B), upon the return of a member to*
20 *active duty after completion by the member of*
21 *participation in a pilot program—*

22 *(i) any agreement entered into by the*
23 *member under chapter 5 of title 37, United*
24 *States Code, for the payment of a special or*
25 *incentive pay or bonus that was in force*

1 *when the member commenced participation*
2 *in the pilot program shall be revived, with*
3 *the term of such agreement after revival*
4 *being the period of the agreement remaining*
5 *to run when the member commenced par-*
6 *ticipation in the pilot program; and*

7 *(ii) any special or incentive pay or*
8 *bonus shall be payable to the member in ac-*
9 *cordance with the terms of the agreement*
10 *concerned for the term specified in clause*
11 *(i).*

12 *(B) LIMITATIONS.—*

13 *(i) LIMITATION AT TIME OF RETURN*
14 *TO ACTIVE DUTY.—Subparagraph (A) shall*
15 *not apply to any special or incentive pay or*
16 *bonus otherwise covered by that subpara-*
17 *graph with respect to a member if, at the*
18 *time of the return of the member to active*
19 *duty as described in that subparagraph—*

20 *(I) such pay or bonus is no longer*
21 *authorized by law; or*

22 *(II) the member does not satisfy*
23 *eligibility criteria for such pay or*
24 *bonus as in effect at the time of the re-*
25 *turn of the member to active duty.*

1 (ii) *CESSATION DURING LATER SERV-*
2 *ICE.*—Subparagraph (A) shall cease to
3 apply to any special or incentive pay or
4 bonus otherwise covered by that subpara-
5 graph with respect to a member if, during
6 the term of the revived agreement of the
7 member under subparagraph (A)(i), such
8 pay or bonus ceases being authorized by
9 law.

10 (C) *REPAYMENT.*—A member who is ineli-
11 gible for payment of a special or incentive pay
12 or bonus otherwise covered by this paragraph by
13 reason of subparagraph (B)(i)(II) shall be subject
14 to the requirements for repayment of such pay or
15 bonus in accordance with the terms of the appli-
16 cable agreement of the member under chapter 5
17 of title 37, United States Code.

18 (D) *CONSTRUCTION OF REQUIRED SERV-*
19 *ICE.*—Any service required of a member under
20 an agreement covered by this paragraph after the
21 member returns to active duty as described in
22 subparagraph (A) shall be in addition to any
23 service required of the member under an agree-
24 ment under subsection (e).

1 (4) *CERTAIN TRAVEL AND TRANSPORTATION AL-*
2 *LOWANCES.—*

3 (A) *IN GENERAL.—Subject to subparagraph*
4 *(B), a member who participates in a pilot pro-*
5 *gram is entitled, while participating in the pilot*
6 *program, to the travel and transportation allow-*
7 *ances authorized by section 404 of title 37,*
8 *United States Code, for—*

9 (i) *travel performed from the member's*
10 *residence, at the time of release from active*
11 *duty to participate in the pilot program, to*
12 *the location in the United States designated*
13 *by the member as his residence during the*
14 *period of participation in the pilot pro-*
15 *gram; and*

16 (ii) *travel performed to the member's*
17 *residence upon return to active duty at the*
18 *end of the member's participation in the*
19 *pilot program.*

20 (B) *LIMITATION.—An allowance is payable*
21 *under this paragraph only with respect to travel*
22 *of a member to and from a single residence.*

23 (i) *PROMOTION.—*

24 (1) *OFFICERS.—*

1 (A) *LIMITATION ON PROMOTION.*—An officer
2 participating in a pilot program under this sec-
3 tion shall not, while participating in the pilot
4 program, be eligible for consideration for pro-
5 motion under chapter 36 or 1405 of title 10,
6 *United States Code.*

7 (B) *PROMOTION AND RANK UPON RETURN*
8 *TO ACTIVE DUTY.*—Upon the return of an officer
9 to active duty after completion by the officer of
10 participation in a pilot program—

11 (i) the Secretary of the military de-
12 partment concerned shall adjust the officer's
13 date of rank in such manner as the Sec-
14 retary of Defense shall prescribe in regula-
15 tions for purposes of this section; and

16 (ii) the officer shall be eligible for con-
17 sideration for promotion when officers of the
18 same competitive category, grade, and se-
19 niority are eligible for consideration for
20 promotion.

21 (2) *ENLISTED MEMBERS.*—An enlisted member
22 participating in a pilot program shall not be eligible
23 for consideration for promotion during the period
24 that—

1 (A) begins on the date of the member's inac-
2 tivation from active duty under the pilot pro-
3 gram; and

4 (B) ends at such time after the return of the
5 member to active duty under the pilot program
6 that the member is treatable as eligible for pro-
7 motion by reason of time in grade and such
8 other requirements as the Secretary of the mili-
9 tary department concerned shall prescribe in reg-
10 ulations for purposes of the pilot program.

11 (j) *MEDICAL AND DENTAL CARE*.—A member partici-
12 pating in a pilot program under this section shall, while
13 participating in the pilot program, be treated as a member
14 of the Armed Forces on active duty for a period of more
15 than 30 days for purposes of the entitlement of the member
16 and the member's dependents to medical and dental care
17 under the provisions of chapter 55 of title 10, United States
18 Code.

19 (k) *REPORTS*.—

20 (1) *INTERIM REPORTS*.—Not later than June 1,
21 2011, and June 1, 2013, the Secretary of each mili-
22 tary department shall submit to the congressional de-
23 fense committees a report on the implementation and
24 current status of the pilot programs conducted by
25 such Secretary under this section.

1 (2) *FINAL REPORT.*—Not later than March 1,
2 2016, the Secretary of Defense shall submit to the con-
3 gressional defense committees a report on the pilot
4 programs conducted under this section.

5 (3) *ELEMENTS OF REPORT.*—Each interim re-
6 port and the final report under this subsection shall
7 include the following:

8 (A) A description of each pilot program
9 conducted under this section, including a de-
10 scription of the number of applicants for such
11 pilot program and the criteria used to select in-
12 dividuals for participation in such pilot pro-
13 gram.

14 (B) An assessment by the Secretary con-
15 cerned of the pilot programs, including an eval-
16 uation of whether—

17 (i) the authorities of the pilot pro-
18 grams provided an effective means to en-
19 hance the retention of members of the
20 Armed Forces possessing critical skills, tal-
21 ents, and leadership abilities;

22 (ii) the career progression in the
23 Armed Forces of individuals who partici-
24 pate in the pilot program has been or will
25 be adversely affected; and

1 (iii) the usefulness of the pilot program
 2 in responding to the personal and profes-
 3 sional needs of individual members of the
 4 Armed Forces.

5 (C) Such recommendations for legislative or
 6 administrative action as the Secretary concerned
 7 considers appropriate for the modification or
 8 continuation of the pilot programs.

9 (l) *DURATION OF PROGRAM AUTHORITY.*—The author-
 10 ity to conduct a pilot program under this section shall com-
 11 mence on January 1, 2009. No member of the Armed Forces
 12 may be released from active duty under a pilot program
 13 under this section after December 31, 2012.

14 ***Subtitle E—Education and***
 15 ***Training***

16 ***SEC. 540. AUTHORIZED STRENGTH OF MILITARY SERVICE***
 17 ***ACADEMIES AND REPEAL OF PROHIBITION***
 18 ***ON PHASED INCREASE IN MIDSHIPMEN AND***
 19 ***CADET STRENGTH LIMIT AT NAVAL ACADEMY***
 20 ***AND AIR FORCE ACADEMY.***

21 (a) *MILITARY ACADEMY.*—Section 4342(a) of title 10,
 22 United States Code, is amended by striking “4,000 or such
 23 higher number” and inserting “4,400 or such lower num-
 24 ber”.

1 (b) *NAVAL ACADEMY.*—Section 6954 of such title is
2 amended—

3 (1) in subsection (a), by striking “4,000 or such
4 higher number” and inserting “4,400 or such lower
5 number”; and

6 (2) in subsection (h)(1), by striking the last sen-
7 tence.

8 (c) *AIR FORCE ACADEMY.*—Section 9342 of such title
9 is amended—

10 (1) in subsection (a), by striking “4,000 or such
11 higher number” and inserting “4,400 or such lower
12 number”; and

13 (2) in subsection (j)(1), by striking the last sen-
14 tence.

15 (d) *EFFECTIVE DATE.*—The amendments made by this
16 section shall apply with respect to academic years at the
17 United States Military Academy, the United States Naval
18 Academy, and the Air Force Academy after the 2007-2008
19 academic year.

20 **SEC. 541. PROMOTION OF FOREIGN AND CULTURAL EX-**
21 **CHANGE ACTIVITIES AT MILITARY SERVICE**
22 **ACADEMIES.**

23 (a) *UNITED STATES MILITARY ACADEMY.*—

1 (1) *IN GENERAL.*—Chapter 403 of title 10,
2 *United States Code*, is amended by inserting after sec-
3 tion 4345 the following new section:

4 “§4345a. **Foreign and cultural exchange activities**

5 “(a) *ATTENDANCE AUTHORIZED.*—The Secretary of
6 the Army may authorize the Academy to permit students,
7 officers, and other representatives of a foreign country to
8 attend the Academy for periods of not more than two weeks
9 if the Secretary determines that the attendance of such per-
10 sons contributes significantly to the development of foreign
11 language, cross cultural interactions and understanding,
12 and cultural immersion of cadets.

13 “(b) *COSTS AND EXPENSES.*—The Secretary may pay
14 the travel, subsistence, and similar personal expenses of per-
15 sons incurred to attend the Academy under subsection (a).

16 “(c) *EFFECT OF ATTENDANCE.*—Persons attending the
17 Academy under subsection (a) are not considered to be stu-
18 dents enrolled at the Academy and are in addition to per-
19 sons receiving instruction at the Academy under section
20 4344 or 4345 of this title.

21 “(d) *SOURCE OF FUNDS; LIMITATION.*—(1) The Acad-
22 emy shall bear the costs of the attendance of persons under
23 subsection (a) from funds appropriated for the Academy
24 and from such additional funds as may be available to the
25 Academy from a source, other than appropriated funds, to

1 *support cultural immersion, regional awareness, or foreign*
 2 *language training activities in connection with their at-*
 3 *tendance.*

4 “(2) *Expenditures from appropriated funds in support*
 5 *of activities under this section may not exceed \$40,000 dur-*
 6 *ing any fiscal year.”.*

7 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 8 *tions at the beginning of such chapter is amended by*
 9 *inserting after the item relating to section 4345 the*
 10 *following new item:*

“4345a. Foreign and cultural exchange activities.”.

11 (b) *NAVAL ACADEMY.*—

12 (1) *IN GENERAL.*—*Chapter 603 of title 10,*
 13 *United States Code, is amended by inserting after sec-*
 14 *tion 6957a the following new section:*

15 **“§ 6957b. Foreign and cultural exchange activities**

16 “(a) *ATTENDANCE AUTHORIZED.*—*The Secretary of*
 17 *the Navy may authorize the Naval Academy to permit stu-*
 18 *dents, officers, and other representatives of a foreign coun-*
 19 *try to attend the Naval Academy for periods of not more*
 20 *than two weeks if the Secretary determines that the attend-*
 21 *ance of such persons contributes significantly to the develop-*
 22 *ment of foreign language, cross cultural interactions and*
 23 *understanding, and cultural immersion of midshipmen.*

24 “(b) *COSTS AND EXPENSES.*—*The Secretary may pay*
 25 *the travel, subsistence, and similar personal expenses of per-*

1 *sons incurred to attend the Naval Academy under sub-*
 2 *section (a).*

3 “(c) *EFFECT OF ATTENDANCE.*—*Persons attending the*
 4 *Naval Academy under subsection (a) are not considered to*
 5 *be students enrolled at the Naval Academy and are in addi-*
 6 *tion to persons receiving instruction at the Naval Academy*
 7 *under section 6957 or 6957a of this title.*

8 “(d) *SOURCE OF FUNDS; LIMITATION.*—(1) *The Naval*
 9 *Academy shall bear the costs of the attendance of persons*
 10 *under subsection (a) from funds appropriated for the Naval*
 11 *Academy and from such additional funds as may be avail-*
 12 *able to the Naval Academy from a source, other than appro-*
 13 *priated funds, to support cultural immersion, regional*
 14 *awareness, or foreign language training activities in con-*
 15 *nection with their attendance.*

16 “(2) *Expenditures from appropriated funds in support*
 17 *of activities under this section may not exceed \$40,000 dur-*
 18 *ing any fiscal year.”.*

19 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 20 *tions at the beginning of such chapter is amended by*
 21 *inserting after the item relating to section 6957a the*
 22 *following new item:*

“6957b. *Foreign and cultural exchange activities.*”.

23 (c) *AIR FORCE ACADEMY.*—

1 (1) *IN GENERAL.*—Chapter 903 of title 10,
2 *United States Code, is amended by inserting after sec-*
3 *tion 9345 the following new section:*

4 “**§9345a. Foreign and cultural exchange activities**

5 “(a) *ATTENDANCE AUTHORIZED.*—*The Secretary of*
6 *the Air Force may authorize the Air Force Academy to per-*
7 *mit students, officers, and other representatives of a foreign*
8 *country to attend the Air Force Academy for periods of not*
9 *more than two weeks if the Secretary determines that the*
10 *attendance of such persons contributes significantly to the*
11 *development of foreign language, cross cultural interactions*
12 *and understanding, and cultural immersion of cadets.*

13 “(b) *COSTS AND EXPENSES.*—*The Secretary may pay*
14 *the travel, subsistence, and similar personal expenses of per-*
15 *sons incurred to attend the Air Force Academy under sub-*
16 *section (a).*

17 “(c) *EFFECT OF ATTENDANCE.*—*Persons attending the*
18 *Air Force Academy under subsection (a) are not considered*
19 *to be students enrolled at the Air Force Academy and are*
20 *in addition to persons receiving instruction at the Air Force*
21 *Academy under section 9344 or 9345 of this title.*

22 “(d) *SOURCE OF FUNDS; LIMITATION.*—(1) *The Air*
23 *Force Academy shall bear the costs of the attendance of per-*
24 *sons under subsection (a) from funds appropriated for the*
25 *Air Force Academy and from such additional funds as may*

1 *be available to the Air Force Academy from a source, other*
 2 *than appropriated funds, to support cultural immersion,*
 3 *regional awareness, or foreign language training activities*
 4 *in connection with their attendance.*

5 “(2) *Expenditures from appropriated funds in support*
 6 *of activities under this section may not exceed \$40,000 dur-*
 7 *ing any fiscal year.”.*

8 (2) *CLERICAL AMENDMENT.—The table of sec-*
 9 *tions at the beginning of such chapter is amended by*
 10 *inserting after the item relating to section 9345 the*
 11 *following new item:*

“9345a. *Foreign and cultural exchange activities.*”.

12 **SEC. 542. INCREASED AUTHORITY TO ENROLL DEFENSE IN-**
 13 **DUSTRY EMPLOYEES IN DEFENSE PRODUCT**
 14 **DEVELOPMENT PROGRAM.**

15 *Section 7049(a) of title 10, United States Code, is*
 16 *amended by striking “25” and inserting “125”.*

17 **SEC. 543. EXPANDED AUTHORITY FOR INSTITUTIONS OF**
 18 **PROFESSIONAL MILITARY EDUCATION TO**
 19 **AWARD DEGREES.**

20 (a) *NATIONAL DEFENSE INTELLIGENCE COLLEGE.—*

21 (1) *IN GENERAL.—Section 2161 of title 10,*
 22 *United States Code, is amended to read as follows:*

1 **“§2161. Degree granting authority for National De-**
2 **fense Intelligence College**

3 “(a) *AUTHORITY.*—Under regulations prescribed by
4 the Secretary of Defense, the President of the National De-
5 fense Intelligence College may, upon the recommendation of
6 the faculty of the National Defense Intelligence College, con-
7 fer appropriate degrees upon graduates who meet the degree
8 requirements.

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 National Defense Intelligence College is
16 accredited by the appropriate civilian academic ac-
17 crediting agency or organization to award the degree,
18 as determined by the Secretary of Education.

19 “(c) *CONGRESSIONAL NOTIFICATION REQUIRE-*
20 *MENTS.*—(1) When seeking to establish degree granting au-
21 thority under this section, the Secretary of Defense shall
22 submit to the Committees on Armed Services of the Senate
23 and House of Representatives—

24 “(A) a copy of the self assessment questionnaire
25 required by the Federal Policy Governing Granting of
26 Academic Degrees by Federal Agencies, at the time

1 *the assessment is submitted to the Department of*
 2 *Education’s National Advisory Committee on Institu-*
 3 *tional 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 or redesignation of exist-*
 8 *ing degree granting authority, the Secretary of Defense shall*
 9 *submit to the Committees on Armed Services of the Senate*
 10 *and House of Representatives a report containing the ra-*
 11 *tionale for the proposed modification or redesignation and*
 12 *any subsequent recommendation of the Secretary of Edu-*
 13 *cation on the proposed modification or redesignation.*

14 *“(3) The Secretary of Defense shall submit to the Com-*
 15 *mittees on Armed Services of the Senate and House of Rep-*
 16 *resentatives a report containing an explanation of any ac-*
 17 *tion by the appropriate academic accrediting agency or or-*
 18 *ganization not to accredit the National Defense Intelligence*
 19 *College to award any new or existing degree.”.*

20 *(2) CLERICAL AMENDMENT.—The table of sec-*
 21 *tions at the beginning of chapter 108 of such title is*
 22 *amended by striking the item relating to section 2161*
 23 *and inserting the following new item:*

“2161. Degree granting authority for National Defense Intelligence College.”.

24 *(b) NATIONAL DEFENSE UNIVERSITY.—*

1 (1) *IN GENERAL.*—Section 2163 of such title is
2 *amended to read as follows:*

3 **“§2163. Degree granting authority for National De-**
4 **fense University**

5 “(a) *AUTHORITY.*—Under regulations prescribed by
6 *the Secretary of Defense, the President of the National De-*
7 *fense University may, upon the recommendation of the fac-*
8 *ulty of the National Defense University, confer appropriate*
9 *degrees upon graduates who meet the degree requirements.*

10 “(b) *LIMITATION.*—A degree may not be conferred
11 *under this section unless—*

12 “(1) *the Secretary of Education has rec-*
13 *ommended approval of the degree in accordance with*
14 *the Federal Policy Governing Granting of Academic*
15 *Degrees by Federal Agencies; and*

16 “(2) *the National Defense University is accred-*
17 *ited by the appropriate civilian academic accrediting*
18 *agency or organization to award the degree, as deter-*
19 *mined by the Secretary of Education.*

20 “(c) *CONGRESSIONAL NOTIFICATION REQUIRE-*
21 *MENTS.*—(1) *When seeking to establish degree granting au-*
22 *thority under this section, the Secretary of Defense shall*
23 *submit to the Committees on Armed Services of the Senate*
24 *and House of Representatives—*

1 “(A) a copy of the self assessment questionnaire
2 required by the Federal Policy Governing Granting of
3 Academic Degrees by Federal Agencies, at the time
4 the assessment is submitted to the Department of
5 Education’s National Advisory Committee on Institu-
6 tional Quality and Integrity; and

7 “(B) the subsequent recommendations and ra-
8 tionale of the Secretary of Education regarding the
9 establishment of the degree granting authority.

10 “(2) Upon any modification or redesignation of exist-
11 ing degree granting authority, the Secretary of Defense shall
12 submit to the Committees on Armed Services of the Senate
13 and House of Representatives a report containing the ra-
14 tionale for the proposed modification or redesignation and
15 any subsequent recommendation of the Secretary of Edu-
16 cation on the proposed modification or redesignation.

17 “(3) The Secretary of Defense shall submit to the Com-
18 mittees on Armed Services of the Senate and House of Rep-
19 resentatives a report containing an explanation of any ac-
20 tion by the appropriate academic accrediting agency or or-
21 ganization not to accredit the National Defense University
22 to award any new or existing degree.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 108 of such title is

1 *amended by striking the item relating to section 2163*
2 *and inserting the following new item:*

 “2163. *Degree granting authority for National Defense University.*”.

3 *(c) UNITED STATES ARMY COMMAND AND GENERAL*
4 *STAFF COLLEGE.—*

5 *(1) IN GENERAL.—Section 4314 of such title is*
6 *amended to read as follows:*

7 **“§4314. Degree granting authority for United States**
8 ***Army Command and General Staff Col-***
9 ***lege***

10 *“(a) AUTHORITY.—Under regulations prescribed by*
11 *the Secretary of the Army, the Commandant of the United*
12 *States Army Command and General Staff College may,*
13 *upon the recommendation of the faculty and dean of the*
14 *college, confer appropriate degrees upon graduates who meet*
15 *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 United States Army Command and*
23 *General Staff College is accredited by the appropriate*
24 *civilian academic accrediting agency or organization*

1 to award the degree, as determined by the Secretary
2 of Education.

3 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-
4 MENTS.—(1) When seeking to establish degree granting au-
5 thority under this section, the Secretary of Defense shall
6 submit to the Committees on Armed Services of the Senate
7 and House of Representatives—

8 “(A) a copy of the self assessment questionnaire
9 required by the Federal Policy Governing Granting of
10 Academic Degrees by Federal Agencies, at the time
11 the assessment is submitted to the Department of
12 Education’s National Advisory Committee on Institu-
13 tional Quality and Integrity; and

14 “(B) the subsequent recommendations and ra-
15 tionale of the Secretary of Education regarding the
16 establishment of the degree granting authority.

17 “(2) Upon any modification or redesignation of exist-
18 ing degree granting authority, the Secretary of Defense shall
19 submit to the Committees on Armed Services of the Senate
20 and House of Representatives a report containing the ra-
21 tionale for the proposed modification or redesignation and
22 any subsequent recommendation of the Secretary of Edu-
23 cation on the proposed modification or redesignation.

24 “(3) The Secretary of Defense shall submit to the Com-
25 mittees on Armed Services of the Senate and House of Rep-

1 *representatives a report containing an explanation of any ac-*
 2 *tion by the appropriate academic accrediting agency or or-*
 3 *ganization not to accredit the United States Army Com-*
 4 *mand and General Staff College to award any new or exist-*
 5 *ing degree.”.*

6 (2) *CLERICAL AMENDMENT.—The table of sec-*
 7 *tions at the beginning of chapter 401 of such title is*
 8 *amended by striking the item relating to section 4314*
 9 *and inserting the following new item:*

“4314. Degree granting authority for United States Army Command and General Staff College.”.

10 (d) *UNITED STATES ARMY WAR COLLEGE.—*

11 (1) *IN GENERAL.—Section 4321 of title 10,*
 12 *United States Code, is amended to read as follows:*

13 **“§4321. Degree granting authority for United States**
 14 **Army War College**

15 *“(a) AUTHORITY.—Under regulations prescribed by*
 16 *the Secretary of the Army, the Commandant of the United*
 17 *States Army War College may, upon the recommendation*
 18 *of the faculty and dean of the college, confer appropriate*
 19 *degrees upon graduates who meet the degree requirements.*

20 *“(b) LIMITATION.—A degree may not be conferred*
 21 *under this section unless—*

22 *“(1) the Secretary of Education has rec-*
 23 *ommended approval of the degree in accordance with*

1 *the Federal Policy Governing Granting of Academic*
2 *Degrees by Federal Agencies; and*

3 “(2) *the United States Army War College is ac-*
4 *credited by the appropriate civilian academic accred-*
5 *iting agency or organization to award the degree, as*
6 *determined by the Secretary of Education.*

7 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-
8 MENTS.—(1) *When seeking to establish degree granting au-*
9 *thority under this section, the Secretary of Defense shall*
10 *submit to the Committees on Armed Services of the Senate*
11 *and House of Representatives—*

12 “(A) *a copy of the self assessment questionnaire*
13 *required by the Federal Policy Governing Granting of*
14 *Academic Degrees by Federal Agencies, at the time*
15 *the assessment is submitted to the Department of*
16 *Education’s National Advisory Committee on Institu-*
17 *tional Quality and Integrity; and*

18 “(B) *the subsequent recommendations and ra-*
19 *tionale of the Secretary of Education regarding the*
20 *establishment of the degree granting authority.*

21 “(2) *Upon any modification or redesignation of exist-*
22 *ing degree granting authority, the Secretary of Defense shall*
23 *submit to the Committees on Armed Services of the Senate*
24 *and House of Representatives a report containing the ra-*
25 *tionale for the proposed modification or redesignation and*

1 *any subsequent recommendation of the Secretary of Edu-*
 2 *cation on the proposed modification or redesignation.*

3 “(3) *The Secretary of Defense shall submit to the Com-*
 4 *mittees on Armed Services of the Senate and House of Rep-*
 5 *resentatives a report containing an explanation of any ac-*
 6 *tion by the appropriate academic accrediting agency or or-*
 7 *ganization not to accredit the United States Army War Col-*
 8 *lege to award any new or existing degree.”.*

9 (2) *CLERICAL AMENDMENT.—The table of sec-*
 10 *tions at the beginning of chapter 401 of such title is*
 11 *amended by striking the item relating to section 4321*
 12 *and inserting the following new item:*

“4321. Degree granting authority for United States Army War College.”.

13 (e) *UNITED STATES NAVAL POSTGRADUATE*
 14 *SCHOOL.—*

15 (1) *IN GENERAL.—Section 7048 of such title is*
 16 *amended to read as follows:*

17 “**§ 7048. Degree granting authority for United States**
 18 **Naval Postgraduate School**

19 “(a) *AUTHORITY.—Under regulations prescribed by*
 20 *the Secretary of the Navy, the President of the Naval Post-*
 21 *graduate School may, upon the recommendation of the fac-*
 22 *ulty of the Naval Postgraduate School, confer appropriate*
 23 *degrees upon graduates who meet the degree requirements.*

24 “(b) *LIMITATION.—A degree may not be conferred*
 25 *under this section unless—*

1 “(1) *the Secretary of Education has rec-*
2 *ommended approval of the degree in accordance with*
3 *the Federal Policy Governing Granting of Academic*
4 *Degrees by Federal Agencies; and*

5 “(2) *the Naval Postgraduate School is accredited*
6 *by the appropriate civilian academic accrediting*
7 *agency or organization to award the degree, as deter-*
8 *mined by the Secretary of Education.*

9 “(c) *CONGRESSIONAL NOTIFICATION REQUIRE-*
10 *MENTS.—(1) When seeking to establish degree granting au-*
11 *thority under this section, the Secretary of Defense shall*
12 *submit to the Committees on Armed Services of the Senate*
13 *and House of Representatives—*

14 “(A) *a copy of the self assessment questionnaire*
15 *required by the Federal Policy Governing Granting of*
16 *Academic Degrees by Federal Agencies, at the time*
17 *the assessment is submitted to the Department of*
18 *Education’s National Advisory Committee on Institu-*
19 *tional Quality and Integrity; and*

20 “(B) *the subsequent recommendations and ra-*
21 *tionale of the Secretary of Education regarding the*
22 *establishment of the degree granting authority.*

23 “(2) *Upon any modification or redesignation of exist-*
24 *ing degree granting authority, the Secretary of Defense shall*
25 *submit to the Committees on Armed Services of the Senate*

1 *and House of Representatives a report containing the ra-*
 2 *tionale for the proposed modification or redesignation and*
 3 *any subsequent recommendation of the Secretary of Edu-*
 4 *cation on the proposed modification or redesignation.*

5 “(3) *The Secretary of Defense shall submit to the Com-*
 6 *mittees on Armed Services of the Senate and House of Rep-*
 7 *resentatives a report containing an explanation of any ac-*
 8 *tion by the appropriate academic accrediting agency or or-*
 9 *ganization not to accredit the Naval Postgraduate School*
 10 *to award any new or existing degree.”.*

11 (2) *CLERICAL AMENDMENT.—The table of sec-*
 12 *tions at the beginning of chapter 605 of such title is*
 13 *amended by striking the item relating to section 7048*
 14 *and inserting the following new item:*

“7048. *Degree granting authority for United States Naval Postgraduate School.”.*

15 (f) *NAVAL WAR COLLEGE.—*

16 (1) *IN GENERAL.—Section 7101 of such title is*
 17 *amended to read as follows:*

18 **“§ 7101. Degree granting authority for Naval War Col-**
 19 **lege**

20 “(a) *AUTHORITY.—Under regulations prescribed by*
 21 *the Secretary of the Navy, the President of the Naval War*
 22 *College may, upon the recommendation of the faculty of the*
 23 *Naval War College components, confer appropriate degrees*
 24 *upon graduates who 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 Naval War College is accredited by the*
8 *appropriate civilian academic accrediting agency or*
9 *organization to award the degree, as determined by*
10 *the Secretary of Education.*

11 “(c) *CONGRESSIONAL NOTIFICATION REQUIRE-*
12 *MENTS.*—(1) *When seeking to establish degree granting au-*
13 *thority under this section, the Secretary of Defense shall*
14 *submit to the Committees on Armed Services of the Senate*
15 *and House of Representatives—*

16 “(A) *a copy of the self assessment questionnaire*
17 *required by the Federal Policy Governing Granting of*
18 *Academic Degrees by Federal Agencies, at the time*
19 *the assessment is submitted to the Department of*
20 *Education’s National Advisory Committee on Institu-*
21 *tional 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 or redesignation of exist-
 2 ing degree granting authority, the Secretary of Defense shall
 3 submit to the Committees on Armed Services of the Senate
 4 and House of Representatives a report containing the ra-
 5 tionale for the proposed modification or redesignation and
 6 any subsequent recommendation of the Secretary of Edu-
 7 cation on the proposed modification or redesignation.

8 “(3) The Secretary of Defense shall submit to the Com-
 9 mittees on Armed Services of the Senate and House of Rep-
 10 resentatives a report containing an explanation of any ac-
 11 tion by the appropriate academic accrediting agency or or-
 12 ganization not to accredit the Naval War College to award
 13 any new or existing degree.”.

14 (2) *CLERICAL AMENDMENT.*—The table of sec-
 15 tions at the beginning of chapter 609 of such title is
 16 amended by striking the item relating to section 7101
 17 and inserting the following new item:

“7101. Degree granting authority for Naval War College.”.

18 (g) *MARINE CORPS UNIVERSITY.*—

19 (1) *IN GENERAL.*—Section 7102 of such title is
 20 amended to read as follows:

21 **“§ 7102. Degree granting authority for Marine Corps**
 22 **University**

23 “(a) *AUTHORITY.*—Under regulations prescribed by
 24 the Secretary of the Navy, the President of the Marine Corps
 25 University may, upon the recommendation of the directors

1 *and faculty of the Marine Corps University, confer appro-*
2 *priate degrees upon graduates who meet the degree require-*
3 *ments.*

4 “(b) *LIMITATION.*—*A degree may not be conferred*
5 *under this section unless—*

6 “(1) *the Secretary of Education has rec-*
7 *ommended approval of the degree in accordance with*
8 *the Federal Policy Governing Granting of Academic*
9 *Degrees by Federal Agencies; and*

10 “(2) *the Marine Corps University is accredited*
11 *by the appropriate civilian academic accrediting*
12 *agency or organization to award the degree, as deter-*
13 *mined by the Secretary of Education.*

14 “(c) *CONGRESSIONAL NOTIFICATION REQUIRE-*
15 *MENTS.*—(1) *When seeking to establish degree granting au-*
16 *thority under this section, the Secretary of Defense shall*
17 *submit to the Committees on Armed Services of the Senate*
18 *and House of Representatives—*

19 “(A) *a copy of the self assessment questionnaire*
20 *required by the Federal Policy Governing Granting of*
21 *Academic Degrees by Federal Agencies, at the time*
22 *the assessment is submitted to the Department of*
23 *Education’s National Advisory Committee on Institu-*
24 *tional Quality and Integrity; and*

1 “(B) *the subsequent recommendations and ra-*
2 *tionale of the Secretary of Education regarding the*
3 *establishment of the degree granting authority.*

4 “(2) *Upon any modification or redesignation of exist-*
5 *ing degree granting authority, the Secretary of Defense shall*
6 *submit to the Committees on Armed Services of the Senate*
7 *and House of Representatives a report containing the ra-*
8 *tionale for the proposed modification or redesignation and*
9 *any subsequent recommendation of the Secretary of Edu-*
10 *cation on the proposed modification or redesignation.*

11 “(3) *The Secretary of Defense shall submit to the Com-*
12 *mittees on Armed Services of the Senate and House of Rep-*
13 *resentatives a report containing an explanation of any ac-*
14 *tion by the appropriate academic accrediting agency or or-*
15 *ganization not to accredit the Marine Corps University to*
16 *award any new or existing degree.*

17 “(d) *BOARD OF ADVISORS.—The Secretary of the Navy*
18 *shall establish a board of advisors for the Marine Corps*
19 *University. The Secretary shall ensure that the board is es-*
20 *tablished so as to meet all requirements of the appropriate*
21 *regional accrediting association.”.*

22 (2) *CLERICAL AMENDMENT.—The table of sec-*
23 *tions at the beginning of chapter 609 of such title is*
24 *amended by striking the item relating to section 7102*
25 *and inserting the following new item:*

“7102. *Degree granting authority for Marine Corps University.”.*

1 (h) *UNITED STATES AIR FORCE INSTITUTE OF TECH-*
2 *NOLOGY.*—

3 (1) *IN GENERAL.*—Section 9314 of such title is
4 *amended to read as follows:*

5 **“§9314. Degree granting authority for United States**
6 ***Air Force Institute of Technology***

7 “(a) *AUTHORITY.*—Under regulations prescribed by
8 *the Secretary of the Air Force, the commander of the Air*
9 *University may, upon the recommendation of the faculty*
10 *of the United States Air Force Institute of Technology, con-*
11 *fer appropriate degrees upon graduates of the United States*
12 *Air Force Institute of Technology who meet the degree re-*
13 *quirements.*

14 “(b) *LIMITATION.*—A degree may not be conferred
15 *under this section unless—*

16 “(1) *the Secretary of Education has rec-*
17 *ommended approval of the degree in accordance with*
18 *the Federal Policy Governing Granting of Academic*
19 *Degrees by Federal Agencies; and*

20 “(2) *the United States Air Force Institute of*
21 *Technology is accredited by the appropriate civilian*
22 *academic accrediting agency or organization to*
23 *award the degree, as determined by the Secretary of*
24 *Education.*

1 “(c) CONGRESSIONAL NOTIFICATION REQUIRE-
2 MENTS.—(1) When seeking to establish degree granting au-
3 thority under this section, the Secretary of Defense shall
4 submit to the Committees on Armed Services of the Senate
5 and House of Representatives—

6 “(A) a copy of the self assessment questionnaire
7 required by the Federal Policy Governing Granting of
8 Academic Degrees by Federal Agencies, at the time
9 the assessment is submitted to the Department of
10 Education’s National Advisory Committee on Institu-
11 tional 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 or redesignation of exist-
16 ing degree granting authority, the Secretary of Defense shall
17 submit to the Committees on Armed Services of the Senate
18 and House of Representatives a report containing the ra-
19 tionale for the proposed modification or redesignation and
20 any subsequent recommendation of the Secretary of Edu-
21 cation on the proposed modification or redesignation.

22 “(3) The Secretary of Defense shall submit to the Com-
23 mittees on Armed Services of the Senate and House of Rep-
24 resentatives a report containing an explanation of any ac-
25 tion by the appropriate academic accrediting agency or or-

1 *ganization not to accredit the United States Air Force In-*
2 *stitute of Technology to award any new or existing degree.*

3 “(d) *CIVILIAN FACULTY.—(1) The Secretary of the Air*
4 *Force may employ as many civilian faculty members at*
5 *the United States Air Force Institute of Technology as is*
6 *consistent with the needs of the Air Force and with Depart-*
7 *ment of Defense personnel limits.*

8 “(2) *The Secretary shall prescribe regulations deter-*
9 *mining—*

10 “(A) *titles and duties of civilian members of the*
11 *faculty; and*

12 “(B) *pay of civilian members of the faculty, not-*
13 *withstanding chapter 53 of title 5, but subject to the*
14 *limitation set out in section 5373 of title 5.*

15 “(e) *REIMBURSEMENT AND TUITION.—(1) The Depart-*
16 *ment of the Army, the Department of the Navy, and the*
17 *Department of Homeland Security shall bear the cost of the*
18 *instruction at the Air Force Institute of Technology that*
19 *is received by members of the armed forces detailed for that*
20 *instruction by the Secretaries of the Army, Navy, and*
21 *Homeland Security, respectively.*

22 “(2) *Members of the Army, Navy, Marine Corps, and*
23 *Coast Guard may only be detailed for instruction at the*
24 *Institute on a space-available basis.*

1 “(3) *In the case of an enlisted member of the Army,*
2 *Navy, Marine Corps, and Coast Guard permitted to receive*
3 *instruction at the Institute, the Secretary of the Air Force*
4 *shall charge that member only for such costs and fees as*
5 *the Secretary considers appropriate (taking into consider-*
6 *ation the admission of enlisted members on a space-avail-*
7 *able basis).*

8 “(f) *ACCEPTANCE OF RESEARCH GRANTS.—(1) The*
9 *Secretary of the Air Force may authorize the Commandant*
10 *of the United States Air Force Institute of Technology to*
11 *accept qualifying research grants. Any such grant may only*
12 *be accepted if the work under the grant is to be carried*
13 *out by a professor or instructor of the Institute for a sci-*
14 *entific, literary, or educational purpose.*

15 “(2) *A qualifying research grant under this subsection*
16 *is a grant that is awarded on a competitive basis by an*
17 *entity referred to in paragraph (3) for a research project*
18 *with a scientific, literary, or educational purpose.*

19 “(3) *A grant may be accepted under this subsection*
20 *only from a corporation, fund, foundation, educational in-*
21 *stitution, or similar entity that is organized and operated*
22 *primarily for scientific, literary, or educational purposes.*

23 “(4) *The Secretary shall establish an account for ad-*
24 *ministering funds received as research grants under this*
25 *section. The Commandant of the Institute shall use the*

1 *funds in the account in accordance with applicable provi-*
 2 *sions of the regulations and the terms and condition of the*
 3 *grants received.*

4 “(5) *Subject to such limitations as may be provided*
 5 *in appropriations Acts, appropriations available for the In-*
 6 *stitute may be used to pay expenses incurred by the Insti-*
 7 *tute in applying for, and otherwise pursuing, the award*
 8 *of qualifying research grants.*

9 “(6) *The Secretary shall prescribe regulations for the*
 10 *administration of this subsection.”.*

11 (2) *CLERICAL AMENDMENT.—The table of sec-*
 12 *tions at the beginning of chapter 901 of such title is*
 13 *amended by striking the item relating to section 9314*
 14 *and inserting the following new item:*

“9314. Degree granting authority for United States Air Force Institute of Tech-
nology.”.

15 (i) *AIR UNIVERSITY.—*

16 (1) *IN GENERAL.—Section 9317 of such title is*
 17 *amended to read as follows:*

18 **“§9317. Degree granting authority for Air University**

19 “(a) *AUTHORITY.—Except as provided in sections*
 20 *9314 and 9315 of this title, under regulations prescribed*
 21 *by the Secretary of the Air Force, the commander of the*
 22 *Air University may, upon the recommendation of the fac-*
 23 *ulty of the Air University components, confer appropriate*
 24 *degrees upon graduates who 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 Air University is accredited by the ap-*
8 *propriate civilian academic accrediting agency or or-*
9 *ganization to award the degree, as determined by the*
10 *Secretary of Education.*

11 “(c) *CONGRESSIONAL NOTIFICATION REQUIRE-*
12 *MENTS.*—(1) *When seeking to establish degree granting au-*
13 *thority under this section, the Secretary of Defense shall*
14 *submit to the Committees on Armed Services of the Senate*
15 *and House of Representatives—*

16 “(A) *a copy of the self assessment questionnaire*
17 *required by the Federal Policy Governing Granting of*
18 *Academic Degrees by Federal Agencies, at the time*
19 *the assessment is submitted to the Department of*
20 *Education’s National Advisory Committee on Institu-*
21 *tional 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 or redesignation of exist-
2 ing degree granting authority, the Secretary of Defense shall
3 submit to the Committees on Armed Services of the Senate
4 and House of Representatives a report containing the ra-
5 tionale for the proposed modification or redesignation and
6 any subsequent recommendation of the Secretary of Edu-
7 cation on the proposed modification or redesignation.

8 “(3) The Secretary of Defense shall submit to the Com-
9 mittees on Armed Services of the Senate and House of Rep-
10 resentatives a report containing an explanation of any ac-
11 tion by the appropriate academic accrediting agency or or-
12 ganization not to accredit the Air University to award any
13 new or existing degree.”.

14 (2) *CLERICAL AMENDMENT.*—The table of sec-
15 tions at the beginning of chapter 901 of such title is
16 amended by striking the item relating to section 9317
17 and inserting the following new item:

“9317. Degree granting authority for Air University.”.

18 (j) *EFFECTIVE DATE.*—The amendments made by this
19 section shall apply to any degree granting authority estab-
20 lished, modified, or redesignated on or after the date of en-
21 actment of this Act for an institution of professional mili-
22 tary education referred to in such amendments.

1 **SEC. 544. TUITION FOR ATTENDANCE OF FEDERAL EMPLOY-**
2 **EES AT THE UNITED STATES AIR FORCE IN-**
3 **STITUTE OF TECHNOLOGY.**

4 *Subsection (e) of section 9314 of title 10, United States*
5 *Code, as amended by section 543(h), is further amended by*
6 *adding at the end the following new paragraphs:*

7 *“(4)(A) The Institute shall charge tuition for the cost*
8 *of providing instruction at the Institute for any civilian*
9 *employee of a military department (other than a civilian*
10 *employee of the Department of the Air Force), of another*
11 *component of the Department of Defense, or of another Fed-*
12 *eral agency who receives instruction at the Institute.*

13 *“(B) The cost of any tuition charged an individual*
14 *under this paragraph shall be borne by the department,*
15 *agency, or component sending the individual for instruction*
16 *at the Institute.*

17 *“(5) Amounts received by the Institute for the instruc-*
18 *tion of students under this subsection shall be retained by*
19 *the Institute. Such amounts shall be available to the Insti-*
20 *tute to cover the costs of such instruction. The source and*
21 *disposition of such amounts shall be specifically identified*
22 *in the records of the Institute.”.*

1 **SEC. 545. INCREASE IN NUMBER OF PERMANENT PROFES-**
2 **SORS AT THE UNITED STATES AIR FORCE**
3 **ACADEMY.**

4 *Section 9331(b)(4) of title 10, United States Code, is*
5 *amended by striking “21 permanent professors” and insert-*
6 *ing “23 permanent professors”.*

7 **SEC. 546. REQUIREMENT OF COMPLETION OF SERVICE**
8 **UNDER HONORABLE CONDITIONS FOR PUR-**
9 **POSES OF ENTITLEMENT TO EDUCATIONAL**
10 **ASSISTANCE FOR RESERVE COMPONENT**
11 **MEMBERS SUPPORTING CONTINGENCY OPER-**
12 **ATIONS.**

13 *(a) REQUIREMENT OF HONORABLE SERVICE.—Section*
14 *16164(a)(2) of title 10, United States Code, is amended by*
15 *striking “other than dishonorable conditions” and inserting*
16 *“honorable conditions”.*

17 *(b) EFFECTIVE DATE.—The amendment made by sub-*
18 *section (a) shall take effect on the date of the enactment*
19 *of this Act and shall apply to a person described in section*
20 *16163 of title 10, United States Code, who—*

21 *(1) separates from a reserve component on or*
22 *after January 28, 2008, the date of the enactment of*
23 *the National Defense Authorization Act for Fiscal*
24 *Year 2008; and*

1 (2) *as of the date of the enactment of this Act,*
 2 *has not used any of the person’s entitlement to edu-*
 3 *catinal assistance under chapter 1607 of such title.*

4 **SEC. 547. CONSISTENT EDUCATION LOAN REPAYMENT AU-**
 5 **THORITY FOR HEALTH PROFESSIONALS IN**
 6 **REGULAR COMPONENTS AND SELECTED RE-**
 7 **SERVE.**

8 *Section 16302(c) of title 10, United States Code, is*
 9 *amended by striking paragraphs (2) and (3) and inserting*
 10 *the following new paragraph:*

11 “(2) *The annual maximum amount of a loan that may*
 12 *be repaid under this section shall be the same as the max-*
 13 *imum amount in effect for the same year under subsection*
 14 *(e)(2) of section 2173 of this title for the education loan*
 15 *repayment program under such section.”.*

16 **SEC. 548. INCREASE IN NUMBER OF UNITS OF JUNIOR RE-**
 17 **SERVE OFFICERS’ TRAINING CORPS.**

18 (a) *PLAN FOR INCREASE.—The Secretary of Defense,*
 19 *in consultation with the Secretaries of the military depart-*
 20 *ments, shall develop and implement a plan to establish and*
 21 *support, not later than September 30, 2020, not less than*
 22 *3,700 units of the Junior Reserve Officers’ Training Corps.*

23 (b) *EXCEPTIONS.—The requirement imposed in sub-*
 24 *section (a) shall not apply—*

1 (1) *if the Secretary fails to receive an adequate*
2 *number or requests for Junior Reserve Officers'*
3 *Training Corps units by public and private sec-*
4 *ondary educational institutions; or*

5 (2) *during a time of national emergency when*
6 *the Secretaries of the military departments determine*
7 *that funding must be allocated elsewhere.*

8 (c) *COOPERATION.—The Secretary of Defense, as part*
9 *of the plan to establish and support additional Junior Re-*
10 *serve Officers' Training Corps units, shall work with local*
11 *educational agencies to increase the employment in Junior*
12 *Reserve Officers' Training Corps units of retired members*
13 *of the Armed Forces who are retired under chapter 61 of*
14 *title 10, United States Code, especially members who were*
15 *wounded or injured while deployed in a contingency oper-*
16 *ation.*

17 (d) *REPORT ON PLAN.—Upon completion of the plan,*
18 *the Secretary of Defense shall provide a report to the con-*
19 *gressional defense committees containing, at a minimum,*
20 *the following:*

21 (1) *A description of how the Secretaries of the*
22 *military departments expect to achieve the number of*
23 *units of the Junior Reserve Officers' Training Corps*
24 *specified in subsection (a), including how many units*
25 *will be established per year by each service.*

1 (1) *CONSIDERATION OF REQUESTS FOR CORREC-*
2 *TION.—The Secretary of the Army may consider,*
3 *through the Army Board for the Correction of Mili-*
4 *tary Records, a request for the correction of military*
5 *records relating to the amount of the Army College*
6 *Fund benefit to which a member or former member*
7 *of the Armed Forces may be entitled under an Army*
8 *Incentive Program contract.*

9 (2) *PAYMENT AUTHORITY.—If the Secretary of*
10 *the Army determines that the correction of military*
11 *records is appropriate in response to a request re-*
12 *ceived under paragraph (1), the Secretary may pay*
13 *such amounts as the Secretary considers necessary to*
14 *ensure fairness and equity with regard to the request.*

15 (b) *EXCEPTION TO PAYMENT LIMITS.—A payment*
16 *under subsection (a)(2) may be made without regard to any*
17 *limits on the total combined amounts established for the*
18 *Army College Fund and the Montgomery G.I. Bill.*

19 (c) *FUNDING SOURCE.—Payments under subsection*
20 *(a)(2) shall be made solely from funds appropriated for*
21 *military personnel programs for fiscal year 2009.*

22 (d) *TERMINATION DATE.—No payment may be made*
23 *under subsection (a)(2) after December 31, 2009.*

1 **SEC. 550. ENHANCING EDUCATION PARTNERSHIPS TO IM-**
2 **PROVE ACCESSIBILITY AND FLEXIBILITY FOR**
3 **MEMBERS OF THE ARMED FORCES.**

4 (a) *AUTHORITY.*—*The Secretary of a military depart-*
5 *ment may enter into one or more education partnership*
6 *agreements with educational institutions in the United*
7 *States for the purpose of—*

8 (1) *developing plans to improve the accessibility*
9 *and flexibility of college courses available to eligible*
10 *members of the Armed Forces;*

11 (2) *improving the application process for the*
12 *Armed Forces tuition assistance programs and rais-*
13 *ing awareness regarding educational opportunities*
14 *available to such members;*

15 (3) *developing curriculum, distance education*
16 *programs, and career counseling designed to meet the*
17 *professional, financial, academic, and social needs of*
18 *such members; and*

19 (4) *assessing how resources may be applied more*
20 *effectively to meet the educational needs of such mem-*
21 *bers.*

22 (b) *COST.*—*Except as provided in this section, execu-*
23 *tion of an education partnership agreement with an edu-*
24 *cational institution shall be at no cost to the Government.*

25 (c) *EDUCATIONAL INSTITUTION DEFINED.*—*In this*
26 *section, the term “educational institution” means an ac-*

1 *credited college, university, or technical school in the United*
 2 *States.*

3 ***Subtitle F—Defense Dependents’***
 4 ***Education***

5 ***SEC. 551. CONTINUATION OF AUTHORITY TO ASSIST LOCAL***
 6 ***EDUCATIONAL AGENCIES THAT BENEFIT DE-***
 7 ***PENDENTS OF MEMBERS OF THE ARMED***
 8 ***FORCES AND DEPARTMENT OF DEFENSE CI-***
 9 ***VILIAN EMPLOYEES.***

10 *(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT*
 11 *NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the*
 12 *amount authorized to be appropriated for fiscal year 2009*
 13 *pursuant to section 301(5) for operation and maintenance*
 14 *for Defense-wide activities, \$35,000,000 shall be available*
 15 *only for the purpose of providing assistance to local edu-*
 16 *cational agencies under subsection (a) of section 572 of the*
 17 *National Defense Authorization Act for Fiscal Year 2006*
 18 *(Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).*

19 *(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT*
 20 *CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE*
 21 *CHANGES, OR FORCE RELOCATIONS.—Of the amount au-*
 22 *thorized to be appropriated for fiscal year 2009 pursuant*
 23 *to section 301(5) for operation and maintenance for De-*
 24 *fense-wide activities, \$15,000,000 shall be available only for*

1 *the purpose of providing assistance to local educational*
 2 *agencies under subsection (b) of such section 572.*

3 *(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this*
 4 *section, the term “local educational agency” has the mean-*
 5 *ing given that term in section 8013(9) of the Elementary*
 6 *and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).*

7 **SEC. 552. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
 8 **ABILITIES.**

9 *Of the amount authorized to be appropriated for fiscal*
 10 *year 2009 pursuant to section 301(5) for operation and*
 11 *maintenance for Defense-wide activities, \$5,000,000 shall be*
 12 *available for payments under section 363 of the Floyd D.*
 13 *Spence National Defense Authorization Act for Fiscal Year*
 14 *2001 (as enacted into law by Public Law 106–398; 114*
 15 *Stat. 1654A–77; 20 U.S.C. 7703a).*

16 **SEC. 553. TRANSITION OF MILITARY DEPENDENT STU-**
 17 **DENTS AMONG LOCAL EDUCATIONAL AGEN-**
 18 **CIES.**

19 *Subsection (d) of section 574 of the John Warner Na-*
 20 *tional Defense Authorization Act for Fiscal Year 2007 (Pub-*
 21 *lic Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note)*
 22 *is amended to read as follows:*

23 *“(d) TRANSITION OF MILITARY DEPENDENTS AMONG*
 24 *LOCAL EDUCATIONAL AGENCIES.—(1) The Secretary of De-*
 25 *fense shall work collaboratively with the Secretary of Edu-*

1 cation in any efforts to ease the transitions of military de-
2 pendent students from Department of Defense dependent
3 schools to other schools and among schools of local edu-
4 cational agencies.

5 “(2) The Secretary of Defense may use funds of the
6 Department of Defense Education Activity for the following
7 purposes:

8 “(A) To share expertise and experience of the Ac-
9 tivity with local educational agencies as military de-
10 pendent students make the transitions described in
11 paragraph (1), including transitions resulting from
12 the closure or realignment of military installations
13 under a base closure law, global rebasing, and force
14 restructuring.

15 “(B) To provide programs for local educational
16 agencies with military dependent students undergoing
17 the transitions described in paragraph (1), includ-
18 ing—

19 “(i) distance learning programs; and

20 “(ii) training programs to improve the abil-
21 ity of military dependent students who attend
22 public schools in the United States and their
23 teachers to meet the educational needs of such
24 students.

1 “(3) *The authority provided by this subsection expires*
2 *September 30, 2013.*”.

3 **SEC. 554. CALCULATION OF PAYMENTS FOR ELIGIBLE FED-**
4 **ERALLY CONNECTED CHILDREN UNDER DE-**
5 **PARTMENT OF EDUCATION’S IMPACT AID**
6 **PROGRAM.**

7 *In fiscal year 2009, section 8003(a)(2)(C)(i) of the Ele-*
8 *mentary and Secondary Education Act of 1965 (20 U.S.C.*
9 *7703(a)(2)(C)(i)) shall be applied by substituting “5,000”*
10 *for “6,500”.*

11 ***Subtitle G—Military Justice***

12 **SEC. 561. EFFECTIVE PERIOD OF MILITARY PROTECTIVE**
13 **ORDERS.**

14 (a) *IN GENERAL.*—Chapter 80 of title 10, United
15 States Code, is amended by adding at the end the following
16 new section:

17 **“SEC. 1567. DURATION OF MILITARY PROTECTIVE ORDERS.**

18 *“A military protective order issued by a military com-*
19 *mander shall remain in effect until such time as the mili-*
20 *tary commander terminates the order or issues a replace-*
21 *ment order.”.*

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

“1567. Duration of military protective orders.”.

1 **SEC. 562. 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, as
6 added by section 561, the following new section:

7 **“SEC. 1567a. MANDATORY NOTIFICATION OF ISSUANCE OF**
8 **MILITARY PROTECTIVE ORDER TO CIVILIAN**
9 **LAW ENFORCEMENT.**

10 “(a) *INITIAL NOTIFICATION.*—In the event a military
11 protective order is issued against a member of the armed
12 forces and any individual involved in the order does not
13 reside on a military installation at any time during the
14 duration of the military protective order, the commander
15 of the military installation shall notify the appropriate ci-
16 vilian authorities of—

17 “(1) the issuance of the protective order; and

18 “(2) the individuals involved in the order.

19 “(b) *NOTIFICATION OF CHANGES OR TERMINATION.*—
20 The commander of the military installation also shall no-
21 tify the appropriate civilian authorities of—

22 “(1) any change made in a protective order cov-
23 ered by subsection (a); and

24 “(2) the termination of the protective order.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of such chapter is amended by inserting after*
 3 *the item relating to section 1567 the following new item:*

“1567a. Mandatory notification of issuance of military protective order to civilian law enforcement.”.

4 **SEC. 563. IMPLEMENTATION OF INFORMATION DATABASE**
 5 **ON SEXUAL ASSAULT INCIDENTS IN THE**
 6 **ARMED FORCES.**

7 (a) *DATABASE REQUIRED.*—*The Secretary of Defense*
 8 *shall implement a centralized, case-level database for the*
 9 *collection, in a manner consistent with Department of De-*
 10 *fense regulations for restricted reporting, and maintenance*
 11 *of information regarding sexual assaults involving a mem-*
 12 *ber of the Armed Forces, including information, if avail-*
 13 *able, about the nature of the assault, the victim, the offender,*
 14 *and the outcome of any legal proceedings in connection with*
 15 *the assault.*

16 (b) *AVAILABILITY OF DATABASE.*—*The database re-*
 17 *quired by subsection (a) shall be available to personnel of*
 18 *the Sexual Assault Prevention and Response Office of the*
 19 *Department of Defense.*

20 (c) *IMPLEMENTATION.*—

21 (1) *PLAN FOR IMPLEMENTATION.*—*Not later than*
 22 *90 days after the date of the enactment of this Act,*
 23 *the Secretary of Defense shall submit to the congress-*
 24 *sional defense committees a plan to provide for the*

1 *implementation of the database required by subsection*
2 *(a).*

3 (2) *RELATION TO DEFENSE INCIDENT-BASED RE-*
4 *PORTING SYSTEM.—Not later than 180 days after the*
5 *date of enactment of this Act, the Secretary of Defense*
6 *shall submit to the Committees on Armed Services of*
7 *the Senate and House of Representatives a report con-*
8 *taining—*

9 (A) *a description of the current status of the*
10 *Defense Incident-Based Reporting System; and*

11 (B) *an explanation of how the Defense Inci-*
12 *dent-Based Reporting System will relate to the*
13 *database required by subsection (a)*

14 (3) *COMPLETION.—Not later than 15 months*
15 *after the date of enactment of this Act, the Secretary*
16 *shall complete implementation of the database re-*
17 *quired by subsection (a).*

18 (d) *REPORTS.—The database required by subsection*
19 *(a) shall be used to develop and implement congressional*
20 *reports, as required by—*

21 (1) *section 577(f) of the Ronald W. Reagan Na-*
22 *tional Defense Authorization Act for Fiscal Year 2005*
23 *(Public Law 108–375);*

1 (2) *section 596(c) of the National Defense Au-*
2 *thorization Act for Fiscal Year 2006 (Public Law*
3 *109–163);*

4 (3) *section 532 of the John Warner National De-*
5 *fense Authorization Act for Fiscal Year 2007 (Public*
6 *Law 109–364); and*

7 (4) *sections 4361, 6980, and 9361 of title 10,*
8 *United States Code.*

9 (e) *TERMINOLOGY.—Section 577(b) of the Ronald W.*
10 *Reagan National Defense Authorization Act for Fiscal Year*
11 *2005 (Public Law 108–375) is amended by adding at the*
12 *end the following new paragraph:*

13 “(12) *The Secretary shall implement clear, con-*
14 *sistent, and streamlined sexual assault terminology*
15 *for use throughout the Department of Defense.”.*

16 ***Subtitle H—Decorations, Awards,***
17 ***and Honorary Promotions***

18 ***SEC. 571. REPLACEMENT OF MILITARY DECORATIONS.***

19 (a) *REPLACEMENT REQUIRED.—Chapter 57 of title*
20 *10, United States Code, is amended by adding at the end*
21 *the following new section:*

22 ***“§ 1135. Replacement of military decorations***

23 “(a) *REPLACEMENT.—In addition to other authorities*
24 *available to the Secretary concerned to replace a military*
25 *decoration, the Secretary concerned shall replace, on a one-*

1 *time basis and without charge, a military decoration upon*
 2 *the request of the recipient of the military decoration or*
 3 *the immediate next of kin of a deceased recipient.*

4 “(b) *MILITARY DECORATION DEFINED.*—*In this sec-*
 5 *tion, the term ‘decoration’ means any decoration or award*
 6 *(other than the medal of honor) that may be presented or*
 7 *awarded by the President or the Secretary concerned to a*
 8 *member of the armed forces.”.*

9 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 10 *the beginning of such chapter is amended by adding at the*
 11 *end the following new item:*

“1135. Replacement of military decorations.”.

12 **SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF**
 13 **MEDAL OF HONOR TO RICHARD L.**
 14 **ETCHBERGER FOR ACTS OF VALOR DURING**
 15 **THE VIETNAM WAR.**

16 (a) *AUTHORIZATION.*—*Notwithstanding the time limi-*
 17 *tations specified in section 8744 of title 10, United States*
 18 *Code, or any other time limitation with respect to the*
 19 *awarding of certain medals to persons who served in the*
 20 *Armed Forces, the President is authorized and requested to*
 21 *award the Medal of Honor under section 8741 of such title*
 22 *to former Chief Master Sergeant Richard L. Etchberger for*
 23 *the acts of valor during the Vietnam War described in sub-*
 24 *section (b).*

1 **(b) ACTS OF VALOR DESCRIBED.**—*The acts of valor*
 2 *referred to in subsection (a) are the actions of then Chief*
 3 *Master Sergeant Richard L. Etchberger as Ground Radar*
 4 *Superintendent of Detachment 1, 1043rd Radar Evaluation*
 5 *Squadron on March 11, 1968, during the Vietnam War for*
 6 *which he was originally awarded the Air Force Cross.*

7 ***Subtitle I—Military Families***

8 **SEC. 581. PRESENTATION OF BURIAL FLAG TO THE SUR-** 9 **VIVING SPOUSE AND CHILDREN OF DE-** 10 **CEASED MEMBERS OF THE ARMED FORCES.**

11 **(a) INCLUSION OF SURVIVING SPOUSE AND CHILDREN;**
 12 **CONSOLIDATION OF FLAG-RELATED AUTHORITIES.**—*Sub-*
 13 *section (e) of section 1482 of title 10, United States Code,*
 14 *is amended—*

15 **(1)** *by designating the current text as paragraph*
 16 *(2) and redesignating current paragraphs (1) and (2)*
 17 *as subparagraphs (A) and (B), respectively;*

18 **(2)** *by inserting before paragraph (2), as so des-*
 19 *ignated, the following:*

20 **“(e) PRESENTATION OF FLAG OF THE UNITED**
 21 **STATES.**—*(1) In the case of a decedent covered by section*
 22 *1481 of this title, the Secretary concerned may pay the nec-*
 23 *essary expenses for the presentation of a flag of the United*
 24 *States to the following persons:*

1 “(A) *The person designated under subsection (c)*
2 *to direct disposition of the remains of the decedent.*

3 “(B) *The parents or parent of the decedent, if the*
4 *person to be presented a flag under subparagraph (A)*
5 *is other than a parent of the decedent.*

6 “(C) *The surviving spouse of the decedent (in-*
7 *cluding a surviving spouse who remarries after the*
8 *decedent’s death), if the person to be presented a flag*
9 *under subparagraph (A) is other than the surviving*
10 *spouse.*

11 “(D) *Each child of the decedent, regardless of*
12 *whether the person to be presented a flag under sub-*
13 *paragraph (A) is a child of the decedent.”; and*

14 (3) *by inserting at the end the following new*
15 *paragraphs:*

16 “(3) *A flag to be presented to a person under subpara-*
17 *graph (B), (C), or (D) of paragraph (1) shall be of equal*
18 *size to the flag presented under subparagraph (A) of such*
19 *paragraph to the person designated to direct disposition of*
20 *the remains of the decedent.*

21 “(4) *This subsection does not apply to a military pris-*
22 *oner who dies while in the custody of the Secretary con-*
23 *cerned and while under a sentence that includes a dis-*
24 *charge.*

25 “(5) *In this subsection:*

1 “(A) The term ‘parent’ includes a natural par-
 2 ent, a stepparent, a parent by adoption, or a person
 3 who for a period of not less than one year before the
 4 death of the decedent stood in loco parentis to the de-
 5 cedent. Preference under paragraph (1)(B) shall be
 6 given to the persons who exercised a parental rela-
 7 tionship at the time of, or most nearly before, the
 8 death of the decedent.

9 “(B) The term ‘child’ has the meaning prescribed
 10 by section 1477(d) of this title.”.

11 (b) **REPEAL OF SUPERSEDED PROVISIONS.**—Sub-
 12 section (a) of such section is amended by striking para-
 13 graphs (10) and (11).

14 **SEC. 582. EDUCATION AND TRAINING OPPORTUNITIES FOR**
 15 **MILITARY SPOUSES.**

16 (a) **EMPLOYMENT AND PORTABLE CAREER OPPORTU-**
 17 **NITIES FOR SPOUSES.**—Subchapter I of chapter 88 of title
 18 10, United States Code, is amended by inserting after sec-
 19 tion 1784 the following new section:

20 **“§1784a. Education and training opportunities for**
 21 **military spouses to expand employment**
 22 **and portable career opportunities**

23 “(a) **PROGRAMS AND TUITION ASSISTANCE.**—(1) The
 24 Secretary of Defense may establish programs to assist the

1 spouse of a member of the armed forces described in sub-
2 section (b) in achieving—

3 “(A) the education and training required for a
4 degree or credential at an accredited college, univer-
5 sity, or technical school in the United States that ex-
6 pands employment and portable career opportunities
7 for the spouse; or

8 “(B) the education prerequisites and professional
9 licensure or credential required, by a government or
10 government sanctioned licensing body, for an occupa-
11 tion that expands employment and portable career
12 opportunities for the spouse.

13 “(2) As an alternative to, or in addition to, estab-
14 lishing a program under this subsection, the Secretary may
15 provide tuition assistance to an eligible spouse who is pur-
16 suing education, training, or a license or credential to ex-
17 pand the spouse’s employment and portable career opportu-
18 nities.

19 “(b) *ELIGIBLE SPOUSES*.—Assistance under this sec-
20 tion is limited to a spouse of a member of the armed forces
21 who is serving on active duty.

22 “(c) *EXCEPTIONS*.—Subsection (b) does not include—

23 “(1) a person who is married to, but legally sep-
24 arated from, a member of the armed forces under

1 *court order or statute of any State or territorial pos-*
2 *session of the United States; and*

3 “(2) *a spouse of a member of the armed forces*
4 *who is also a member of the armed forces.*”

5 “(d) *PORTABLE CAREER OPPORTUNITIES DEFINED.—*
6 *In this section, the term ‘portable career’ includes an occu-*
7 *pation identified by the Secretary of Defense, in consulta-*
8 *tion with the Secretary of Labor, as requiring education*
9 *and training that results in a credential that is recognized*
10 *nationwide by industry or specific businesses.*”

11 “(e) *REGULATIONS.—The Secretary of Defense shall*
12 *prescribe regulations to govern the availability and use of*
13 *assistance under this section. The Secretary shall ensure*
14 *that programs established under this section do not result*
15 *in inequitable treatment for spouses of members of the*
16 *armed forces who are also members, since they are excluded*
17 *from participation in the programs under subsection*
18 *(c)(2).”.*”

19 “(b) *CLERICAL AMENDMENT.—The table of sections at*
20 *the beginning of such subchapter is amended by inserting*
21 *after the item relating to section 1784 the following new*
22 *item:*

 “1784a. *Education and training opportunities for military spouses to expand em-*
 ployment and portable career opportunities.”.”

1 **SEC. 583. SENSE OF CONGRESS REGARDING HONOR GUARD**
2 **DETAILS FOR FUNERALS OF VETERANS.**

3 *It is the sense of Congress that the Secretaries of the*
4 *military departments should, to the maximum extent prac-*
5 *ticable, provide honor guard details for the funerals of vet-*
6 *erans as is required under section 1491 of title 10, United*
7 *States Code, as added by section 567(b) of Public Law 105-*
8 *261 (112 Stat. 2030).*

9 **Subtitle J—Other Matters**

10 **SEC. 591. PROHIBITION ON INTERFERENCE IN INDE-**
11 **PENDENT LEGAL ADVICE BY THE LEGAL**
12 **COUNSEL TO THE CHAIRMAN OF THE JOINT**
13 **CHIEFS OF STAFF.**

14 *Section 156(d) of title 10, United States Code, is*
15 *amended—*

16 *(1) by inserting “(1)” before “The Legal Coun-*
17 *sel”; and*

18 *(2) by adding at the end the following new para-*
19 *graph:*

20 *“(2) No officer or employee of the Department of De-*
21 *fense may interfere with the ability of the Legal Counsel*
22 *to give independent legal advice to the Chairman of the*
23 *Joint Chiefs of Staff and to the Joint Chiefs of Staff.”.*

1 **SEC. 592. INTEREST PAYMENTS ON CERTAIN CLAIMS ARISING**
2 **FROM CORRECTION OF MILITARY**
3 **RECORDS.**

4 (a) *INTEREST PAYABLE ON CLAIMS.*—Subsection (c)
5 of section 1552 of title 10, United States Code, is amended
6 by adding at the end the following new paragraph:

7 “(4) *If the correction of military records under this*
8 *section involves setting aside a conviction by court-martial,*
9 *the payment of a claim under this subsection in connection*
10 *with the correction of the records shall include interest at*
11 *a rate to be determined by the Secretary concerned, unless*
12 *the Secretary determines that the payment of interest is in-*
13 *appropriate under the circumstances. If the payment of the*
14 *claim is to include interest, the interest shall be calculated*
15 *on an annual basis, and compounded, using the amount*
16 *of the lost pay, allowances, compensation, emoluments, or*
17 *other pecuniary benefits involved, and the amount of any*
18 *fine or forfeiture paid, beginning from the date of the con-*
19 *viction through the date on which the payment is made.”.*

20 (b) *CLERICAL AMENDMENTS.*—Subsection (c) of such
21 section is further amended—

22 (1) *by redesignating paragraphs (1), (2), and (3)*
23 *as subparagraphs (A), (B), and (C), respectively;*

24 (2) *by inserting “(1)” after “(c)”;*

25 (3) *by striking “If the claimant” and inserting*
26 *the following:*

1 “(2) *If the claimant*”; and

2 (4) by striking “*A claimant’s acceptance*” and
3 *inserting the following:*

4 “(3) *A claimant’s acceptance*”.

5 (c) *RETROACTIVE EFFECTIVENESS OF AMEND-*
6 *MENTS.—The amendment made by subsection (a) shall*
7 *apply with respect to any sentence of a court-martial set*
8 *aside by a Corrections Board on or after October 1, 2007,*
9 *when the Corrections Board includes an order or rec-*
10 *ommendation for the payment of a claim for the loss of pay,*
11 *allowances, compensation, emoluments, or other pecuniary*
12 *benefits, or for the repayment of a fine or forfeiture, that*
13 *arose as a result of the conviction. In this subsection, the*
14 *term “Corrections Board” has the meaning given that term*
15 *in section 1557 of title 10, United States Code.*

16 **SEC. 593. EXTENSION OF LIMITATION ON REDUCTIONS OF**
17 **PERSONNEL OF AGENCIES RESPONSIBLE FOR**
18 **REVIEW AND CORRECTION OF MILITARY**
19 **RECORDS.**

20 *Section 1559(a) of title 10, United States Code, is*
21 *amended by striking “October 1, 2008” and inserting “De-*
22 *cember 31, 2010”.*

1 **SEC. 594. MODIFICATION OF MATCHING FUND REQUIRE-**
2 **MENTS UNDER NATIONAL GUARD YOUTH**
3 **CHALLENGE PROGRAM.**

4 (a) *IN GENERAL.*—Subsection (d) of section 509 of title
5 32, United States Code, is amended to read as follows:

6 “(d) *MATCHING FUNDS REQUIRED.*—(1) *The amount*
7 *of assistance provided by the Secretary of Defense to a State*
8 *program of the Program for a fiscal year under this section*
9 *may not exceed 60 percent of the costs of operating the State*
10 *program during that fiscal year.*

11 “(2) *The limitation in paragraph (1) may not be con-*
12 *strued as a limitation on the amount of assistance that may*
13 *be provided to a State program of the Program for a fiscal*
14 *year from sources other than the Department of Defense.”.*

15 (b) *EFFECTIVE DATE.*—The amendment made by sub-
16 section (a) shall take effect on October 1, 2008, and shall
17 apply with respect to fiscal years beginning on or after that
18 date.

19 **SEC. 595. MILITARY SALUTE FOR THE FLAG DURING THE**
20 **NATIONAL ANTHEM BY MEMBERS OF THE**
21 **ARMED FORCES NOT IN UNIFORM AND BY**
22 **VETERANS.**

23 Section 301(b)(1) of title 36, United States Code, is
24 amended by striking subparagraphs (A) through (C) and
25 inserting the following new subparagraphs:

1 “(A) individuals in uniform should give the
2 military salute at the first note of the anthem
3 and maintain that position until the last note;

4 “(B) members of the Armed Forces and vet-
5 erans who are present but not in uniform may
6 render the military salute in the manner pro-
7 vided for individuals in uniform; and

8 “(C) all other persons present should face
9 the flag and stand at attention with their right
10 hand over the heart, and men not in uniform, if
11 applicable, should remove their headdress with
12 their right hand and hold it at the left shoulder,
13 the hand being over the heart; and”.

14 **SEC. 596. MILITARY LEADERSHIP DIVERSITY COMMISSION.**

15 (a) *ESTABLISHMENT OF COMMISSION.*—There is here-
16 by established a commission to be known as the “Military
17 Leadership Diversity Commission” (in this section referred
18 to as the “commission”).

19 (b) *COMPOSITION.*—

20 (1) *MEMBERSHIP.*—The commission shall be
21 composed of the following members:

22 (A) The Director of the Defense Manpower
23 Management Center.

24 (B) The Director of the Defense Equal Op-
25 portunity Management Institute.

1 (C) *A commissioned officer from each of the*
2 *Army, Navy, Air Force, and Marine Corps who*
3 *serves or has served in a leadership position with*
4 *either a military department command or com-*
5 *batant command.*

6 (D) *A retired general or flag officer from*
7 *each of the Army, Navy, Air Force, and Marine*
8 *Corps.*

9 (E) *A retired noncommissioned officer from*
10 *each of the Army, Navy, Air Force, and Marine*
11 *Corps.*

12 (F) *Five retired commissioned officers who*
13 *served in leadership positions with either a mili-*
14 *tary department command or combatant com-*
15 *mand, of whom no less than three shall represent*
16 *the views of minority veterans.*

17 (G) *Four individuals with expertise in cul-*
18 *tivating diverse leaders in private or non-profit*
19 *organizations.*

20 (H) *An attorney with appropriate experi-*
21 *ence and expertise in constitutional and legal*
22 *matters related to the duties and responsibilities*
23 *of the commission.*

24 (2) *APPOINTMENT.*—*The members of the commis-*
25 *sion referred to in subparagraphs (C) through (H) of*

1 paragraph (1) shall be appointed by the Secretary of
2 Defense.

3 (3) CHAIRMAN.—The Secretary of Defense shall
4 designate one member described in paragraphs (1)(F)
5 or (1)(G) as chairman of the commission.

6 (4) PERIOD OF APPOINTMENT; VACANCIES.—
7 Members shall be appointed for the life of the commis-
8 sion. Any vacancy in the commission shall be filled
9 in the same manner as the original appointment.

10 (5) DEADLINE FOR APPOINTMENT.—All members
11 of the commission shall be appointed not later than
12 60 days after the date of the enactment of this Act.

13 (6) QUORUM.—Fifteen members of the commis-
14 sion shall constitute a quorum but a lesser number
15 may hold hearings.

16 (c) MEETINGS.—

17 (1) INITIAL MEETING.—The commission shall
18 conduct its first meeting not later than 30 days after
19 the date on which a majority of the appointed mem-
20 bers of the commission have been appointed.

21 (2) MEETINGS.—The commission shall meet at
22 the call of the chairman.

23 (d) DUTIES.—

24 (1) STUDY.—The commission shall conduct a
25 comprehensive evaluation and assessment of policies

1 *that provide opportunities for the promotion and ad-*
2 *vancement of minority members of the Armed Forces,*
3 *including minority members who are senior officers.*

4 (2) *SCOPE OF STUDY.—In carrying out the*
5 *study, the commission shall examine the following:*

6 (A) *The efforts to develop and maintain di-*
7 *verse leadership at all levels of the Armed Forces.*

8 (B) *The successes and failures of developing*
9 *and maintaining a diverse leadership, particu-*
10 *larly at the general and flag officer positions.*

11 (C) *The effect of expanding Department of*
12 *Defense secondary educational programs to di-*
13 *verse civilian populations, to include military*
14 *service academy preparatory schools.*

15 (D) *The ability of current recruitment and*
16 *retention practices to attract and maintain a di-*
17 *verse pool of qualified individuals in sufficient*
18 *numbers in officer pre-commissioning programs.*

19 (E) *The ability of current activities to in-*
20 *crease continuation rates for ethnic-and gender-*
21 *specific members of the Armed Forces.*

22 (F) *The benefits of conducting an annual*
23 *conference attended by civilian military, active-*
24 *duty and retired military, and corporate leaders*
25 *on diversity, to include a review of current pol-*

1 *icy and the annual demographic data from the*
2 *Defense Equal Opportunity Management Insti-*
3 *tute.*

4 *(G) The status of prior recommendations*
5 *made to the Department of Defense and to Con-*
6 *gress concerning diversity initiatives within the*
7 *Armed Forces.*

8 *(H) The incorporation of private sector*
9 *practices that have been successful in cultivating*
10 *diverse leadership.*

11 *(I) The establishment and maintenance of*
12 *fair promotion and command opportunities for*
13 *ethnic- and gender-specific members of the*
14 *Armed Forces at the O-5 grade level and above.*

15 *(J) An assessment of pre-command billet as-*
16 *signments of ethnic-specific members of the*
17 *Armed Forces.*

18 *(K) An assessment of command selection of*
19 *ethnic-specific members of the Armed Forces.*

20 *(L) The development of a uniform defini-*
21 *tion, to be used throughout the Department of*
22 *Defense, of diversity that is congruent with the*
23 *core values and vision of the Department for the*
24 *future workforce.*

1 (M) *The existing metrics and milestones for*
2 *evaluating the diversity plans of the Department*
3 *(including the plans of the military depart-*
4 *ments) and for facilitating future evaluation and*
5 *oversight.*

6 (N) *The existence and maintenance of fair*
7 *promotion, assignment, and command opportu-*
8 *nities for ethnic- and gender-specific members of*
9 *the Armed Forces at the levels of warrant officer,*
10 *chief warrant officer, company and junior grade,*
11 *field and mid-grade, and general and flag officer.*

12 (O) *The current institutional structure of*
13 *the Office of Diversity Management and Equal*
14 *Opportunity of the Department, and of similar*
15 *officers of the military departments, and their*
16 *ability to ensure effective and accountable diver-*
17 *sity management across the Department.*

18 (P) *The options available for improving the*
19 *substance or implementation of current plans*
20 *and policies of the Department and the military*
21 *departments.*

22 (3) *CONSULTATION WITH PRIVATE PARTIES.—In*
23 *carrying out the study under this subsection, the com-*
24 *mission may consult with appropriate private, for*
25 *profit, and non-profit organizations and advocacy*

1 *groups to learn methods for developing, implementing,*
2 *and sustaining senior diverse leadership within the*
3 *Department of Defense.*

4 *(e) REPORTS.—*

5 *(1) IN GENERAL.—Not later than 12 months*
6 *after the date on which the commission first meets,*
7 *the commission shall submit to the President and*
8 *Congress a report on the study. The report shall in-*
9 *clude the following:*

10 *(A) The findings and conclusions of the*
11 *commission.*

12 *(B) The recommendations of the commission*
13 *for improving diversity within the Armed*
14 *Forces.*

15 *(C) Such other information and rec-*
16 *ommendations as the commission considers ap-*
17 *propriate.*

18 *(2) INTERIM REPORTS.—The commission may*
19 *submit to the President and Congress interim reports*
20 *as the Commission considers appropriate.*

21 *(f) POWERS OF THE COMMISSION.—*

22 *(1) HEARINGS.—The commission may hold such*
23 *hearings, sit and act at such times and places, take*
24 *such testimony, and receive such evidence as the com-*
25 *mission considers appropriate.*

1 (2) *INFORMATION FROM FEDERAL AGENCIES.*—

2 *Upon request by the chairman of the commission, any*
3 *department or agency of the Federal Government may*
4 *provide information that the commission considers*
5 *necessary to carry out its duties.*

6 (g) *INCLUSION OF COAST GUARD.*—

7 (1) *COAST GUARD REPRESENTATION.*—*In addi-*
8 *tion to the members of the commission required by*
9 *subsection (b), the commission shall include two addi-*
10 *tional members, appointed by the Secretary of Home-*
11 *land Security, in consultation with the Commandant*
12 *of the Coast Guard, as follows:*

13 (A) *A retired flag officer of the Coast*
14 *Guard.*

15 (B) *A commissioned officer or noncommis-*
16 *sioned officer of the Coast Guard on active duty.*

17 (2) *ARMED FORCES DEFINED.*—*In this section,*
18 *the term “Armed Forces” means the Army, Navy, Air*
19 *Force, Marine Corps, and Coast Guard.*

20 (h) *TERMINATION OF COMMISSION.*—*The commission*
21 *shall terminate 60 days after the date on which the commis-*
22 *sion submits the report under subsection (e)(1).*

1 **SEC. 597. DEMONSTRATION PROJECT ON SERVICE OF RE-**
2 **TIRED NURSE CORPS OFFICERS AS FACULTY**
3 **AT CIVILIAN NURSING SCHOOLS.**

4 (a) *IN GENERAL.*—*The Secretary of Defense may con-*
5 *duct a demonstration project to encourage retired military*
6 *nurses to serve as faculty at civilian nursing schools.*

7 (b) *ELIGIBILITY REQUIREMENTS.*—

8 (1) *INDIVIDUAL.*—*An individual is eligible to*
9 *participate in the demonstration project if the indi-*
10 *vidual—*

11 (A) *is a retired nurse corps officer of one of*
12 *the Armed Forces;*

13 (B) *has had at least 26 years of active Fed-*
14 *eral commissioned service before retiring; and*

15 (C) *possesses a doctoral or master degree in*
16 *nursing that qualifies the officer to become a full*
17 *faculty member of an accredited school of nurs-*
18 *ing.*

19 (2) *INSTITUTION.*—*An accredited school of nurs-*
20 *ing is eligible to participate in the demonstration*
21 *project if the school or its parent institution of higher*
22 *education—*

23 (A) *is a school of nursing that is accredited*
24 *to award, at a minimum, a bachelor of science*
25 *in nursing and provides educational programs*
26 *leading to such degree;*

1 (B) has a resident Reserve Officers' Train-
2 ing Corps unit at the institution of higher edu-
3 cation that fulfils the requirements of sections
4 2101 and 2102 of title 10, United States Code;

5 (C) does not prevent Reserve Officers'
6 Training Corps access or military recruiting on
7 campus, as defined in section 983 of title 10,
8 United States Code;

9 (D) provides any retired nurse corps officer
10 participating in the demonstration project a sal-
11 ary and other compensation at the level to which
12 other similarly situated faculty members of the
13 accredited school of nursing are entitled, as de-
14 termined by the Secretary of Defense; and

15 (E) agrees to comply with subsection (d).

16 (c) COMPENSATION.—The Secretary of Defense may
17 authorize a Secretary of a military department to authorize
18 qualified institutions of higher education to employ as fac-
19 ulty those eligible individuals (as described in subsection
20 (b)) who are receiving retired pay, whose qualifications are
21 approved by the Secretary and the institution of higher edu-
22 cation concerned, and who request such employment, subject
23 to the following:

24 (1) A retired nurse corps officer so employed is
25 entitled to receive the officer's retired pay without re-

1 *duction by reason of any additional amount paid to*
2 *the officer by the institution of higher education con-*
3 *cerned. In the case of payment of any such additional*
4 *amount by the institution of higher education con-*
5 *cerned, the Secretary of the military department con-*
6 *cerned may pay to that institution the amount equal*
7 *to one-half the amount paid to the retired officer by*
8 *the institution for any period, up to a maximum of*
9 *one-half of the difference between the officer's retired*
10 *pay for that period and the active duty pay and al-*
11 *lowances that the officer would have received for that*
12 *period if on active duty. Payments by the Secretary*
13 *concerned under this paragraph shall be made from*
14 *funds specifically appropriated for that purpose.*

15 *(2) Notwithstanding any other provision of law*
16 *contained in title 10, title 32, or title 37, United*
17 *States Code, such a retired nurse corps officer is not,*
18 *while so employed, considered to be on active duty or*
19 *inactive duty training for any purpose.*

20 *(d) SCHOLARSHIPS FOR NURSE OFFICER CAN-*
21 *DIDATES.—For purposes of the eligibility of an institution*
22 *under subsection (b)(2)(E), the following requirements*
23 *apply:*

24 *(1) Each accredited school of nursing at which a*
25 *retired nurse corps officer serves on the faculty under*

1 *this section shall provide full academic scholarships to*
2 *individuals undertaking an educational program at*
3 *such school leading to a bachelor of science in nursing*
4 *degree who agree, upon completion of such program,*
5 *to accept a commission as an officer in the nurse*
6 *corps of one of the Armed Forces.*

7 (2) *The total number of scholarships provided by*
8 *an accredited school of nursing under paragraph (1)*
9 *for each officer serving on the faculty of that school*
10 *under this section shall be such number as the Sec-*
11 *retary of Defense shall specify for purposes of this sec-*
12 *tion.*

13 (3) *Each accredited school of nursing shall pay*
14 *to the Department of Defense an amount equal to the*
15 *value of the scholarship for every nurse officer can-*
16 *didate who fails to be accessed as a nurse corps officer*
17 *into one of the Armed Forces within one year of re-*
18 *ceiving a bachelor of science degree in nursing from*
19 *that school.*

20 (4) *The Secretary concerned is authorized to dis-*
21 *continue the demonstration project authorized in this*
22 *section at any institution of higher education that*
23 *fails to fulfill the requirements of paragraph (3).*

24 (e) *REPORT.—*

1 (1) *IN GENERAL.*—Not later than 24 months
2 after the commencement of any demonstration project
3 under this section, the Secretary of Defense shall sub-
4 mit to the congressional defense committees a report
5 on the demonstration project. The report shall include
6 a description of the project and a description of plans
7 for the continuation of the project, if any.

8 (2) *ELEMENTS.*—The report shall also include,
9 at a minimum, the following:

10 (A) *The current number of retired nurse*
11 *corps officers who have at least 26 years of active*
12 *Federal commissioned service who would be eligi-*
13 *ble to participate in the program.*

14 (B) *The number of retired nurse corps offi-*
15 *cers participating in the demonstration project.*

16 (C) *The number of accredited schools of*
17 *nursing participating in the demonstration*
18 *project.*

19 (D) *The number of nurse officer candidates*
20 *who have accessed into the military as commis-*
21 *sioned nurse corps officers.*

22 (E) *The number of scholarships awarded to*
23 *nurse officer candidates.*

1 (F) *The number of nurse officer candidates*
2 *who have failed to access into the military, if*
3 *any.*

4 (G) *The amount paid to the Department of*
5 *Defense in the event any nurse officer candidates*
6 *awarded scholarships by the accredited school of*
7 *nursing fail to access into the military as com-*
8 *missioned nurse corps officers.*

9 (H) *The funds expended in the operation of*
10 *the demonstration project.*

11 (I) *The recommendation of the Secretary of*
12 *Defense as to whether the demonstration project*
13 *should be extended.*

14 (f) *DEFINITIONS.—In this section, the terms “school of*
15 *nursing” and “accredited” have the meaning given those*
16 *terms in section 801 of the Public Health Service Act (42*
17 *U.S.C. 296).*

18 (g) *SUNSET.—The authority in this section shall ex-*
19 *pire on June 30, 2014.*

20 **SEC. 598. REPORT ON PLANNING FOR PARTICIPATION AND**
21 **HOSTING OF THE DEPARTMENT OF DEFENSE**
22 **IN INTERNATIONAL SPORTS ACTIVITIES,**
23 **COMPETITIONS, AND EVENTS.**

24 (a) *REPORT REQUIRED.—Not later than October 1,*
25 *2009, the Secretary of Defense shall submit to the Commit-*

1 *tees on Armed Services of the Senate and the House of Rep-*
2 *resentatives a report setting forth a comprehensive plan for*
3 *the following:*

4 (1) *The participation by personnel of the De-*
5 *partment of Defense in international sports activities,*
6 *competitions, and events (including the Pan Amer-*
7 *ican Games, the Olympic Games, the Paralympic*
8 *Games, the Military World Games, other activities of*
9 *the International Military Sports Council (CISM),*
10 *and the Interallied Confederation of Reserve Officers*
11 *(CIOR)) through fiscal year 2015.*

12 (2) *The hosting by the Department of Defense of*
13 *military international sports activities, competitions,*
14 *and events through fiscal year 2015.*

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

17 (1) *A discussion of the military international*
18 *sports activities, competitions, and events that the De-*
19 *partment of Defense intends to seek to host, an esti-*
20 *mate of the costs of hosting such activities, competi-*
21 *tions, and events that the Department intends to seek*
22 *to host, and a description of the sources of funding for*
23 *such costs.*

24 (2) *A discussion of the use and replenishment of*
25 *funds in the account in the Treasury for the Support*

1 *for International Sporting Competitions for the*
 2 *hosting of such activities, competitions, and events*
 3 *that the Department intends to seek to host.*

4 *(3) A discussion of the support that may be ob-*
 5 *tained from other departments and agencies of the*
 6 *Federal Government, State and local governments,*
 7 *and private entities in encouraging participation of*
 8 *members of the Armed Forces in international sports*
 9 *activities, competitions, and events or in hosting of*
 10 *military international sports activities, competitions,*
 11 *and events.*

12 *(4) Such recommendations for legislative or ad-*
 13 *ministrative action as the Secretary considers appro-*
 14 *priate to implement or enhance planning for the mat-*
 15 *ters described in subsection (a).*

16 **TITLE VI—COMPENSATION AND**
 17 **OTHER PERSONNEL BENEFITS**

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military basic pay.

Sec. 602. Permanent extension of prohibition on charges for meals received at military treatment facilities by members receiving continuous care.

Sec. 603. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.

Sec. 604. Availability of second family separation allowance for married couples with dependents.

Sec. 605. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

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 and health professions stipend 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 and authorization of incentive pay for members of precommissioning programs pursuing foreign language proficiency.*
- Sec. 620. Accession and retention bonuses for the recruitment and retention of officers in certain health professions.*

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Special weight allowance for transportation of professional books and equipment for spouses.*
- Sec. 622. Shipment of family pets during evacuation of personnel.*

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 631. 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. 632. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.*

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

- Sec. 641. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve component and retired members.*
- Sec. 642. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.*

Subtitle F—Other Matters

- Sec. 651. 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.*

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 ad-*
5 *justment to become effective during fiscal year 2009 re-*
6 *quired by section 1009 of title 37, United States Code, in*
7 *the rates of monthly basic pay authorized members of the*
8 *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 the*
11 *uniformed services are increased by 3.9 percent.*

12 **SEC. 602. PERMANENT EXTENSION OF PROHIBITION ON**

13 **CHARGES FOR MEALS RECEIVED AT MILITARY**

14 **TREATMENT FACILITIES BY MEMBERS RE-**

15 **CEIVING CONTINUOUS CARE.**

16 Section 402(h) of title 37, United States Code, is
17 amended—

18 (1) in paragraph (1), by striking “during any
19 month covered by paragraph (3)” and all that follows
20 through “this section”; and

21 (2) by striking paragraph (3).

1 **SEC. 603. INCREASE IN MAXIMUM AUTHORIZED PAYMENT**
 2 **OR REIMBURSEMENT AMOUNT FOR TEM-**
 3 **PORARY LODGING EXPENSES.**

4 *Section 404a(e) of title 37, United States Code, is*
 5 *amended by striking “\$180 a day” and inserting “\$290 a*
 6 *day”.*

7 **SEC. 604. AVAILABILITY OF SECOND FAMILY SEPARATION**
 8 **ALLOWANCE FOR MARRIED COUPLES WITH**
 9 **DEPENDENTS.**

10 *(a) AVAILABILITY.—Section 427(d) of title 37, United*
 11 *States Code, is amended—*

12 *(1) by inserting “(1)” before “A member”;*

13 *(2) by striking “Section 421” and inserting the*
 14 *following:*

15 *“(3) Section 421”;*

16 *(3) by striking “However” and inserting “Except*
 17 *as provided in paragraph (2)”;* and

18 *(4) by inserting before paragraph (3), as so des-*
 19 *ignated, the following new paragraph:*

20 *“(2) If a married couple, both of whom are members*
 21 *of the uniformed services, with dependents are simulta-*
 22 *neously assigned to duties described in subparagraph (A),*
 23 *(B), or (C) of subsection (a)(1) and the members resided*
 24 *together with their dependents immediately before their as-*
 25 *signments, the Secretary concerned shall pay each of the*
 26 *members the full amount of the monthly allowance specified*

1 *in such subsection until one of the members is no longer*
2 *assigned to duties described in such subparagraphs. Upon*
3 *expiration of the additional allowance, paragraph (1) shall*
4 *continue to apply to the remaining member so long as the*
5 *member is assigned to duties described in subparagraph*
6 *(A), (B), or (C) of such subsection.”.*

7 **(b) APPLICATION OF AMENDMENT.**—*Paragraph (2) of*
8 *subsection (d) of section 427 of title 37, United States Code,*
9 *as added by subsection (a), shall apply with respect to mem-*
10 *bers of the uniformed services described in such paragraph*
11 *who perform service covered by subparagraph (A), (B), or*
12 *(C) of subsection (a)(1) such section on or after October 1,*
13 *2008.*

14 **SEC. 605. EXTENSION OF AUTHORITY FOR INCOME RE-**
15 **PLACEMENT PAYMENTS FOR RESERVE COM-**
16 **PONENT MEMBERS EXPERIENCING EX-**
17 **TENDED AND FREQUENT MOBILIZATION FOR**
18 **ACTIVE DUTY SERVICE.**

19 *Section 910(g) of title 37, United States Code, is*
20 *amended by striking “December 31, 2008” and inserting*
21 *“December 31, 2009”.*

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 amended*
7 *by striking “December 31, 2008” and inserting “December*
8 *31, 2009”.*

9 (b) *SELECTED RESERVE AFFILIATION OR ENLISTMENT*
10 *BONUS.*—*Section 308c(i) of such title is amended by strik-*
11 *ing “December 31, 2008” and inserting “December 31,*
12 *2009”.*

13 (c) *SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED*
14 *TO CERTAIN HIGH PRIORITY UNITS.*—*Section 308d(c) of*
15 *such title is amended by striking “December 31, 2008” and*
16 *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” and*
20 *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 “December*
24 *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 Code,
10 is amended by striking “December 31, 2008” and inserting
11 “December 31, 2009”.

12 (b) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
13 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
14 *RESERVE.*—Section 16302(d) of such title is amended—

15 (1) by striking “before” and inserting “on or be-
16 fore”; and

17 (2) by striking “January 1, 2009” and inserting
18 “December 31, 2009”.

19 (c) *ACCESSION BONUS FOR REGISTERED NURSES.*—
20 Section 302d(a)(1) of title 37, United States Code, is
21 amended by striking “December 31, 2008” and inserting
22 “December 31, 2009”.

23 (d) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
24 *THETISTS.*—Section 302e(a)(1) of such title is amended by

1 *striking “December 31, 2008” and inserting “December 31,*
 2 *2009”.*

3 *(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH*
 4 *PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIAL-*
 5 *TIES.—Section 302g(e) of such title is amended by striking*
 6 *“December 31, 2008” and inserting “December 31, 2009”.*

7 *(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Sec-*
 8 *tion 302h(a)(1) of such title is amended by striking “De-*
 9 *cember 31, 2008” and inserting “December 31, 2009”.*

10 *(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—*
 11 *Section 302j(a) of such title is amended by striking “De-*
 12 *cember 31, 2008” and inserting “December 31, 2009”.*

13 *(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN*
 14 *CRITICALLY SHORT WARTIME SPECIALTIES.—Section*
 15 *302k(f) of such title is amended by striking “December 31,*
 16 *2008” and inserting “December 31, 2009”.*

17 *(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFI-*
 18 *CERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Sec-*
 19 *tion 302l(g) of such title is amended by striking “December*
 20 *31, 2008” and inserting “December 31, 2009”.*

21 **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**
 22 **THORITIES FOR NUCLEAR OFFICERS.**

23 *(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*
 24 *EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f)*

1 *of title 37, United States Code, is amended by striking “De-*
2 *cember 31, 2008” and inserting “December 31, 2009”.*

3 (b) *NUCLEAR CAREER ACCESSION BONUS.*—Section
4 *312b(c) of such title is amended by striking “December 31,*
5 *2008” and inserting “December 31, 2009”.*

6 (c) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—
7 *Section 312c(d) of such title is amended by striking “De-*
8 *cember 31, 2008” and inserting “December 31, 2009”.*

9 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAY-**
10 **MENT OF OTHER TITLE 37 BONUSES AND SPE-**
11 **CIAL PAYS.**

12 (a) *AVIATION OFFICER RETENTION BONUS.*—Section
13 *301b(a) of title 37, United States Code, is amended by strik-*
14 *ing “December 31, 2008” and inserting “December 31,*
15 *2009”.*

16 (b) *ASSIGNMENT INCENTIVE PAY.*—Section *307a(g) of*
17 *such title is amended by striking “December 31, 2008” and*
18 *inserting “December 31, 2009”.*

19 (c) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
20 *Section 308(g) of such title is amended by striking “Decem-*
21 *ber 31, 2008” and inserting “December 31, 2009”.*

22 (d) *ENLISTMENT BONUS.*—Section *309(e) of such title*
23 *is amended by striking “December 31, 2008” and inserting*
24 *“December 31, 2009”.*

1 (e) *ACCESSION BONUS FOR NEW OFFICERS IN CRIT-*
2 *ICAL SKILLS.*—Section 324(g) of such title is amended by
3 striking “December 31, 2008” and inserting “December 31,
4 2009”.

5 (f) *INCENTIVE BONUS FOR CONVERSION TO MILITARY*
6 *OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORT-*
7 *AGE.*—Section 326(g) of such title is amended by striking
8 “December 31, 2008” and inserting “December 31, 2009”.

9 (g) *ACCESSION BONUS FOR OFFICER CANDIDATES.*—
10 Section 330(f) of such title is amended by striking “Decem-
11 ber 31, 2008” and inserting “December 31, 2009”.

12 (h) *RETENTION BONUS FOR MEMBERS WITH CRITICAL*
13 *MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY*
14 *UNITS.*—Section 355(i) of such title, as redesignated by sec-
15 tion 661(c) of the National Defense Authorization Act for
16 Fiscal Year 2008, is amended by striking “December 31,
17 2008” and inserting “December 31, 2009”.

18 **SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAY-**
19 **MENT OF REFERRAL BONUSES.**

20 (a) *HEALTH PROFESSIONS REFERRAL BONUS.*—Sub-
21 section (i) of section 1030 of title 10, United States Code,
22 as added by section 671(b) of the National Defense Author-
23 ization Act for Fiscal Year 2008, is amended by striking
24 “December 31, 2008” and inserting “December 31, 2009”.

1 (b) *ARMY REFERRAL BONUS*.—Subsection (h) of sec-
 2 tion 3252 of title 10, United States Code, as added by sec-
 3 tion 671(a) of the National Defense Authorization Act for
 4 Fiscal Year 2008, is amended by striking “December 31,
 5 2008” and inserting “December 31, 2009”.

6 **SEC. 616. INCREASE IN MAXIMUM BONUS AND STIPEND**
 7 **AMOUNTS AUTHORIZED UNDER NURSE OFFI-**
 8 **CER CANDIDATE ACCESSION PROGRAM AND**
 9 **HEALTH PROFESSIONS STIPEND PROGRAM.**

10 (a) *BONUS UNDER NURSE OFFICER CANDIDATE AC-*
 11 *CESSION PROGRAM*.—Section 2130a(a)(1) of title 10,
 12 United States Code, is amended—

13 (1) by striking “\$10,000” and inserting
 14 “\$20,000”; and

15 (2) by striking “\$5,000” and inserting
 16 “\$10,000”.

17 (b) *MONTHLY STIPEND UNDER NURSE OFFICER CAN-*
 18 *DIDATE ACCESSION PROGRAM*.—Section 2130a(a)(2) of
 19 title is amended by striking “of not more than \$1,000” and
 20 inserting “in an amount not to exceed the stipend rate in
 21 effect under section 2121(d) of this title”.

22 (c) *MONTHLY STIPEND FOR STUDENTS IN NURSING OR*
 23 *OTHER HEALTH PROFESSIONS UNDER HEALTH PROFES-*
 24 *SIONS STIPEND PROGRAM*.—Section 16201(e)(2)(A) of title
 25 is amended by striking “stipend of \$100 per month” and

1 inserting “monthly stipend in an amount not to exceed the
2 stipend rate in effect under section 2121(d) of this title”.

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 insert-
7 ing “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 OFFI-*
13 *CER BONUS AND INCENTIVE PAY.*—Section 333 of title 37,
14 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 such
21 title is amended by striking “section 351” and inserting
22 “section 351(a)(2)”.

23 (c) *HEALTH PROFESSIONS INCENTIVE PAY.*—Section
24 335(e)(1)(D)(i) of such title is amended by striking “dental
25 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 (a)”

8 and inserting “in connection with determining wheth-

9 er a triggering event has occurred for the provision of

10 hazardous duty pay under subsection (a)(1)”; and

11 (2) by striking the last sentence.

12 **SEC. 619. USE OF NEW SKILL INCENTIVE PAY AND PRO-**

13 **FICIENCY BONUS AUTHORITIES TO ENCOUR-**

14 **AGE TRAINING IN CRITICAL FOREIGN LAN-**

15 **GUAGES AND FOREIGN CULTURAL STUDIES**

16 **AND AUTHORIZATION OF INCENTIVE PAY FOR**

17 **MEMBERS OF PRECOMMISSIONING PRO-**

18 **GRAMS PURSUING FOREIGN LANGUAGE PRO-**

19 **FICIENCY.**

20 (a) *ELIGIBILITY FOR SKILL PROFICIENCY BONUS.*—

21 (1) *ELIGIBILITY.*—Subsection (b) of section 353

22 of title 37, United States Code, is amended to read as

23 follows:

24 “(b) *SKILL PROFICIENCY BONUS.*—

1 “(1) *AVAILABILITY; ELIGIBLE PERSONS.*—*The*
2 *Secretary concerned may pay a proficiency bonus to*
3 *a member of a regular or reserve component of the*
4 *uniformed services who—*

5 “(A) *is entitled to basic pay under section*
6 *204 of this title or compensation under section*
7 *206 of this title or is enrolled in an officer train-*
8 *ing program; and*

9 “(B) *is determined to have, and maintains,*
10 *certified proficiency under subsection (d) in a*
11 *skill designated as critical by the Secretary con-*
12 *cerned or is in training to acquire proficiency in*
13 *a critical foreign language or expertise in foreign*
14 *cultural studies or a related skill designated as*
15 *critical by the Secretary concerned.*

16 “(2) *INCLUSION OF CERTAIN SENIOR ROTC MEM-*
17 *BERS.*—*A proficiency bonus may be paid under this*
18 *subsection to a student who is enrolled in the Senior*
19 *Reserve Officers’ Training Corps program even*
20 *though the student is in the first year of the four-year*
21 *course under the program. During the period covered*
22 *by the proficiency bonus, the student shall also be en-*
23 *titled to a monthly subsistence allowance under sec-*
24 *tion 209(c) of this title even though the student has*
25 *not entered into an agreement under section 2103a of*

1 *title 10. However, if the student receives incentive pay*
 2 *under subsection (g)(2) for the same period, the stu-*
 3 *dent may receive only a single monthly subsistence al-*
 4 *lowance under section 209(c) of this title.”.*

5 (2) *AVAILABILITY OF INCENTIVE PAY FOR PAR-*
 6 *TICIPATION IN FOREIGN LANGUAGE EDUCATION OR*
 7 *TRAINING PROGRAMS.—Such section is further*
 8 *amended—*

9 (A) *by redesignating subsections (g), (h),*
 10 *and (i) as subsections (h), (i), and (j), respec-*
 11 *tively; and*

12 (B) *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 Sec-*
 17 *retary concerned may pay incentive pay to a person*
 18 *enrolled in an officer training program to also par-*
 19 *ticipate in an education or training program to ac-*
 20 *quire proficiency in a critical foreign language or ex-*
 21 *pertise in foreign cultural studies or a related skill*
 22 *designated as critical by the Secretary concerned.*

23 *“(2) INCLUSION OF CERTAIN SENIOR ROTC MEM-*
 24 *BERS.—Incentive pay may be paid under this sub-*
 25 *section to a student who is enrolled in the Senior Re-*

1 *serve Officers’ Training Corps program even though*
2 *the student is in the first year of the four-year course*
3 *under the program. While the student receives the in-*
4 *centive pay, the student shall also be entitled to a*
5 *monthly subsistence allowance under section 209(c) of*
6 *this title even though the student has not entered into*
7 *an agreement under section 2103a of title 10. How-*
8 *ever, if the student receives a proficiency bonus under*
9 *subsection (b)(2) covering the same month, the student*
10 *may receive only a single monthly subsistence allow-*
11 *ance under section 209(c) of this title.*

12 “(3) *CRITICAL FOREIGN LANGUAGE DEFINED.—*
13 *In this section, the term ‘critical foreign language’ in-*
14 *cludes Arabic, Korean, Japanese, Chinese, Pashto,*
15 *Persian-Farsi, Serbian-Croatian, Russian, Por-*
16 *tuguese, or other language designated as critical by*
17 *the Secretary concerned.”.*

18 (b) *INCENTIVE PAY AUTHORIZED.—*

19 (1) *IN GENERAL.—Chapter 5 of title 37, United*
20 *States Code, is amended by inserting after section 316*
21 *the following new section:*

1 **“§316a. Special pay: incentive pay for members of**
2 **precommissioning programs pursuing for-**
3 **eign language proficiency**

4 “(a) *INCENTIVE PAY.*—*The Secretary of Defense may*
5 *pay incentive pay under this section to an individual*
6 *who—*

7 “(1) *is enrolled as a member of the Senior Re-*
8 *serve Officers’ Training Corps or the Marine Corps*
9 *Platoon Leaders Class, as determined in accordance*
10 *with regulations prescribed by the Secretary of De-*
11 *fense under subsection (e); and*

12 “(2) *participates in a language immersion pro-*
13 *gram approved for purposes of the Senior Reserve Of-*
14 *ficers’ Training Corps, or in study abroad, or is en-*
15 *rolled in an academic course that involves instruction*
16 *in a foreign language of strategic interest to the De-*
17 *partment of Defense as designated by the Secretary of*
18 *Defense for purposes of this section.*

19 “(b) *PERIOD OF PAYMENT.*—*Incentive pay is payable*
20 *under this section to an individual described in subsection*
21 *(a) for the period of the individual’s participation in the*
22 *language program or study described in paragraph (2) of*
23 *that subsection.*

24 “(c) *AMOUNT.*—*The amount of incentive pay payable*
25 *to an individual under this section may not exceed \$3,000*
26 *per year.*

1 “(d) *REPAYMENT.*—An individual who is paid incen-
2 tive pay under this section but who does not satisfactorily
3 complete participation in the individual’s language pro-
4 gram or study as described in subsection (a)(2), or who does
5 not complete the requirements of the Senior Reserve Officers’
6 Training Corps or the Marine Corps Platoon Leaders Class,
7 as applicable, shall be subject to the repayment provisions
8 of section 303a(e) of this title.

9 “(e) *REGULATIONS.*—This section shall be adminis-
10 tered under regulations prescribed by the Secretary of De-
11 fense.

12 “(f) *REPORTS.*—Not later than January 1, 2010, and
13 annually thereafter through 2014, the Secretary of Defense
14 shall submit to the Director of the Office of Management
15 and Budget, and to Congress, a report on the payment of
16 incentive pay under this section during the preceding fiscal
17 year. Each report shall include, for the fiscal year covered
18 by such report, the following:

19 “(1) *The number of individuals paid incentive*
20 *pay under this section, the number of individuals*
21 *commencing receipt of incentive pay under this sec-*
22 *tion, and the number of individuals ceasing receipt of*
23 *incentive pay under this section.*

24 “(2) *The amount of incentive pay paid to indi-*
25 *viduals under this section.*

1 “(3) *The aggregate amount recouped under sec-*
2 *tion 303a(e) of this title in connection with receipt of*
3 *incentive pay under this section.*

4 “(4) *The languages for which incentive pay was*
5 *paid under this section, including the total amount*
6 *paid for each such language.*

7 “(5) *The effectiveness of incentive pay under this*
8 *section in assisting the Department of Defense in se-*
9 *curing proficiency in foreign languages of strategic*
10 *interest to the Department of Defense, including a de-*
11 *scription of how recipients of pay under this section*
12 *are assigned and utilized following completion of the*
13 *program of study.*

14 “(g) *TERMINATION OF AUTHORITY.—No incentive pay*
15 *may be paid under this section after December 31, 2013.”.*

16 (2) *CLERICAL AMENDMENT.—The table of sec-*
17 *tions at the beginning of chapter 5 of such title is*
18 *amended by inserting after the item relating to sec-*
19 *tion 316 the following new item:*

 “316a. *Special pay: incentive pay for members of precommissioning programs*
 pursuing foreign language proficiency.”.

20 (c) *PILOT PROGRAM FOR FOREIGN LANGUAGE PRO-*
21 *FICIENCY TRAINING FOR RESERVE MEMBERS.—*

22 (1) *PILOT PROGRAM REQUIRED.—The Secretary*
23 *of Defense shall conduct a pilot program to provide*
24 *a skill proficiency bonus under section 353(b) of title*

1 37, *United States Code*, to a member of a reserve com-
2 ponent of the uniformed services who is entitled to
3 compensation under section 206 of such title while the
4 member participates in an education or training pro-
5 gram to acquire proficiency in a critical foreign lan-
6 guage or expertise in foreign cultural studies or a re-
7 lated skill designated as critical under such section
8 353.

9 (2) *DURATION OF PILOT PROGRAM.*—The Sec-
10 retary shall conduct the pilot program during the pe-
11 riod beginning on October 1, 2008, and ending on De-
12 cember 31, 2013. Incentive pay may not be provided
13 under the pilot program after December 31, 2013.

14 (3) *REPORTING REQUIREMENT.*—Not later than
15 March 31, 2012, the Secretary shall submit to Con-
16 gress a report containing the results of the pilot pro-
17 gram and the recommendations of the Secretary re-
18 garding whether to continue or expand the pilot pro-
19 gram.

20 (d) *EXPEDITED IMPLEMENTATION.*—Notwithstanding
21 section 662 of the *National Defense Authorization Act for*
22 *Fiscal Year 2008 (Public Law 110–181; 122 Stat. 180; 37*
23 *U.S.C. 301 note)*, the Secretary of a military department
24 may immediately implement the amendments made by sub-
25 section (a) in order to ensure the prompt availability of

1 *proficiency bonuses and incentive pay under section 353*
2 *of title 37, United States Code, as amended by such sub-*
3 *sections, for persons enrolled in officer training programs.*

4 **SEC. 620. ACCESSION AND RETENTION BONUSES FOR THE**
5 **RECRUITMENT AND RETENTION OF OFFICERS**
6 **IN CERTAIN HEALTH PROFESSIONS.**

7 *(a) TARGETED BONUS AUTHORITY TO INCREASE DI-*
8 *RECT ACCESSIONS.—*

9 *(1) DESIGNATION OF CRITICALLY SHORT WAR-*
10 *TIME HEALTH SPECIALTIES.—For purposes of section*
11 *335 of title 37, United States Code, as added by sec-*
12 *tion 661 of the National Defense Authorization Act*
13 *for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*
14 *169), the following health professions are designated*
15 *as a critically short wartime specialty under sub-*
16 *section (a)(2) of such section:*

17 *(A) Psychologists who have been awarded a*
18 *diploma as a Diplomate in Psychology by the*
19 *American Board of Professional Psychology and*
20 *are fully licensed and such other mental health*
21 *practitioners as the Secretary concerned deter-*
22 *mines to be necessary.*

23 *(B) Registered nurses.*

24 *(2) SPECIAL AGREEMENT AUTHORITY.—Under*
25 *the authority provided by this section, the Secretary*

1 concerned may enter into an agreement under sub-
 2 section (f) of section 335 of title 37, United States
 3 Code, to pay a health professions bonus under such
 4 section to a person who accepts a commission or ap-
 5 pointment as an officer and whose health profession
 6 specialty is specified in paragraph (1) of this sub-
 7 section.

8 (3) *SECRETARY CONCERNED DEFINED.*—In this
 9 subsection, the term “Secretary concerned” has the
 10 meaning given that term in section 101(5) of title 37,
 11 United States Code.

12 (4) *EFFECTIVE PERIOD.*—The designations made
 13 by this subsection and the authority to enter into an
 14 agreement under paragraph (2) of this subsection ex-
 15 pire on September 30, 2010.

16 (b) *ACCESSION AND RETENTION BONUSES FOR PSY-*
 17 *CHOLOGISTS.*—

18 (1) *IN GENERAL.*—Chapter 5 of title 37, United
 19 States Code, is amended by inserting after section
 20 302c the following new section:

21 **“§ 302c-1. Special pay: accession and retention bo-**
 22 **nuses for psychologists**

23 “(a) *ACCESSION BONUS.*—

24 “(1) *ACCESSION BONUS AUTHORIZED.*—A person
 25 described in paragraph (2) who executes a written

1 *agreement described in subsection (d) to accept a com-*
2 *mission as an officer of the armed forces and remain*
3 *on active duty for a period of not less than four con-*
4 *secutive years may, upon acceptance of the agreement*
5 *by the Secretary concerned, be paid an accession*
6 *bonus in an amount, subject to subsection (c)(1), de-*
7 *termined by the Secretary concerned.*

8 “(2) *ELIGIBLE PERSONS.*—*A person described in*
9 *paragraph (1) is any person who—*

10 “(A) *is a graduate of an accredited school*
11 *of psychology; and*

12 “(B) *holds a valid State license to practice*
13 *as a doctoral level psychologist.*

14 “(3) *LIMITATION ON ELIGIBILITY.*—*A person*
15 *may not be paid a bonus under this subsection if—*

16 “(A) *the person, in exchange for an agree-*
17 *ment to accept an appointment as an officer, re-*
18 *ceived financial assistance from the Department*
19 *of Defense to pursue a course of study in psy-*
20 *chology; or*

21 “(B) *the Secretary concerned determines*
22 *that the person is not qualified to become and re-*
23 *main certified as a psychologist.*

24 “(b) *MULTIYEAR RETENTION BONUS.*—

1 “(1) *RETENTION BONUS AUTHORIZED.*—An offi-
2 cer described in paragraph (2) who executes a written
3 agreement described in subsection (d) to remain on
4 active duty for up to four years after completion of
5 any other active-duty service commitment may, upon
6 acceptance of the agreement by the Secretary con-
7 cerned, be paid a retention bonus as provided in this
8 section.

9 “(2) *ELIGIBLE OFFICERS.*—An officer described
10 in paragraph (1) is an officer of the armed forces
11 who—

12 “(A) is a psychologist of the armed forces;

13 “(B) is in a pay grade below pay grade O-
14 7;

15 “(C) has at least eight years of creditable
16 service (computed as described in section 302b(f)
17 of this title) or has completed any active-duty
18 service commitment incurred for psychology edu-
19 cation and training;

20 “(D) has completed initial residency train-
21 ing (or will complete such training before Sep-
22 tember 30 of the fiscal year in which the officer
23 enters into the agreement under this subsection);
24 and

1 “(E) holds a valid State license to practice
2 as a doctoral level psychologist.

3 “(c) *MAXIMUM AMOUNT OF BONUS.*—

4 “(1) *ACCESSION BONUS.*—The amount of an ac-
5 cession bonus under subsection (a) may not exceed
6 \$400,000.

7 “(2) *RETENTION BONUS.*—The amount of a re-
8 tention bonus under subsection (b) may not exceed
9 \$25,000 for each year of the agreement of the officer
10 concerned.

11 “(d) *AGREEMENT.*—The agreement referred to in sub-
12 sections (a) and (b) shall provide that, consistent with the
13 needs of the armed force concerned, the person or officer exe-
14 cuting the agreement will be assigned to duty, for the period
15 of obligated service covered by the agreement, as an officer
16 of such armed force as a psychologist.

17 “(e) *REPAYMENT.*—

18 “(1) *ACCESSION BONUS.*—A person who, after
19 signing an agreement under subsection (a), is not
20 commissioned as an officer of the armed forces, does
21 not become licensed as a psychologist, or does not
22 complete the period of active duty specified in the
23 agreement shall be subject to the repayment provisions
24 of section 303a(e) of this title.

1 “(2) *RETENTION BONUS.*—An officer who does
2 not complete the period of active duty specified in the
3 agreement entered into under subsection (b) shall be
4 subject to the repayment provisions of section 303a(e)
5 of this title.

6 “(f) *TERMINATION OF AUTHORITY.*—No agreement
7 under subsection (a) or (b) may be entered into after De-
8 cember 31, 2009.”.

9 (2) *CLERICAL AMENDMENT.*—The table of sec-
10 tions at the beginning of chapter 5 of such title is
11 amended by inserting after the item relating to sec-
12 tion 302c the following new item:

“302c–1. *Special pay: accession and retention bonuses for psychologists.*”.

13 ***Subtitle C—Travel and***
14 ***Transportation Allowances***

15 ***SEC. 621. SPECIAL WEIGHT ALLOWANCE FOR TRANSPOR-***
16 ***TATION OF PROFESSIONAL BOOKS AND***
17 ***EQUIPMENT FOR SPOUSES.***

18 *Section 406(b)(1)(D) of title 37, United States Code,*
19 *is amended—*

20 (1) *by inserting “(i)” after “(D)”;*

21 (2) *in the second sentence of clause (i), as des-*
22 *ignated by paragraph (1), by striking “this subpara-*
23 *graph” and inserting “this clause”;*

1 (3) by designating the last sentence as clause
2 (iii) and indenting the margin of such clause, as so
3 designated, two ems from the left margin; and

4 (4) by inserting after clause (i), as designated by
5 paragraph (1), the following new clause:

6 “(ii) In addition to the weight allowance authorized
7 for such member with dependents under paragraph (C), the
8 Secretary concerned may authorize up to an additional 500
9 pounds in weight allowance for shipment of professional
10 books and equipment belonging to the spouse of such mem-
11 ber.”.

12 **SEC. 622. SHIPMENT OF FAMILY PETS DURING EVACUATION**
13 **OF PERSONNEL.**

14 Section 406(b)(1) of title 37, United States Code, is
15 amended by adding at the end the following new subpara-
16 graph:

17 “(H)(i) Except as provided in paragraph (2) and sub-
18 ject to clause (iii), in connection with an evacuation from
19 a permanent station located in a foreign area, a member
20 is entitled to transportation (including shipment and pay-
21 ment of any quarantine costs) of family household pets.

22 “(ii) A member entitled to transportation under clause
23 (i) may be paid reimbursement or, at the member’s request,
24 a monetary allowance in accordance with the provisions of
25 subparagraph (F) if the member secures by commercial

1 means shipment and any quarantining of the pets otherwise
 2 subject to transportation under clause (i).

3 “(iii) The provision of transportation under clause (i)
 4 and the payment of reimbursement under clause (ii) shall
 5 be subject to such regulations as the Secretary of Defense
 6 shall prescribe with respect to members of the armed forces
 7 for purposes of this subparagraph. Such regulations may
 8 specify limitations on the types, size, and number of pets
 9 for which transportation may be provided or reimburse-
 10 ment paid.”.

11 ***Subtitle D—Retired Pay and***
 12 ***Survivor Benefits***

13 ***SEC. 631. EXTENSION TO SURVIVORS OF CERTAIN MEM-***
 14 ***BERS WHO DIE ON ACTIVE DUTY OF SPECIAL***
 15 ***SURVIVOR INDEMNITY ALLOWANCE FOR PER-***
 16 ***SONS AFFECTED BY REQUIRED SURVIVOR***
 17 ***BENEFIT PLAN ANNUITY OFFSET FOR DE-***
 18 ***PENDENCY AND INDEMNITY COMPENSATION.***

19 (a) *EXTENSION.*—Subsection (m) of section 1450 of
 20 title 10, United States Code, as added by section 644 of
 21 the National Defense Authorization Act for Fiscal Year
 22 2008, is amended in paragraph (1)(B) by striking “section
 23 1448(a)(1) of this title” and inserting “subsection (a)(1) of
 24 section 1448 of this title or by reason of coverage under
 25 subsection (d) of such section”.

1 (b) *APPLICATION OF AMENDMENT.*—*The amendment*
 2 *made by subsection (a) shall apply with respect to the*
 3 *month beginning on October 1, 2008, and subsequent*
 4 *months as provided by paragraph (6) of subsection (m) of*
 5 *section 1450 of title 10, United States Code, as added by*
 6 *section 644 of the National Defense Authorization Act for*
 7 *Fiscal Year 2008.*

8 **SEC. 632. CORRECTION OF UNINTENDED REDUCTION IN**
 9 **SURVIVOR BENEFIT PLAN ANNUITIES DUE TO**
 10 **PHASED ELIMINATION OF TWO-TIER ANNUITY**
 11 **COMPUTATION AND SUPPLEMENTAL ANNU-**
 12 **ITY.**

13 *Effective as of October 28, 2004, and as if included*
 14 *therein as enacted, section 644(c) of the Ronald W. Reagan*
 15 *National Defense Authorization Act for Fiscal Year 2005*
 16 *(Public Law 108–375; 118 Stat. 1961; 10 U.S.C. 1450 note)*
 17 *is amended by adding at the end the following new para-*
 18 *graph:*

19 “(3) *SAVINGS PROVISION.*—*If, as a result of the*
 20 *recomputation of annuities under section 1450 of title*
 21 *10, United States Code, and supplemental survivor*
 22 *annuities under section 1457 of such title, as required*
 23 *by paragraph (1), the total amount of both annuities*
 24 *to be paid to an annuitant for a month would be less*
 25 *(because of the offset required by section 1450(c) of*

1 *such title for dependency and indemnity compensa-*
 2 *tion) than the amount that would be paid to the an-*
 3 *nuitant in the absence of recomputation, the Sec-*
 4 *retary of Defense shall take such actions as are nec-*
 5 *essary to adjust the annuity amounts to eliminate the*
 6 *reduction.”.*

7 ***Subtitle E—Commissary and Non-***
 8 ***appropriated Fund Instrumen-***
 9 ***tality Benefits and Operations***

10 ***SEC. 641. USE OF COMMISSARY STORES SURCHARGES DE-***
 11 ***RIVED FROM TEMPORARY COMMISSARY INI-***
 12 ***TIATIVES FOR RESERVE COMPONENT AND***
 13 ***RETIRED MEMBERS.***

14 *Section 2484(h) of title 10, United States Code, is*
 15 *amended—*

16 (1) *by redesignating paragraphs (3) and (4) as*
 17 *paragraphs (4) and (5), respectively;*

18 (2) *in such paragraph (4), as so redesignated, by*
 19 *striking “paragraph (1) or (2)” and inserting “para-*
 20 *graph (1), (2), or (3)”;* and

21 (3) *by inserting after paragraph (2) the fol-*
 22 *lowing new paragraph:*

23 “(3)(A) *The Secretary of Defense may use the proceeds*
 24 *derived from surcharges imposed under subsection (d) in*
 25 *connection with sales of commissary merchandise through*

1 *initiatives described in subparagraph (B) to offset the cost*
2 *of such initiatives.*

3 “(B) *Subparagraph (A) applies with respect to initia-*
4 *tives, utilizing temporary and mobile equipment, intended*
5 *to provide members of reserve components, retired members,*
6 *and other persons eligible for commissary benefits, but with-*
7 *out reasonable access to commissary stores, improved access*
8 *to commissary merchandise.”.*

9 **SEC. 642. ENHANCED ENFORCEMENT OF PROHIBITION ON**
10 **SALE OR RENTAL OF SEXUALLY EXPLICIT MA-**
11 **TERIAL ON MILITARY INSTALLATIONS.**

12 (a) *ESTABLISHMENT OF RESALE ACTIVITIES REVIEW*
13 *BOARD.—Section 2495b of title 10, United States Code, is*
14 *amended—*

15 (1) *by redesignating subsections (c) and (d) as*
16 *subsections (d) and (e), respectively; and*

17 (2) *by inserting after subsection (b) the following*
18 *new subsection:*

19 “(c) *RESALE ACTIVITIES REVIEW BOARD.—(1) The*
20 *Secretary of Defense shall establish a nine-member board*
21 *to make recommendations to the Secretary regarding wheth-*
22 *er material sold or rented, or proposed for sale or rental,*
23 *on property under the jurisdiction of the Department of De-*
24 *fense is barred from sale or rental by subsection (a).*

1 “(2)(A) *The Secretary of Defense shall appoint six*
2 *members of the board to broadly represent the interests of*
3 *the patron base served by the defense commissary system*
4 *and the exchange system. The Secretary shall appoint one*
5 *of the members to serve as the chairman of the board. At*
6 *least one member appointed under this subparagraph shall*
7 *be a person with experience managing or advocating for*
8 *military family programs and who is also an eligible pa-*
9 *tron of the defense commissary system and the exchange sys-*
10 *tem.*

11 “(B) *The Secretary of each of the military departments*
12 *shall appoint one member of the board.*

13 “(C) *A vacancy on the board shall be filled in the same*
14 *manner as the original appointment.*

15 “(3) *The Secretary of Defense may detail persons to*
16 *serve as staff for the board. At a minimum, the Secretary*
17 *shall ensure that the board is assisted at meetings by mili-*
18 *tary resale and legal advisors.*

19 “(4) *The recommendations made by the board under*
20 *paragraph (1) shall be made available to the public. The*
21 *Secretary of Defense shall publicize the availability of such*
22 *recommendations by such means as the Secretary considers*
23 *appropriate.*

24 “(5) *Members of the board shall be allowed travel ex-*
25 *pense, including per diem in lieu of subsistence, at rates*

1 *authorized for employees of agencies under subchapter I of*
2 *chapter 57 of title 5 while away from their homes or regular*
3 *places of business in the performance of services for the*
4 *board.”.*

5 (b) *DEADLINE FOR ESTABLISHMENT AND INITIAL*
6 *MEETING.—*

7 (1) *ESTABLISHMENT.—The board required by*
8 *subsection (c) of section 2495b of title 10, United*
9 *States Code, as added by subsection (a), shall be es-*
10 *tablished, and its initial nine members appointed, not*
11 *later than 120 days after the date of the enactment*
12 *of this Act.*

13 (2) *MEETINGS.—The board shall conduct an ini-*
14 *tial meeting within one year after the date of the ap-*
15 *pointment of the initial members of the board. At the*
16 *discretion of the board, the board may consider all*
17 *materials previously reviewed under such section as*
18 *available for reconsideration for a minimum of 180*
19 *days following the initial meeting of the board.*

1 ***Subtitle F—Other Matters***

2 ***SEC. 651. CONTINUATION OF ENTITLEMENT TO BONUSES***
 3 ***AND SIMILAR BENEFITS FOR MEMBERS OF***
 4 ***THE UNIFORMED SERVICES WHO DIE, ARE***
 5 ***SEPARATED OR RETIRED FOR DISABILITY, OR***
 6 ***MEET OTHER CRITERIA.***

7 *(a) DISCRETION TO PROVIDE EXCEPTION TO TERMI-*
 8 *NATION AND REPAYMENT REQUIREMENTS UNDER CERTAIN*
 9 *CIRCUMSTANCES.—Section 303a(e) of title 37, United*
 10 *States Code, is amended—*

11 *(1) in the subsection heading, by inserting “;*
 12 *TERMINATION OF ENTITLEMENT TO UNPAID*
 13 *AMOUNTS” after “MET”;*

14 *(2) in paragraph (1)—*

15 *(A) by striking “A member” and inserting*
 16 *“(A) Except as provided in paragraph (2), a*
 17 *member”;* and

18 *(B) by striking “the requirements, except in*
 19 *certain circumstances authorized by the Sec-*
 20 *retary concerned.” and inserting “the eligibility*
 21 *requirements and may not receive any unpaid*
 22 *amounts of the bonus or similar benefit after the*
 23 *member fails to satisfy the requirements, unless*
 24 *the Secretary concerned determines that the im-*
 25 *position of the repayment requirement and ter-*

1 *mination of the payment of unpaid amounts of*
2 *the bonus or similar benefit with regard to the*
3 *member would be contrary to a personnel policy*
4 *or management objective, would be against eq-*
5 *uity and good conscience, or would be contrary*
6 *to the best interests of the United States.”; and*
7 *(3) by redesignating paragraph (2) as subpara-*
8 *graph (B) of paragraph (1).*

9 *(b) MANDATORY PAYMENT OF UNPAID AMOUNTS*
10 *UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UN-*
11 *EARNED AMOUNTS.—Section 303a(e) of title 37, United*
12 *States Code, is amended by inserting after paragraph (1),*
13 *as amended by subsection (a), the following new paragraph*
14 *(2):*

15 *“(2)(A) If a member of the uniformed services dies or*
16 *is retired or separated with a combat-related disability, the*
17 *Secretary concerned—*

18 *“(i) shall not require repayment by the member*
19 *or the member’s estate of the unearned portion of any*
20 *bonus or similar benefit previously paid to the mem-*
21 *ber; and*

22 *“(ii) shall require the payment to the member or*
23 *the member’s estate of the remainder of any bonus or*
24 *similar benefit that was not yet paid to the member,*
25 *but to which the member was entitled immediately be-*

1 *fore the death, retirement, or separation of the mem-*
2 *ber, and would be paid if not for the death, retire-*
3 *ment, or separation of the member.*

4 “(B) Subparagraph (A) does not apply if the death
5 or disability of the member is the result the member’s mis-
6 conduct.

7 “(C) The amount to be paid under subparagraph
8 (A)(ii) shall be equal to the full amount specified by the
9 agreement or contract applicable to the bonus or similar
10 benefit as if the member continued to be entitled to the
11 bonus or similar benefit following the death, retirement, or
12 separation.

13 “(D) Amounts to be paid to a member or the member’s
14 estate under subparagraph (A)(ii) shall be paid in a lump
15 sum not later than 90 days after the date of the death, re-
16 tirement, or separation of the member, whichever applies.

17 “(E) In this paragraph, the term ‘combat-related dis-
18 ability’ has the meaning given that term in section 1413a(e)
19 of title 10.”.

20 (c) *CONFORMING AMENDMENTS REFLECTING CONSOLI-*
21 *DATED SPECIAL PAY AND BONUS AUTHORITIES.—*

22 (1) *CONFORMING AMENDMENTS.—Section 373 of*
23 *title 37, United States Code, as added by section 661*
24 *of the National Defense Authorization Act for Fiscal*
25 *Year 2008, is amended—*

1 (A) in subsection (a)—

2 (i) in the subsection heading, by insert-
3 ing “AND TERMINATION” after “REPAY-
4 MENT”; and

5 (ii) by inserting before the period at
6 the end the following: “, and the member
7 may not receive any unpaid amounts of the
8 bonus, incentive pay, or similar benefit
9 after the member fails to satisfy such service
10 or eligibility requirement”; and

11 (B) by striking subsection (b) and inserting
12 the following new subsection:

13 “(b) EXCEPTIONS.—

14 “(1) DISCRETION TO PROVIDE EXCEPTION TO
15 TERMINATION AND REPAYMENT REQUIREMENTS.—

16 Pursuant to the regulations prescribed to administer
17 this section, the Secretary concerned may grant an
18 exception to the repayment requirement and require-
19 ment to terminate the payment of unpaid amounts of
20 a bonus, incentive pay, or similar benefit if the Sec-
21 retary concerned determines that the imposition of the
22 repayment and termination requirements with regard
23 to a member of the uniformed services would be con-
24 trary to a personnel policy or management objective,
25 would be against equity and good conscience, or

1 *would be contrary to the best interests of the United*
2 *States.*

3 “(2) *MANDATORY PAYMENT OF UNPAID AMOUNTS*
4 *UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF*
5 *UNEARNED AMOUNTS.—(A) If a member of the uni-*
6 *formed services dies or is retired or separated with a*
7 *combat-related disability, the Secretary concerned—*

8 “(i) *shall not require repayment by the*
9 *member or the member’s estate of the unearned*
10 *portion of any bonus, incentive pay, or similar*
11 *benefit previously paid to the member; and*

12 “(ii) *shall require the payment to the mem-*
13 *ber or the member’s estate of the remainder of*
14 *any bonus, incentive pay, or similar benefit that*
15 *was not yet paid to the member, but to which the*
16 *member was entitled immediately before the*
17 *death, retirement, or separation of the member,*
18 *and would be paid if not for the death, retire-*
19 *ment, or separation of the member.*

20 “(B) *Subparagraph (A) does not apply if the*
21 *death or disability of the member is the result the*
22 *member’s misconduct.*

23 “(C) *The amount to be paid under subparagraph*
24 *(A)(ii) shall be equal to the full amount specified by*
25 *the agreement or contract applicable to the bonus, in-*

1 *centive pay, or similar benefit as if the member con-*
 2 *tinued to be entitled to the bonus, incentive pay, or*
 3 *similar benefit following the death, retirement, or sep-*
 4 *aration.*

5 *“(D) Amounts to be paid to a member or the*
 6 *member’s estate under subparagraph (A)(ii) shall be*
 7 *paid in a lump sum not later than 90 days after the*
 8 *date of the death, retirement, or separation of the*
 9 *member, whichever applies.*

10 *“(E) In this paragraph, the term ‘combat-related*
 11 *disability’ has the meaning given that term in section*
 12 *1413a(e) of title 10.”.*

13 (2) *CLERICAL AMENDMENTS.—*

14 (A) *SECTION HEADING.—The heading of*
 15 *such section is amended to read as follows:*

16 **“§ 373. Repayment of unearned portion of bonus, in-**
 17 **centive pay, or similar benefit, and termi-**
 18 **nation of remaining payments, when con-**
 19 **ditions of payment not met”.**

20 (B) *TABLE OF CONTENTS.—The table of sec-*
 21 *tions at the beginning of chapter 5 of title 37,*
 22 *United States Code, is amended by striking the*
 23 *item relating to section 373 and inserting the*
 24 *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 **TITLE VII—HEALTH CARE AND**
 2 **WOUNDED WARRIORS PROVI-**
 3 **SIONS**

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. Chiropractic health care for members on active duty.*
- Sec. 704. Calculation of monthly premiums for coverage under TRICARE Reserve Select after 2008.*
- Sec. 705. Program for health care delivery at military installations projected to grow.*
- Sec. 706. Guidelines for combined medical facilities of the Department of Defense and the Department of Veterans Affairs.*

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.*
- Sec. 715. Additional authority for studies and demonstration projects relating to delivery of health and medical care.*

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. Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries and Amputations.*
- Sec. 724. Additional responsibilities for the wounded warrior resource center.*
- Sec. 725. Sense of Congress on research on traumatic brain injury.*
- Sec. 726. Extension of Senior Oversight Committee with respect to wounded warrior matters.*
- Sec. 727. Modification of utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.*

Subtitle D—Other Matters

- Sec. 731. Report on providing the Extended Care Health Option Program to dependents of military retirees.*
- Sec. 732. Increase in cap on extended benefits under extended health care option (ECHO).*
- Sec. 733. Department of Defense task force on the prevention of suicide by members of the Armed Forces.*
- Sec. 734. Transitional health care for certain members of the Armed Forces who agree to serve in the Selected Reserve of the Ready Reserve.*

Sec. 735. Enhancement of medical and dental readiness of members of the Armed Forces.

1 ***Subtitle A—Improvements to Health***
 2 ***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, is*
 9 *amended by striking “September 30, 2008” and inserting*
 10 *“September 30, 2009”.*

11 *(b) CHARGES FOR INPATIENT CARE.—Section*
 12 *1086(b)(3) of such title is amended by striking “September*
 13 *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 1074g(a)*
 20 *of title 10, United States Code, for pharmaceutical agents*
 21 *available through retail pharmacies covered by paragraph*
 22 *(2)(E)(ii) of such section may not exceed amounts as fol-*
 23 *lows:*

24 *(1) In the case of generic agents, \$3.*

1 (2) *In the case of formulary agents, \$9.*

2 (3) *In the case of nonformulary agents, \$22.*

3 **SEC. 703. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON**
 4 **ACTIVE DUTY.**

5 *Not later than September 30, 2009, the Secretary of*
 6 *Defense shall provide chiropractic services to active duty*
 7 *military personnel at 11 additional military treatment fa-*
 8 *cilities that do not currently provide chiropractic services.*

9 **SEC. 704. CALCULATION OF MONTHLY PREMIUMS FOR COV-**
 10 **ERAGE UNDER TRICARE RESERVE SELECT**
 11 **AFTER 2008.**

12 *(a) CALCULATION OF MONTHLY PREMIUMS FOR YEARS*
 13 *AFTER 2009.—Section 1076d(d)(3) of title 10, United*
 14 *States Code, is amended—*

15 (1) *by inserting “(A)” after “(3)”;*

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

17 (A) *by striking “that the Secretary deter-*
 18 *mines” and inserting “determined”; and*

19 (B) *by striking the second sentence; and*

20 (3) *by adding at the end the following new sub-*
 21 *paragraph:*

22 “(B) *The appropriate actuarial basis for purposes of*
 23 *subparagraph (A) shall be determined, for each calendar*
 24 *year after calendar year 2009, by utilizing the actual cost*
 25 *of providing benefits under this section to members and*

1 *their dependents during the calendar years preceding such*
2 *calendar year.”.*

3 (b) *CALCULATION OF MONTHLY PREMIUMS FOR*
4 *2009.—For purposes of section 1076d(d)(3) of title 10,*
5 *United States Code, the appropriate actuarial basis for*
6 *purposes of subparagraph (A) of that section shall be deter-*
7 *mined for calendar year 2009 by utilizing the reported cost*
8 *of providing benefits under that section to members and*
9 *their dependents during calendar years 2006 and 2007, ex-*
10 *cept that the monthly amount of the premium determined*
11 *pursuant to this subsection may not exceed the amount in*
12 *effect for the month of March 2007.*

13 (c) *EFFECTIVE DATE.—The amendments made by this*
14 *section shall take effect as of October 1, 2008.*

15 **SEC. 705. PROGRAM FOR HEALTH CARE DELIVERY AT MILI-**
16 **TARY INSTALLATIONS PROJECTED TO GROW.**

17 (a) *PROGRAM.—The Secretary of Defense is authorized*
18 *to develop a plan to establish a program to build coopera-*
19 *tive health care arrangements and agreements between mili-*
20 *tary installations projected to grow and local and regional*
21 *non-military health care systems.*

22 (b) *REQUIREMENTS OF PLAN.—In developing the plan,*
23 *the Secretary of Defense shall—*

24 (1) *identify and analyze health care delivery op-*
25 *tions involving the private sector and health care*

1 *services in military facilities located on military in-*
2 *stallations;*

3 (2) *develop methods for determining the cost*
4 *avoidance or savings resulting from innovative part-*
5 *nerships between the Department of Defense and the*
6 *private sector;*

7 (3) *develop requirements for Department of De-*
8 *fense health care providers to deliver health care in ci-*
9 *vilian community hospitals; and*

10 (4) *collaborate with State and local authorities*
11 *to create an arrangement to share and exchange, be-*
12 *tween the Department of Defense and nonmilitary*
13 *health care systems, personal health information, and*
14 *data of military personnel and their families.*

15 (c) *COORDINATION WITH OTHER ENTITIES.—The*
16 *plan shall include requirements for coordination with Fed-*
17 *eral, State, and local entities, TRICARE managed care*
18 *support contractors, and other contracted assets around in-*
19 *stallations selected for participation in the program.*

20 (d) *CONSULTATION REQUIREMENTS.—The Secretary*
21 *of Defense shall develop the plan in consultation with the*
22 *Secretaries of the military departments.*

23 (e) *SELECTION OF MILITARY INSTALLATIONS.—Each*
24 *selected military installation shall meet the following cri-*
25 *teria:*

1 (1) *The military installation has members of the*
2 *Armed Forces on active duty and members of reserve*
3 *components of the Armed Forces that use the installa-*
4 *tion as a training and operational base, with mem-*
5 *bers routinely deploying in support of the global war*
6 *on terrorism.*

7 (2) *The military population of an installation*
8 *will significantly increase by 2013 due to actions re-*
9 *lated to either Grow the Force initiatives or rec-*
10 *ommendations of the Defense Base Realignment and*
11 *Closure Commission.*

12 (3) *There is a military treatment facility on the*
13 *installation that has—*

14 (A) *no inpatient or trauma center care ca-*
15 *pabilities; and*

16 (B) *no current or planned capacity that*
17 *would satisfy the proposed increase in military*
18 *personnel at the installation.*

19 (4) *There is a civilian community hospital near*
20 *the military installation, and the military treatment*
21 *facility has—*

22 (A) *no inpatient services or limited capa-*
23 *bility to expand inpatient care beds, intensive*
24 *care, and specialty services; and*

1 (B) *limited or no capability to provide*
2 *trauma care.*

3 (f) *REPORTS.*—*Not later than one year after the date*
4 *of the enactment of this Act, and every year thereafter, the*
5 *Secretary of Defense shall submit to the Committees on*
6 *Armed Services of the Senate and House of Representatives*
7 *an annual report on any plan developed under subsection*
8 *(a).*

9 **SEC. 706. GUIDELINES FOR COMBINED MEDICAL FACILI-**
10 **TIES OF THE DEPARTMENT OF DEFENSE AND**
11 **THE DEPARTMENT OF VETERANS AFFAIRS.**

12 *Before a facility may be designated a combined Fed-*
13 *eral medical facility of the Department of Defense and the*
14 *Department of Veterans Affairs, the Secretary of Defense*
15 *and the Secretary of Veterans Affairs shall execute a signed*
16 *agreement that specifies, at a minimum, a binding oper-*
17 *ational agreement on the following areas:*

- 18 (1) *Governance.*
19 (2) *Patient priority categories.*
20 (3) *Budgeting.*
21 (4) *Staffing and training.*
22 (5) *Construction.*
23 (6) *Physical plant management.*
24 (7) *Contingency planning.*
25 (8) *Quality assurance.*

1 (9) *Information technology.*

2 ***Subtitle B—Preventive Care***

3 ***SEC. 711. WAIVER OF COPAYMENTS FOR PREVENTIVE SERV-***
4 ***ICES FOR CERTAIN TRICARE BENEFICIARIES.***

5 (a) *WAIVER OF CERTAIN COPAYMENTS.*—*Subject to*
6 *subsection (b) and under regulations prescribed by the Sec-*
7 *retary of Defense, the Secretary shall—*

8 (1) *waive all copayments under sections 1079(b)*
9 *and 1086(b) of title 10, United States Code, for pre-*
10 *ventive services for all beneficiaries who would other-*
11 *wise pay copayments; and*

12 (2) *ensure that a beneficiary pays nothing for*
13 *preventive services during a year even if the bene-*
14 *ficiary has not paid the amount necessary to cover*
15 *the beneficiary's deductible for the year.*

16 (b) *EXCLUSION FOR MEDICARE-ELIGIBLE BENE-*
17 *FICIARIES.*—*Subsection (a) shall not apply to a medicare-*
18 *eligible beneficiary.*

19 (c) *REFUND OF COPAYMENTS.*—

20 (1) *AUTHORITY.*—*Under regulations prescribed*
21 *by the Secretary of Defense, the Secretary may pay*
22 *a refund to a medicare-eligible beneficiary excluded*
23 *by subsection (b), subject to the availability of appro-*
24 *priations specifically for such refunds, consisting of*
25 *an amount up to the difference between—*

1 (A) the amount the beneficiary pays for co-
2 payments for preventive services during fiscal
3 year 2009; and

4 (B) the amount the beneficiary would have
5 paid during such fiscal year if the copayments
6 for preventive services had been waived pursuant
7 to subsection (a) during that year.

8 (2) *COPAYMENTS COVERED.*—The refunds under
9 paragraph (1) are available only for copayments paid
10 by medicare-eligible beneficiaries during fiscal year
11 2009.

12 (d) *DEFINITIONS.*—In this section:

13 (1) *PREVENTIVE SERVICES.*—The term “preven-
14 tive services” includes, taking into consideration the
15 age and gender of the beneficiary:

16 (A) *Colorectal screening.*

17 (B) *Breast screening.*

18 (C) *Cervical screening.*

19 (D) *Prostate screening.*

20 (E) *Annual physical exam.*

21 (F) *Vaccinations.*

22 (G) *Other services as determined by the Sec-*
23 *retary of Defense.*

1 (2) *MEDICARE-ELIGIBLE.*—*The term “medicare-*
2 *eligible” has the meaning provided by section*
3 *1111((b) of title 10, United States Code.*

4 **SEC. 712. MILITARY HEALTH RISK MANAGEMENT DEM-**
5 **ONSTRATION PROJECT.**

6 (a) *DEMONSTRATION PROJECT REQUIRED.*—*The Sec-*
7 *retary of Defense shall conduct a demonstration project de-*
8 *signed to evaluate the efficacy of providing incentives to en-*
9 *courage healthy behaviors on the part of eligible military*
10 *health system beneficiaries.*

11 (b) *ELEMENTS OF DEMONSTRATION PROJECT.*—

12 (1) *WELLNESS ASSESSMENT.*—*The Secretary*
13 *shall develop a wellness assessment to be offered to*
14 *beneficiaries enrolled in the demonstration project.*
15 *The wellness assessment shall incorporate nationally*
16 *recognized standards for health and healthy behaviors*
17 *and shall be offered to determine a baseline and at*
18 *appropriate intervals determined by the Secretary.*
19 *The wellness assessment shall include the following:*

20 (A) *A self-reported health risk assessment.*

21 (B) *Physiological and biometric measures,*
22 *including at least—*

23 (i) *blood pressure;*

24 (ii) *glucose level;*

25 (iii) *lipids;*

1 (iv) nicotine use; and

2 (v) weight.

3 (2) *POPULATION ENROLLED.*—Non-medicare eli-
4 gible retired beneficiaries of the military health sys-
5 tem and their dependents who are enrolled in
6 *TRICARE Prime* and who reside in the demonstra-
7 tion project service area shall be offered the oppor-
8 tunity to enroll in the demonstration project.

9 (3) *GEOGRAPHIC COVERAGE OF DEMONSTRATION*
10 *PROJECT.*—The demonstration project shall be con-
11 ducted in at least three geographic areas within the
12 United States where *TRICARE Prime* is offered, as
13 determined by the Secretary. The area covered by the
14 project shall be referred to as the demonstration
15 project service area.

16 (4) *PROGRAMS.*—The Secretary shall develop
17 programs to assist enrollees to improve healthy behav-
18 iors, as identified by the wellness assessment.

19 (5) *INCLUSION OF INCENTIVES REQUIRED.*—For
20 the purpose of conducting the demonstration project,
21 the Secretary may offer monetary and non-monetary
22 incentives to enrollees to encourage participation in
23 the demonstration project.

1 (c) *EVALUATION OF DEMONSTRATION PROJECT.*—The
2 Secretary shall annually evaluate the demonstration project
3 for the following:

4 (1) *The extent to which the health risk assess-*
5 *ment and the physiological and biometric measures of*
6 *beneficiaries are improved from the baseline (as deter-*
7 *mined in the wellness assessment).*

8 (2) *In the case of baseline health risk assessments*
9 *and physiological and biometric measures that reflect*
10 *healthy behaviors, the extent to which the measures*
11 *are maintained.*

12 (d) *IMPLEMENTATION PLAN.*—The Secretary of De-
13 fense shall submit a plan to implement the health risk man-
14 agement demonstration project required by this section not
15 later than 90 days after the date of the enactment of this
16 Act.

17 (e) *DURATION OF PROJECT.*—The health risk manage-
18 ment demonstration project shall be implemented for a pe-
19 riod of three years, beginning not later than March 1, 2009,
20 and ending three years after that date.

21 (f) *REPORT.*—

22 (1) *IN GENERAL.*—The Secretary of Defense shall
23 submit to the Committees on Armed Services of the
24 Senate and the House of Representatives an annual
25 report on the effectiveness of the health risk manage-

1 *ment demonstration project in improving the health*
2 *risk measures of military health system beneficiaries*
3 *enrolled in the demonstration project. The first report*
4 *shall be submitted not later than one year after the*
5 *date of the enactment of this Act, and subsequent re-*
6 *ports shall be submitted for each year of the dem-*
7 *onstration project with the final report being sub-*
8 *mitted not later than 90 days after the termination*
9 *of the demonstration project.*

10 (2) *MATTERS COVERED.—Each report shall ad-*
11 *dress, at a minimum, the following:*

12 (A) *The number of beneficiaries who were*
13 *enrolled in the project.*

14 (B) *The number of enrolled beneficiaries*
15 *who participate in the project.*

16 (C) *The incentives to encourage healthy be-*
17 *haviors that were provided to the beneficiaries in*
18 *each beneficiary category, and the extent to*
19 *which the incentives encouraged healthy behav-*
20 *iors.*

21 (D) *An assessment of the effectiveness of the*
22 *demonstration project.*

23 (E) *Recommendations for adjustments to*
24 *the demonstration project.*

1 (F) *The estimated costs avoided as a result*
2 *of decreased health risk conditions on the part of*
3 *each of the beneficiary categories.*

4 (G) *Recommendations for extending the*
5 *demonstration project or implementing a perma-*
6 *nent wellness assessment program.*

7 (H) *Identification of legislative authorities*
8 *required to implement a permanent program.*

9 **SEC. 713. SMOKING CESSATION PROGRAM UNDER TRICARE.**

10 (a) *TRICARE SMOKING CESSATION PROGRAM.—Not*
11 *later than 180 days after the date of the enactment of this*
12 *Act, the Secretary of Defense shall establish a smoking ces-*
13 *sation program under the TRICARE program, to be made*
14 *available to all beneficiaries under the TRICARE program,*
15 *subject to subsection (b). The Secretary may prescribe such*
16 *regulations as may be necessary to implement the program.*

17 (b) *EXCLUSION FOR MEDICARE-ELIGIBLE BENE-*
18 *FICIARIES.—The smoking cessation program shall not be*
19 *made available to medicare-eligible beneficiaries.*

20 (c) *ELEMENTS.—The program shall include, at a min-*
21 *imum, the following elements:*

22 (1) *The availability, at no cost to the bene-*
23 *ficiary, of pharmaceuticals used for smoking ces-*
24 *sation, with a limitation on the availability of such*
25 *pharmaceuticals to the national mail-order pharmacy*

1 *program under the TRICARE program if appro-*
2 *priate.*

3 (2) *Counseling.*

4 (3) *Access to a toll-free quit line that is available*
5 *24 hours a day, 7 days a week.*

6 (4) *Access to printed and Internet web-based to-*
7 *bacco cessation material.*

8 (d) *CHAIN OF COMMAND INVOLVEMENT.*—*In estab-*
9 *lishing the program, the Secretary of Defense shall provide*
10 *for involvement by officers in the chain of command of par-*
11 *ticipants in the program who are on active duty.*

12 (e) *PLAN.*—*Not later than 90 days after the date of*
13 *the enactment of this Act, the Secretary shall submit to the*
14 *congressional defense committees a plan to implement the*
15 *program.*

16 (f) *REFUND OF COPAYMENTS.*—

17 (1) *AUTHORITY.*—*Under regulations prescribed*
18 *by the Secretary of Defense, the Secretary may pay*
19 *a refund to a medicare-eligible beneficiary otherwise*
20 *excluded by this section, subject to the availability of*
21 *appropriations specifically for such refunds, con-*
22 *sisting of an amount up to the difference between—*

23 (A) *the amount the beneficiary pays for co-*
24 *payments for smoking cessation services de-*

1 *scribed in subsection (c) during fiscal year 2009;*
2 *and*

3 *(B) the amount the beneficiary would have*
4 *paid during such fiscal year if the beneficiary*
5 *had not been excluded under subsection (b) from*
6 *the smoking cessation program under subsection*
7 *(a).*

8 *(2) COPAYMENTS COVERED.—The refunds under*
9 *paragraph (1) are available only for copayments paid*
10 *by medicare-eligible beneficiaries during fiscal year*
11 *2009.*

12 *(g) REPORT.—Not later than one year after the date*
13 *of the enactment of this Act, the Secretary shall submit to*
14 *the congressional defense committees a report covering the*
15 *following:*

16 *(1) The status of the program.*

17 *(2) The number of participants in the program.*

18 *(3) The cost of the program.*

19 *(4) The costs avoided that are attributed to the*
20 *program.*

21 *(5) The success rates of the program compared to*
22 *other nationally recognized smoking cessation pro-*
23 *grams.*

24 *(6) Findings regarding the success rate of par-*
25 *ticipants in the program.*

1 (7) *Recommendations to modify the policies and*
2 *procedures of the program.*

3 (8) *Recommendations concerning the future util-*
4 *ity of the program.*

5 (h) *DEFINITIONS.—In this section:*

6 (1) *TRICARE PROGRAM.—The term “TRICARE*
7 *program” has the meaning provided by section*
8 *1072(7) of title 10, United States Code.*

9 (2) *MEDICARE-ELIGIBLE.—The term “medicare-*
10 *eligible” has the meaning provided by section 1111(b)*
11 *of title 10, United States Code.*

12 **SEC. 714. PREVENTIVE HEALTH ALLOWANCE.**

13 (a) *ALLOWANCE.—Chapter 7 of title 37, United States*
14 *Code, is amended by adding at the end the following new*
15 *section:*

16 **“§438. Preventive health services allowance**

17 “(a) *DEMONSTRATION PROJECT.—During the period*
18 *beginning on January 1, 2009, and ending on December*
19 *31, 2011, the Secretary of Defense shall conduct a dem-*
20 *onstration project designed to evaluate the efficacy of pro-*
21 *viding an annual allowance (to be known as a ‘preventive*
22 *health services allowance’) to members of the armed forces*
23 *described in subsection (b) to increase the use of preventive*
24 *health services by such members and their dependents.*

1 “(b) *ELIGIBLE MEMBERS.*—(1) *Subject to the numer-*
2 *ical limitations specified in paragraph (2), a member of*
3 *the armed forces who is serving on active duty for a period*
4 *of more than 30 days and meets the medical and dental*
5 *readiness requirements for the armed force of the member*
6 *may receive a preventive health services allowance.*

7 “(2) *Not more than 1,500 members of each of the*
8 *Army, Navy, Air Force, and Marine Corps may receive a*
9 *preventive health services allowance during any year, of*
10 *which half in each armed force shall be members without*
11 *dependents and half shall be members with dependents.*

12 “(c) *AMOUNT OF ALLOWANCE.*—*The Secretary of the*
13 *military department concerned shall pay a preventive*
14 *health services allowance to a member selected to receive the*
15 *allowance in an amount equal to—*

16 “(1) *\$500 per year, in the case of a member*
17 *without dependents; and*

18 “(2) *\$1,000 per year, in the case of a member*
19 *with dependents.*

20 “(d) *AUTHORIZED PREVENTIVE HEALTH SERVICES.*—
21 *(1) The Secretary of Defense shall specify the types of pre-*
22 *ventive health services that may be procured using a preven-*
23 *tive health services allowance and the frequency at which*
24 *such services may be procured.*

1 “(2) *At a minimum, authorized preventive health serv-*
2 *ices shall include, taking into consideration the age and*
3 *gender of the member and dependents of the member:*

4 “(A) *Colorectal screening.*

5 “(B) *Breast screening.*

6 “(C) *Cervical screening.*

7 “(D) *Prostate screening.*

8 “(E) *Annual physical exam.*

9 “(F) *Annual dental exam.*

10 “(G) *Weight and body mass screening.*

11 “(H) *Vaccinations.*

12 “(3) *The Secretary of Defense shall ensure that mem-*
13 *bers selected to receive the preventive health services allow-*
14 *ance and their dependents are provided a reasonable oppor-*
15 *tunity to receive the services authorized under this sub-*
16 *section in their local area.*

17 “(e) *DATA COLLECTION.—At a minimum, the Sec-*
18 *retary of Defense shall monitor and record the health of*
19 *members receiving a preventive health services allowance*
20 *and their dependents and the results of the testing required*
21 *to qualify for payment of the allowance, if conducted. The*
22 *Secretary shall assess the medical utility of the testing re-*
23 *quired to qualify for payment of a preventive health allow-*
24 *ance.*

1 “(f) *REPORTING REQUIREMENT.*—Not later than
2 *March 31, 2010, and March 31, 2012, the Secretary of De-*
3 *fense shall submit to Congress a report on the status of the*
4 *demonstration project, including findings regarding the*
5 *medical status of participants, recommendations to modify*
6 *the policies and procedures of the program, and rec-*
7 *ommendations concerning the future utility of the project.*

8 “(g) *REGULATIONS.*—*The Secretary of Defense shall*
9 *prescribe regulations to carry out this section.”.*

10 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
11 *the beginning of such chapter is amended by adding at the*
12 *end the following new item:*

“438. Preventive health care allowance.”.

13 **SEC. 715. ADDITIONAL AUTHORITY FOR STUDIES AND DEM-**
14 **ONSTRATION PROJECTS RELATING TO DELIV-**
15 **ERY OF HEALTH AND MEDICAL CARE.**

16 *Section 1092(a) of title 10, United States Code, is*
17 *amended by adding at the end the following new para-*
18 *graphs:*

19 “(3) *The Secretary of Defense may include in the stud-*
20 *ies and demonstration projects conducted under paragraph*
21 *(1) studies and demonstration projects to provide awards*
22 *and incentives to members of the armed forces and covered*
23 *beneficiaries who obtain health promotion and disease pre-*
24 *vention health care services under the TRICARE program*
25 *in accordance with terms and schedules prescribed by the*

1 *Secretary. Such awards and incentives may include cash*
2 *awards and, in the case of members of the armed forces,*
3 *personnel incentives.*

4 “(4)(A) *The Secretary of Defense may, in consultation*
5 *with the other administering Secretaries, include in the*
6 *studies and demonstration projects conducted under para-*
7 *graph (1) studies and demonstration projects to provide*
8 *awards or incentives to individual health care professionals*
9 *under the authority of such Secretaries, including members*
10 *of the uniformed services, Federal civilian employees, and*
11 *contractor personnel, to encourage and reward effective im-*
12 *plementation of innovative health care programs designed*
13 *to improve quality, cost-effectiveness, health promotion,*
14 *medical readiness, and other priority objectives. Such*
15 *awards and incentives may include cash awards and, in*
16 *the case of members of the armed forces and Federal civilian*
17 *employees, personnel incentives.*

18 “(B) *Amounts available for the pay of members of the*
19 *uniformed services shall be available for awards and incen-*
20 *tives under this paragraph with respect to members of the*
21 *uniformed services.*

22 “(5) *The Secretary of Defense may include in the stud-*
23 *ies and demonstration projects conducted under paragraph*
24 *(1) studies and demonstration projects to improve the med-*
25 *ical and dental readiness of members of reserve components*

1 of the armed forces, including the provision of health care
 2 services to such members for which they are not otherwise
 3 entitled or eligible under this chapter.

4 “(6) The Secretary of Defense may include in the stud-
 5 ies and demonstration projects conducted under paragraph
 6 (1) studies and demonstration projects to improve the con-
 7 tinuity of health care services for family members of mobi-
 8 lized members of the reserve components of the armed forces
 9 who are eligible for such services under this chapter, includ-
 10 ing payment of a stipend for continuation of employer-pro-
 11 vided health coverage during extended periods of active
 12 duty.”.

13 ***Subtitle C—Wounded Warrior***
 14 ***Matters***

15 **SEC. 721. CENTER OF EXCELLENCE IN PREVENTION, DIAG-**
 16 **NOSIS, MITIGATION, TREATMENT, AND REHA-**
 17 **BILITATION OF HEARING LOSS AND AUDI-**
 18 **TORY SYSTEM INJURIES.**

19 (a) *IN GENERAL.*—The Secretary of Defense shall es-
 20 tablish within the Department of Defense a center of excel-
 21 lence in the prevention, diagnosis, mitigation, treatment,
 22 and rehabilitation of hearing loss and auditory system in-
 23 jury to carry out the responsibilities specified in subsection
 24 (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 higher*
4 *education, and other appropriate public and private enti-*
5 *ties (including international entities) to carry out the re-*
6 *sponsibilities 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 devel-*
11 *oped by the Secretary of Defense, for a registry*
12 *of information for the tracking of the diagnosis,*
13 *surgical intervention or other operative proce-*
14 *dure, other treatment, and follow up for each*
15 *case of hearing loss and auditory system injury*
16 *incurred by a member of the Armed Forces while*
17 *servicing on active duty;*

18 (B) *ensure the electronic exchange with the*
19 *Secretary of Veterans Affairs of information ob-*
20 *tained through tracking under subparagraph*
21 *(A); and*

22 (C) *enable the Secretary of Veterans Affairs*
23 *to access the registry and add information per-*
24 *taining to additional treatments or surgical pro-*
25 *cedures and eventual hearing outcomes for vet-*

1 *erans who were entered into the registry and*
2 *subsequently received treatment through the Vet-*
3 *erans Health Administration.*

4 (2) *DESIGNATION OF REGISTRY.*—*The registry*
5 *under this subsection shall be known as the “Hearing*
6 *Loss and Auditory System Injury Registry” (herein-*
7 *after referred to as the “Registry”).*

8 (3) *CONSULTATION IN DEVELOPMENT.*—*The cen-*
9 *ter shall develop the Registry in consultation with au-*
10 *diologists, speech and language pathologists,*
11 *otolaryngologists, and other specialist personnel of the*
12 *Department of Defense and the audiologists, speech*
13 *and language pathologists, otolaryngologists, and*
14 *other specialist personnel of the Department of Vet-*
15 *erans Affairs. The mechanisms and procedures of the*
16 *Registry shall reflect applicable expert research on*
17 *military and other hearing loss.*

18 (4) *MECHANISMS.*—*The mechanisms of the Reg-*
19 *istry for tracking under paragraph (1)(A) shall en-*
20 *sure that each military medical treatment facility or*
21 *other medical facility shall submit to the center for*
22 *inclusion in the Registry information on the diag-*
23 *nosis, surgical intervention or other operative proce-*
24 *dure, other treatment, and follow up for each case of*

1 *hearing loss and auditory system injury described in*
2 *that paragraph as follows (to the extent applicable):*

3 *(A) Not later than 30 days after surgery or*
4 *other operative intervention, including a surgery*
5 *or other operative intervention carried out as a*
6 *result of a follow-up examination.*

7 *(B) Not later than 180 days after the hear-*
8 *ing loss and auditory system injury is reported*
9 *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 and*
14 *to the auditory system impairment services of the Vet-*
15 *erans Health Administration on each member of the*
16 *Armed Forces described in subparagraph (B) for pur-*
17 *poses of ensuring the coordination of the provision of*
18 *ongoing auditory system rehabilitation benefits and*
19 *services by the Department of Veterans Affairs after*
20 *the separation or release of such member from the*
21 *Armed Forces.*

22 *(B) A member of the Armed Forces described in*
23 *this subparagraph is a member of the Armed Forces*
24 *with significant hearing loss or auditory system in-*
25 *jury incurred while serving on active duty, including*

1 *a member with auditory dysfunction related to trau-*
2 *matic brain injury.*

3 *(d) UTILIZATION OF REGISTRY INFORMATION.—The*
4 *Secretary of Defense and the Secretary of Veterans Affairs*
5 *shall jointly ensure that information in the Registry is*
6 *available to appropriate audiologists, speech and language*
7 *pathologists, otolaryngologists, and other specialist per-*
8 *sonnel of the Department of Defense and the Department*
9 *of Veterans Affairs for purposes of encouraging and facili-*
10 *tating the conduct of research, and the development of best*
11 *practices and clinical education, on hearing loss or audi-*
12 *tory system injury incurred by members of the Armed*
13 *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 Reg-*
20 *istry, as the Secretary considers appropriate for purposes*
21 *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. CENTER OF EXCELLENCE IN THE MITIGATION,**
2 **TREATMENT, AND REHABILITATION OF TRAU-**
3 **MATIC EXTREMITY INJURIES AND AMPUTA-**
4 **TIONS.**

5 (a) *IN GENERAL.*—*The Secretary of Defense and the*
6 *Secretary of Veterans Affairs shall jointly establish a center*
7 *of excellence in the mitigation, treatment, and rehabilita-*
8 *tion of traumatic extremity injuries and amputations.*

9 (b) *PARTNERSHIPS.*—*The Secretary of Defense and the*
10 *Secretary of Veterans Affairs shall jointly ensure that the*
11 *center collaborates with the Department of Defense, the De-*
12 *partment of Veterans Affairs, institutions of higher edu-*
13 *cation, and other appropriate public and private entities*
14 *(including international entities) to carry out the respon-*
15 *sibilities specified in subsection (c).*

16 (c) *RESPONSIBILITIES.*—*The center shall have the re-*
17 *sponsibilities as follows:*

18 (1) *To implement a comprehensive plan and*
19 *strategy for the Department of Defense and the De-*
20 *partment of Veterans Affairs for the mitigation, treat-*
21 *ment, and rehabilitation of traumatic extremity inju-*
22 *ries and amputations.*

23 (2) *To conduct research to develop scientific in-*
24 *formation aimed at saving injured extremities, avoid-*
25 *ing amputations, and preserving and restoring the*
26 *function of injured extremities. Such research shall*

1 *address military medical needs and include the full*
2 *range of scientific inquiry encompassing basic,*
3 *translational, and clinical research.*

4 *(3) To carry out such other activities to improve*
5 *and enhance the efforts of the Department of Defense*
6 *and the Department of Veterans Affairs for the miti-*
7 *gation, treatment, and rehabilitation of traumatic ex-*
8 *tremity injuries and amputations as the Secretary of*
9 *Defense and the Secretary of Veterans Affairs consider*
10 *appropriate.*

11 *(d) REPORTS.—*

12 *(1) IN GENERAL.—Not later than one year after*
13 *the date of the enactment of this Act, and annually*
14 *thereafter, the Secretary of Defense and the Secretary*
15 *of Veterans Affairs shall jointly submit to Congress a*
16 *report on the activities of the center.*

17 *(2) ELEMENTS.—Each report under this sub-*
18 *section shall include the following:*

19 *(A) In the case of the first report under this*
20 *subsection, a description of the implementation*
21 *of the requirements of this Act.*

22 *(B) A description and assessment of the ac-*
23 *tivities of the center during the one-year period*
24 *ending on the date of such report, including an*
25 *assessment of the role of such activities in im-*

1 *proving and enhancing the efforts of the Depart-*
2 *ment of Defense and the Department of Veterans*
3 *Affairs for the mitigation, treatment, and reha-*
4 *bilitation of traumatic extremity injuries and*
5 *amputations.*

6 **SEC. 724. ADDITIONAL RESPONSIBILITIES FOR THE**
7 **WOUNDED WARRIOR RESOURCE CENTER.**

8 *Section 1616(a) of the Wounded Warrior Act (title XVI*
9 *of Public Law 110–181; 122 Stat. 447; 10 U.S.C. 1071*
10 *note) is amended in the first sentence by inserting “receiv-*
11 *ing legal assistance referral information (where appro-*
12 *priate), receiving other appropriate referral information,”*
13 *after “receiving benefits information.”*

14 **SEC. 725. SENSE OF CONGRESS ON RESEARCH ON TRAU-**
15 **MATIC BRAIN INJURY.**

16 *It is the sense of Congress that the requirement under*
17 *section 1621(c)(7) of the National Defense Authorization*
18 *Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*
19 *453; 10 U.S.C. 1071 note) to conduct basic science and*
20 *translational research on traumatic brain injury includes*
21 *pilot programs designed to test the efficacy of clinical ap-*
22 *proaches, including the use of pharmacological agents. Con-*
23 *gress urges continued studies of the efficacy of pharma-*
24 *cological agents for treatment of traumatic brain injury*

1 *and supports continued joint research with the National In-*
2 *stitutes of Health in this area.*

3 **SEC. 726. EXTENSION OF SENIOR OVERSIGHT COMMITTEE**
4 **WITH RESPECT TO WOUNDED WARRIOR MAT-**
5 **TERS.**

6 (a) *IN GENERAL.*—*The Secretary of Defense and the*
7 *Secretary of Veterans Affairs shall jointly take such actions*
8 *as are appropriate, including the allocation of appropriate*
9 *personnel, funding, and other resources, to continue the op-*
10 *erations of the Senior Oversight Committee until December*
11 *31, 2009.*

12 (b) *REPORT ON FURTHER EXTENSION OF COM-*
13 *MITTEE.*—*Not later than August 31, 2009, the Secretary of*
14 *Defense and the Secretary of Veterans Affairs shall jointly*
15 *submit to Congress a report setting forth the joint rec-*
16 *ommendation of the Secretaries as to the advisability of*
17 *continuing the operations of the Senior Oversight Com-*
18 *mittee after December 31, 2009. If the Secretaries rec-*
19 *ommend that continuing the operations of the Senior Over-*
20 *sight Committee after December 31, 2009, is advisable, the*
21 *report may include such recommendations for the modifica-*
22 *tion of the responsibilities, composition, or support of the*
23 *Senior Oversight Committee as the Secretaries jointly con-*
24 *sider appropriate.*

1 (c) *SENIOR OVERSIGHT COMMITTEE DEFINED.*—In
 2 *this section, the term “Senior Oversight Committee” means*
 3 *the Senior Oversight Committee jointly established by the*
 4 *Secretary of Defense and the Secretary of Veterans Affairs*
 5 *in May 2007. The Senior Oversight Committee was estab-*
 6 *lished to address concerns related to the treatment of wound-*
 7 *ed, ill, and injured members of the Armed Forces and vet-*
 8 *erans and serves as the single point of contact for oversight,*
 9 *strategy, and integration of proposed strategies for the ef-*
 10 *forts of the Department of Defense and the Department of*
 11 *Veterans Affairs to improve support throughout the recov-*
 12 *ery, rehabilitation, and reintegration of wounded, ill, or in-*
 13 *jured members of the Armed Forces.*

14 **SEC. 727. MODIFICATION OF UTILIZATION OF VETERANS’**
 15 **PRESUMPTION OF SOUND CONDITION IN ES-**
 16 **TABLISHING ELIGIBILITY OF MEMBERS OF**
 17 **THE ARMED FORCES FOR RETIREMENT FOR**
 18 **DISABILITY.**

19 (a) *RETIREMENT OF REGULARS AND MEMBERS ON*
 20 *ACTIVE DUTY FOR MORE THAN 30 DAYS.*—Section
 21 *1201(b)(3)(B)(i) of title 10, United States Code, is amend-*
 22 *ed—*

23 (1) *by striking “the member has six months or*
 24 *more of active military service and”;* and

1 (2) by striking “(unless compelling evidence”
 2 and all that follows through “active duty)” and in-
 3 serting “(unless clear and unmistakable evidence dem-
 4 onstrates that the disability existed before the mem-
 5 ber’s entrance on active duty and was not aggravated
 6 by active military service)”.

7 (b) *SEPARATION OF REGULARS AND MEMBERS ON AC-*
 8 *TIVE DUTY FOR MORE THAN 30 DAYS.*—Section
 9 1203(b)(4)(B) of such title is amended—

10 (1) by striking “the member has six months or
 11 more of active military service, and”; and

12 (2) by striking “(unless compelling evidence”
 13 and all that follows through “active duty)” and in-
 14 serting “(unless clear and unmistakable evidence dem-
 15 onstrates that the disability existed before the mem-
 16 ber’s entrance on active duty and was not aggravated
 17 by active military service)”.

18 ***Subtitle D—Other Matters***

19 ***SEC. 731. REPORT ON PROVIDING THE EXTENDED CARE*** 20 ***HEALTH OPTION PROGRAM TO DEPENDENTS*** 21 ***OF MILITARY RETIREES.***

22 (a) *REPORT REQUIRED.*—Not later than 90 days after
 23 the date of the enactment of this Act, the Secretary of De-
 24 fense shall submit to the congressional defense committees
 25 a report on including dependents of military retirees in the

1 *ECHO* program for a limited transitional period following
2 retirement.

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 dependents who are eligible to
7 receive extended benefits under the *ECHO* program
8 and an estimate of the number of future military re-
9 tirees with dependents who are eligible to receive such
10 benefits.

11 (2) The cost estimates of providing extended ben-
12 efits under the *ECHO* program to dependents of all
13 current and future military retirees.

14 (3) The feasibility of including dependents of
15 military retirees in any ongoing demonstration or
16 pilot programs within the *ECHO* program.

17 (4) The statutory and regulatory impediments to
18 including dependents of military retirees in the
19 *ECHO* program.

20 (c) *ECHO PROGRAM.*—In this section, the term
21 “*ECHO* program” means the *Extended Care Health Option*
22 program provided pursuant to subsections (d), (e), and (f)
23 of section 1079 of title 10, *United States Code*.

1 **SEC. 732. INCREASE IN CAP ON EXTENDED BENEFITS**
2 **UNDER EXTENDED HEALTH CARE OPTION**
3 **(ECHO).**

4 *Section 1079(f) of title 10, United States Code is*
5 *amended—*

6 *(1) in paragraph (2)(A), by striking “month*
7 *shall not exceed \$2,500,” and inserting “year shall*
8 *not exceed \$36,000, prorated as determined by the*
9 *Secretary of Defense;” and*

10 *(2) in paragraph (2)(B), by striking “month”*
11 *and inserting “year.”.*

12 **SEC. 733. DEPARTMENT OF DEFENSE TASK FORCE ON THE**
13 **PREVENTION OF SUICIDE BY MEMBERS OF**
14 **THE ARMED FORCES.**

15 *(a) REQUIREMENT TO ESTABLISH.—The Secretary of*
16 *Defense shall establish within the Department of Defense a*
17 *task force to examine matters relating to prevention of sui-*
18 *cide by members of the Armed Forces.*

19 *(b) COMPOSITION.—*

20 *(1) MEMBERS.—The task force shall consist of*
21 *not more than 14 members appointed by the Sec-*
22 *retary of Defense from among individuals described*
23 *in paragraph (2) who have demonstrated expertise in*
24 *the area of suicide prevention and response.*

25 *(2) RANGE OF MEMBERS.—The individuals ap-*
26 *pointed to the task force shall include—*

1 (A) at least one member of each of the
2 Army, Navy, Air Force, and Marine Corps;

3 (B) a number of persons from outside the
4 Department of Defense equal to the total number
5 of personnel from within the Department of De-
6 fense (whether members of the Armed Forces or
7 civilian personnel) who are appointed to the task
8 force;

9 (C) persons who have experience in—

10 (i) national suicide prevention policy;

11 (ii) military personnel policy;

12 (iii) research in the field of suicide
13 prevention;

14 (iv) clinical care in mental health; or

15 (v) military chaplaincy or pastoral
16 care; and

17 (D) at least one family member of a mem-
18 ber of the Armed Forces who has experience
19 working with military families.

20 (3) *INDIVIDUALS APPOINTED OUTSIDE DEPART-*
21 *MENT OF DEFENSE.*—Individuals appointed to the
22 task force from outside the Department of Defense
23 may include officers or employees of other depart-
24 ments or agencies of the Federal Government, officers

1 or employees of State and local governments, or indi-
2 viduals from the private sector.

3 (4) *DEADLINE FOR APPOINTMENT.*—All appoint-
4 ments of individuals to the task force shall be made
5 not later than 180 days after the date of the enact-
6 ment of this Act.

7 (5) *CO-CHAIRS OF TASK FORCE.*—There shall be
8 two co-chairs of the task force. One of the co-chairs
9 shall be designated by the Secretary of the Defense at
10 the time of appointment from among the Department
11 of Defense personnel appointed to the task force. The
12 other co-chair shall be selected from among the mem-
13 bers appointed from outside the Department of De-
14 fense by members so appointed.

15 (c) *ASSESSMENT AND RECOMMENDATIONS ON SUICIDE*
16 *PREVENTION POLICY.*—

17 (1) *IN GENERAL.*—Not later than 12 months
18 after the date on which all members of the task force
19 have been appointed, the task force shall submit to the
20 Secretary a report containing recommendations re-
21 garding a comprehensive policy designed to prevent
22 suicide by members of the Armed Forces.

23 (2) *UTILIZATION OF OTHER EFFORTS.*—In pre-
24 paring the report, the task force shall take into con-
25 sideration completed and ongoing efforts by the mili-

1 *tary departments to improve the efficacy of suicide*
2 *prevention programs.*

3 (3) *ELEMENTS.—The recommendations (includ-*
4 *ing recommendations for legislative or administrative*
5 *action) shall include measures to address the fol-*
6 *lowing:*

7 (A) *Methods to identify trends and common*
8 *causal factors in suicides by members of the*
9 *Armed Forces.*

10 (B) *Methods to establish or update suicide*
11 *education and prevention programs conducted by*
12 *each military department based on identified*
13 *trends and causal factors.*

14 (C) *An assessment of current suicide edu-*
15 *cation and prevention programs of each military*
16 *department.*

17 (D) *An assessment of suicide incidence by*
18 *military occupation to include identification of*
19 *military occupations with a high incidence of*
20 *suicide.*

21 (E) *The appropriate type and method of in-*
22 *vestigation to determine the causes and factors*
23 *surrounding each suicide by a member of the*
24 *Armed Forces.*

1 (F) *The qualifications of the individual ap-*
2 *pointed to conduct an investigation of a suicide*
3 *by a member of the Armed Forces.*

4 (G) *The required information to be deter-*
5 *mined by an investigation in order to determine*
6 *the causes and factors surrounding suicides by*
7 *members of the Armed Forces.*

8 (H) *The appropriate reporting requirements*
9 *following an investigation conducted on a suicide*
10 *by a member of the Armed Forces.*

11 (I) *The appropriate official or executive*
12 *agent within the military department and De-*
13 *partment of Defense to receive and analyze re-*
14 *ports on investigations of suicides by members of*
15 *the Armed Forces.*

16 (J) *The appropriate use of the information*
17 *gathered during investigations of suicides by*
18 *members of the Armed Forces.*

19 (K) *Methods for protecting confidentiality of*
20 *information contained in reports of investiga-*
21 *tions of suicides by members of the Armed*
22 *Forces.*

23 (d) *ADMINISTRATIVE MATTERS.—*

24 (1) *COMPENSATION.—Each member of the task*
25 *force who is a member of the Armed Forces or a civil-*

1 *ian officer or employee of the United States shall*
2 *serve without compensation (other than compensation*
3 *to which entitled as a member of the Armed Forces*
4 *or an officer or employee of the United States, as the*
5 *case may be). Other members of the task force shall*
6 *be treated for purposes of section 3161 of title 5,*
7 *United States Code, as having been appointed under*
8 *subsection (b) of such section.*

9 (2) *OVERSIGHT.—The Under Secretary of De-*
10 *fense for Personnel and Readiness shall oversee the ac-*
11 *tivities of the task force.*

12 (3) *ADMINISTRATIVE SUPPORT.—The Wash-*
13 *ington Headquarters Services of the Department of*
14 *Defense shall provide the task force with personnel, fa-*
15 *ilities, and other administrative support as nec-*
16 *essary for the performance of the duties of the task*
17 *force.*

18 (4) *ACCESS TO FACILITIES.—The Under Sec-*
19 *retary of Defense for Personnel and Readiness shall,*
20 *in coordination with the Secretaries of the military*
21 *departments, ensure appropriate access by the task*
22 *force to military installations and facilities for pur-*
23 *poses of the discharge of the duties of the task force.*

24 (e) *REPORT.—*

1 (1) *IN GENERAL.*—*The task force shall submit to*
2 *the Secretary of Defense a report on its activities*
3 *under this section. The report shall include—*

4 (A) *a description of the activities of the task*
5 *force;*

6 (B) *the assessment and recommendations re-*
7 *quired by subsection (c); and*

8 (C) *such other matters relating to the ac-*
9 *tivities of the task force that the task force con-*
10 *siders appropriate.*

11 (2) *TRANSMITTAL TO CONGRESS.*—*Not later than*
12 *90 days after receipt of the report under paragraph*
13 *(1), the Secretary shall transmit the report to the*
14 *Committees on Armed Services of the Senate and the*
15 *House of Representatives. The Secretary may include*
16 *in the transmittal such comments on the report as the*
17 *Secretary considers appropriate.*

18 (f) *PLAN REQUIRED.*—*Not later than March 1, 2010,*
19 *the Secretary of Defense shall develop a plan based on the*
20 *recommendations of the task force and submit the plan to*
21 *the congressional defense committees.*

22 (g) *TERMINATION.*—*The task force shall terminate 90*
23 *days after the date on which the report of the task force*
24 *is submitted to Congress under subsection (e)(2).*

1 **SEC. 734. TRANSITIONAL HEALTH CARE FOR CERTAIN MEM-**
2 **BERS OF THE ARMED FORCES WHO AGREE TO**
3 **SERVE IN THE SELECTED RESERVE OF THE**
4 **READY RESERVE.**

5 (a) *PROVISION OF TRANSITIONAL HEALTH CARE.*—
6 *Section 1145(a)(2) of title 10, United States Code, is*
7 *amended by adding at the end the following new subpara-*
8 *graph:*

9 “(F) *A member who is separated from active*
10 *duty who agrees to become a member of the Selected*
11 *Reserve of the Ready Reserve of a reserve compo-*
12 *nent.*”.

13 (b) *EFFECTIVE DATE.*—*Subparagraph (F) of section*
14 *1145(a)(2) of title 10, United States Code, as added by sub-*
15 *section (a), shall apply with respect to members of the*
16 *Armed Forces separated from active duty after the date of*
17 *the enactment of this Act.*

18 **SEC. 735. ENHANCEMENT OF MEDICAL AND DENTAL READI-**
19 **NESS OF MEMBERS OF THE ARMED FORCES.**

20 (a) *EXPANSION OF AVAILABILITY OF MEDICAL AND*
21 *DENTAL SERVICES FOR RESERVES.*—

22 (1) *EXPANSION OF AVAILABILITY FOR RESERVES*
23 *ASSIGNED TO UNITS SCHEDULED FOR DEPLOYMENT*
24 *WITHIN 75 DAYS OF MOBILIZATION.*—*Subsection*
25 *(d)(1) of section 1074a of title 10, United States Code,*
26 *is amended by striking “The Secretary of the Army*

1 *shall provide to members of the Selected Reserve of the*
2 *Army” and inserting “The Secretary concerned shall*
3 *provide to members of the Selected Reserve”.*

4 (2) *AVAILABILITY FOR CERTAIN OTHER RE-*
5 *SERVES.—Such section is further amended by adding*
6 *at the end the following new subsection:*

7 *“(g)(1) The Secretary concerned may provide to any*
8 *member of the Selected Reserve not described in subsection*
9 *(d)(1) or (f), and to any member of the Individual Ready*
10 *Reserve described in section 10144(b) of this title the med-*
11 *ical and dental services specified in subsection (d)(1) if the*
12 *Secretary determines that the receipt of such services by*
13 *such member is necessary to ensure that the member meets*
14 *applicable standards of medical and dental readiness.*

15 *“(2) Services may not be provided to a member under*
16 *this subsection for a condition that is the result of the mem-*
17 *ber’s own misconduct.*

18 *“(3) The services provided under this subsection shall*
19 *be provided at no cost to the member.”.*

20 (3) *FUNDING.—Such section is further amended*
21 *by adding at the end the following new subsection:*

22 *“(h) Amounts available for operation and mainte-*
23 *nance of a reserve component of the armed forces may be*
24 *available for purposes of this section to ensure the medical*

1 *and dental readiness of members of such reserve compo-*
2 *ment.”.*

3 **(b) WAIVER OF CERTAIN COPAYMENTS FOR DENTAL**
4 **CARE FOR RESERVES FOR READINESS PURPOSES.**—*Sec-*
5 *tion 1076a(e) of such title is amended—*

6 (1) *by redesignating paragraphs (1), (2), and (3)*
7 *as subparagraphs (A), (B), and (C), respectively;*

8 (2) *by striking “A member or dependent” and*
9 *inserting “(1) Except as provided pursuant to para-*
10 *graph (2), a member or dependent”;* and

11 (3) *by adding at the end the following new para-*
12 *graph:*

13 “(2)(A) *During a national emergency declared by the*
14 *President or Congress and subject to regulations prescribed*
15 *by the Secretary of Defense, the Secretary may waive, in*
16 *whole or in part, the charges otherwise payable by a mem-*
17 *ber of the Selected Reserve of the Ready Reserve or a mem-*
18 *ber of the Individual Ready Reserve under paragraph (1)*
19 *for the coverage of the member alone under the dental insur-*
20 *ance plan established under subsection (a)(1) if the Sec-*
21 *retary determines that such waiver of the charges would fa-*
22 *cilitate or ensure the readiness of a unit or individual for*
23 *deployment.*

1 “(B) *The waiver under subparagraph (A) may apply*
2 *only with respect to charges for coverage of dental care re-*
3 *quired for readiness.*”.

4 (c) *REPORT ON POLICIES AND PROCEDURES IN SUP-*
5 *PORT OF MEDICAL AND DENTAL READINESS.—*

6 (1) *IN GENERAL.—Not later than March 1, 2009,*
7 *the Secretary of Defense shall submit to the Commit-*
8 *tees on Armed Services of the Senate and the House*
9 *of Representatives a report on the policies and proce-*
10 *dures of the Department of Defense to ensure the med-*
11 *ical and dental readiness of members of the Armed*
12 *Forces.*

13 (2) *ELEMENTS.—The report required by para-*
14 *graph (1) shall include the following:*

15 (A) *A description of the current standards*
16 *of each military department with respect to the*
17 *medical and dental readiness of individual mem-*
18 *bers of the Armed Forces (including members of*
19 *the regular components and members of the re-*
20 *serve components), and with respect to the med-*
21 *ical and dental readiness of units of the Armed*
22 *Forces (including units of the regular compo-*
23 *nents and units of the reserve components),*
24 *under the jurisdiction of such military depart-*
25 *ment.*

1 (B) *A description of the manner in which*
2 *each military department applies the standards*
3 *described under subparagraph (A) with respect*
4 *to each of the following:*

5 (i) *Performance evaluation.*

6 (ii) *Promotion.*

7 (iii) *In the case of the members of the*
8 *reserve components, eligibility to attend an-*
9 *annual training.*

10 (iv) *Continued retention in the Armed*
11 *Forces.*

12 (v) *Such other matters as the Secretary*
13 *considers appropriate.*

14 (C) *A statement of the number of members*
15 *of the Armed Forces (including members of the*
16 *regular components and members of the reserve*
17 *components) who were determined to be not*
18 *ready for deployment at any time during the pe-*
19 *riod beginning on October 1, 2001, and ending*
20 *on September 30, 2008, due to failure to meet*
21 *applicable medical or dental standards, and an*
22 *assessment of whether the unreadiness of such*
23 *members for deployment could reasonably have*
24 *been mitigated by actions of the members con-*

1 *cerned to maintain individual medical or dental*
2 *readiness.*

3 *(D) A description of any actual or perceived*
4 *barriers to the achievement of full medical and*
5 *dental readiness in the Armed Forces (including*
6 *among the regular components and the reserve*
7 *components), including barriers associated with*
8 *the following:*

9 *(i) Quality or cost of, or access to,*
10 *medical and dental care.*

11 *(ii) Availability of programs and in-*
12 *centives intended to prevent medical or den-*
13 *tal problems.*

14 *(E) Such recommendations for legislative or*
15 *administrative action as the Secretary considers*
16 *appropriate to ensure the medical and dental*
17 *readiness of individual members of the Armed*
18 *Forces and units of the Armed Forces, including*
19 *recommendations regarding the following:*

20 *(i) The advisability of requiring that*
21 *fitness reports of members of the Armed*
22 *Forces include—*

23 *(I) a statement of whether or not*
24 *a member meets medical and dental*

1 *readiness standards for deployment;*
 2 *and*

3 *(II) in cases in which a member*
 4 *does not meet such standard, a state-*
 5 *ment of actions being taken to ensure*
 6 *that the member meets such standards*
 7 *and the anticipated schedule for meet-*
 8 *ing such standards.*

9 *(ii) The advisability of establishing a*
 10 *mandatory promotion standard relating to*
 11 *individual medical and dental readiness*
 12 *and, in the case of a unit commander, unit*
 13 *medical and dental readiness.*

14 **TITLE VIII—ACQUISITION POL-**
 15 **ICY, ACQUISITION MANAGE-**
 16 **MENT, AND RELATED MAT-**
 17 **TERS**

Subtitle A—Acquisition Policy and Management

Sec. 801. Assessment of urgent operational needs fulfillment.

Sec. 802. Implementation of statutory requirements regarding the national technology and industrial base.

Sec. 803. Commercial software reuse preference.

Sec. 804. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

Sec. 811. Inclusion of major subprograms to major defense acquisition programs under acquisition reporting requirements.

Sec. 812. Inclusion of certain major information technology investments in acquisition oversight authorities for major automated information system programs.

Sec. 813. Transfer of sections of title 10 relating to Milestone A and Milestone B for clarity.

Sec. 814. Configuration steering boards for cost control under major defense acquisition programs.

Sec. 815. Preservation of tooling for major defense acquisition programs.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Definition of system for Defense Acquisition Challenge Program.

Sec. 822. Technical data rights.

Sec. 823. Revision to the application of Cost Accounting Standards.

Sec. 824. Modification and extension of pilot program for transition to follow-on contracts under authority to carry out certain prototype projects.

Sec. 825. Clarification of status of Government rights in the designs of Department of Defense vessels, boats, craft, and components thereof.

Subtitle D—Provisions Relating to Acquisition Workforce and Inherently Governmental Functions

Sec. 831. Development of guidance on personal services contracts.

Sec. 832. Sense of Congress on performance by private security contractors of certain functions in an area of combat operations.

Sec. 833. Acquisition workforce expedited hiring authority.

Sec. 834. Career path and other requirements for military personnel in the acquisition field.

Subtitle E—Department of Defense Contractor Matters

Sec. 841. Ethics safeguards related to contractor conflicts of interest.

Sec. 842. Information for Department of Defense contractor employees on their whistleblower rights.

Sec. 843. Requirement for Department of Defense to adopt an acquisition strategy for Defense Base Act insurance.

Sec. 844. Report on use of off-shore subsidiaries by defense contractors.

Sec. 845. Defense industrial security.

Subtitle F—Matters Relating to Iraq and Afghanistan

Sec. 851. Clarification and modification of authorities relating to the Commission on Wartime Contracting in Iraq and Afghanistan.

Sec. 852. Comprehensive audit of spare parts purchases and depot overhaul and maintenance of equipment for operations in Iraq and Afghanistan.

Sec. 853. Additional matters required to be reported by contractors performing security functions in areas of combat operations.

Sec. 854. Additional contractor requirements and responsibilities relating to alleged crimes by or against contractor personnel in Iraq and Afghanistan.

Sec. 855. Suspension of statutes of limitations when Congress authorizes the use of military force.

Subtitle G—Governmentwide Acquisition Improvements

Sec. 861. Short title.

Sec. 862. Limitation on length of certain noncompetitive contracts.

Sec. 863. Requirements for purchase of property and services pursuant to multiple award contracts.

- Sec. 864. *Regulations on the use of cost-reimbursement contracts.*
 Sec. 865. *Preventing abuse of interagency contracts.*
 Sec. 866. *Limitations on tiering of subcontractors.*
 Sec. 867. *Linking of award and incentive fees to acquisition outcomes.*
 Sec. 868. *Minimizing abuse of commercial services item authority.*
 Sec. 869. *Acquisition workforce development strategic plan.*
 Sec. 870. *Contingency Contracting Corps.*
 Sec. 871. *Access of Government Accountability Office to contractor employees.*
 Sec. 872. *Database for Federal agency contract and grant officers and suspension and debarment officials.*
 Sec. 873. *Role of Interagency Committee on Debarment and Suspension.*
 Sec. 874. *Improvements to the Federal procurement data system.*

Subtitle H—Other Matters

- Sec. 881. *Expansion of authority to retain fees from licensing of intellectual property.*
 Sec. 882. *Report on market research.*
 Sec. 883. *Report relating to munitions.*
 Sec. 884. *Motor carrier fuel surcharges.*
 Sec. 885. *Procurement by State and local governments of equipment for homeland security and emergency response activities through the Department of Defense.*
 Sec. 886. *Review of impact of covered subsidies on acquisition of KC-45 aircraft.*
 Sec. 887. *Report on the implementation of earned value management at the Department of Defense.*

1 ***Subtitle A—Acquisition Policy and***
 2 ***Management***

3 ***SEC. 801. ASSESSMENT OF URGENT OPERATIONAL NEEDS***
 4 ***FULFILLMENT.***

5 (a) *ASSESSMENT REQUIRED.*—*The Secretary of De-*
 6 *fense shall commission a study and report by an inde-*
 7 *pendent commission or a federally funded research and de-*
 8 *velopment center to assess the effectiveness of the processes*
 9 *used by the Department of Defense for the generation of ur-*
 10 *gent operational need requirements, and the acquisition*
 11 *processes used to fulfill such requirements. Such assessment*
 12 *shall include the following:*

1 (1) *A description and evaluation of the effective-*
2 *ness of the procedures used to generate, validate, and*
3 *fulfill warfighting requirements through the urgent*
4 *operational need and joint urgent operational need*
5 *processes, including—*

6 (A) *the extent to which joint and urgent*
7 *operational need statements are used to docu-*
8 *ment required capability gaps or are used to re-*
9 *quest specific acquisition outcomes, such as spe-*
10 *cific systems or equipment;*

11 (B) *the effectiveness of the processes used by*
12 *each of the military departments and the various*
13 *elements of the Department of Defense to*
14 *prioritize and fulfill joint and urgent oper-*
15 *ational needs, including the rapid acquisition*
16 *processes of the military departments, as well as*
17 *the joint improvised explosive device defeat orga-*
18 *nization and the joint rapid acquisition cell; and*

19 (C) *the timeliness and responsiveness of the*
20 *processes used by the military departments and*
21 *the various elements of the Department of De-*
22 *fense to review and validate urgent operational*
23 *needs statements and joint urgent operational*
24 *needs statements.*

1 (2) *An evaluation of the extent to which joint ur-*
2 *gent operational need statements are used to avoid*
3 *using service-specific urgent operational need and ac-*
4 *quisition processes or to document non-urgent capa-*
5 *bility gaps.*

6 (3) *An evaluation of the extent to which joint ac-*
7 *quisition entities maintain oversight, once a military*
8 *department or defense agency has been designated as*
9 *responsible for execution and fielding of a capability*
10 *in response to a joint urgent operational need state-*
11 *ment, including oversight of—*

12 (A) *the responsiveness of the military de-*
13 *partment or agency in execution;*

14 (B) *the field performance of the capability*
15 *delivered in response to the joint urgent oper-*
16 *ational need statement; and*

17 (C) *the concurrent development of a long*
18 *term acquisition and sustainment strategy.*

19 (8) *Recommendations regarding—*

20 (A) *best practices and process improvements*
21 *to ensure that urgent operational needs state-*
22 *ments and joint urgent operational needs state-*
23 *ments are presented to appropriate authorities*
24 *for review and validation not later than 60 days*
25 *after the documents are submitted;*

1 (B) common definitions and standards for
2 urgent operational needs statements and joint
3 urgent operational need statements;

4 (C) best practices and process improvements
5 for the creation, evaluation, prioritization, and
6 fulfillment of urgent operational need statements
7 and joint urgent operational need statements;
8 and

9 (D) the extent to which rapid acquisition
10 processes should be consolidated or expanded.

11 (b) *SUBMISSION TO CONGRESS.*—Not later than 270
12 days after the date of the enactment of this Act, the Sec-
13 retary of Defense shall submit to the congressional defense
14 committees the report resulting from the study conducted
15 pursuant to subsection (a).

16 **SEC. 802. IMPLEMENTATION OF STATUTORY REQUIRE-**
17 **MENTS REGARDING THE NATIONAL TECH-**
18 **NOLOGY AND INDUSTRIAL BASE.**

19 (a) *GUIDANCE REQUIRED.*—Not later than 270 days
20 after the date of the enactment of this Act, the Secretary
21 of Defense shall issue guidance regarding—

22 (1) the appropriate application of the authority
23 in sections 2304(b) and 2304(c)(3)(A) of title 10,
24 United States Code, in connection with major defense
25 acquisition programs; and

1 (2) *the appropriate timing and performance of*
2 *the requirement in section 2440 of title 10, United*
3 *States Code, to consider the national technology and*
4 *industrial base in the development and implementa-*
5 *tion of acquisition plans for each major defense acqui-*
6 *sition program.*

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) *NATIONAL TECHNOLOGY AND INDUSTRIAL*
13 *BASE.—The term “national technology and industrial*
14 *base” has the meaning provided in section 2500(1) of*
15 *title 10, United States Code.*

16 **SEC. 803. COMMERCIAL SOFTWARE REUSE PREFERENCE.**

17 (a) *IN GENERAL.—The Secretary of Defense shall en-*
18 *sure that contracting officials identify and evaluate, at all*
19 *stages of the acquisition process (including concept refine-*
20 *ment, concept decision, and technology development), op-*
21 *portunities for the use of commercial computer software and*
22 *other non-developmental software.*

23 (b) *REPORT.—Not later than 270 days after the date*
24 *of enactment of this Act, the Secretary shall submit to the*
25 *congressional defense committees a report on actions taken*

1 *to implement subsection (a), including a description of any*
2 *relevant regulations and policy guidance.*

3 **SEC. 804. INTERNAL CONTROLS FOR PROCUREMENTS ON**
4 **BEHALF OF THE DEPARTMENT OF DEFENSE**
5 **BY CERTAIN NON-DEFENSE AGENCIES.**

6 (a) *INCLUSION OF ADDITIONAL NON-DEFENSE AGEN-*
7 *CIES IN REVIEW.—The covered non-defense agencies speci-*
8 *fied in subsection (c) of this section shall be considered cov-*
9 *ered non-defense agencies as defined in subsection (i) of sec-*
10 *tion 817 of the John Warner National Defense Authoriza-*
11 *tion Act for Fiscal Year 2007 (Public Law 109–364; 120*
12 *Stat. 2326) for purposes of such section.*

13 (b) *DEADLINES AND APPLICABILITY FOR ADDITIONAL*
14 *NON-DEFENSE AGENCIES.—For each covered non-defense*
15 *agency specified in subsection (c) of this section, section 817*
16 *of the John Warner National Defense Authorization Act for*
17 *Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2326)*
18 *shall apply to such agency as follows:*

19 (1) *The review and determination required by*
20 *subsection (a)(1) of such section shall be completed by*
21 *not later than March 15, 2009.*

22 (2) *The review and determination required by*
23 *subsection (a)(2) of such section, if necessary, shall be*
24 *completed by not later than June 15, 2010, and such*
25 *review and determination shall be a review and deter-*

1 *mination of such agency's procurement of property*
2 *and services on behalf of the Department of Defense*
3 *in fiscal year 2009.*

4 (3) *The memorandum of understanding required*
5 *by subsection (c)(1) of such section shall be entered*
6 *into by not later than 60 days after the date of the*
7 *enactment of this Act.*

8 (4) *The limitation specified in subsection (d)(1)*
9 *of such section shall apply after March 15, 2009, and*
10 *before June 16, 2010.*

11 (5) *The limitation specified in subsection (d)(2)*
12 *of such section shall apply after June 15, 2010.*

13 (6) *The limitation required by subsection (d)(3)*
14 *of such section shall commence, if necessary, on the*
15 *date that is 60 days after the date of the enactment*
16 *of this Act.*

17 (c) *DEFINITION OF COVERED NON-DEFENSE AGEN-*
18 *CY.—In this section, the term “covered non-defense agency”*
19 *means each of the following:*

20 (1) *The Department of Commerce.*

21 (2) *The Department of Energy.*

22 (d) *MODIFICATION OF CERTAIN ADDITIONAL AU-*
23 *THORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS*
24 *ON BEHALF OF DOD.—Section 801 of the National Defense*

1 *Authorization Act for Fiscal Year 2008 (Public Law 110-*
2 *181; 122 Stat. 202; 10 U.S.C. 2304 note) is amended—*

3 *(1) in subsection (a)(2)—*

4 *(A) in subparagraph (B), by striking “each*
5 *of the Department of the Treasury, the Depart-*
6 *ment of the Interior, and the National Aero-*
7 *navitics and Space Administration” and insert-*
8 *ing “the Department of the Interior”; and*

9 *(B) by adding at the end the following new*
10 *subparagraph:*

11 *“(D) In the case of each of the Department*
12 *of Commerce and the Department of Energy, by*
13 *not later than March 15, 2015.”; and*

14 *(2) in subsection (f)(2)—*

15 *(A) by striking subparagraphs (B) and (D);*

16 *(B) by redesignating subparagraphs (C),*
17 *(E), and (F) as subparagraphs (B), (C), and*
18 *(D), respectively; and*

19 *(C) by adding at the end the following new*
20 *subparagraphs:*

21 *“(E) The Department of Commerce.*

22 *“(F) The Department of Energy.”.*

1 ***Subtitle B—Provisions Relating to***
2 ***Major Defense Acquisition Pro-***
3 ***grams***

4 ***SEC. 811. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR***
5 ***DEFENSE ACQUISITION PROGRAMS UNDER***
6 ***ACQUISITION REPORTING REQUIREMENTS.***

7 *(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS*
8 *AS SUBJECT TO ACQUISITION REPORTING REQUIRE-*
9 *MENTS.—*

10 *(1) IN GENERAL.—Chapter 144 of title 10,*
11 *United States Code, is amended by inserting after sec-*
12 *tion 2430 the following new section:*

13 ***“§2430a. Major subprograms***

14 *“(a) AUTHORITY TO DESIGNATE MAJOR SUBPRO-*
15 *GRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIRE-*
16 *MENTS.—(1) If the Secretary of Defense determines that a*
17 *major defense acquisition program requires the delivery of*
18 *two or more categories of end items which differ signifi-*
19 *cantly from each other in form and function, the Secretary*
20 *may designate each such category of end items as a major*
21 *subprogram for the purposes of acquisition reporting under*
22 *this chapter.*

23 *“(2) The Secretary shall notify the congressional de-*
24 *fense committees in writing of any proposed designation*

1 pursuant to paragraph (1) not less than 30 days before the
2 date such designation takes effect.

3 “(b) *REPORTING REQUIREMENTS.*—If the Secretary
4 designates a major subprogram of a major defense acquisi-
5 tion program in accordance with subsection (a), Selected
6 Acquisition Reports, unit cost reports, and program base-
7 lines under this chapter shall reflect cost, schedule, and per-
8 formance information—

9 “(1) for the major defense acquisition program
10 as a whole; and

11 “(2) for each major subprogram of the major de-
12 fense acquisition program so designated.

13 “(c) *REQUIREMENT TO COVER ENTIRE MAJOR DE-*
14 *FENSE ACQUISITION PROGRAM.*—If a subprogram of a
15 major defense acquisition program is designated as a major
16 subprogram under subsection (a), all other elements of the
17 major defense acquisition program shall be appropriately
18 organized into one or more subprograms under the major
19 defense acquisition program, each of which subprograms, as
20 so organized, shall be treated as a major subprogram under
21 subsection (a).

22 “(d) *DEFINITIONS.*—Notwithstanding paragraphs (1)
23 and (2) of section 2432(a) of this title, in the case of a major
24 defense acquisition program for which the Secretary has

1 *designated one or more major subprograms under this sec-*
2 *tion for the purposes of this chapter—*

3 “(1) the term ‘program acquisition unit cost’ ap-
4 plies at the level of the subprogram and means the
5 total cost for the development and procurement of,
6 and specific military construction for, the major de-
7 fense acquisition program that is reasonably allocable
8 to each such major subprogram, divided by the rel-
9 evant number of fully-configured end items to be pro-
10 duced under such major subprogram;

11 “(2) the term ‘procurement unit cost’ applies at
12 the level of the subprogram and means the total of all
13 funds programmed to be available for obligation for
14 procurement for each such major subprogram, divided
15 by the number of fully-configured end items to be pro-
16 cured under such major subprogram;

17 “(3) the term ‘major contract’, with respect to a
18 designated major subprogram, means each of the six
19 largest prime, associate, or Government furnished
20 equipment contracts under the subprogram that is in
21 excess of \$40,000,000 and that is not a firm-fixed
22 price contract; and

23 “(4) the term ‘life cycle cost’, with respect to a
24 designated major subprogram, means all costs of de-
25 velopment, procurement, military construction, and

1 *operations and support, without regard to funding*
 2 *source or management control.”.*

3 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 4 *tions at the beginning of chapter 144 of such title is*
 5 *amended by inserting after the item relating to sec-*
 6 *tion 2430 the following new item:*

 “2430a. *Major subprograms.*”.

7 (b) *CONFORMING AMENDMENTS TO SECTION 2432.*—
 8 *Section 2432 of such title is amended—*

9 (1) *in subsection (b)(2)(A), by inserting “for the*
 10 *program (or for each designated subprogram under*
 11 *the program)” after “procurement unit cost”;*

12 (2) *in subsection (c)—*

13 (A) *in paragraph (1)(B)—*

14 (i) *by inserting “or designated major*
 15 *subprogram” after “for each major defense*
 16 *acquisition program”;* and

17 (ii) *by inserting “or subprogram” after*
 18 *“the program”;*

19 (B) *in paragraph (1)(C)—*

20 (i) *by inserting “or designated major*
 21 *subprogram” after “major defense acquisi-*
 22 *tion program”;* and

23 (ii) *by inserting “or subprogram” after*
 24 *“the program”;* and

1 (C) in paragraph (3)(A), by inserting “and
2 each designated major subprogram” after “for
3 each major defense acquisition program”;

4 (3) in subsection (e)—

5 (A) in paragraph (3), by inserting before
6 the period the following: “for the program (or for
7 each designated major subprogram under the
8 program)”;

9 (B) in paragraph (5), by inserting before
10 the period the following: “(or for each designated
11 major subprogram under the program)”;

12 (C) in paragraph (7), by inserting “or sub-
13 program” after “of the program” each place it
14 appears; and

15 (D) in paragraph (8), by inserting “and
16 designated major subprograms under the pro-
17 gram” after “the program”;

18 (4) in subsection (g)—

19 (A) by inserting “or designated major sub-
20 program” after “major defense acquisition pro-
21 gram”; and

22 (B) by inserting “or subprogram” after “the
23 program” each place it appears; and

1 (5) *in subsection (h)(2)(C), by inserting “and*
2 *designated major subprograms under the program”*
3 *after “the development program”.*

4 (c) *CONFORMING AMENDMENTS TO SECTION 2433.—*
5 *Section 2433 of such title is amended—*

6 (1) *in subsection (a)—*

7 (A) *in paragraph (1), by striking “The*
8 *terms” and inserting “Except as provided in sec-*
9 *tion 2430a(c) of this title, the terms”;*

10 (B) *in paragraph (2)—*

11 (i) *by inserting “or designated major*
12 *subprogram” after “major defense acquisi-*
13 *tion program”; and*

14 (ii) *by inserting “or subprogram” after*
15 *“the program”;*

16 (C) *in paragraph (4)—*

17 (i) *by inserting “or designated major*
18 *defense subprogram” after “major defense*
19 *acquisition program” each place it appears;*
20 *and*

21 (ii) *by inserting “or subprogram” after*
22 *“for the program” each place it appears;*
23 *and*

24 (D) *in paragraph (5)—*

1 (i) by inserting “or designated major
2 defense subprogram” after “major defense
3 acquisition program” each place it appears;
4 and

5 (ii) by inserting “or subprogram” after
6 “for the program” each place it appears;

7 (2) in subsection (b)—

8 (A) in the matter preceding paragraph (1),
9 by inserting “(or of each designated major sub-
10 program under the program)” after “unit costs
11 of the program”;

12 (B) in paragraph (1), by inserting before
13 the period the following: “for the program (or for
14 each designated major subprogram under the
15 program)”;

16 (C) in paragraph (2), by inserting before
17 the period the following: “for the program (or for
18 each designated major subprogram under the
19 program)”;

20 (D) in paragraph (5), by inserting “or sub-
21 program” after “the program” each place it ap-
22 pears (other than the last place it appears);

23 (3) in subsection (c)—

24 (A) by striking “the program acquisition
25 unit cost for the program or the procurement

1 *unit cost for the program” and inserting “the*
2 *program acquisition unit cost for the program*
3 *(or for a designated major subprogram under the*
4 *program) or the procurement unit cost for the*
5 *program (or for such a subprogram)”;* and

6 *(B) by striking “for the program” after*
7 *“significant cost growth threshold”;*

8 *(4) in subsection (d)—*

9 *(A) in paragraph (1)—*

10 *(i) by inserting “or any designated*
11 *major subprogram under the program”*
12 *after “major defense acquisition program”;*
13 *and*

14 *(ii) by inserting “or subprogram” after*
15 *“for the program” each place it appears;*

16 *(B) in paragraph (2)—*

17 *(i) by inserting “or any designated*
18 *major subprogram under the program”*
19 *after “major defense acquisition program”;*
20 *and*

21 *(ii) by inserting “or subprogram” after*
22 *“for the program” each place it appears;*

23 *and*

1 (C) in paragraph (3), by striking “such
2 program” and inserting “the program or subpro-
3 gram concerned”;

4 (5) in subsection (e)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (A)—

7 (I) by inserting “or designated
8 major subprogram” after “major de-
9 fense acquisition program”; and

10 (II) by inserting “or subprogram”
11 after “for the program”; and

12 (ii) in subparagraph (B)—

13 (I) by inserting “or designated
14 major subprogram” after “major de-
15 fense acquisition program”; and

16 (II) by inserting “or subprogram”
17 after “that program”; and

18 (B) in paragraph (2), in the matter pre-
19 ceding subparagraph (A)—

20 (i) by inserting “or designated major
21 subprogram” after “major defense acquisi-
22 tion program”; and

23 (ii) by inserting “or subprogram” after
24 “for the program”; and

25 (6) in subsection (g)—

- 1 (A) in paragraph (1)—
- 2 (i) in subparagraph (D)—
- 3 (I) by inserting “(and for each
- 4 designated major subprogram under
- 5 the program)” after “for the program”;
- 6 and
- 7 (II) by inserting “or subprogram”
- 8 after “in which the program”;
- 9 (ii) in subparagraph (E), by inserting
- 10 “for the program (and for each designated
- 11 major subprogram under the program)”
- 12 after “program acquisition cost”;
- 13 (iii) in subparagraph (F), by inserting
- 14 before the period the following: “for the pro-
- 15 gram (or for any designated major subpro-
- 16 gram under the program)”;
- 17 (iv) in subparagraph (G)—
- 18 (I) by inserting “and each des-
- 19 ignated major subprogram under the
- 20 program” after of “the program”; and
- 21 (II) by inserting “or subprogram”
- 22 after “for the program” each place it
- 23 appears;
- 24 (v) in subparagraph (H)—

1 (I) by inserting “and each des-
2 ignated major subprogram under the
3 program” after “the program” the first
4 place it appears; and

5 (II) by inserting “or subprogram”
6 after “the program” the second place it
7 appears;

8 (vi) in subparagraph (J), by inserting
9 “for the program (or for each designated
10 major subprogram under the program)”
11 after “program acquisition unit cost”;

12 (vii) in subparagraph (K), by insert-
13 ing “for the program (or for each designated
14 major subprogram under the program)”
15 after “procurement unit cost” each place it
16 appears;

17 (viii) in subparagraph (O), by insert-
18 ing before the period the following: “for the
19 program (or for any designated major sub-
20 program under the program)”;

21 (ix) in subparagraph (P)—

22 (I) by inserting “or subprogram”
23 after “the program” the first place it
24 appears; and

1 (II) by inserting “and any des-
2 ignated major subprogram under the
3 program” after “the program” the sec-
4 ond place it appears; and

5 (x) in subparagraph (Q), by inserting
6 “or any designated major subprogram
7 under the program” after “the program”;
8 and

9 (B) in paragraph (2)—

10 (i) by inserting “or designated major
11 subprogram” after “major defense acquisi-
12 tion program”;

13 (ii) by inserting “or subprogram” after
14 “the entire program”; and

15 (iii) by inserting “or subprogram”
16 after “a program”.

17 (d) CONFORMING AMENDMENTS TO SECTION 2435.—

18 Section 2435 of such title is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), by inserting “and for
21 each designated major subprogram under the
22 program” after “major defense acquisition pro-
23 gram”; and

1 (B) in paragraph (2), by inserting “or des-
2 ignated major subprogram” after “major defense
3 acquisition program”;

4 (2) in subsection (b)—

5 (A) by inserting “or any designated major
6 subprogram under the program” after “major
7 defense acquisition program”; and

8 (B) by inserting “or subprogram” after “the
9 program”;

10 (3) in subsection (c)—

11 (A) by inserting “or any designated major
12 subprogram under the program” after “major
13 defense acquisition program”; and

14 (B) by inserting “or subprogram” after “the
15 program” each place it appears;

16 (4) in subsection (d)—

17 (A) by inserting “or any designated major
18 subprogram under the program” after “major
19 defense acquisition program” each place it ap-
20 pears;

21 (B) in paragraph (1)—

22 (i) by inserting “or subprogram” after
23 “the program” each place it appears; and

24 (ii) by inserting “or subprogram” after
25 “at program”; and

1 (C) in paragraph (2), by inserting “or sub-
2 program” after “for the program” each place it
3 appears; and

4 (5) in subsection (e)—

5 (A) by inserting “(or in the case of a major
6 defense acquisition program with one or more
7 designated major subprograms, approved base-
8 line descriptions for such subprograms)” after
9 “baseline description”;

10 (B) by striking “the baseline” and inserting
11 “any such baseline description”; and

12 (C) by inserting “or subprogram” after “of
13 the program”.

14 **SEC. 812. INCLUSION OF CERTAIN MAJOR INFORMATION**
15 **TECHNOLOGY INVESTMENTS IN ACQUISITION**
16 **OVERSIGHT AUTHORITIES FOR MAJOR AUTO-**
17 **MATED INFORMATION SYSTEM PROGRAMS.**

18 (a) *DEFINITIONS.*—

19 (1) *IN GENERAL.*—Section 2445a of title 10,
20 *United States Code*, is amended—

21 (A) in subsection (a), by striking “*IN GEN-*
22 *ERAL*” and inserting “*MAJOR AUTOMATED IN-*
23 *FORMATION SYSTEM PROGRAM*”; and

24 (B) by adding at the end the following new
25 subsection:

1 “(d) *OTHER MAJOR INFORMATION TECHNOLOGY IN-*
 2 *VESTMENT PROGRAM.*—*In this chapter, the term ‘other*
 3 *major information technology investment program’ means*
 4 *the following:*

5 “(1) *An investment that is designated by the*
 6 *Secretary of Defense, or a designee of the Secretary,*
 7 *as a ‘pre-Major Automated Information System’ or*
 8 *‘pre-MAIS’ program.*

9 “(2) *Any other investment in automated infor-*
 10 *mation system products or services that is expected to*
 11 *exceed the thresholds established in subsection (a), as*
 12 *adjusted under subsection (b), but is not considered to*
 13 *be a major automated information system program*
 14 *because a formal acquisition decision has not yet been*
 15 *made with respect to such investment.”.*

16 (2) *HEADING AMENDMENT.*—*The heading of such*
 17 *section is amended to read as follows:*

18 **“§2445a. Definitions”.**

19 (3) *CLERICAL AMENDMENT.*—*The table of sec-*
 20 *tions at the beginning of chapter 144A of such title*
 21 *is amended by striking the item relating to section*
 22 *2445a and inserting the following new item:*

“2445a. Definitions.”.

23 (b) *COST, SCHEDULE, AND PERFORMANCE INFORMA-*
 24 *TION.*—*Section 2445b of such title is amended—*

1 (1) *in subsection (a), by inserting “and each*
2 *other major information technology investment pro-*
3 *gram” after “each major automated information sys-*
4 *tem program”;*

5 (2) *in subsection (b), by inserting “REGARDING*
6 *MAJOR AUTOMATED INFORMATION SYSTEM PRO-*
7 *GRAMS” after “ELEMENTS”; and*

8 (3) *by adding at the end the following new sub-*
9 *section:*

10 “(d) *ELEMENTS REGARDING OTHER MAJOR INFORMA-*
11 *TION TECHNOLOGY INVESTMENT PROGRAMS.—With respect*
12 *to each other major information technology investment pro-*
13 *gram, the information required by subsection (a) may be*
14 *provided in the format that is most appropriate to the cur-*
15 *rent status of the program.”.*

16 (c) *QUARTERLY REPORTS.—Section 2445c of such title*
17 *is amended—*

18 (1) *in subsection (a)—*

19 (A) *by inserting “or other major informa-*
20 *tion technology investment program” after*
21 *“major automated information system pro-*
22 *gram”; and*

23 (B) *by inserting “or information technology*
24 *investment” after “the major automated infor-*
25 *mation system”;*

1 (2) *in subsection (b)—*

2 (A) *by inserting “or other major informa-*
3 *tion technology investment program” after*
4 *“major automated information system program”*
5 *in the matter preceding paragraph (1); and*

6 (B) *by inserting “or information technology*
7 *investment” after “automated information sys-*
8 *tem” each place it appears in paragraphs (1)*
9 *and (2);*

10 (3) *in subsection (d)—*

11 (A) *in paragraph (1) and in paragraph (2)*
12 *in the matter preceding subparagraph (A), by*
13 *inserting “or other major information technology*
14 *investment program” after “major automated in-*
15 *formation system program”; and*

16 (B) *in paragraph (2)—*

17 (i) *by striking subparagraph (A) and*
18 *inserting the following:*

19 “(A) *the automated information system or*
20 *information technology investment failed to*
21 *achieve initial operational capability within five*
22 *years after funds were first obligated for the pro-*
23 *gram;”;*

1 (ii) in subparagraph (B), by inserting
2 before the semicolon the following: “or sec-
3 tion 2445b(d) of this title, as applicable”;

4 (iii) in subparagraph (C), by inserting
5 before the semicolon the following: “or sec-
6 tion 2445b(d) of this title, as applicable”;

7 and

8 (iv) in subparagraph (D)—

9 (I) by inserting “or major infor-
10 mation technology investment” after
11 “major automated information sys-
12 tem”; and

13 (II) by inserting before the period
14 the following: “or section 2445b(d) of
15 this title, as applicable”;

16 (4) in subsection (e), by inserting “or other
17 major information technology investment program”
18 after “major automated information system pro-
19 gram”; and

20 (5) in subsection (f)—

21 (A) by inserting “or other major informa-
22 tion technology investment program” after
23 “major automated information system program”
24 in the matter preceding paragraph (1);

1 (B) in paragraph (1), by inserting “or in-
2 formation technology investment” after “auto-
3 mated information system”;

4 (C) in paragraph (2), by inserting “or in-
5 formation technology investment” after “the sys-
6 tem”; and

7 (D) in paragraph (3), by inserting “or in-
8 formation technology investment, as applicable,”
9 after “the program and system”.

10 **SEC. 813. TRANSFER OF SECTIONS OF TITLE 10 RELATING**
11 **TO MILESTONE A AND MILESTONE B FOR**
12 **CLARITY.**

13 (a) *REVERSAL OF ORDER OF SECTIONS.*—Section
14 2366b of title 10, United States Code, is transferred so as
15 to appear before section 2366a of such title.

16 (b) *REDESIGNATION OF SECTIONS.*—Section 2366b
17 (relating to Milestone A) and section 2366a (relating to
18 Milestone B) of such title, as so transferred, are redesignated
19 as sections 2366a and 2366b, respectively.

20 (c) *TECHNICAL AMENDMENT.*—The table of sections at
21 the beginning of chapter 139 of title 10, United States Code,
22 is amended by striking the items relating sections 2366a
23 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 Milestone
B or Key Decision Point B approval.”.

1 (d) *CONFORMING AMENDMENTS.*—

2 (1) *SECTION 181 OF TITLE 10, UNITED STATES*
3 *CODE.*—*Section 181(b)(4) of title 10, United States*
4 *Code, is amended by striking “section 2366a(a)(4),*
5 *section 2366b(b),” and inserting “section 2366a(b),*
6 *section 2366b(a)(4),”.*

7 (2) *NATIONAL DEFENSE AUTHORIZATION ACT*
8 *FOR FISCAL YEAR 2008.*—*The National Defense Au-*
9 *thorization Act for Fiscal Year 2008 (Public Law*
10 *110–181) is amended—*

11 (A) *in section 212(1) by striking “2366a”*
12 *and inserting “2366b”; and*

13 (B) *in section 816—*

14 (i) *in subsection (a)(2) by striking*
15 *“2366a” and inserting “2366b”;*

16 (ii) *in subsection (a)(3) by striking*
17 *“2366b of title 10, United States Code, as*
18 *added by section 943 of this Act” and in-*
19 *serting “2366a of title 10, United States*
20 *Code”; and*

21 (iii) *in subsection (c)(2) by striking*
22 *“2366a” each place such term appears (in-*
23 *cluding in the paragraph heading) and in-*
24 *serting “2366b”.*

1 (3) *JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.*—*The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended in section 812 (120 Stat. 2317), in each of subsections (c)(2)(A) and (d)(2), by striking “2366a” and inserting “2366b”.*

8 (e) *ADDITIONAL TECHNICAL AMENDMENTS.*—

9 (1) *Section 2366a of title 10, United States Code, as transferred and redesignated by this section, is amended—*

12 (A) *in paragraphs (1), (2), and (4) of subsection (a), by striking “system” each place it appears and inserting “program”;*

15 (B) *in paragraph (3) of subsection (a)—*

16 (i) *by striking “if the system” and inserting “if the program”;* and

18 (ii) *by striking “such system” and inserting “such program”;*

20 (C) *in subsection (b)—*

21 (i) *by striking “major system” and inserting “major defense acquisition program”;* and

1 (ii) by striking “the system” each place
2 it appears and inserting “the program”;
3 and

4 (D) in paragraph (1) of subsection (c)—

5 (i) by striking “major system” and in-
6 serting “major defense acquisition pro-
7 gram”; and

8 (ii) by striking “2302(5)” and insert-
9 ing “2430”.

10 (2) Section 943 of the National Defense Author-
11 ization Act for Fiscal Year 2008 (Public Law 110-
12 181; 122 Stat. 288) is amended—

13 (A) in subsection (b), by striking “major
14 weapon system” and inserting “major defense
15 acquisition program”; and

16 (B) in subsection (c)—

17 (i) by striking “major systems” and
18 inserting “major defense acquisition pro-
19 grams”; and

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

21 “In the case of the certification required by
22 paragraph (2) of subsection (a) of such sec-
23 tion, during the period prior to the comple-
24 tion of the first quadrennial roles and mis-
25 sions review required by section 118b of

1 *title 10, United States Code, the certifi-*
2 *cation required by that paragraph shall be*
3 *that the system is being executed by an enti-*
4 *ty with a relevant core competency as iden-*
5 *tified by the Secretary of Defense.”.*

6 **SEC. 814. CONFIGURATION STEERING BOARDS FOR COST**
7 **CONTROL UNDER MAJOR DEFENSE ACQUI-**
8 **TION PROGRAMS.**

9 *(a) CONFIGURATION STEERING BOARDS.—Each Sec-*
10 *retary of a military department shall establish one or more*
11 *boards (to be known as a “Configuration Steering Board”)*
12 *for the major defense acquisition programs of such depart-*
13 *ment.*

14 *(b) COMPOSITION.—*

15 *(1) CHAIR.—Each Configuration Steering Board*
16 *under this section shall be chaired by the service ac-*
17 *quisition executive of the military department con-*
18 *cerned.*

19 *(2) PARTICULAR MEMBERS.—Each Configura-*
20 *tion Steering Board under this section shall include*
21 *a representative of the following:*

22 *(A) The Office of the Under Secretary of*
23 *Defense for Acquisition, Technology, and Logis-*
24 *tics.*

1 (B) *The Chief of Staff of the Armed Force*
2 *concerned.*

3 (C) *Other Armed Forces, as appropriate.*

4 (D) *The Joint Staff.*

5 (E) *The Comptroller of the military depart-*
6 *ment concerned.*

7 (F) *The military deputy to the service ac-*
8 *quisition executive concerned.*

9 (G) *The program executive officer for the*
10 *major defense acquisition program concerned.*

11 (H) *Other senior representatives of the Of-*
12 *fice of the Secretary of Defense and the military*
13 *department concerned, as appropriate.*

14 (c) *RESPONSIBILITIES.—*

15 (1) *IN GENERAL.—The Configuration Steering*
16 *Board for a major defense acquisition program under*
17 *this section shall be responsible for the following:*

18 (A) *Preventing unnecessary changes to pro-*
19 *gram requirements and system configuration*
20 *that could have an adverse impact on program*
21 *cost or schedule.*

22 (B) *Mitigating the adverse cost and schedule*
23 *impact of any changes to program requirements*
24 *or system configuration that may be required.*

1 (C) *Ensuring that the program delivers as*
2 *much planned capability as possible, at or below*
3 *the relevant program baseline.*

4 (2) *DISCHARGE OF RESPONSIBILITIES.—In dis-*
5 *charging its responsibilities under this section with*
6 *respect to a major defense acquisition program, a*
7 *Configuration Steering Board shall—*

8 (A) *review and approve or disapprove any*
9 *proposed changes to program requirements or*
10 *system configuration that have the potential to*
11 *adversely impact program cost or schedule; and*

12 (B) *review and recommend proposals to re-*
13 *duce program requirements that have the poten-*
14 *tial to improve program cost or schedule in a*
15 *manner consistent with program objectives.*

16 (3) *PRESENTATION OF RECOMMENDATIONS ON*
17 *REDUCTION IN REQUIREMENTS.—Any recommenda-*
18 *tion for a proposed reduction in requirements that is*
19 *made by a Configuration Steering Board under para-*
20 *graph (2)(B) shall be presented to appropriate orga-*
21 *nizations of the Joint Staff and the military depart-*
22 *ments responsible for such requirements for review*
23 *and approval in accordance with applicable proce-*
24 *dures.*

1 (4) *ANNUAL CONSIDERATION OF EACH MAJOR*
2 *DEFENSE ACQUISITION PROGRAM.—The Secretary of*
3 *the military department concerned shall ensure that*
4 *a Configuration Steering Board under this section*
5 *meets to consider each major defense acquisition pro-*
6 *gram of such military department at least once each*
7 *year.*

8 (5) *CERTIFICATION OF COST AND SCHEDULE DE-*
9 *VIACTIONS DURING SYSTEM DESIGN AND DEVELOP-*
10 *MENT.—For a major defense acquisition program that*
11 *received an initial Milestone B approval during fiscal*
12 *year 2008, a Configuration Steering Board may not*
13 *approve any proposed alteration to program require-*
14 *ments or system configuration if such an alteration*
15 *would—*

16 (A) *increase the cost (including any in-*
17 *crease for expected inflation or currency ex-*
18 *change rates) for system development and dem-*
19 *onstration by more than 25 percent; or*

20 (B) *extend the schedule for key events by*
21 *more than 15 percent of the total number of*
22 *months between the award of the system develop-*
23 *ment and demonstration contract and the sched-*
24 *uled Milestone C approval date,*

1 *unless the Under Secretary of Defense for Acquisition,*
2 *Technology, and Logistics certifies to the congres-*
3 *sional defense committees, and includes in the certifi-*
4 *cation supporting rationale, that approving such al-*
5 *teration to program requirements or system configu-*
6 *ration is in the best interest of the Department of De-*
7 *fense despite the cost and schedule impacts to system*
8 *development and demonstration of such program.*

9 *(d) APPLICABILITY.—*

10 *(1) IN GENERAL.—The requirements of this sec-*
11 *tion shall apply with respect to any major defense ac-*
12 *quisition program that is commenced before, on, or*
13 *after the date of the enactment of this Act.*

14 *(2) CURRENT PROGRAMS.—In the case of any*
15 *major defense acquisition program that is ongoing as*
16 *of the date of the enactment of this Act, a Configura-*
17 *tion Steering Board under this section shall be estab-*
18 *lished for such program not later than 60 days after*
19 *the date of the enactment of this Act.*

20 *(e) GUIDANCE ON AUTHORITIES OF PROGRAM MAN-*
21 *AGERS AFTER MILESTONE B.—*

22 *(1) MODIFICATION OF GUIDANCE ON AUTHORI-*
23 *TIES.—Paragraph (2) of section 853(d) of the John*
24 *Warner National Defense Authorization Act for Fiscal*

1 *Year 2007 (Public Law 109–364; 120 Stat. 2343) is*
2 *amended to read as follows:*

3 “(2) *authorities available to the program man-*
4 *ager, including—*

5 “(A) *the authority to object to the addition*
6 *of new program requirements that would be in-*
7 *consistent with the parameters established at*
8 *Milestone B (or Key Decision Point B in the*
9 *case of a space program) and reflected in the*
10 *performance agreement, unless such requirements*
11 *are approved by the appropriate Configuration*
12 *Steering Board; and*

13 “(B) *the authority to recommend to the ap-*
14 *propriate Configuration Steering Board reduced*
15 *program requirements that have the potential to*
16 *improve program cost or schedule in a manner*
17 *consistent with program objectives; and”.*

18 (2) *APPLICABILITY.—The Secretary of Defense*
19 *shall modify the guidance described in section 853(d)*
20 *of the John Warner National Defense Authorization*
21 *Act for Fiscal Year 2007 in order to take into account*
22 *the amendment made by paragraph (1) not later than*
23 *60 days after the date of the enactment of this Act.*

24 (f) *MAJOR DEFENSE ACQUISITION PROGRAM DE-*
25 *FINED.—In this section, the term “major defense acquisi-*

1 tion program” has the meaning given that term in section
2 2430(a) of title 10, United States Code.

3 **SEC. 815. PRESERVATION OF TOOLING FOR MAJOR DE-**
4 **FENSE ACQUISITION PROGRAMS.**

5 (a) *GUIDANCE REQUIRED.*—Not later than 270 days
6 after the date of the enactment of this Act, the Secretary
7 of Defense shall issue guidance requiring the preservation
8 and storage of unique tooling associated with the production
9 of hardware for a major defense acquisition program
10 through the end of the service life of the end item associated
11 with such a program. Such guidance shall—

12 (1) require that the milestone decision authority
13 approve a plan, including the identification of any
14 contract clauses, facilities, and funding required, for
15 the preservation and storage of such tooling prior to
16 Milestone C approval;

17 (2) require that the milestone decision authority
18 periodically review the plan required by paragraph
19 (1) prior to the end of the service life of the end item,
20 to ensure that the preservation and storage of such
21 tooling remains adequate and in the best interest of
22 the Department of Defense;

23 (3) provide a mechanism for the Secretary to
24 waive the requirement for preservation and storage of

1 *unique production tooling, or any category of unique*
2 *production tooling, if the Secretary—*

3 *(A) makes a written determination that*
4 *such a waiver is in the best interest of the De-*
5 *partment of Defense; and*

6 *(B) notifies the congressional defense com-*
7 *mittees of the waiver upon making such deter-*
8 *mination; and*

9 *(4) provide such criteria as necessary to guide a*
10 *determination made pursuant to paragraph (3)(A).*

11 *(b) DEFINITIONS.—In this section:*

12 *(1) MAJOR DEFENSE ACQUISITION PROGRAM.—*
13 *The term “major defense acquisition program” has*
14 *the meaning provided in section 2430 of title 10,*
15 *United States Code.*

16 *(2) MILESTONE DECISION AUTHORITY.—The*
17 *term “milestone decision authority” has the meaning*
18 *provided in section 2366a(f)(2) of such title.*

19 *(3) MILESTONE C APPROVAL.—The term “Mile-*
20 *stone C approval” has the meaning provided in sec-*
21 *tion 2366(e)(8) of such title.*

1 ***Subtitle C—Amendments to General***
2 ***Contracting Authorities, Proce-***
3 ***dures, and Limitations***

4 **SEC. 821. DEFINITION OF SYSTEM FOR DEFENSE ACQUI-**
5 **SION CHALLENGE PROGRAM.**

6 *Section 2359b of title 10, United States Code, is*
7 *amended by adding at the end the following new subsection:*

8 *“(1) SYSTEM DEFINED.—In this section, the term ‘sys-*
9 *tem’—*

10 *“(1) means—*

11 *“(A) the organization of hardware, software,*
12 *material, facilities, personnel, data, and services*
13 *needed to perform a designated function with*
14 *specified results (such as the gathering of speci-*
15 *fied data, its processing, and its delivery to*
16 *users); or*

17 *“(B) a combination of two or more inter-*
18 *related pieces (or sets) of equipment arranged in*
19 *a functional package to perform an operational*
20 *function or to satisfy a requirement; and*

21 *“(2) includes a major system (as defined in sec-*
22 *tion 2302(5) of this title).”.*

23 **SEC. 822. TECHNICAL DATA RIGHTS.**

24 *(a) POLICY GUIDANCE.—Not later than 270 days after*
25 *the date of the enactment of this Act, the Secretary of De-*

1 *fense shall issue policy guidance with respect to rights in*
2 *technical data under a non-FAR agreement. The guidance*
3 *shall—*

4 (1) *establish criteria for defining the legitimate*
5 *interests of the United States and the party concerned*
6 *in technical data pertaining to an item or process to*
7 *be developed under the agreement;*

8 (2) *require that specific rights in technical data*
9 *be established during agreement negotiations and be*
10 *based upon negotiations between the United States*
11 *and the potential party to the agreement, except in*
12 *any case in which the Secretary of Defense deter-*
13 *mines, on the basis of criteria established in such pol-*
14 *icy guidance, that the establishment of rights during*
15 *or through agreement negotiations would not be prac-*
16 *ticable; and*

17 (3) *require the program manager for a major*
18 *weapon system or an item of personnel protective*
19 *equipment that is to be developed using a non-FAR*
20 *agreement to assess the long-term technical data needs*
21 *of such system or item.*

22 (b) *REQUIREMENT TO INCLUDE PROVISIONS IN NON-*
23 *FAR AGREEMENTS.—A non-FAR agreement shall contain*
24 *appropriate provisions relating to rights in technical data*

1 *consistent with the policy guidance issued pursuant to sub-*
2 *section (a).*

3 *(c) DEFINITIONS.—In this section:*

4 *(1) The term “non-FAR agreement” means an*
5 *agreement that is not subject to laws pursuant to*
6 *which the Federal Acquisition Regulation is pre-*
7 *scribed, including—*

8 *(A) a transaction authorized under section*
9 *2371 of this title; and*

10 *(B) a cooperative research and development*
11 *agreement.*

12 *(2) The term “party”, with respect to a non-*
13 *FAR agreement, means a non-Federal entity and in-*
14 *cludes any of the following:*

15 *(A) A contractor and its subcontractors (at*
16 *any tier).*

17 *(B) A joint venture.*

18 *(C) A consortium.*

19 *(d) REPORT ON LIFE CYCLE PLANNING FOR TECH-*
20 *NICAL DATA NEEDS.—Not later than 270 days after the*
21 *date of enactment of this Act, the Secretary of Defense shall*
22 *submit to the Committees on Armed Services of the Senate*
23 *and the House of Representatives a report on the implemen-*
24 *tation of the requirements in section 2320(e) of title 10,*
25 *United States Code, for the assessment of long-term tech-*

1 *nical data needs to sustain major weapon systems. Such*
2 *report shall include—*

3 *(1) a description of all relevant guidance or poli-*
4 *cies issued;*

5 *(2) a description of the extent to which program*
6 *managers have received training to better assess the*
7 *long-term technical data needs of major weapon sys-*
8 *tems and subsystems; and*

9 *(3) a description of one or more examples, if*
10 *any, where a priced contract option has been used on*
11 *major weapon systems for the future delivery of tech-*
12 *nical data and one or more examples, if any, where*
13 *all relevant technical data were acquired upon con-*
14 *tract award.*

15 **SEC. 823. REVISION TO THE APPLICATION OF COST AC-**
16 **COUNTING STANDARDS.**

17 *(a) REQUIREMENT FOR REVIEW OF EXEMPTIONS TO*
18 *THE COST ACCOUNTING STANDARDS.—The Cost Accounting*
19 *Standards Board shall—*

20 *(1) review the inapplicability of the cost account-*
21 *ing standards, in accordance with existing exemp-*
22 *tions, to any contract or subcontract that is executed*
23 *and performed outside the United States when such a*
24 *contract or subcontract is performed by a contractor*
25 *that, but for the fact that the contract or subcontract*

1 *is being executed and performed entirely outside the*
2 *United States, would be required to comply with such*
3 *standards; and*

4 (2) *determine whether the application of the*
5 *standards to such a contract or subcontract (or any*
6 *category of such contracts and subcontracts) would*
7 *benefit the Government.*

8 (b) *PUBLICATION OF REQUEST FOR INFORMATION.—*
9 *The Cost Accounting Standards Board shall publish a re-*
10 *quest for information as part of the review required by sub-*
11 *section (a) and shall provide a copy of the request to the*
12 *appropriate committees of Congress not less than five days*
13 *before the publication of such request.*

14 (c) *REPORT TO CONGRESS UPON COMPLETION OF THE*
15 *REVIEW.—Not later than 270 days after the date of the en-*
16 *actment of this Act, the Cost Accounting Standards Board*
17 *shall submit to the appropriate committees of Congress a*
18 *report containing—*

19 (1) *any revision to the cost accounting standards*
20 *proposed as a result of the review required by sub-*
21 *section (a) and a copy of any proposed rulemaking*
22 *implementing the revision; or*

23 (2) *if no revision and rulemaking are proposed,*
24 *a detailed justification for such decision.*

25 (d) *DEFINITIONS.—In this section:*

1 (1) *The term “appropriate committees of Con-*
2 *gress” means the Committees on Armed Services of*
3 *the Senate and of the House of Representatives, the*
4 *Committee on Homeland Security and Governmental*
5 *Affairs of the Senate, and the Committee on Oversight*
6 *and Government Reform of the House of Representa-*
7 *tives.*

8 (2) *The term “cost accounting standards” means*
9 *the standards promulgated under section 26 of the Of-*
10 *fice of Federal Procurement Policy Act (41 U.S.C.*
11 *422).*

12 (3) *The term “Cost Accounting Standards*
13 *Board” means the Board established pursuant to sec-*
14 *tion 26 of the Office of Federal Procurement Policy*
15 *Act (41 U.S.C. 422).*

16 **SEC. 824. MODIFICATION AND EXTENSION OF PILOT PRO-**
17 **GRAM FOR TRANSITION TO FOLLOW-ON CON-**
18 **TRACTS UNDER AUTHORITY TO CARRY OUT**
19 **CERTAIN PROTOTYPE PROJECTS.**

20 (a) *EXPANSION OF SCOPE OF PILOT PROGRAM.—*
21 *Paragraph (1) of section 845(e) of the National Defense Au-*
22 *thorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note)*
23 *is amended by striking “under prototype projects carried*
24 *out under this section” and inserting “developed under pro-*
25 *TOTYPE projects carried out under this section or research*

1 *projects carried out pursuant to section 2371 of title 10,*
 2 *United States Code”.*

3 (b) *TWO-YEAR EXTENSION OF AUTHORITY.—Para-*
 4 *graph (4) of such section is amended by striking “Sep-*
 5 *tember 30, 2008” and inserting “September 30, 2010”.*

6 **SEC. 825. CLARIFICATION OF STATUS OF GOVERNMENT**
 7 **RIGHTS IN THE DESIGNS OF DEPARTMENT OF**
 8 **DEFENSE VESSELS, BOATS, CRAFT, AND COM-**
 9 **PONENTS THEREOF.**

10 (a) *IN GENERAL.—Chapter 633 of title 10, United*
 11 *States Code, is amended by adding at the end the following*
 12 *new section:*

13 **“§ 7317. Status of Government rights in the designs of**
 14 **vessels, boats, and craft, and components**
 15 **thereof**

16 *“(a) IN GENERAL.—Government rights in the design*
 17 *of a vessel, boat, or craft, and its components, including*
 18 *the hull, decks, superstructure, and all shipboard equipment*
 19 *and systems, shall be determined solely as follows:*

20 *“(1) In the case of a vessel, boat, craft, or compo-*
 21 *nent procured through a contract, in accordance with*
 22 *the provisions of section 2320 of this title.*

23 *“(2) In the case of a vessel, boat, craft, or compo-*
 24 *nent procured through an instrument not governed by*
 25 *section 2320 of this title, by the terms of the instru-*

1 *ment (other than a contract) under which the design*
 2 *for such vessel, boat, craft, or component, as applica-*
 3 *ble, was developed for the Government.*

4 “(b) *CONSTRUCTION OF SUPERSEDING AUTHORI-*
 5 *TIES.—This section may be modified or superseded by a*
 6 *provision of statute only if such provision expressly refers*
 7 *to this section in modifying or superseding this section.”.*

8 (b) *CLERICAL AMENDMENT.—The table of sections at*
 9 *the beginning of chapter 633 of such title is amended by*
 10 *adding at the end the following new item:*

“7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof”.

11 ***Subtitle D—Provisions Relating to***
 12 ***Acquisition Workforce and In-***
 13 ***herently Governmental Func-***
 14 ***tions***

15 ***SEC. 831. DEVELOPMENT OF GUIDANCE ON PERSONAL***
 16 ***SERVICES CONTRACTS.***

17 (a) *GUIDANCE REQUIRED.—Not later than 270 days*
 18 *after the date of the enactment of this Act, the Secretary*
 19 *of Defense shall develop guidance related to personal services*
 20 *contracts to—*

21 (1) *require a clear distinction between employees*
 22 *of the Department of Defense and employees of De-*
 23 *partment of Defense contractors;*

1 (2) *provide appropriate safeguards with respect*
2 *to when, where, and to what extent the Secretary may*
3 *enter into a contract for the procurement of personal*
4 *services; and*

5 (3) *assess and take steps to mitigate the risk*
6 *that, as implemented and administered, non-personal*
7 *services contracts may become personal services con-*
8 *tracts.*

9 **(b) DEFINITION OF PERSONAL SERVICES CONTRACT.—**
10 *In this section, the term “personal services contract” has*
11 *the meaning given that term in section 2330a(g)(5) of title*
12 *10, United States Code.*

13 **SEC. 832. SENSE OF CONGRESS ON PERFORMANCE BY PRI-**
14 **VATE SECURITY CONTRACTORS OF CERTAIN**
15 **FUNCTIONS IN AN AREA OF COMBAT OPER-**
16 **ATIONS.**

17 *It is the sense of Congress that—*

18 (1) *security operations for the protection of re-*
19 *sources (including people, information, equipment,*
20 *and supplies) in uncontrolled or unpredictable high-*
21 *threat environments should ordinarily be performed*
22 *by members of the Armed Forces if they will be per-*
23 *formed in highly hazardous public areas where the*
24 *risks are uncertain and could reasonably be expected*
25 *to require deadly force that is more likely to be initi-*

1 *ated by personnel performing such security operations*
2 *than to occur in self-defense;*

3 *(2) it should be in the sole discretion of the com-*
4 *mander of the relevant combatant command to deter-*
5 *mine whether or not the performance by a private se-*
6 *curity contractor under a contract awarded by any*
7 *Federal agency of a particular activity, a series of ac-*
8 *tivities, or activities in a particular location, within*
9 *a designated area of combat operations is appropriate*
10 *and such a determination should not be delegated to*
11 *any person who is not in the military chain of com-*
12 *mand;*

13 *(3) the Secretaries of the military departments*
14 *and the Chiefs of Staff of the Armed Forces should en-*
15 *sure that the United States Armed Forces have appro-*
16 *prate numbers of trained personnel to perform the*
17 *functions described in paragraph (1) without the need*
18 *to rely upon private security contractors; and*

19 *(4) the regulations issued by the Secretary of De-*
20 *fense pursuant to section 862(a) of the National De-*
21 *fense Authorization Act for Fiscal Year 2008 (Public*
22 *Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note)*
23 *should ensure that private security contractors are*
24 *not authorized to perform inherently governmental*
25 *functions in an area of combat operations.*

1 **SEC. 833. ACQUISITION WORKFORCE EXPEDITED HIRING**
 2 **AUTHORITY.**

3 *Section 1705 of title 10, United States Code, is amend-*
 4 *ed by adding at the end the following new subsection:*

5 “(h) **EXPEDITED HIRING AUTHORITY.**—

6 “(1) *For purposes of sections 3304, 5333, and*
 7 *5753 of title 5, United States Code, the Secretary of*
 8 *Defense may—*

9 “(A) *designate any category of acquisition*
 10 *positions within the Department of Defense as*
 11 *shortage category positions; and*

12 “(B) *utilize the authorities in such sections*
 13 *to recruit and appoint highly qualified persons*
 14 *directly to positions so designated.*

15 “(2) *The Secretary may not appoint a person to*
 16 *a position of employment under this subsection after*
 17 *September 30, 2012.”.*

18 **SEC. 834. CAREER PATH AND OTHER REQUIREMENTS FOR**
 19 **MILITARY PERSONNEL IN THE ACQUISITION**
 20 **FIELD.**

21 (a) **ACQUISITION PERSONNEL REQUIREMENTS.**—

22 (1) **IN GENERAL.**—*Chapter 87 of title 10, United*
 23 *States Code, is amended by inserting after section*
 24 *1722 the following new section:*

1 **“§ 1722a. Special requirements for military personnel**
2 **in the acquisition field**

3 “(a) *REQUIREMENT FOR POLICY AND GUIDANCE RE-*
4 *GARDING MILITARY PERSONNEL IN ACQUISITION.*—*The*
5 *Secretary of Defense shall require the Secretary of each*
6 *military department (with respect to such military depart-*
7 *ment) and the Under Secretary of Defense for Acquisition,*
8 *Technology, and Logistics (with respect to the Office of the*
9 *Secretary of Defense, the unified combatant commands, the*
10 *Defense Agencies, and the Defense Field Activities) to estab-*
11 *lish policies and issue guidance to ensure the proper devel-*
12 *opment, assignment, and employment of members of the*
13 *armed forces in the acquisition field to achieve the objectives*
14 *of this section as specified in subsection (b).*

15 “(b) *OBJECTIVES.*—*Policies established and guidance*
16 *issued pursuant to subsection (a) shall ensure, at a min-*
17 *imum, the following:*

18 “(1) *A career path in the acquisition field that*
19 *attracts the highest quality officers and enlisted per-*
20 *sonnel.*

21 “(2) *A number of command positions and senior*
22 *noncommissioned officer positions, including acquisi-*
23 *tion billets reserved for general officers and flag offi-*
24 *cers under subsection (c), sufficient to ensure that*
25 *members of the armed forces have opportunities for*
26 *promotion and advancement in the acquisition field.*

1 “(3) *A number of qualified, trained members of*
2 *the armed forces eligible for and active in the acquisi-*
3 *tion field sufficient to ensure the optimum manage-*
4 *ment of the acquisition functions of the Department*
5 *of Defense and the appropriate use of military per-*
6 *sonnel in contingency contracting.*

7 “(c) *RESERVATION OF ACQUISITION BILLETS FOR*
8 *GENERAL OFFICERS AND FLAG OFFICERS.—(1) The Sec-*
9 *retary of Defense shall—*

10 “(A) *establish for each military department a*
11 *sufficient number of billets coded or classified for ac-*
12 *quisition personnel that are reserved for general offi-*
13 *cers and flag officers that are needed for the purpose*
14 *of ensuring the optimum management of the acquisi-*
15 *tion functions of the Department of Defense; and*

16 “(B) *ensure that the policies established and*
17 *guidance issued pursuant to subsection (a) by the Sec-*
18 *retary of each military department reserve at least*
19 *that minimum number of billets and fill the billets*
20 *with qualified and trained general officers and flag*
21 *officers who have significant acquisition experience.*

22 “(2) *The Secretary of Defense shall ensure—*

23 “(A) *a sufficient number of billets for acquisition*
24 *personnel who are general officers or flag officers exist*
25 *within the Office of the Secretary of Defense, the uni-*

1 *fied combatant commands, the Defense Agencies, and*
2 *the Defense Field Activities to ensure the optimum*
3 *management of the acquisition functions of the De-*
4 *partment of Defense; and*

5 *“(B) that the policies established and guidance*
6 *issued pursuant to subsection (a) by the Secretary re-*
7 *serve within the Office of the Secretary of Defense, the*
8 *unified combatant commands, the Defense Agencies,*
9 *and the Defense Field Activities at least that min-*
10 *imum number of billets and fill the billets with quali-*
11 *fied and trained general officers and flag officers who*
12 *have significant acquisition experience.*

13 *“(3) The Secretary of Defense shall ensure that a por-*
14 *tion of the billets referred to in paragraphs (1) and (2) in-*
15 *volve command of organizations primarily focused on con-*
16 *tracting and are reserved for general officers and flag offi-*
17 *cers who have significant contracting experience.*

18 *“(d) RELATIONSHIP TO LIMITATION ON PREFERENCE*
19 *FOR MILITARY PERSONNEL.—Any designation or reserva-*
20 *tion of a position for a member of the armed forces as a*
21 *result of a policy established or guidance issued pursuant*
22 *to this section shall be deemed to meet the requirements for*
23 *an exception under paragraph (2) of section 1722(b) of this*
24 *title from the limitation in paragraph (1) of such section.*

1 “(e) *REPORT.*—Not later than January 1 of each year,
2 the Secretary of each military department shall submit to
3 the Under Secretary of Defense for Acquisition, Technology,
4 and Logistics a report describing how the Secretary fulfilled
5 the objectives of this section in the preceding calendar year.
6 The report shall include information on the reservation of
7 acquisition billets for general officers and flag officers with-
8 in the department concerned.”.

9 (2) *CLERICAL AMENDMENT.*—The table of sec-
10 tions at the beginning of chapter 87 of such title is
11 amended by inserting after the item relating to sec-
12 tion 1722 the following new item:

“1722a. *Special requirements for military personnel in the acquisition field.*”.

13 (b) *ADDITIONAL ITEM IN STRATEGIC PLAN.*—Section
14 543(f)(3)(E) of the National Defense Authorization Act for
15 Fiscal Year 2008 (Public Law 110–181; 122 Stat 116) is
16 amended by inserting after “officer assignments and grade
17 requirements” the following: “, including requirements re-
18 lating to the reservation of billets in the acquisition field
19 for general and flag officers,”.

20 (c) *ANNUAL REPORT REQUIRED.*—Not later than 270
21 days after the date of the enactment of this Act, and not
22 later than March 1 of 2010, 2011, and 2012, the Secretary
23 of Defense shall submit to the congressional defense commit-
24 tees a report on—

1 (1) *the number acquisition and contracting bil-*
 2 *lets in each of the Armed Forces and joint activities*
 3 *that are reserved for general officers and flag officers;*
 4 *and*

5 (2) *the extent to which these billets have been*
 6 *filled by general officers and flag officers with signifi-*
 7 *cant acquisition experience and significant con-*
 8 *tracting experience, as applicable.*

9 ***Subtitle E—Department of Defense***
 10 ***Contractor Matters***

11 ***SEC. 841. ETHICS SAFEGUARDS RELATED TO CONTRACTOR***
 12 ***CONFLICTS OF INTEREST.***

13 (a) *POLICY ON PERSONAL CONFLICTS OF INTEREST BY*
 14 *EMPLOYEES OF FEDERAL GOVERNMENT CONTRACTORS.—*
 15 *Not later than 270 days after the date of the enactment of*
 16 *this Act, the Administrator for Federal Procurement Policy*
 17 *shall develop and issue a standard policy to prevent per-*
 18 *sonal conflicts of interest by contractor employees per-*
 19 *forming acquisition functions closely associated with inher-*
 20 *ently governmental functions (including the development,*
 21 *award, and administration of Government contracts) for or*
 22 *on behalf of a Federal agency or department.*

23 (1) *ELEMENTS OF POLICY.—The policy required*
 24 *under subsection (a) shall—*

1 (A) provide a definition of the term “per-
2 sonal conflict of interest” as it relates to con-
3 tractor employees performing acquisition func-
4 tions closely associated with inherently govern-
5 mental functions; and

6 (B) require each contractor whose employees
7 perform acquisition functions closely associated
8 with inherently governmental functions to—

9 (i) identify and prevent personal con-
10 flicts of interest for employees of the con-
11 tractor who are performing such functions;

12 (ii) prohibit contractor employees who
13 have access to non-public government infor-
14 mation obtained while performing such
15 functions from using such information for
16 personal gain;

17 (iii) report any personal conflict-of-in-
18 terest violation by such an employee to the
19 applicable contracting officer or contracting
20 officer’s representative as soon as it is iden-
21 tified;

22 (iv) maintain effective oversight to
23 verify compliance with personal conflict-of-
24 interest safeguards;

1 (v) have procedures in place to screen
2 for potential conflicts of interest for all em-
3 ployees performing such functions; and

4 (vi) take appropriate disciplinary ac-
5 tion in the case of employees who fail to
6 comply with policies established pursuant to
7 this section.

8 (2) *CONTRACT CLAUSE.*—

9 (A) *The Administrator shall develop a per-*
10 *sonal conflicts-of-interest clause or a set of*
11 *clauses for inclusion in solicitations and con-*
12 *tracts (and task or delivery orders) for the per-*
13 *formance of acquisition functions closely associ-*
14 *ated with inherently governmental functions that*
15 *sets forth the personal conflicts-of-interest policy*
16 *developed under this subsection and that sets*
17 *forth the contractor's responsibilities under such*
18 *policy.*

19 (B) *Subparagraph (A) shall take effect 300*
20 *days after the date of the enactment of this Act*
21 *and shall apply to—*

22 (i) *contracts entered into on or after*
23 *that effective date; and*

24 (ii) *task or delivery orders awarded on*
25 *or after that effective date, regardless of*

1 *whether the contracts pursuant to which*
2 *such task or delivery orders are awarded*
3 *are entered before, on, or after the date of*
4 *the enactment of this Act.*

5 (3) *APPLICABILITY.—*

6 (A) *Except as provided in subparagraph*
7 *(B), this subsection shall apply to any contract*
8 *for an amount in excess of the simplified acqui-*
9 *sition threshold (as defined in section 4(11) of*
10 *the Office of Federal Procurement Policy Act (41*
11 *U.S.C. 403(11)) if the contract is for the per-*
12 *formance of acquisition functions closely associ-*
13 *ated with inherently governmental functions.*

14 (B) *If only a portion of a contract described*
15 *in subparagraph (A) is for the performance of*
16 *acquisition functions described in that subpara-*
17 *graph, then this subsection applies only to that*
18 *portion of the contract.*

19 (b) *REVIEW OF FEDERAL ACQUISITION REGULATION*
20 *RELATING TO CONFLICTS OF INTEREST.—*

21 (1) *REVIEW.—Not later than 12 months after the*
22 *date of the enactment of this Act, the Administrator*
23 *for Federal Procurement Policy, in consultation with*
24 *the Director of the Office of Government Ethics, shall*
25 *review the Federal Acquisition Regulation to—*

1 (A) identify contracting methods, types and
2 services that raise heightened concerns for poten-
3 tial personal and organizational conflicts of in-
4 terest; and

5 (B) determine whether revisions to the Fed-
6 eral Acquisition Regulation are necessary to—

7 (i) address personal conflicts of interest
8 by contractor employees with respect to
9 functions other than those described in sub-
10 section (a); or

11 (ii) achieve sufficiently rigorous, com-
12 prehensive, and uniform government-wide
13 policies to prevent and mitigate organiza-
14 tional conflicts of interest in Federal con-
15 tracting.

16 (2) *REGULATORY REVISIONS.*—If the Adminis-
17 trator determines pursuant to the review under para-
18 graph (1)(B) that revisions to the Federal Acquisition
19 Regulation are necessary, the Administrator shall
20 work with the Federal Acquisition Regulatory Council
21 to prescribe appropriate revisions to the regulations,
22 including the development of appropriate contract
23 clauses.

24 (3) *REPORT.*—Not later than March 1, 2010, the
25 Administrator shall submit to the Committees on

1 *Armed Services of the Senate and House of Represent-*
2 *atives, the Committee on Homeland Security and*
3 *Governmental Affairs in the Senate, and the Com-*
4 *mittee on Oversight and Government Reform of the*
5 *House of Representatives a report setting forth such*
6 *findings and determinations under subparagraphs*
7 *(A) and (B) of paragraph (1), together with an as-*
8 *essment of any revisions to the Federal Acquisition*
9 *Regulation that may be necessary.*

10 *(c) BEST PRACTICES.—The Administrator for Federal*
11 *Procurement Policy shall, in consultation with the Director*
12 *of the Office Government Ethics, develop and maintain a*
13 *repository of best practices relating to the prevention and*
14 *mitigation of organizational and personal conflicts of inter-*
15 *est in Federal contracting.*

16 **SEC. 842. INFORMATION FOR DEPARTMENT OF DEFENSE**
17 **CONTRACTOR EMPLOYEES ON THEIR WHIS-**
18 **TLEBLOWER RIGHTS.**

19 *(a) IN GENERAL.—The Secretary of Defense shall en-*
20 *sure that contractors of the Department of Defense inform*
21 *their employees in writing of employee whistleblower rights*
22 *and protections under section 2409 of title 10, United*
23 *States Code, as implemented by subpart 3.9 of part I of*
24 *title 48, Code of Federal Regulations.*

1 (b) *CONTRACTOR DEFINED.*—*In this section, the term*
2 *“contractor” has the meaning given that term in section*
3 *2409(e)(4) of title 10, United States Code.*

4 **SEC. 843. REQUIREMENT FOR DEPARTMENT OF DEFENSE**
5 **TO ADOPT AN ACQUISITION STRATEGY FOR**
6 **DEFENSE BASE ACT INSURANCE.**

7 (a) *IN GENERAL.*—*The Secretary of Defense shall*
8 *adopt an acquisition strategy for insurance required by the*
9 *Defense Base Act (42 U.S.C. 1651 et seq.) which minimizes*
10 *the cost of such insurance to the Department of Defense and*
11 *to defense contractors subject to such Act.*

12 (b) *CRITERIA.*—*The Secretary shall ensure that the ac-*
13 *quisition strategy adopted pursuant to subsection (a) ad-*
14 *dresses the following criteria:*

15 (1) *Minimize overhead costs associated with ob-*
16 *taining such insurance, such as direct or indirect*
17 *costs for contract management and contract adminis-*
18 *tration.*

19 (2) *Minimize costs for coverage of such insurance*
20 *consistent with realistic assumptions regarding the*
21 *likelihood of incurred claims by contractors of the De-*
22 *partment.*

23 (3) *Provide for a correlation of premiums paid*
24 *in relation to claims incurred that is modeled on best*

1 *practices in government and industry for similar*
2 *kinds of insurance.*

3 (4) *Provide for a low level of risk to the Depart-*
4 *ment.*

5 (5) *Provide for a competitive marketplace for in-*
6 *surance required by the Defense Base Act to the max-*
7 *imum extent practicable.*

8 (c) *OPTIONS.—In adopting the acquisition strategy*
9 *pursuant to subsection (a), the Secretary shall consider such*
10 *options (including entering into a single Defense Base Act*
11 *insurance contract) as the Secretary deems to best satisfy*
12 *the criteria identified under subsection (b).*

13 (d) *REPORT.—(1) Not later than 270 days after the*
14 *date of enactment of this Act, the Secretary shall submit*
15 *to the Committees on Armed Services of the Senate and the*
16 *House of Representatives, the Committee on Homeland Se-*
17 *curity and Governmental Affairs of the Senate, and the*
18 *Committee on Oversight and Government Reform of the*
19 *House of Representatives a report on the acquisition strat-*
20 *egy adopted pursuant to subsection (a).*

21 (2) *The report shall include a discussion of each of the*
22 *options considered pursuant to subsection (c) and the extent*
23 *to which each option addresses the criteria identified under*
24 *subsection (b), and shall include a plan to implement with-*

1 *in 18 months after the date of enactment of this Act the*
2 *acquisition strategy adopted by the Secretary.*

3 *(e) REVIEW OF ACQUISITION STRATEGY.—As consid-*
4 *ered appropriate by the Secretary, but not less often than*
5 *once every 3 years, the Secretary shall review and, as nec-*
6 *essary, update the acquisition strategy adopted pursuant to*
7 *subsection (a) to ensure that it best addresses the criteria*
8 *identified under subsection (b).*

9 **SEC. 844. REPORT ON USE OF OFF-SHORE SUBSIDIARIES BY**
10 **DEFENSE CONTRACTORS.**

11 *(a) REPORT REQUIRED.—Not later than one year*
12 *after the date of the enactment of this Act, the Comptroller*
13 *General shall provide a report to the Committees on Armed*
14 *Services of the Senate and the House of Representatives on*
15 *the use of off-shore subsidiaries by contractors of the Depart-*
16 *ment of Defense.*

17 *(b) MATTERS COVERED.—The report shall comprehen-*
18 *sively examine the rationale, implications, and costs and*
19 *benefits for both the contractor and the Department of De-*
20 *fense in using off-shore subsidiaries, particularly in respect*
21 *to—*

22 *(1) tax liability (including corporate income*
23 *taxes and payroll taxes);*

24 *(2) legal liability;*

25 *(3) compliance with cost accounting standards;*

- 1 (4) *efficiency in contract performance;*
2 (5) *contract management and contract oversight;*
3 *and*
4 (6) *such other areas as the Comptroller General*
5 *determines appropriate.*

6 **SEC. 845. DEFENSE INDUSTRIAL SECURITY.**

7 (a) *DEFENSE INDUSTRIAL SECURITY.—*

8 (1) *IN GENERAL.—Subchapter I of chapter 21 of*
9 *title 10, United States Code, is amended by adding*
10 *at the end the following new section:*

11 **“§438. Defense industrial security**

12 “(a) *RESPONSIBILITY FOR DEFENSE INDUSTRIAL SE-*
13 *CURITY.—The Secretary of Defense shall be responsible for*
14 *the protection of classified information disclosed to contrac-*
15 *tors of the Department of Defense.*

16 “(b) *CONSISTENCY WITH EXECUTIVE ORDERS AND DI-*
17 *RECTIVES.—The Secretary shall carry out the responsibility*
18 *assigned under subsection (a) in a manner consistent with*
19 *Executive Order 12829 (or any successor order to such exec-*
20 *utive order) and consistent with policies relating to the Na-*
21 *tional Industrial Security Program (or any successor to*
22 *such program).*

23 “(c) *PERFORMANCE OF INDUSTRIAL SECURITY FUNC-*
24 *TIONS FOR OTHER AGENCIES.—The Secretary may perform*
25 *industrial security functions for other agencies of the Fed-*

1 eral government upon request or upon designation of the
2 Department of Defense as executive agent for the National
3 Industrial Security Program (or any successor to such pro-
4 gram).

5 “(d) *REGULATIONS AND POLICY GUIDANCE.*—The Sec-
6 retary shall prescribe, and from time to time revise, such
7 regulations and policy guidance as are necessary to ensure
8 the protection of classified information disclosed to contrac-
9 tors of the Department of Defense.

10 “(e) *DEDICATION OF RESOURCES.*—The Secretary
11 shall ensure that sufficient resources are provided to staff,
12 train, and support such personnel as are necessary to fully
13 protect classified information disclosed to contractors of the
14 Department of Defense.

15 “(f) *BIENNIAL REPORT.*—The Secretary shall report
16 biennially to the congressional defense committees on ex-
17 penditures and activities of the Department of Defense in
18 carrying out the requirements of this section. The Secretary
19 shall submit the report at or about the same time that the
20 President’s budget is submitted pursuant to section 1105(a)
21 of title 31, United States Code, in odd numbered years. The
22 report shall be in an unclassified form (with a classified
23 annex if necessary) and shall cover the activities of the De-
24 partment of Defense in the preceding two fiscal years, in-
25 cluding the following:

1 “(1) *The workforce responsible for carrying out*
2 *the requirements of this section, including the number*
3 *and experience of such workforce; training in the per-*
4 *formance of industrial security functions; perform-*
5 *ance metrics; and resulting assessment of overall qual-*
6 *ity.*

7 “(2) *A description of funds authorized, appro-*
8 *priated, or reprogrammed to carry out the require-*
9 *ments of this section, the budget execution of such*
10 *funds, and the adequacy of budgets provided for per-*
11 *forming such purpose.*

12 “(3) *Statistics on the number of contractors han-*
13 *dling classified information of the Department of De-*
14 *fense, and the percentage of such contractors who are*
15 *subject to foreign ownership, control, or influence.*

16 “(4) *Statistics on the number of violations iden-*
17 *tified, enforcement actions taken, and the percentage*
18 *of such violations occurring at facilities of contractors*
19 *subject to foreign ownership, control, or influence.*

20 “(5) *An assessment of whether major contractors*
21 *implementing the program have adequate enforcement*
22 *programs and have trained their employees ade-*
23 *quately in the requirements of the program.*

24 “(6) *Trend data on attempts to compromise clas-*
25 *sified information disclosed to contractors of the De-*

1 *partment of Defense to the extent that such data are*
2 *available.”.*

3 (2) *CLERICAL AMENDMENT.—The table of sec-*
4 *tions at the beginning of subchapter I of chapter 21*
5 *of title 10, United States Code, is amended by adding*
6 *at the end the following new item:*

“438. Defense industrial security.”.

7 (b) *SUBMISSION OF FIRST BIENNIAL REPORT.—Not-*
8 *withstanding the deadline in subsection (f) of section 438*
9 *of title 10, United States Code, as added by this section,*
10 *the first biennial report submitted after the date of the en-*
11 *actment of this Act pursuant to such subsection shall be sub-*
12 *mitted not later than September 1, 2009, and shall address*
13 *the period from the date of the enactment of this Act to*
14 *the issuance of such report.*

15 (c) *REPORT ON IMPROVING INDUSTRIAL SECURITY.—*
16 *Not later than March 1, 2009, the Secretary of Defense shall*
17 *submit to the congressional defense committees a report on*
18 *improving industrial security, including, at a minimum,*
19 *the following:*

20 (1) *The actions taken or actions planned to im-*
21 *plement the recommendations of the Comptroller Gen-*
22 *eral as embodied in the report entitled “Industrial*
23 *Security: DOD Cannot Ensure Its Oversight of Con-*
24 *tractors Under Foreign Influence Is Sufficient”*
25 *(GAO-05-681; July 2005).*

1 (2) *Other actions taken or action planned to im-*
2 *prove industrial security.*

3 (3) *An analysis of the impact of emerging finan-*
4 *cial arrangements such as sovereign wealth funds,*
5 *hedge funds, and other new financial debt and credit*
6 *arrangements on the Department's ability to identify*
7 *and mitigate foreign ownership, control, or influence.*

8 (4) *Any recommendations of the Secretary for*
9 *modifying regulations and policy guidance prescribed*
10 *pursuant to section 438(d) of title 10, United States*
11 *Code, or other regulations or policy guidance address-*
12 *ing industrial security, to extend best practices for in-*
13 *dustrial security across the broadest possible range of*
14 *defense contractors, and to improve industrial secu-*
15 *rity generally.*

16 ***Subtitle F—Matters Relating to***
17 ***Iraq and Afghanistan***

18 ***SEC. 851. CLARIFICATION AND MODIFICATION OF AUTHORI-***
19 ***TIES RELATING TO THE COMMISSION ON***
20 ***WARTIME CONTRACTING IN IRAQ AND AF-***
21 ***GHANISTAN.***

22 (a) *NATURE OF COMMISSION.*—*Subsection (a) of sec-*
23 *tion 841 of the National Defense Authorization Act for Fis-*
24 *cal Year 2008 (Public Law 110–181; 122 Stat. 230) is*

1 *amended by inserting “in the legislative branch” after*
2 *“There is hereby established”.*

3 *(b) PAY AND ANNUITIES OF MEMBERS AND STAFF ON*
4 *FEDERAL REEMPLOYMENT.—Subsection (e) of such is*
5 *amended by adding at the end the following new paragraph:*

6 *“(8) PAY AND ANNUITIES OF MEMBERS AND*
7 *STAFF ON FEDERAL REEMPLOYMENT.—If warranted*
8 *by circumstances described in subparagraph (A) or*
9 *(B) of section 8344(i)(1) of title 5, United States*
10 *Code, or by circumstances described in subparagraph*
11 *(A) or (B) of section 8468(f)(1) of such title, as appli-*
12 *cable, a co-chairman of the Commission may exercise,*
13 *with respect to the members and staff of the Commis-*
14 *sion, the same waiver authority as would be available*
15 *to the Director of the Office of Personnel Management*
16 *under such section.”.*

17 *(c) EFFECTIVE DATE.—*

18 *(1) NATURE OF COMMISSION.—The amendment*
19 *made by subsection (a) shall take effect as of January*
20 *28, 2008, as if included in the enactment of the Na-*
21 *tional Defense Authorization Act for Fiscal Year*
22 *2008.*

23 *(2) PAY AND ANNUITIES.—The amendment made*
24 *by subsection (b) shall apply to members and staff of*
25 *the Commission on Wartime Contracting in Iraq and*

1 *Afghanistan appointed or employed, as the case may*
2 *be, on or after that date.*

3 **SEC. 852. COMPREHENSIVE AUDIT OF SPARE PARTS PUR-**
4 **CHASES AND DEPOT OVERHAUL AND MAINTEN-**
5 **NANCE OF EQUIPMENT FOR OPERATIONS IN**
6 **IRAQ AND AFGHANISTAN.**

7 *(a) AUDITS REQUIRED.—The Army Audit Agency, the*
8 *Navy Audit Service, and the Air Force Audit Agency shall*
9 *each conduct thorough audits to identify potential waste,*
10 *fraud, and abuse in the performance of the following:*

11 *(1) Department of Defense contracts, sub-*
12 *contracts, and task and delivery orders for—*

13 *(A) depot overhaul and maintenance of*
14 *equipment for the military in Iraq and Afghani-*
15 *stan; and*

16 *(B) spare parts for military equipment used*
17 *in Iraq and Afghanistan; and*

18 *(2) Department of Defense in-house overhaul and*
19 *maintenance of military equipment used in Iraq and*
20 *Afghanistan.*

21 *(b) COMPREHENSIVE AUDIT PLAN.—*

22 *(1) PLANS.—The Army Audit Agency, the Navy*
23 *Audit Service, and the Air Force Audit Agency shall,*
24 *in coordination with the Inspector General of the De-*
25 *partment of Defense, develop a comprehensive plan*

1 *for a series of audits to discharge the requirements of*
2 *subsection (a).*

3 (2) *INCORPORATION INTO REQUIRED AUDIT*
4 *PLAN.—The plan developed under paragraph (1) shall*
5 *be submitted to the Inspector General of the Depart-*
6 *ment of Defense for incorporation into the audit plan*
7 *required by section 842(b)(1) of the National Defense*
8 *Authorization Act for Fiscal Year 2008 (Public Law*
9 *110–181; 122 Stat. 234; 10 U.S.C. 2302 note).*

10 (c) *INDEPENDENT CONDUCT OF AUDIT FUNCTIONS.—*
11 *All audit functions performed under this section, including*
12 *audit planning and coordination, shall be performed in an*
13 *independent manner.*

14 (d) *AVAILABILITY OF RESULTS.—All audit reports re-*
15 *sulting from audits under this section shall be made avail-*
16 *able to the Commission on Wartime Contracting in Iraq*
17 *and Afghanistan established pursuant to section 841 of the*
18 *National Defense Authorization Act for Fiscal Year 2008*
19 *(122 Stat. 230).*

20 (e) *CONSTRUCTION.—Nothing in this section shall be*
21 *construed to require any agency of the Federal Government*
22 *to duplicate audit work that an agency of the Federal Gov-*
23 *ernment has already performed.*

1 **SEC. 853. ADDITIONAL MATTERS REQUIRED TO BE RE-**
2 **PORTED BY CONTRACTORS PERFORMING SE-**
3 **CURITY FUNCTIONS IN AREAS OF COMBAT**
4 **OPERATIONS.**

5 *Section 862 of the National Defense Authorization Act*
6 *for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254;*
7 *10 U.S.C. 2302 note) is amended—*

8 *(1) in subsection (a)(2)(D)—*

9 *(A) by striking “or” at the end of clause*
10 *(ii); and*

11 *(B) by inserting after clause (iii) the fol-*
12 *lowing new clauses:*

13 *“(iv) a weapon is discharged against*
14 *personnel performing private security func-*
15 *tions in an area of combat operations or*
16 *personnel performing such functions believe*
17 *a weapon was so discharged; or*

18 *“(v) active, non-lethal countermeasures*
19 *(other than the discharge of a weapon) are*
20 *employed by the personnel performing pri-*
21 *ivate security functions in an area of combat*
22 *operations in response to a perceived imme-*
23 *diate threat to such personnel;”;* and

24 *(2) in subsection (b)(2)(B) in the matter pre-*
25 *ceding clause (i)—*

1 (A) by inserting “comply with and” before
2 “ensure”; and

3 (B) by striking “comply with—” and in-
4 serting “act in accordance with—”.

5 **SEC. 854. ADDITIONAL CONTRACTOR REQUIREMENTS AND**
6 **RESPONSIBILITIES RELATING TO ALLEGED**
7 **CRIMES BY OR AGAINST CONTRACTOR PER-**
8 **SONNEL IN IRAQ AND AFGHANISTAN.**

9 (a) *IN GENERAL.*—Section 861(b) of the National De-
10 *fense Authorization Act for Fiscal Year 2008 (Public Law*
11 *110–181; 122 Stat. 253; 10 U.S.C. 2302 note)* is amended
12 *by adding the following new paragraphs:*

13 “(7) *Mechanisms for ensuring that contractors*
14 *are required to report offenses described in paragraph*
15 *(6) that are alleged to have been committed by or*
16 *against contractor personnel to appropriate investiga-*
17 *tive authorities.*

18 “(8) *Responsibility for providing victim and*
19 *witness protection and assistance to contractor per-*
20 *sonnel in connection with alleged offenses described in*
21 *paragraph (6).*

22 “(9) *Development of a requirement that a con-*
23 *tractor shall provide to all contractor personnel who*
24 *will perform work on a contract in Iraq or Afghani-*

1 *stan, before beginning such work, information on the*
2 *following:*

3 *“(A) How and where to report an alleged*
4 *offense described in paragraph (6).*

5 *“(B) Where to seek the assistance required*
6 *by paragraph (8).”.*

7 *(b) IMPLEMENTATION.—*

8 *(1) THROUGH MEMORANDUM OF UNDER-*
9 *STANDING.—The memorandum of understanding re-*
10 *quired by section 861(a) of the National Defense Au-*
11 *thorization Act for Fiscal Year 2008 (Public Law*
12 *110–181; 122 Stat. 253; 10 U.S.C. 2302 note) shall*
13 *be modified to address the requirements under the*
14 *amendment made by subsection (a) not later than 120*
15 *days after the date of the enactment of this Act.*

16 *(2) AS CONDITION OF CURRENT AND FUTURE*
17 *CONTRACTS.—The requirements under the amendment*
18 *made by subsection (a) shall be included in each con-*
19 *tract in Iraq or Afghanistan (as defined in section*
20 *864(a)(2) of Public Law 110–181; 2302 note) award-*
21 *ed on or after the date that is 180 days after the date*
22 *of the enactment of this Act. Federal agencies shall*
23 *make best efforts to provide for the inclusion of such*
24 *requirements in covered contracts awarded before such*
25 *date.*

1 (c) *REPORTING REQUIREMENT.*—Beginning not later
2 than 270 days after the date of the enactment of this Act,
3 the Secretary of Defense shall make publicly available a nu-
4 merical accounting of alleged offenses described in section
5 861(b)(6) of Public Law 110–181 that have been reported
6 under that section that occurred after the date of the enact-
7 ment of this Act. The information shall be updated no less
8 frequently than semi-annually.

9 (d) *DEFINITIONS.*—Section 864(a) of the National De-
10 fense Authorization Act for Fiscal Year 2008 (Public Law
11 110-181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended—

12 (1) by redesignating paragraphs (5) and (6) as
13 paragraphs (6) and (7), respectively; and

14 (2) by inserting after paragraph (4) the fol-
15 lowing new paragraph:

16 “(5) *CONTRACTOR PERSONNEL.*—The term ‘con-
17 tractor personnel’ means any person performing work
18 under contract for the Department of Defense, the De-
19 partment of State, or the United States Agency for
20 International Development, in Iraq or Afghanistan,
21 including individuals and subcontractors at any
22 tier.”.

1 **SEC. 855. SUSPENSION OF STATUTES OF LIMITATIONS**
2 **WHEN CONGRESS AUTHORIZES THE USE OF**
3 **MILITARY FORCE.**

4 *Section 3287 of title 18, United States Code, is amend-*
5 *ed—*

6 (1) *by inserting “or Congress has enacted a spe-*
7 *cific authorization for the use of the Armed Forces, as*
8 *described in section 5(b) of the War Powers Resolu-*
9 *tion (50 U.S.C. 1544(b)),” after “is at war”;*

10 (2) *by inserting “or directly connected with or*
11 *related to the authorized use of the Armed Forces”*
12 *after “prosecution of the war”;*

13 (3) *by striking “three years” and inserting “5*
14 *years”;*

15 (4) *by striking “proclaimed by the President”*
16 *and inserting “proclaimed by a Presidential procla-*
17 *mation, with notice to Congress,”; and*

18 (5) *by adding at the end the following: “For pur-*
19 *poses of applying such definitions in this section, the*
20 *term ‘war’ includes a specific authorization for the*
21 *use of the Armed Forces, as described in section 5(b)*
22 *of the War Powers Resolution (50 U.S.C. 1544(b)).”.*

1 **Subtitle G—Governmentwide**
2 **Acquisition Improvements**

3 **SEC. 861. SHORT TITLE.**

4 *This subtitle may be cited as the “Clean Contracting*
5 *Act of 2008”.*

6 **SEC. 862. LIMITATION ON LENGTH OF CERTAIN NON-**
7 **COMPETITIVE CONTRACTS.**

8 *(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of*
9 *the Federal Property and Administrative Services Act of*
10 *1949 (41 U.S.C. 253(d)) is amended by adding at the end*
11 *the following new paragraph:*

12 *“(3)(A) The contract period of a contract described in*
13 *subparagraph (B) that is entered into by an executive agen-*
14 *cy pursuant to the authority provided under subsection*
15 *(c)(2)—*

16 *“(i) may not exceed the time necessary—*

17 *“(I) to meet the unusual and compelling re-*
18 *quirements of the work to be performed under the*
19 *contract; and*

20 *“(II) for the executive agency to enter into*
21 *another contract for the required goods or serv-*
22 *ices through the use of competitive procedures;*
23 *and*

1 “(i) may not exceed one year unless the head of
2 the executive agency entering into such contract deter-
3 mines that exceptional circumstances apply.

4 “(B) This paragraph applies to any contract in an
5 amount greater than the simplified acquisition threshold.”.

6 (b) *DEFENSE CONTRACTS*.—Section 2304(d) of title
7 10, United States Code, is amended by adding at the end
8 the following new paragraph:

9 “(3)(A) The contract period of a contract described in
10 subparagraph (B) that is entered into by an agency pursu-
11 ant to the authority provided under subsection (c)(2)—

12 “(i) may not exceed the time necessary—

13 “(I) to meet the unusual and compelling re-
14 quirements of the work to be performed under the
15 contract; and

16 “(II) for the agency to enter into another
17 contract for the required goods or services
18 through the use of competitive procedures; and

19 “(ii) may not exceed one year unless the head of
20 the agency entering into such contract determines that
21 exceptional circumstances apply.

22 “(B) This paragraph applies to any contract in an
23 amount greater than the simplified acquisition threshold.”.

1 **SEC. 863. REQUIREMENTS FOR PURCHASE OF PROPERTY**
2 **AND SERVICES PURSUANT TO MULTIPLE**
3 **AWARD CONTRACTS.**

4 (a) *REGULATIONS REQUIRED.*—Not later than one
5 year after the date of the enactment of this Act, the Federal
6 Acquisition Regulation shall be amended to require en-
7 hanced competition in the purchase of property and services
8 by all executive agencies pursuant to multiple award con-
9 tracts.

10 (b) *CONTENT OF REGULATIONS.*—

11 (1) *IN GENERAL.*—The regulations required by
12 subsection (a) shall provide, at a minimum, that each
13 individual purchase of property or services in excess
14 of the simplified acquisition threshold that is made
15 under a multiple award contract shall be made on a
16 competitive basis unless a contracting officer—

17 (A) waives the requirement on the basis of
18 a determination that—

19 (i) one of the circumstances described
20 in paragraphs (1) through (4) of section
21 303J(b) of the Federal Property and Ad-
22 ministrative Services Act of 1949 (41
23 U.S.C. 253j(b)) or section 2304c(b) of title
24 10, United States Code, applies to such in-
25 dividual purchase; or

1 (ii) a law expressly authorizes or re-
2 quires that the purchase be made from a
3 specified source; and

4 (B) justifies the determination in writing.

5 (2) *COMPETITIVE BASIS PROCEDURES.*—For pur-
6 poses of this subsection, an individual purchase of
7 property or services is made on a competitive basis
8 only if it is made pursuant to procedures that—

9 (A) except as provided in paragraph (3), re-
10 quire fair notice of the intent to make that pur-
11 chase (including a description of the work to be
12 performed and the basis on which the selection
13 will be made) to be provided to all contractors
14 offering such property or services under the mul-
15 tiple award contract; and

16 (B) afford all contractors responding to the
17 notice a fair opportunity to make an offer and
18 have that offer fairly considered by the official
19 making the purchase.

20 (3) *EXCEPTION TO NOTICE REQUIREMENT.*—

21 (A) *IN GENERAL.*—Notwithstanding para-
22 graph (2), and subject to subparagraph (B), no-
23 tice may be provided to fewer than all contrac-
24 tors offering such property or services under a
25 multiple award contract as described in sub-

1 *section (d)(2)(A) if notice is provided to as*
2 *many contractors as practicable.*

3 *(B) LIMITATION ON EXCEPTION.—A pur-*
4 *chase may not be made pursuant to a notice that*
5 *is provided to fewer than all contractors under*
6 *subparagraph (A) unless—*

7 *(i) offers were received from at least 3*
8 *qualified contractors; or*

9 *(ii) a contracting officer of the execu-*
10 *tive agency determines in writing that no*
11 *additional qualified contractors were able to*
12 *be identified despite reasonable efforts to do*
13 *so.*

14 *(c) PUBLIC NOTICE REQUIREMENTS RELATED TO*
15 *SOLE SOURCE TASK OR DELIVERY ORDERS.—*

16 *(1) PUBLIC NOTICE REQUIRED.—Not later than*
17 *one year after the date of the enactment of this Act,*
18 *the Federal Acquisition Regulation shall be amended*
19 *to require the head of each executive agency to—*

20 *(A) publish on FedBizOpps notice of all sole*
21 *source task or delivery orders in excess of the*
22 *simplified acquisition threshold that are placed*
23 *against multiple award contracts not later than*
24 *14 days after such orders are placed, except in*

1 *the event of extraordinary circumstances or clas-*
2 *sified orders; and*

3 *(B) disclose the determination required by*
4 *subsection (b)(1) related to sole source task or de-*
5 *livery orders in excess of the simplified acquisi-*
6 *tion threshold placed against multiple award*
7 *contracts through the same mechanism and to*
8 *the same extent as the disclosure of documents*
9 *containing a justification and approval required*
10 *by section 2304(f)(1) of title 10, United States*
11 *Code, and section 303(f)(1) of the Federal Prop-*
12 *erty and Administrative Services Act of 1949 (41*
13 *U.S.C. 253(f)(1)), except in the event of extraor-*
14 *dinary circumstances or classified orders.*

15 *(2) EXEMPTION.—This subsection does not re-*
16 *quire the public availability of information that is ex-*
17 *empt from public disclosure under section 552(b) of*
18 *title 5, United States Code.*

19 *(d) DEFINITIONS.—In this section:*

20 *(1) The term “executive agency” has the mean-*
21 *ing given such term in section 4(1) of the Office of*
22 *Federal Procurement Policy Act (41 U.S.C. 403(1)).*

23 *(2) The term “individual purchase” means a*
24 *task order, delivery order, or other purchase.*

1 (3) *The term “multiple award contract”*
2 *means—*

3 (A) *a contract that is entered into by the*
4 *Administrator of General Services under the*
5 *multiple award schedule program referred to in*
6 *section 2302(2)(C) of title 10, United States*
7 *Code;*

8 (B) *a multiple award task order contract*
9 *that is entered into under the authority of sec-*
10 *tions 2304a through 2304d of title 10, United*
11 *States Code, or sections 303H through 303K of*
12 *the Federal Property and Administrative Serv-*
13 *ices Act of 1949 (41 U.S.C. 253h through 253k);*
14 *and*

15 (C) *any other indefinite delivery, indefinite*
16 *quantity contract that is entered into by the*
17 *head of an executive agency with 2 or more*
18 *sources pursuant to the same solicitation.*

19 (4) *The term “sole source task or delivery order”*
20 *means any order that does not follow the competitive*
21 *procedures in subsection (b)(2) or (b)(3).*

22 (e) *APPLICABILITY.—The regulations required by sub-*
23 *section (a) shall apply to all individual purchases of prop-*
24 *erty or services that are made under multiple award con-*
25 *tracts on or after the effective date of such regulations, with-*

1 out regard to whether the multiple award contracts were
2 entered into before, on, or after such effective date.

3 (f) *REPEAL OF REDUNDANT PROVISION.*—Section 803
4 of the National Defense Authorization Act for Fiscal Year
5 2002 (Public Law 107–107; 10 U.S.C. 2304 note) is re-
6 pealed.

7 **SEC. 864. REGULATIONS ON THE USE OF COST-REIMBURSE-**
8 **MENT CONTRACTS.**

9 (a) *IN GENERAL.*—Not later than 270 days after the
10 date of the enactment of this Act, the Federal Acquisition
11 Regulation shall be revised to address the use of cost-reim-
12 bursement contracts.

13 (b) *CONTENT.*—The regulations promulgated under
14 subsection (a) shall include, at a minimum, guidance re-
15 garding—

16 (1) when and under what circumstances cost-re-
17 imbursement contracts are appropriate;

18 (2) the acquisition plan findings necessary to
19 support a decision to use cost-reimbursement con-
20 tracts; and

21 (3) the acquisition workforce resources necessary
22 to award and manage cost-reimbursement contracts.

23 (c) *INSPECTOR GENERAL REVIEW.*—Not later than one
24 year after the regulations required by subsection (a) are
25 promulgated, the Inspector General for each executive agen-

1 *cy shall review the use of cost-reimbursement contracts by*
2 *such agency for compliance with such regulations and shall*
3 *include the results of the review in the Inspector General's*
4 *next semiannual report.*

5 *(d) REPORT.—Subject to subsection (f), the Director*
6 *of the Office of Management and Budget shall submit an*
7 *annual report to Congressional committees identified in*
8 *subsection (e) on the use of cost-reimbursement contracts*
9 *and task or delivery orders by all executive agencies. The*
10 *report shall be submitted no later than March 1 and shall*
11 *cover the fiscal year ending September 30 of the prior year.*
12 *The report shall include—*

13 *(1) the total number and value of contracts*
14 *awarded and orders issued during the covered fiscal*
15 *year;*

16 *(2) the total number and value of cost-reimburse-*
17 *ment contracts awarded and orders issued during the*
18 *covered fiscal year; and*

19 *(3) an assessment of the effectiveness of the regu-*
20 *lations promulgated pursuant to subsection (a) in en-*
21 *sureing the appropriate use of cost-reimbursement con-*
22 *tracts.*

23 *(e) CONGRESSIONAL COMMITTEES DEFINED.—The re-*
24 *port required by subsection (d) shall be submitted to the*
25 *Committee on Oversight and Government Reform of the*

1 *House of Representatives; the Committee on Homeland Se-*
2 *curity and Governmental Affairs of the Senate; the Commit-*
3 *tees on Appropriations of the House of Representatives and*
4 *the Senate; and, in the case of the Department of Defense*
5 *and the Department of Energy, the Committees on Armed*
6 *Services of the Senate and the House of Representatives.*

7 (f) *REQUIREMENTS LIMITED TO CERTAIN AGENCIES*
8 *AND YEARS.—*

9 (1) *AGENCIES.—The requirement in subsection*
10 *(c) shall apply only to those executive agencies that*
11 *awarded contracts or issued orders (under contracts*
12 *previously awarded) in a total amount of at least*
13 *\$1,000,000,000 in the fiscal year proceeding the fiscal*
14 *year in which the assessments and reports are sub-*
15 *mitted.*

16 (2) *YEARS.—The report required by subsection*
17 *(d) shall be submitted from March 1, 2009, until*
18 *March 1, 2014.*

19 (g) *EXECUTIVE AGENCY DEFINED.—In this section,*
20 *the term “executive agency” has the meaning given such*
21 *term in section 4(1) of the Office of Federal Procurement*
22 *Policy Act (41 U.S.C. 403(1)).*

1 **SEC. 865. PREVENTING ABUSE OF INTERAGENCY CON-**
2 **TRACTS.**

3 (a) *OFFICE OF MANAGEMENT AND BUDGET POLICY*
4 *GUIDANCE.*—

5 (1) *REPORT AND GUIDELINES.*—*Not later than*
6 *one year after the date of the enactment of this Act,*
7 *the Director of the Office of Management and Budget*
8 *shall—*

9 (A) *submit to Congress a comprehensive re-*
10 *port on interagency acquisitions, including their*
11 *frequency of use, management controls, cost-effec-*
12 *tiveness, and savings generated; and*

13 (B) *issue guidelines to assist the heads of*
14 *executive agencies in improving the management*
15 *of interagency acquisitions.*

16 (2) *MATTERS COVERED BY GUIDELINES.*—*For*
17 *purposes of paragraph (1)(B), the Director shall in-*
18 *clude guidelines on the following matters:*

19 (A) *Procedures for the use of interagency*
20 *acquisitions to maximize competition, deliver*
21 *best value to executive agencies, and minimize*
22 *waste, fraud, and abuse.*

23 (B) *Categories of contracting inappropriate*
24 *for interagency acquisition.*

1 (C) *Requirements for training acquisition*
2 *workforce personnel in the proper use of inter-*
3 *agency acquisitions.*

4 (b) *REGULATIONS REQUIRED.—*

5 (1) *IN GENERAL.—Not later than one year after*
6 *the date of the enactment of this Act, the Federal Ac-*
7 *quisition Regulation shall be revised to require that*
8 *all interagency acquisitions—*

9 (A) *include a written agreement between the*
10 *requesting agency and the servicing agency as-*
11 *signing responsibility for the administration and*
12 *management of the contract;*

13 (B) *include a determination that an inter-*
14 *agency acquisition is the best procurement alter-*
15 *native; and*

16 (C) *include sufficient documentation to en-*
17 *sure an adequate audit.*

18 (2) *MULTI-AGENCY CONTRACTS.—Not later than*
19 *one year after the date of the enactment of this Act,*
20 *the Federal Acquisition Regulation shall be revised to*
21 *require any multi-agency contract entered into by an*
22 *executive agency after the effective date of such regula-*
23 *tions to be supported by a business case analysis de-*
24 *tailing the administration of such contract, including*
25 *an analysis of all direct and indirect costs to the Fed-*

1 *eral Government of awarding and administering such*
2 *contract and the impact such contract will have on*
3 *the ability of the Federal Government to leverage its*
4 *purchasing power.*

5 *(c) AGENCY REPORTING REQUIREMENT.—The senior*
6 *procurement executive for each executive agency shall, as*
7 *directed by the Director of the Office of Management and*
8 *Budget, submit to the Director annual reports on the ac-*
9 *tions taken by the executive agency pursuant to the guide-*
10 *lines issued under subsection (a).*

11 *(d) DEFINITIONS.—In this section:*

12 *(1) The term “executive agency” has the mean-*
13 *ing given such term in section 4(1) of the Office of*
14 *Federal Procurement Policy Act (41 U.S.C. 403(1)),*
15 *except that, in the case of a military department, it*
16 *means the Department of Defense.*

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 a*
22 *procedure by which an executive agency needing sup-*
23 *plies or services (the requesting agency) obtains them*
24 *from another executive agency (the servicing agency).*

25 *The term includes acquisitions under section 1535 of*

1 *title 31, United States Code (commonly referred to as*
2 *the “Economy Act”), Federal Supply Schedules above*
3 *\$500,000, and Governmentwide acquisition contracts.*

4 (4) *The term “multi-agency contract” means a*
5 *task or delivery order contract established for use by*
6 *more than one executive agency to obtain supplies*
7 *and services, consistent with section 1535 of title 31,*
8 *United States Code (commonly referred to as the*
9 *“Economy Act”).*

10 **SEC. 866. LIMITATIONS ON TIERING OF SUBCONTRACTORS.**

11 (a) *REGULATIONS.—Not later than one year after the*
12 *date of the enactment of this Act, the Federal Acquisition*
13 *Regulation shall be amended, for executive agencies other*
14 *than the Department of Defense, to minimize the excessive*
15 *use by contractors of subcontractors, or of tiers of sub-*
16 *contractors, that add no or negligible value, and to ensure*
17 *that neither a contractor nor a subcontractor receives indi-*
18 *rect costs or profit on work performed by a lower-tier sub-*
19 *contractor to which the higher-tier contractor or subcon-*
20 *tractor adds no, or negligible, value (but not to limit*
21 *charges for indirect costs and profit based on the direct costs*
22 *of managing lower-tier subcontracts).*

23 (b) *COVERED CONTRACTS.—This section applies to*
24 *any cost-reimbursement type contract or task or delivery*
25 *order in an amount greater than the simplified acquisition*

1 *threshold (as defined by section 4 of the Office of Federal*
2 *Procurement Policy Act (41 U.S.C. 403)).*

3 (c) *RULE OF CONSTRUCTION.*—*Nothing in this section*
4 *shall be construed as limiting the ability of the Department*
5 *of Defense to implement more restrictive limitations on the*
6 *tiering of subcontractors.*

7 (d) *APPLICABILITY.*—*The Department of Defense shall*
8 *continue to be subject to guidance on limitations on tiering*
9 *of subcontractors issued by the Department pursuant to sec-*
10 *tion 852 of the John Warner National Defense Authoriza-*
11 *tion Act for Fiscal Year 2007 (Public Law 109–364; 120*
12 *Stat. 2340).*

13 (e) *EXECUTIVE AGENCY DEFINED.*—*In this section,*
14 *the term “executive agency” has the meaning given such*
15 *term in section 4(1) of the Office of Federal Procurement*
16 *Policy Act (41 U.S.C. 403(1)).*

17 **SEC. 867. LINKING OF AWARD AND INCENTIVE FEES TO AC-**
18 **QUISITION OUTCOMES.**

19 (a) *GUIDANCE FOR EXECUTIVE AGENCIES ON LINKING*
20 *OF AWARD AND INCENTIVE FEES TO ACQUISITION OUT-*
21 *COMES.*—*Not later than 1 year after the date of the enact-*
22 *ment of this Act, the Federal Acquisition Regulation shall*
23 *be amended to provide executive agencies other than the De-*
24 *partment of Defense with instructions, including defini-*

1 tions, on the appropriate use of award and incentive fees
2 in Federal acquisition programs.

3 (b) *ELEMENTS.*—The regulations under subsection (a)
4 shall—

5 (1) ensure that all new contracts using award
6 fees link such fees to acquisition outcomes (which shall
7 be defined in terms of program cost, schedule, and
8 performance);

9 (2) establish standards for identifying the appro-
10 priate level of officials authorized to approve the use
11 of award and incentive fees in new contracts;

12 (3) provide guidance on the circumstances in
13 which contractor performance may be judged to be
14 “excellent” or “superior” and the percentage of the
15 available award fee which contractors should be paid
16 for such performance;

17 (4) establish standards for determining the per-
18 centage of the available award fee, if any, which con-
19 tractors should be paid for performance that is judged
20 to be “acceptable”, “average”, “expected”, “good”, or
21 “satisfactory”;

22 (5) ensure that no award fee may be paid for
23 contractor performance that is judged to be below sat-
24 isfactory performance or performance that does not
25 meet the basic requirements of the contract;

1 (6) *provide specific direction on the cir-*
2 *cumstances, if any, in which it may be appropriate*
3 *to roll over award fees that are not earned in one*
4 *award fee period to a subsequent award fee period or*
5 *periods;*

6 (7) *ensure consistent use of guidelines and defi-*
7 *nitions relating to award and incentive fees across the*
8 *Federal Government;*

9 (8) *ensure that each executive agency—*

10 (A) *collects relevant data on award and in-*
11 *centive fees paid to contractors; and*

12 (B) *has mechanisms in place to evaluate*
13 *such data on a regular basis;*

14 (9) *include performance measures to evaluate the*
15 *effectiveness of award and incentive fees as a tool for*
16 *improving contractor performance and achieving de-*
17 *sired program outcomes; and*

18 (10) *provide mechanisms for sharing proven in-*
19 *centive strategies for the acquisition of different types*
20 *of products and services among contracting and pro-*
21 *gram management officials.*

22 (c) *GUIDANCE FOR DEPARTMENT OF DEFENSE.—The*
23 *Department of Defense shall continue to be subject to guid-*
24 *ance on award and incentive fees issued by the Secretary*
25 *of Defense pursuant to section 814 of the John Warner Na-*

1 *tional Defense Authorization Act for Fiscal Year 2007 (Pub-*
2 *lic Law 109–364; 120 Stat. 2321).*

3 (d) *EXECUTIVE AGENCY DEFINED.*—*In this section,*
4 *the term “executive agency” has the meaning given such*
5 *term in section 4(1) of the Office of Federal Procurement*
6 *Policy Act (41 U.S.C. 403(1)).*

7 **SEC. 868. MINIMIZING ABUSE OF COMMERCIAL SERVICES**

8 **ITEM AUTHORITY.**

9 (a) *REGULATIONS REQUIRED.*—*Not later than 180*
10 *days after the date of the enactment of this Act, the Federal*
11 *Acquisition Regulation shall be amended with respect to the*
12 *procurement of commercial services.*

13 (b) *APPLICABILITY OF COMMERCIAL PROCEDURES.*—

14 (1) *SERVICES OF A TYPE SOLD IN MARKET-*
15 *PLACE.*—*The regulations modified pursuant to sub-*
16 *section (a) shall ensure that services that are not of-*
17 *fered and sold competitively in substantial quantities*
18 *in the commercial marketplace, but are of a type of-*
19 *fered and sold competitively in substantial quantities*
20 *in the commercial marketplace, may be treated as*
21 *commercial items for purposes of section 254b of title*
22 *41, United States Code (relating to truth in negotia-*
23 *tions), only if the contracting officer determines in*
24 *writing that the offeror has submitted sufficient infor-*

1 *mation to evaluate, through price analysis, the rea-*
2 *sonableness of the price for such services.*

3 (2) *INFORMATION SUBMITTED.—To the extent*
4 *necessary to make a determination under paragraph*
5 *(1), the contracting officer may request the offeror to*
6 *submit—*

7 (A) *prices paid for the same or similar*
8 *commercial items under comparable terms and*
9 *conditions by both government and commercial*
10 *customers; and*

11 (B) *if the contracting officer determines*
12 *that the information described in subparagraph*
13 *(A) is not sufficient to determine the reasonable-*
14 *ness of price, other relevant information regard-*
15 *ing the basis for price or cost, including infor-*
16 *mation on labor costs, material costs, and over-*
17 *head rates.*

18 **SEC. 869. ACQUISITION WORKFORCE DEVELOPMENT STRA-**

19 **TEGIC PLAN.**

20 (a) *PURPOSE.—The purpose of this section is to au-*
21 *thorize the preparation and completion of a plan (to be*
22 *known as the “Acquisition Workforce Development Stra-*
23 *tegic Plan”) for Federal agencies other than the Department*
24 *of Defense to develop a specific and actionable 5-year plan*
25 *to increase the size of the acquisition workforce, and to oper-*

1 *ate a government-wide acquisition intern program, for such*
2 *Federal agencies.*

3 (b) *ESTABLISHMENT OF PLAN.*—*The Associate Admin-*
4 *istrator for Acquisition Workforce Programs designated*
5 *under section 855(a) of the National Defense Authorization*
6 *Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*
7 *251; 41 U.S.C. 433(a)) shall be responsible for the manage-*
8 *ment, oversight, and administration of the Acquisition*
9 *Workforce Development Strategic Plan in cooperation and*
10 *consultation with the Office of Federal Procurement Policy*
11 *and the assistance of the Federal Acquisition Institute.*

12 (c) *CRITERIA.*—*The Acquisition Workforce Develop-*
13 *ment Strategic Plan shall include, at a minimum, an ex-*
14 *amination of the following matters:*

15 (1) *The variety and complexity of acquisitions*
16 *conducted by each Federal agency covered by the*
17 *plan, and the workforce needed to effectively carry out*
18 *such acquisitions.*

19 (2) *The development of a sustainable funding*
20 *model to support efforts to hire, retain, and train an*
21 *acquisition workforce of appropriate size and skill to*
22 *effectively carry out the acquisition programs of the*
23 *Federal agencies covered by the plan, including an ex-*
24 *amination of interagency funding methods and a dis-*
25 *cussion of how the model of the Defense Acquisition*

1 *Workforce Development Fund could be applied to ci-*
2 *vilian agencies.*

3 (3) *Any strategic human capital planning nec-*
4 *essary to hire, retain, and train an acquisition work-*
5 *force of appropriate size and skill at each Federal*
6 *agency covered by the plan.*

7 (4) *Methodologies that Federal agencies covered*
8 *by the plan can use to project future acquisition*
9 *workforce personnel hiring requirements, including an*
10 *appropriate distribution of such personnel across each*
11 *category of positions designated as acquisition work-*
12 *force personnel under section 37(j) of the Office of*
13 *Federal Procurement Policy Act (41 U.S.C. 433(j)).*

14 (5) *Government-wide training standards and*
15 *certification requirements necessary to enhance the*
16 *mobility and career opportunities of the Federal ac-*
17 *quisition workforce within the Federal agencies cov-*
18 *ered by the plan.*

19 (6) *If the Associate Administrator recommends*
20 *as part of the plan a growth in the acquisition work-*
21 *force of the Federal agencies covered by the plan below*
22 *25 percent over the next 5 years, an examination of*
23 *each of the matters specified in paragraphs (1)*
24 *through (5) in the context of a 5-year plan that in-*
25 *creases the size of such acquisition workforce by not*

1 *less than 25 percent, or an explanation why such a*
2 *level of growth would not be in the best interest of the*
3 *Federal Government.*

4 *(d) DEADLINE FOR COMPLETION.—The Acquisition*
5 *Workforce Development Strategic Plan shall be completed*
6 *not later than one year after the date of the enactment of*
7 *this Act and in a fashion that allows for immediate imple-*
8 *mentation of its recommendations and guidelines.*

9 *(e) FUNDS.—The Acquisition Workforce Development*
10 *Strategic Plan shall be funded from the Acquisition Work-*
11 *force Training Fund under section 37(h)(3) of the Office*
12 *of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)).*

13 **SEC. 870. CONTINGENCY CONTRACTING CORPS.**

14 *(a) ESTABLISHMENT.—The Office of Federal Procure-*
15 *ment Policy Act (41 U.S.C. 403 et seq.) is amended by add-*
16 *ing at the end the following new section:*

17 **“SEC. 44. CONTINGENCY CONTRACTING CORPS.**

18 *“(a) ESTABLISHMENT.—The Administrator of General*
19 *Services, pursuant to policies established by the Office of*
20 *Management and Budget, and in consultation with the Sec-*
21 *retary of Defense and the Secretary of Homeland Security,*
22 *shall establish a Governmentwide Contingency Contracting*
23 *Corps (in this section referred to as the ‘Corps’). The mem-*
24 *bers of the Corps shall be available for deployment in re-*
25 *sponding to an emergency or major disaster, or a contin-*

1 *gency operation, both within or outside the continental*
2 *United States.*

3 “(b) *APPLICABILITY.*—*The authorities provided in this*
4 *section apply with respect to any procurement of property*
5 *or services by or for an executive agency that, as determined*
6 *by the head of such executive agency, are to be used—*

7 “(1) *in support of a contingency operation as de-*
8 *fin ed in section 101(a)(13) of title 10, United States*
9 *Code; or*

10 “(2) *to respond to an emergency or major dis-*
11 *aster as defined in section 102 of the Robert T. Staf-*
12 *ford Disaster Relief and Emergency Assistance Act*
13 *(42 U.S.C. 5122).*

14 “(c) *MEMBERSHIP.*—*Membership in the Corps shall be*
15 *voluntary and open to all Federal employees and members*
16 *of the Armed Forces who are members of the Federal acqui-*
17 *sition workforce.*

18 “(d) *EDUCATION AND TRAINING.*—*The Administrator*
19 *may, in consultation with the Director of the Federal Ac-*
20 *quisition Institute and the Chief Acquisition Officers Coun-*
21 *cil, establish educational and training requirements for*
22 *members of the Corps. Education and training carried out*
23 *pursuant to such requirements shall be paid for from funds*
24 *available in the acquisition workforce training fund estab-*
25 *lished pursuant to section 37(h)(3) of this Act.*

1 “(e) *SALARY.*—*The salary for a member of the Corps*
2 *shall be paid—*

3 “(1) *in the case of a member of the Armed*
4 *Forces, out of funds available to the Armed Force con-*
5 *cerned; and*

6 “(2) *in the case of a Federal employee, out of*
7 *funds available to the employing agency.*

8 “(f) *AUTHORITY TO DEPLOY THE CORPS.*—(1) *The Di-*
9 *rector of the Office of Management and Budget shall have*
10 *the authority, upon request by an executive agency, to deter-*
11 *mine when members of the Corps shall be deployed, with*
12 *the concurrence of the head of the agency or agencies em-*
13 *ploying the members to be deployed.*

14 “(2) *Nothing in this section shall preclude the Sec-*
15 *retary of Defense or the Secretary’s designee from deploying*
16 *members of the Armed Forces or civilian personnel of the*
17 *Department of Defense in support of a contingency oper-*
18 *ation as defined in section 101(a)(13) of title 10, United*
19 *States Code.*

20 “(g) *ANNUAL REPORT.*—

21 “(1) *IN GENERAL.*—*The Administrator of Gen-*
22 *eral Services shall provide to the Committee on*
23 *Homeland Security and Governmental Affairs and*
24 *the Committee on Armed Services of the Senate and*
25 *the Committee on Oversight and Government Reform*

1 **SEC. 872. DATABASE FOR FEDERAL AGENCY CONTRACT AND**
2 **GRANT OFFICERS AND SUSPENSION AND DE-**
3 **BARMENT OFFICIALS.**

4 (a) *IN GENERAL.*—Subject to the authority, direction,
5 and control of the Director of the Office of Management and
6 Budget, the Administrator of General Services shall estab-
7 lish, not later than one year after the date of the enactment
8 of this Act, and maintain a database of information regard-
9 ing the integrity and performance of certain persons award-
10 ed Federal agency contracts and grants for use by Federal
11 agency officials having authority over contracts and grants.

12 (b) *PERSONS COVERED.*—The database shall cover the
13 following:

14 (1) Any person awarded a Federal agency con-
15 tract or grant in excess of \$500,000, if any informa-
16 tion described in subsection (c) exists with respect to
17 such person.

18 (2) Any person awarded such other category or
19 categories of Federal agency contract as the Federal
20 Acquisition Regulation may provide, if such informa-
21 tion exists with respect to such person.

22 (c) *INFORMATION INCLUDED.*—With respect to a cov-
23 ered person the database shall include information (in the
24 form of a brief description) for the most recent 5-year period
25 regarding the following:

1 (1) *Each civil or criminal proceeding, or any*
2 *administrative proceeding, in connection with the*
3 *award or performance of a contract or grant with the*
4 *Federal Government with respect to the person during*
5 *the period to the extent that such proceeding results*
6 *in the following dispositions:*

7 (A) *In a criminal proceeding, a conviction.*

8 (B) *In a civil proceeding, a finding of fault*
9 *and liability that results in the payment of a*
10 *monetary fine, penalty, reimbursement, restitu-*
11 *tion, or damages of \$5,000 or more.*

12 (C) *In an administrative proceeding, a*
13 *finding of fault and liability that results in—*

14 (i) *the payment of a monetary fine or*
15 *penalty of \$5,000 or more; or*

16 (ii) *the payment of a reimbursement,*
17 *restitution, or damages in excess of*
18 *\$100,000.*

19 (D) *To the maximum extent practicable and*
20 *consistent with applicable laws and regulations,*
21 *in a criminal, civil, or administrative pro-*
22 *ceeding, a disposition of the matter by consent or*
23 *compromise with an acknowledgment of fault by*
24 *the person if the proceeding could have led to*

1 *any of the outcomes specified in subparagraph*
2 *(A), (B), or (C).*

3 *(2) Each Federal contract and grant awarded to*
4 *the person that was terminated in such period due to*
5 *default.*

6 *(3) Each Federal suspension and debarment of*
7 *the person in that period.*

8 *(4) Each Federal administrative agreement en-*
9 *tered into by the person and the Federal Government*
10 *in that period to resolve a suspension or debarment*
11 *proceeding.*

12 *(5) Each final finding by a Federal official in*
13 *that period that the person has been determined not*
14 *to be a responsible source under subparagraph (C) or*
15 *(D) of section 4(7) of the Office of Federal Procure-*
16 *ment Policy Act (41 U.S.C. 403(7)).*

17 *(6) Such other information as shall be provided*
18 *for purposes of this section in the Federal Acquisition*
19 *Regulation.*

20 *(7) To the maximum extent practical, informa-*
21 *tion similar to the information covered by paragraphs*
22 *(1) through (4) in connection with the award or per-*
23 *formance of a contract or grant with a State govern-*
24 *ment.*

1 (d) *REQUIREMENTS RELATING TO INFORMATION IN*
2 *DATABASE.*—

3 (1) *DIRECT INPUT AND UPDATE.*—*The Adminis-*
4 *trator shall design and maintain the database in a*
5 *manner that allows the appropriate Federal agency*
6 *officials to directly input and update information in*
7 *the database relating to actions such officials have*
8 *taken with regard to contractors or grant recipients.*

9 (2) *TIMELINESS AND ACCURACY.*—*The Adminis-*
10 *trator shall develop policies to require—*

11 (A) *the timely and accurate input of infor-*
12 *mation into the database;*

13 (B) *the timely notification of any covered*
14 *person when information relevant to the person*
15 *is entered into the database; and*

16 (C) *opportunities for any covered person to*
17 *submit comments pertaining to information*
18 *about such person for inclusion in the database.*

19 (e) *USE OF DATABASE.*—

20 (1) *AVAILABILITY TO GOVERNMENT OFFICIALS.*—
21 *The Administrator shall ensure that the information*
22 *in the database is available to appropriate acquisi-*
23 *tion officials of Federal agencies, to such other govern-*
24 *ment officials as the Administrator determines appro-*
25 *priate, and, upon request, to the Chairman and*

1 *Ranking Member of the committees of Congress hav-*
2 *ing jurisdiction.*

3 (2) *REVIEW AND ASSESSMENT OF DATA.—*

4 (A) *IN GENERAL.—Before awarding a con-*
5 *tract or grant in excess of the simplified acquisi-*
6 *tion threshold under section 4(11) of the Office of*
7 *Federal Procurement Policy Act (41 U.S.C.*
8 *403(11)), the Federal agency official responsible*
9 *for awarding the contract or grant shall review*
10 *the database and shall consider all information*
11 *in the database with regard to any offer or pro-*
12 *posal, and, in the case of a contract, shall con-*
13 *sider other past performance information avail-*
14 *able with respect to the offeror in making any re-*
15 *ponsibility determination or past performance*
16 *evaluation for such offeror.*

17 (B) *DOCUMENTATION IN CONTRACT FILE.—*

18 *The contract file for each contract of a Federal*
19 *agency in excess of the simplified acquisition*
20 *threshold shall document the manner in which*
21 *the material in the database was considered in*
22 *any responsibility determination or past per-*
23 *formance evaluation.*

24 (f) *DISCLOSURE IN APPLICATIONS.—Not later than*
25 *one year after the date of the enactment of this Act, the*

1 *Federal Acquisition Regulation shall be amended to require*
2 *that persons with Federal agency contracts and grants val-*
3 *ued in total greater than \$10,000,000 shall—*

4 (1) *submit to the Administrator, in a manner*
5 *determined appropriate by the Administrator, the in-*
6 *formation subject to inclusion in the database as list-*
7 *ed in subsection (c) current as of the date of submittal*
8 *of such information under this subsection; and*

9 (2) *update such information on a semiannual*
10 *basis.*

11 (g) *RULEMAKING.—The Administrator shall promul-*
12 *gate such regulations as may be necessary to carry out this*
13 *section.*

14 **SEC. 873. ROLE OF INTERAGENCY COMMITTEE ON DEBAR-**
15 **MENT AND SUSPENSION.**

16 (a) *REQUIREMENT.—The Interagency Committee on*
17 *Debarment and Suspension shall—*

18 (1) *resolve issues regarding which of several Fed-*
19 *eral agencies is the lead agency having responsibility*
20 *to initiate suspension or debarment proceedings;*

21 (2) *coordinate actions among interested agencies*
22 *with respect to such action;*

23 (3) *encourage and assist Federal agencies in en-*
24 *tering into cooperative efforts to pool resources and*

1 *achieve operational efficiencies in the Government-*
2 *wide suspension and debarment system;*

3 (4) *recommend to the Office of Management and*
4 *Budget changes to Government suspension and debar-*
5 *ment system and its rules, if such recommendations*
6 *are approved by a majority of the Interagency Com-*
7 *mittee;*

8 (5) *authorize the Office of Management and*
9 *Budget to issue guidelines that implement those rec-*
10 *ommendations;*

11 (6) *authorize the chair of the Committee to estab-*
12 *lish subcommittees as appropriate to best enable the*
13 *Interagency Committee to carry out its functions; and*

14 (7) *submit to Congress an annual report on—*

15 (A) *the progress and efforts to improve the*
16 *suspension and debarment system;*

17 (B) *member agencies' active participation*
18 *in the committee's work; and*

19 (C) *a summary of each agency's activities*
20 *and accomplishments in the Governmentwide de-*
21 *barment system.*

22 (b) *DEFINITION.—The term “Interagency Committee*
23 *on Debarment and Suspension” means such committee con-*
24 *stituted under sections 4 and 5 and of Executive Order No.*
25 *12549.*

1 **SEC. 874. IMPROVEMENTS TO THE FEDERAL PROCUREMENT**
2 **DATA SYSTEM.**

3 (a) *ENHANCED TRANSPARENCY ON INTERAGENCY CON-*
4 *TRACTING AND OTHER TRANSACTIONS.*—Not later than one
5 year after the date of the enactment of this Act, the Director
6 of the Office of Management and Budget shall direct appro-
7 priate revisions to the Federal Procurement Data System
8 or any successor system to facilitate the collection of com-
9 plete, timely, and reliable data on interagency contracting
10 actions and on transactions other than contracts, grants,
11 and cooperative agreements issued pursuant to section 2371
12 of title 10, United States Code, or similar authorities. The
13 Director shall ensure that data, consistent with what is col-
14 lected for contract actions, is obtained on—

15 (1) *interagency contracting actions, including*
16 *data at the task or delivery-order level; and*

17 (2) *other transactions, including the initial*
18 *award and any subsequent modifications awarded or*
19 *orders issued (other than transactions that are re-*
20 *ported through the Federal Assistance Awards Data*
21 *System).*

22 (b) *AMENDMENT.*—Subsection (d) of section 19 of the
23 *Office of Federal Procurement Policy Act (41 U.S.C.*
24 *417(d)) is amended to read as follows:*

25 “(d) *TRANSMISSION AND DATA ENTRY OF INFORMA-*
26 *TION.*—The head of each executive agency shall ensure the

1 *accuracy of the information included in the record estab-*
2 *lished and maintained by such agency under subsection (a)*
3 *and shall transmit in a timely manner such information*
4 *to the General Services Administration for entry into the*
5 *Federal Procurement Data System referred to in section*
6 *6(d)(4), or any successor system.”.*

7 *(c) REPORT TO CONGRESS.—*

8 *(1) REPORT REQUIRED.—Not later than 180*
9 *days after the date of the enactment of this Act, the*
10 *Administrator of General Services shall submit to*
11 *Congress a report.*

12 *(2) CONTENTS OF REPORT.—The report shall*
13 *contain the following:*

14 *(A) A list of all databases that include in-*
15 *formation about Federal contracting and Federal*
16 *grants.*

17 *(B) Recommendations for further legislation*
18 *or administrative action that the Administrator*
19 *considers appropriate to create a centralized,*
20 *comprehensive Federal contracting and Federal*
21 *grant database.*

1 ***Subtitle H—Other Matters***

2 ***SEC. 881. EXPANSION OF AUTHORITY TO RETAIN FEES***
 3 ***FROM LICENSING OF INTELLECTUAL PROP-***
 4 ***ERTY.***

5 *Section 2260 of title 10, United States Code, is amend-*
 6 *ed—*

7 (1) *in subsection (a), by inserting “or the Sec-*
 8 *retary of Homeland Security” after “Secretary of De-*
 9 *fense”; and*

10 (2) *in subsection (f)—*

11 (A) *by striking “(f) DEFINITIONS.—In this*
 12 *section, the” and inserting the following:*

13 “(f) *DEFINITIONS.—In this section:*

14 “(1) *The”; and*

15 (B) *by adding at the end the following new*
 16 *paragraph:*

17 “(2) *The term ‘Secretary concerned’ has the*
 18 *meaning provided in section 101(a)(9) of this title*
 19 *and also includes—*

20 (A) *the Secretary of Defense, with respect*
 21 *to matters concerning the Defense Agencies and*
 22 *Department of Defense Field Activities; and*

23 (B) *the Secretary of Homeland Security,*
 24 *with respect to matters concerning the Coast*

1 *Guard when it is not operating as a service in*
2 *the Department of the Navy.”.*

3 **SEC. 882. REPORT ON MARKET RESEARCH.**

4 *Not later than October 1, 2009, the Secretary of De-*
5 *fense shall submit to the Committees on Armed Services of*
6 *the Senate and the House of Representatives a report on*
7 *the implementation of section 826 of the National Defense*
8 *Authorization Act for Fiscal Year 2008 (Public Law 110-*
9 *181; 10 U.S.C. 2377 note) and the amendments made by*
10 *that section. The report shall address—*

11 *(1) actions taken by the Department of Defense*
12 *to implement the amendments made by section 826(a)*
13 *of such Act to section 2377 of title 10, United States*
14 *Code, with a particular focus on—*

15 *(A) the guidance issued by the Department*
16 *on the performance of market research;*

17 *(B) the market research being performed*
18 *pursuant to such guidance; and*

19 *(C) the results of such guidance and market*
20 *research;*

21 *(2) training tools the Secretary of Defense has*
22 *developed to assist contracting officials in performing*
23 *market research in accordance with section 826(b) of*
24 *such Act;*

1 (3) actions the Department of Defense intends to
2 take to further implement such section 826 and the
3 amendments made by that section, including dissemi-
4 nation of best practices and corrective actions where
5 necessary; and

6 (4) such other matters as the Secretary considers
7 appropriate.

8 **SEC. 883. REPORT RELATING TO MUNITIONS.**

9 Not later than March 1, 2009, the Secretary of Defense
10 shall submit to the congressional defense committees a re-
11 port detailing how 60mm and 81mm munitions used by
12 the Armed Forces are procured, including, where relevant,
13 an explanation of the decision to procure such munitions
14 from non-domestic sources and the justification for award-
15 ing contracts to non-domestic sources.

16 **SEC. 884. MOTOR CARRIER FUEL SURCHARGES.**

17 (a) *PASS THROUGH TO COST BEARER.*—The Sec-
18 retary of Defense shall take appropriate actions to ensure
19 that, to the maximum extent practicable, in all carriage
20 contracts in which a fuel-related adjustment is provided for,
21 any fuel-related adjustment is passed through to the person
22 who bears the cost of the fuel that the adjustment relates
23 to.

24 (b) *USE OF CONTRACT CLAUSE.*—The actions taken by
25 the Secretary under subsection (a) shall include the inser-

1 *tion of a contract clause, with appropriate flow-down re-*
 2 *quirements, into all contracts with motor carriers, brokers,*
 3 *or freight forwarders providing or arranging truck trans-*
 4 *portation or services in which a fuel-related adjustment is*
 5 *provided for.*

6 (c) *DISCLOSURE.—The Secretary shall publicly dis-*
 7 *close any decision by the Department of Defense to pay fuel-*
 8 *related adjustments under contracts (or a category of con-*
 9 *tracts) covered by this section.*

10 (d) *REPORT.—Not later than 270 days after the date*
 11 *of the enactment of this Act, the Secretary shall submit to*
 12 *the committees on Armed Services of the Senate and the*
 13 *House of Representatives a report on the actions taken in*
 14 *accordance with the requirements of subsection (a).*

15 **SEC. 885. PROCUREMENT BY STATE AND LOCAL GOVERN-**
 16 **MENTS OF EQUIPMENT FOR HOMELAND SE-**
 17 **CURITY AND EMERGENCY RESPONSE ACTIVI-**
 18 **TIES THROUGH THE DEPARTMENT OF DE-**
 19 **FENSE.**

20 (a) *EXPANSION OF PROCUREMENT AUTHORITY TO IN-*
 21 *CLUDE EQUIPMENT FOR HOMELAND SECURITY AND EMER-*
 22 *GENCY RESPONSE ACTIVITIES.—*

23 (1) *PROCEDURES.—Subsection (a)(1) of section*
 24 *381 of title 10, United States Code, is amended—*

25 (A) *in subsection (a)(1)—*

1 (i) in the matter preceding subpara-
2 graph (A)—

3 (I) by striking “law enforcement”;

4 and

5 (II) by inserting “, homeland se-
6 curity, and emergency response” after
7 “counter-drug”;

8 (ii) in subparagraph (A)—

9 (I) in the matter preceding clause
10 (i), by inserting “, homeland security,
11 or emergency response” after “counter-
12 drug”; and

13 (II) in clause (i), by striking “law
14 enforcement”;

15 (iii) in subparagraph (C), by striking
16 “law enforcement” each place it appears;
17 and

18 (iv) in subparagraph (D), by striking
19 “law enforcement”.

20 (2) *GSA CATALOG*.—Subsection (c) of such sec-
21 tion is amended—

22 (A) by striking “law enforcement”; and

23 (B) by inserting “, homeland security, and
24 emergency response” after “counter-drug”.

1 (3) *DEFINITIONS.*—*Subsection (d) of such section*
2 *is amended—*

3 (A) *in paragraph (2), by inserting “or*
4 *emergency response” after “law enforcement”*
5 *both places it appears; and*

6 (B) *in paragraph (3)—*

7 (i) *by striking “law enforcement”;*

8 (ii) *by inserting “, homeland security,*
9 *and emergency response” after “counter-*
10 *drug”; and*

11 (iii) *by inserting “and, in the case of*
12 *equipment for homeland security activities,*
13 *may not include any equipment that is not*
14 *found on the Authorized Equipment List*
15 *published by the Department of Homeland*
16 *Security” after “purposes”.*

17 (b) *CLERICAL AMENDMENTS.*—

18 (1) *HEADING AMENDMENT.*—*The heading of such*
19 *section is amended to read as follows:*

1 **“§ 381. Procurement of equipment by State and local**
 2 **governments through the Department of**
 3 **Defense: equipment for counter-drug,**
 4 **homeland security, and emergency re-**
 5 **sponse activities”.**

6 (2) *TABLE OF SECTIONS.*—*The table of sections*
 7 *at the beginning of chapter 18 of such title is amend-*
 8 *ed by striking the item relating to section 381 and in-*
 9 *serting the following new item:*

“381. Procurement of equipment by State and local governments through the De-
partment of Defense: equipment for counter-drug, homeland secu-
rity, and emergency response activities.”.

10 **SEC. 886. REVIEW OF IMPACT OF COVERED SUBSIDIES ON**
 11 **ACQUISITION OF KC-45 AIRCRAFT.**

12 (a) *REVIEW OF COVERED SUBSIDIES REQUIRED.*—
 13 *The Secretary of Defense, not later than 10 days after a*
 14 *ruling by the World Trade Organization that the United*
 15 *States, the European Union, or any political entity within*
 16 *the United States or the European Union, has provided a*
 17 *covered subsidy to a manufacturer of large commercial air-*
 18 *craft, shall begin a review, as described in subsection (b),*
 19 *of the impact of such covered subsidy on the source selection*
 20 *for the KC-45 Aerial Refueling Aircraft Program.*

21 (b) *PERFORMANCE OF THE REVIEW.*—*In performing*
 22 *the review required by subsection (a), the Secretary of De-*
 23 *fense shall consult with experts within the Department of*
 24 *Defense, the Office of Management and Budget, the Office*

1 *of the United States Trade Representative, and other agen-*
2 *cies and offices of the Federal Government, and with such*
3 *other experts outside the Government as the Secretary con-*
4 *siders appropriate, on the potential impact of a covered*
5 *subsidy on the source selection process for the KC-45 Aerial*
6 *Refueling Aircraft Program.*

7 (c) *COMPLETION OF REVIEW.*—*The Secretary of De-*
8 *fense shall complete the review required by subsection (a)*
9 *not later than 90 days after the World Trade Organization*
10 *has completed ruling on all cases involving the allegation*
11 *of a covered subsidy provided to a manufacturer of large*
12 *commercial aircraft pending at the World Trade Organiza-*
13 *tion as of the date of the enactment of this Act.*

14 (d) *REPORT ON REVIEW.*—*Not later than 30 days after*
15 *the completion of the review required by subsection (a), the*
16 *Secretary of Defense shall provide a report to the congress-*
17 *sional defense committees on the findings of the review, to-*
18 *gether with any recommendations the Secretary considers*
19 *appropriate.*

20 (e) *DEFINITIONS.*—*In this section:*

21 (1) *The term “covered subsidy” means a subsidy*
22 *found to constitute a violation of the Agreement on*
23 *Subsidies and Countervailing Measures.*

24 (2) *The term “Agreement on Subsidies and*
25 *Countervailing Measures” means the agreement de-*

1 scribed in section 101(d)(12) of the Uruguay Round
2 Agreements Act (19 U.S.C. 3511(d)(12)).

3 (3) The term “source selection”, with respect to
4 a program of the Department of Defense, means the
5 selection, through the use of competitive procedures or
6 such other procurement procedures as may be appli-
7 cable, of a contractor to perform a contract to carry
8 out the program.

9 **SEC. 887. REPORT ON THE IMPLEMENTATION OF EARNED**
10 **VALUE MANAGEMENT AT THE DEPARTMENT**
11 **OF DEFENSE.**

12 (a) *IN GENERAL.*—The Secretary of Defense shall pre-
13 pare a report on the implementation by the Department
14 of Defense of earned value management. The report shall
15 include, at a minimum, the following:

16 (1) A discussion of the regulations and guidance
17 of the Department applicable to the use and imple-
18 mentation of earned value management.

19 (2) A discussion of the relative value of earned
20 value management as a tool for program managers
21 and senior Department officials.

22 (3) A discussion of specific challenges the De-
23 partment faces in successfully using earned value
24 management because of the nature of the culture, his-
25 tory, systems, and activities of the Department, par-

1 *ticularly with regard to requirements and funding in-*
2 *stability.*

3 (4) *A discussion of the methodology of the De-*
4 *partment for earned value management implementa-*
5 *tion, including data quality issues, training, and in-*
6 *formation technology systems used to integrate and*
7 *transmit earned value management data.*

8 (5) *An evaluation of the accuracy of the earned*
9 *value management data provided by vendors to the*
10 *Federal Government concerning acquisition categories*
11 *I and II programs, with a discussion of the impact*
12 *of this data on the ability of the Department to*
13 *achieve program objectives.*

14 (6) *A description of the criteria used by the De-*
15 *partment to evaluate the success of earned value man-*
16 *agement in delivering program objectives, with illus-*
17 *trative data and examples covering not less than three*
18 *years.*

19 (7) *Recommendations for improving earned*
20 *value management and its implementation within the*
21 *Department, including a discussion of the merits of*
22 *possible alternatives.*

23 (b) *SUBMISSION OF REPORT.*—*Not later than 270 days*
24 *after the date of the enactment of this Act, the Secretary*
25 *of Defense shall submit the report required by subsection*

1 (a) to the Committees on Armed Services of the Senate and
2 of the House of Representatives.

3 (c) *DEFINITION.*—In this section, the term “earned
4 value management” has the meaning given that term in
5 section 300 of part 7 of Office of Management and Budget
6 Circular A-11 as published in June 2008.

7 **TITLE IX—DEPARTMENT OF DE-**
8 **FENSE ORGANIZATION AND**
9 **MANAGEMENT**

Subtitle A—Department of Defense Management

- Sec. 901. Plan required for personnel management of special operations forces.*
Sec. 902. Director of Operational Energy Plans and Programs.
Sec. 903. Corrosion control and prevention executives for the military departments.
Sec. 904. Participation of Deputy Chief Management Officer of the Department of Defense on Defense Business System Management Committee.
Sec. 905. Modification of status of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.
Sec. 906. Requirement for the Secretary of Defense to prepare a strategic plan to enhance the role of the National Guard and Reserves.
Sec. 907. General Counsel to the Inspector General of the Department of Defense.
Sec. 908. Business transformation initiatives for the military departments.

Subtitle B—Space Activities

- Sec. 911. Extension of authority for pilot program for provision of space surveillance network services to entities outside United States Government.*
Sec. 912. Investment and acquisition strategy for commercial satellite capabilities.
Sec. 913. Space posture review.

Subtitle C—Chemical Demilitarization Program

- Sec. 921. Responsibilities for Chemical Demilitarization Citizens’ Advisory Commissions in Colorado and Kentucky.*
Sec. 922. Cost-benefit analysis of future treatment 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. *Enhancement of authorities relating to Department of Defense regional centers for security studies.*

Sec. 942. *Restriction on obligation of funds for United States Southern Command development assistance activities.*

Sec. 943. *Authorization of non-conventional assisted recovery capabilities.*

Sec. 944. *Report on homeland defense and civil support issues.*

Sec. 945. *Report on National Guard resource requirements.*

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

3 ***SEC. 901. PLAN REQUIRED FOR PERSONNEL MANAGEMENT***
 4 ***OF SPECIAL OPERATIONS FORCES.***

5 (a) *REQUIREMENT FOR PLAN.*—*The commander of the*
 6 *special operations command, in consultation with the secre-*
 7 *taries of the military departments, shall prepare and sub-*
 8 *mit to the Secretary of Defense a plan relating to personnel*
 9 *management of special operations forces.*

10 (b) *MATTERS COVERED.*—*The plan under subsection*
 11 *(a) shall address the following:*

12 (1) *Coordination among the military depart-*
 13 *ments in order to enhance the manpower management*
 14 *and improve overall readiness of special operations*
 15 *forces.*

16 (2) *Coordination by the commander of the spe-*
 17 *cial operations command with the Secretaries of the*
 18 *military departments in order to better execute his re-*

1 *sponsibility to maintain readiness of special oper-*
2 *ations forces, including in the areas of accessions, as-*
3 *signments, compensation, promotions, professional de-*
4 *velopment, retention, sustainment, and training.*

5 *(c) SUBMISSION OF PLAN TO CONGRESSIONAL DE-*
6 *FENSE COMMITTEES.—Not later than 90 days after the date*
7 *of the enactment of this Act, the Secretary of Defense shall*
8 *submit the plan required under subsection (a) to the con-*
9 *gressional defense committees, together with such additional*
10 *comments as the Secretary and the Chairman of the Joint*
11 *Chiefs of Staff consider appropriate.*

12 **SEC. 902. DIRECTOR OF OPERATIONAL ENERGY PLANS AND**
13 **PROGRAMS.**

14 *(a) ESTABLISHMENT OF POSITION; DUTIES.—Chapter*
15 *4 of title 10, United States Code, is amended by inserting*
16 *after section 139a the following new section:*

17 **“§ 139b. Director of Operational Energy Plans and**
18 **Programs**

19 *“(a) APPOINTMENT.—There is a Director of Oper-*
20 *ational Energy Plans and Programs in the Department of*
21 *Defense (in this section referred to as the ‘Director’), ap-*
22 *pointed by the President, by and with the advice and con-*
23 *sent of the Senate. The Director shall be appointed without*
24 *regard to political affiliation and solely on the basis of fit-*
25 *ness to perform the duties of the office of Director.*

1 “(b) *DUTIES.—The Director shall—*

2 “(1) *provide leadership and facilitate commu-*
3 *nication regarding, and conduct oversight to manage*
4 *and be accountable for, operational energy plans and*
5 *programs within the Department of Defense and the*
6 *Army, Navy, Air Force, and Marine Corps;*

7 “(2) *establish the operational energy strategy;*

8 “(3) *coordinate and oversee planning and pro-*
9 *gram activities of the Department of Defense and the*
10 *Army, Navy, Air Force, and the Marine Corps related*
11 *to—*

12 “(A) *implementation of the operational en-*
13 *ergy strategy;*

14 “(B) *the consideration of operational energy*
15 *demands in defense planning, requirements, and*
16 *acquisition processes; and*

17 “(C) *research and development investments*
18 *related to operational energy demand and sup-*
19 *ply technologies; and*

20 “(4) *monitor and review all operational energy*
21 *initiatives in the Department of Defense.*

22 “(c) *PRINCIPAL ADVISOR FOR OPERATIONAL ENERGY*
23 *PLANS AND PROGRAMS.—(1) The Director is the principal*
24 *adviser to the Secretary of Defense and the Deputy Sec-*
25 *retary of Defense regarding operational energy plans and*

1 *programs and the principal policy official within the senior*
2 *management of the Department of Defense regarding oper-*
3 *ational energy plans and programs.*

4 “(2) *The Director may communicate views on matters*
5 *related to operational energy plans and programs and the*
6 *operational energy strategy required by subsection (d) di-*
7 *rectly to the Secretary of Defense and the Deputy Secretary*
8 *of Defense without obtaining the approval or concurrence*
9 *of any other official within the Department of Defense.*

10 “(d) *OPERATIONAL ENERGY STRATEGY.—(1) The Di-*
11 *rector shall be responsible for the establishment and mainte-*
12 *nance of a department-wide transformational strategy for*
13 *operational energy. The strategy shall establish near-term,*
14 *mid-term, and long-term goals, performance metrics to*
15 *measure progress in meeting the goals, and a plan for im-*
16 *plementation of the strategy within the military depart-*
17 *ments, the Office of the Secretary of Defense, and Defense*
18 *Agencies.*

19 “(2) *Not later than 90 days after the date on which*
20 *the Director is first appointed, the Secretary of each of the*
21 *military departments shall designate a senior official with-*
22 *in each armed force under the jurisdiction of the Secretary*
23 *who will be responsible for operational energy plans and*
24 *programs for that armed force. The officials shall be respon-*
25 *sible for coordinating with the Director and implementing*

1 *initiatives pursuant to the strategy with regard to that offi-*
2 *cial's armed force.*

3 “(3) *By authority of the Secretary of Defense, the Di-*
4 *rector shall prescribe policies and procedures for the imple-*
5 *mentation of the strategy. The Director shall provide guid-*
6 *ance to, and consult with, the Secretary of Defense, the Dep-*
7 *uty Secretary of Defense, the Secretaries of the military de-*
8 *partments, and the officials designated under paragraph (2)*
9 *with respect to specific operational energy plans and pro-*
10 *grams to be carried out pursuant to the strategy.*

11 “(4) *The initial strategy shall be submitted to the con-*
12 *gressional defense committees not later than 180 days after*
13 *the date on which the Director is first appointed. Subse-*
14 *quent updates to the strategy shall be submitted to the con-*
15 *gressional defense committees as soon as practicable after*
16 *the modifications to the strategy are made.*

17 “(e) *BUDGETARY AND FINANCIAL MATTERS.—(1) The*
18 *Director shall review and make recommendations to the*
19 *Secretary of Defense regarding all budgetary and financial*
20 *matters relating to the operational energy strategy.*

21 “(2) *The Secretary of Defense shall require that the*
22 *Secretary of each military department and the head of each*
23 *Defense Agency with responsibility for executing activities*
24 *associated with the strategy transmit their proposed budget*
25 *for those activities for a fiscal year to the Director for re-*

1 *view before submission of the proposed budget to the Under*
2 *Secretary of Defense (Comptroller).*

3 “(3) *The Director shall review a proposed budget*
4 *transmitted under paragraph (2) for a fiscal year and, not*
5 *later than January 31 of the preceding fiscal year, shall*
6 *submit to the Secretary of Defense a report containing the*
7 *comments of the Director with respect to the proposed budg-*
8 *et, together with the certification of the Director regarding*
9 *whether the proposed budget is adequate for implementation*
10 *of the strategy.*

11 “(4) *Not later than 10 days after the date on which*
12 *the budget for a fiscal year is submitted to Congress pursu-*
13 *ant to section 1105 of title 31, the Secretary of Defense shall*
14 *submit to Congress a report on the proposed budgets for that*
15 *fiscal year that the Director has not certified under para-*
16 *graph (3). The report shall include the following:*

17 “(A) *A discussion of the actions that the Sec-*
18 *retary proposes to take, together with any rec-*
19 *ommended legislation that the Secretary considers ap-*
20 *propriate, to address the inadequacy of the proposed*
21 *budgets.*

22 “(B) *Any additional comments that the Sec-*
23 *retary considers appropriate regarding the inad-*
24 *equacy of the proposed budgets.*

1 “(5) *The report required by paragraph (4) shall also*
2 *include a separate statement of estimated expenditures and*
3 *requested appropriations for that fiscal year for the activi-*
4 *ties of the Director in carrying out the duties of the Direc-*
5 *tor.*

6 “(f) *ACCESS TO INITIATIVE RESULTS AND*
7 *RECORDS.—(1) The Secretary of a military department*
8 *shall submit to the Director the results of all studies and*
9 *initiatives conducted by the military department in connec-*
10 *tion with the operational energy strategy.*

11 “(2) *The Director shall have access to all records and*
12 *data in the Department of Defense (including the records*
13 *and data of each military department) necessary in order*
14 *to permit the Director to carry out the duties of the Direc-*
15 *tor.*

16 “(g) *STAFF.—The Director shall have a dedicated pro-*
17 *fessional staff of military and civilian personnel in a num-*
18 *ber sufficient to enable the Director to carry out the duties*
19 *and responsibilities of the Director.*

20 “(h) *DEFINITIONS.—In this section:*

21 “(1) *OPERATIONAL ENERGY.—The term ‘oper-*
22 *ational energy’ means the energy required for train-*
23 *ing, moving, and sustaining military forces and*
24 *weapons platforms for military operations. The term*

1 *includes energy used by tactical power systems and*
2 *generators and weapons platforms.*

3 “(2) *OPERATIONAL ENERGY STRATEGY.*—*The*
4 *terms ‘operational energy strategy’ and ‘strategy’*
5 *mean the operational energy strategy developed under*
6 *subsection (d).”.*

7 *(b) CLERICAL AMENDMENT.*—*The table of sections at*
8 *the beginning of such chapter is amended by inserting after*
9 *the item relating to section 139a the following new item:*
“139b. Director of Operational Energy Plans and Programs.”.

10 **SEC. 903. CORROSION CONTROL AND PREVENTION EXECU-**
11 **TIVES FOR THE MILITARY DEPARTMENTS.**

12 *(a) REQUIREMENT TO DESIGNATE CORROSION CON-*
13 *TROL AND PREVENTION EXECUTIVE.*—*Not later than 90*
14 *days after the date of the enactment of this Act, the Assist-*
15 *ant Secretary of each military department with responsi-*
16 *bility for acquisition, technology, and logistics shall des-*
17 *ignate an employee of the military department as the corro-*
18 *sion control and prevention executive. Such executive shall*
19 *be the senior official in the department with responsibility*
20 *for coordinating department-level corrosion control and*
21 *prevention program activities (including budget program-*
22 *ming) with the military department and the Office of the*
23 *Secretary of Defense, the program executive officers of the*
24 *military departments, and relevant major subordinate com-*
25 *mands of the military departments.*

1 **(b) DUTIES.**—(1) *The corrosion control and prevention*
2 *executive of a military department shall ensure that corro-*
3 *sion control and prevention is maintained in the depart-*
4 *ment’s policy and guidance for management of each of the*
5 *following:*

6 **(A)** *System acquisition and production, includ-*
7 *ing design and maintenance.*

8 **(B)** *Research, development, test, and evaluation*
9 *programs and activities.*

10 **(C)** *Equipment standardization programs, in-*
11 *cluding international standardization agreements.*

12 **(D)** *Logistics research and development initia-*
13 *tives.*

14 **(E)** *Logistics support analysis as it relates to in-*
15 *tegrated logistic support in the materiel acquisition*
16 *process.*

17 **(F)** *Military infrastructure design, construction,*
18 *and maintenance.*

19 (2) *The corrosion control and prevention executive of*
20 *a military department shall be responsible for identifying*
21 *the funding levels necessary to accomplish the items listed*
22 *in subparagraphs (A) through (F) of paragraph (1).*

23 (3) *The corrosion control and prevention executive of*
24 *a military department shall, in cooperation with the appro-*

1 *priate staff of the department, develop, support, and provide*
2 *the rationale for resources—*

3 *(A) to initiate and sustain an effective corrosion*
4 *control and prevention program in the department;*

5 *(B) to evaluate the program's effectiveness; and*

6 *(C) to ensure that corrosion control and preven-*
7 *tion requirements for materiel are reflected in budg-*
8 *eting and policies of the department for the formula-*
9 *tion, management, and evaluation of personnel and*
10 *programs for the entire department, including its re-*
11 *serve components.*

12 *(4) The corrosion control and prevention executive of*
13 *a military department shall be the principal point of con-*
14 *tact of the department to the Director of Corrosion Policy*
15 *and Oversight (as assigned under section 2228 of title 10,*
16 *United States Code).*

17 *(5) The corrosion control and prevention executive of*
18 *a military department shall submit an annual report, not*
19 *later than December 31 of each year, to the Secretary of*
20 *Defense containing recommendations pertaining to the cor-*
21 *rosion control and prevention program of the military de-*
22 *partment, including corrosion-related funding levels to*
23 *carry out all of the duties of the executive under this section.*

1 **SEC. 904. PARTICIPATION OF DEPUTY CHIEF MANAGEMENT**
2 **OFFICER OF THE DEPARTMENT OF DEFENSE**
3 **ON DEFENSE BUSINESS SYSTEM MANAGE-**
4 **MENT COMMITTEE.**

5 (a) *PARTICIPATION.*—Subsection (a) of section 186 of
6 title 10, United States Code, is amended—

7 (1) by redesignating paragraphs (2) through (7)
8 as paragraphs (3) through (8), respectively;

9 (2) by inserting after paragraph (1) the fol-
10 lowing new paragraph (2):

11 “(2) *The Deputy Chief Management Officer of*
12 *the Department of Defense.*”; and

13 (3) by striking paragraph (7), as redesignated by
14 paragraph (1), and inserting the following new para-
15 graph:

16 “(7) *The Chief Management Officers of the mili-*
17 *tary departments and the heads of such Defense Agen-*
18 *cies as may be designated by the Secretary of De-*
19 *fense.*”.

20 (b) *SERVICE AS VICE CHAIRMAN.*—The second sentence
21 of subsection (b) of such section is amended to read as fol-
22 lows: “*The Deputy Chief Management Officer of the Depart-*
23 *ment of Defense shall serve as the vice chairman of the Com-*
24 *mittee, and shall act as chairman in the absence of the Dep-*
25 *uty Secretary of Defense.*”.

1 **SEC. 905. MODIFICATION OF STATUS OF ASSISTANT TO THE**
2 **SECRETARY OF DEFENSE FOR NUCLEAR AND**
3 **CHEMICAL AND BIOLOGICAL DEFENSE PRO-**
4 **GRAMS.**

5 *Section 142 of title 10, United States Code, is amended*
6 *by adding at the end the following new subsection:*

7 *“(c) The Assistant to the Secretary shall be considered*
8 *an Assistant Secretary of Defense for purposes of section*
9 *138(d) of this title.”.*

10 **SEC. 906. REQUIREMENT FOR THE SECRETARY OF DEFENSE**
11 **TO PREPARE A STRATEGIC PLAN TO EN-**
12 **HANCE THE ROLE OF THE NATIONAL GUARD**
13 **AND RESERVES.**

14 *(a) PLAN.—Not later than April 1, 2009, the Secretary*
15 *of Defense shall prepare a plan for enhancing the roles of*
16 *the National Guard and Reserve—*

17 *(1) when federalized in the case of the National*
18 *Guard, or activated in the case of the Reserves, in*
19 *support of operations conducted under title 10,*
20 *United States Code, including the transition of the re-*
21 *serve component of the Armed Forces from a strategic*
22 *force to an operational reserve;*

23 *(2) in support of operations conducted under*
24 *title 32, United States Code, or in support to civil*
25 *authorities; and*

1 (3) *with respect to the achievement of a fully-in-*
2 *tegrated total force (including further development of*
3 *a continuum of service).*

4 (b) *CONSULTATION.*—*In preparing the plan under*
5 *subsection (a), the Secretary of Defense shall take into con-*
6 *sideration the advice of the Chairman of the Joint Chiefs*
7 *of Staff, the Secretary and Chief of Staff of the Army, the*
8 *Secretary and Chief of Staff of the Air Force, the com-*
9 *mander of the United States Northern Command, the Chief*
10 *of the National Guard Bureau, and other appropriate offi-*
11 *cials, as determined by the Secretary of Defense.*

12 (c) *MATTERS TO BE ASSESSED.*—*In preparing the*
13 *plan, the Secretary shall assess—*

14 (1) *the findings, conclusions, and recommenda-*
15 *tions of the Final Report to Congress and the Sec-*
16 *retary of Defense of the Commission on the National*
17 *Guard and Reserves, dated January 31, 2008, and ti-*
18 *tled “Transforming the National Guard and Reserves*
19 *into a 21st-Century Operational Force”; and*

20 (2) *the provisions of H.R. 5603 and S. 2706 of*
21 *the 110th Congress, as introduced on March 13, 2008*
22 *(the National Guard Empowerment and State-Na-*
23 *tional Defense Integration Act of 2008).*

24 (d) *REPORT.*—*Not later than April 1, 2009, the Sec-*
25 *retary of Defense shall submit to the Committees on Armed*

1 *Services of the Senate and the House of Representatives a*
2 *report on the plan required under this section. The report*
3 *shall include recommendations on—*

4 (1) *any changes to the current Department of*
5 *Defense organization, structure, command relation-*
6 *ships, budget authority, procurement authority, and*
7 *compensation and benefits;*

8 (2) *any legislation that the Secretary considers*
9 *necessary; and*

10 (3) *any other matter the Secretary considers ap-*
11 *propriate.*

12 **SEC. 907. GENERAL COUNSEL TO THE INSPECTOR GENERAL**
13 **OF THE DEPARTMENT OF DEFENSE.**

14 *Section 8 of the Inspector General Act of 1978 (50*
15 *U.S.C. App. 8) is amended by adding at the end the fol-*
16 *lowing new subsection:*

17 “(h)(1) *There is a General Counsel to the Inspector*
18 *General of the Department of Defense, who shall be ap-*
19 *pointed by the Inspector General of the Department of De-*
20 *fense.*

21 “(2)(A) *Notwithstanding section 140(b) of title 10,*
22 *United States Code, the General Counsel is the chief legal*
23 *officer of the Office of the Inspector General.*

24 “(B) *The Inspector General is the exclusive legal client*
25 *of the General Counsel.*

1 “(C) *The General Counsel shall perform such functions*
2 *as the Inspector General may prescribe.*

3 “(D) *The General Counsel shall serve at the discretion*
4 *of the Inspector General.*

5 “(3) *There is an Office of the General Counsel to the*
6 *Inspector General of the Department of Defense. The Inspec-*
7 *tor General may appoint to the Office to serve as staff of*
8 *the General Counsel such legal counsel as the Inspector Gen-*
9 *eral considers appropriate.”.*

10 **SEC. 908. BUSINESS TRANSFORMATION INITIATIVES FOR**
11 **THE MILITARY DEPARTMENTS.**

12 (a) *IN GENERAL.*—*The Secretary of each military de-*
13 *partment shall, acting through the Chief Management Offi-*
14 *cer of such military department, carry out an initiative*
15 *for the business transformation of such military depart-*
16 *ment.*

17 (b) *OBJECTIVES.*—*The objectives of the business trans-*
18 *formation initiative of a military department under this*
19 *section shall include, at a minimum, the following:*

20 (1) *The development of a comprehensive business*
21 *transformation plan, with measurable performance*
22 *goals and objectives, to achieve an integrated manage-*
23 *ment system for the business operations of the mili-*
24 *tary department.*

1 (2) *The development of a well-defined enterprise-*
2 *wide business systems architecture and transition*
3 *plan encompassing end-to-end business processes and*
4 *capable of providing accurately and timely informa-*
5 *tion in support of business decisions of the military*
6 *department.*

7 (3) *The implementation of the business trans-*
8 *formation plan developed pursuant to paragraph (1)*
9 *and the business systems architecture and transition*
10 *plan developed pursuant to paragraph (2).*

11 (c) *BUSINESS TRANSFORMATION OFFICES.—*

12 (1) *ESTABLISHMENT.—Not later than 180 days*
13 *after the date of the enactment of this Act, the Sec-*
14 *retary of each military department shall establish*
15 *within such military department an office (to be*
16 *known as the “Office of Business Transformation” of*
17 *such military department) to assist the Chief Manage-*
18 *ment Officer of such military department in carrying*
19 *out the initiative required by this section for such*
20 *military department.*

21 (2) *HEAD.—The Office of Business Trans-*
22 *formation of a military department under this sub-*
23 *section shall be headed by a Director of Business*
24 *Transformation, who shall be appointed by the Chief*
25 *Management Officer of the military department, in*

1 *consultation with the Director of the Business Trans-*
2 *formation Agency of the Department of Defense, from*
3 *among individuals with significant experience man-*
4 *aging large-scale organizations or business trans-*
5 *formation efforts.*

6 (3) *SUPERVISION.—The Director of Business*
7 *Transformation of a military department under*
8 *paragraph (2) shall report directly to the Chief Man-*
9 *agement Officer of the military department, subject to*
10 *policy guidance from the Director of the Business*
11 *Transformation Agency of the Department of Defense.*

12 (4) *AUTHORITY.—In carrying out the initiative*
13 *required by this section for a military department,*
14 *the Director of Business Transformation of the mili-*
15 *tary department under paragraph (2) shall have the*
16 *authority to require elements of the military depart-*
17 *ment to carry out actions that are within the purpose*
18 *and scope of the initiative.*

19 (d) *RESPONSIBILITIES OF BUSINESS TRANS-*
20 *FORMATION OFFICES.—The Office of Business Trans-*
21 *formation of a military department established pursuant*
22 *to subsection (b) may be responsible for the following:*

23 (1) *Transforming the budget, finance, account-*
24 *ing, and human resource operations of the military*
25 *department in a manner that is consistent with the*

1 *business transformation plan developed pursuant to*
2 *subsection (b)(1).*

3 (2) *Eliminating or replacing financial manage-*
4 *ment systems of the military department that are in-*
5 *consistent with the business systems architecture and*
6 *transition plan developed pursuant to subsection*
7 *(b)(2).*

8 (3) *Ensuring that the business transformation*
9 *plan and the business systems architecture and tran-*
10 *sition plan are implemented in a manner that is ag-*
11 *gressive, realistic, and accurately measured.*

12 (4) *Such other responsibilities as the Secretary of*
13 *that military department determines are appropriate.*

14 (e) *REQUIRED ELEMENTS.—In carrying out the ini-*
15 *tiative required by this section for a military department,*
16 *the Chief Management Officer and the Director of Business*
17 *Transformation of the military department shall ensure*
18 *that each element of the initiative is consistent with—*

19 (1) *the requirements of the Business Enterprise*
20 *Architecture and Transition Plan developed by the*
21 *Secretary of Defense pursuant to section 2222 of title*
22 *10, United States Code;*

23 (2) *the Standard Financial Information Struc-*
24 *ture of the Department of Defense;*

1 (3) *the Federal Financial Management Improve-*
2 *ment Act of 1996 (and the amendments made by that*
3 *Act); and*

4 (4) *other applicable requirements of law and reg-*
5 *ulation.*

6 (f) *REPORTS ON IMPLEMENTATION.—*

7 (1) *INITIAL REPORTS.—Not later than nine*
8 *months after the date of the enactment of this Act, the*
9 *Chief Management Officer of each military depart-*
10 *ment shall submit to the congressional defense com-*
11 *mittees a report on the actions taken, and on the ac-*
12 *tions planned to be taken, by such military depart-*
13 *ment to implement the requirements of this section.*

14 (2) *UPDATES.—Not later than March 1 of each*
15 *of 2010, 2011, and 2012, the Chief Management Offi-*
16 *cer of each military department shall submit to the*
17 *congressional defense committees a current update of*
18 *the report submitted by such Chief Management Offi-*
19 *cer under paragraph (1).*

Subtitle B—Space Activities

1 **SEC. 911. EXTENSION OF AUTHORITY FOR PILOT PROGRAM**
2 **FOR PROVISION OF SPACE SURVEILLANCE**
3 **NETWORK SERVICES TO ENTITIES OUTSIDE**
4 **UNITED STATES GOVERNMENT.**

5 *Section 2274(i) of title 10, United States Code, is*
6 *amended by striking “September 30, 2009” and inserting*
7 *“September 30, 2010”.*

8 **SEC. 912. INVESTMENT AND ACQUISITION STRATEGY FOR**
9 **COMMERCIAL SATELLITE CAPABILITIES.**

10 **(a) REQUIREMENT.**—*The Secretary of Defense shall*
11 *conduct an assessment to determine a recommended invest-*
12 *ment and acquisition strategy for commercial satellite ca-*
13 *pabilities.*

14 **(b) ELEMENTS.**—*The assessment required under sub-*
15 *section (a) shall include the following:*

16 **(1)** *Review of national and defense policy rel-*
17 *evant to the requirements for, acquisition of, and use*
18 *of commercial satellite capabilities, and the relation-*
19 *ship with commercial satellite providers.*

20 **(2)** *Assessment of the manner in which commer-*
21 *cial satellite capabilities are used by the Department*
22 *of Defense and options for expanding such use or*
23 *identifying new means to leverage commercial sat-*
24 *ellite capabilities, such as hosting payloads.*

1 (3) *Review of military requirements for satellite*
2 *communications and remote sensing by quantity,*
3 *quality, timeline, and any other metric considered*
4 *appropriate.*

5 (4) *Description of current and planned commer-*
6 *cial satellite capabilities and an assessment of their*
7 *ability to meet the requirements identified in para-*
8 *graph (3).*

9 (5) *Assessment of the ability of commercial sat-*
10 *ellite capabilities to meet other military requirements*
11 *not identified in paragraph (3).*

12 (6) *Description of the use of and resources allo-*
13 *cated to commercial satellite communications and re-*
14 *mote sensing needed to meet the requirements identi-*
15 *fied in paragraph (3) during—*

16 (A) *the five-year period preceding the date*
17 *of the assessment;*

18 (B) *the period from the date of the assess-*
19 *ment through the fiscal years covered under the*
20 *future-years defense program under section 221*
21 *of title 10, United States Code; and*

22 (C) *the period beyond the fiscal years cov-*
23 *ered under the future-years defense program*
24 *under such section 221.*

1 (7) *Assessment of purchasing patterns that may*
2 *lead to recommendations in which the Department*
3 *may consolidate requirements, centralize operations,*
4 *aggregate purchases, or leverage purchasing power*
5 *(including the use of multiyear contracting).*

6 (8) *Assessment of various models for acquiring*
7 *commercial satellite capabilities, including funding,*
8 *management, and operations models.*

9 (c) *REPORT.—*

10 (1) *IN GENERAL.—Not later than February 1,*
11 *2010, the Secretary of Defense shall submit to the con-*
12 *gressional defense committees a report setting forth*
13 *the results of the assessment required under subsection*
14 *(a) and provide recommendations, including—*

15 (A) *the recommended investment and acqui-*
16 *sition strategy of the Department for commercial*
17 *satellite capabilities;*

18 (B) *how the investment and acquisition*
19 *strategy should be addressed in fiscal years after*
20 *fiscal year 2010; and*

21 (C) *a proposal for such legislative action as*
22 *the Secretary considers necessary to acquire ap-*
23 *propriate types and amounts of commercial sat-*
24 *ellite capabilities.*

1 (2) *FORM.*—*The report shall be in unclassified*
2 *form, but may include a classified annex.*

3 (d) *DEFINITIONS.*—*In this section:*

4 (1) *The term “commercial satellite capabilities”*
5 *means the system, capability, or service provided by*
6 *a commercial satellite provider.*

7 (2) *The term “commercial satellite provider” re-*
8 *fers to privately owned and operated space systems,*
9 *their technology, components, products, data, services,*
10 *and related information, as well as foreign systems*
11 *whose products and services are sold commercially.*

12 **SEC. 913. SPACE POSTURE REVIEW.**

13 (a) *REQUIREMENT FOR COMPREHENSIVE REVIEW.*—
14 *In order to clarify the national security space policy and*
15 *strategy of the United States for the near term, the Sec-*
16 *retary of Defense and the Director of National Intelligence*
17 *shall jointly conduct a comprehensive review of the space*
18 *posture of the United States over the posture review period.*

19 (b) *ELEMENTS OF REVIEW.*—*The review conducted*
20 *under subsection (a) shall include, for the posture review*
21 *period, the following:*

22 (1) *The definition, policy, requirements, and ob-*
23 *jectives for each of the following:*

24 (A) *Space situational awareness.*

25 (B) *Space control.*

1 (C) *Space superiority, including defensive*
2 *and offensive counterspace and protection.*

3 (D) *Force enhancement and force applica-*
4 *tion.*

5 (E) *Space-based intelligence and surveil-*
6 *lance and reconnaissance from space.*

7 (F) *Integration of space and ground control*
8 *and user equipment.*

9 (G) *Any other matter the Secretary con-*
10 *siders relevant to understanding the space pos-*
11 *ture of the United States.*

12 (2) *A description of current and planned space*
13 *acquisition programs that are in acquisition cat-*
14 *egories 1 and 2, including how each program will ad-*
15 *dress the policy, requirements, and objectives de-*
16 *scribed under each of subparagraphs (A) through (G)*
17 *of paragraph (1).*

18 (3) *A description of future space systems and*
19 *technology development (other than such systems and*
20 *technology in development as of the date of the enact-*
21 *ment of this Act) necessary to address the policy, re-*
22 *quirements, and objectives described under each of*
23 *subparagraphs (A) through (G) of paragraph (1).*

24 (4) *An assessment of the relationship among the*
25 *following:*

1 (A) *Military space policy.*

2 (B) *National security space policy.*

3 (C) *National security space objectives.*

4 (D) *Arms control policy.*

5 (E) *Export control policy.*

6 (F) *Industrial base policy.*

7 (5) *An assessment of the effect of the military*
8 *and national security space policy of the United*
9 *States on the proliferation of weapons capable of tar-*
10 *geting objects in space or objects on Earth from space.*

11 (c) *REPORT.—*

12 (1) *IN GENERAL.—Not later than December 1,*
13 *2009, the Secretary of Defense and the Director of Na-*
14 *tional Intelligence shall jointly submit to the congres-*
15 *sional committees specified in paragraph (3) a report*
16 *on the review conducted under subsection (a).*

17 (2) *FORM OF REPORT.—The report under this*
18 *subsection shall be submitted in unclassified form, but*
19 *may include a classified annex.*

20 (3) *COMMITTEES.—The congressional committees*
21 *specified in this paragraph are—*

22 (A) *the Committee on Armed Services and*
23 *the Select Committee on Intelligence of the Sen-*
24 *ate; and*

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

4 (d) *POSTURE REVIEW PERIOD DEFINED.*—In this sec-
5 tion, the term “posture review period” means the 10-year
6 period beginning on February 1, 2009.

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

9 ***SEC. 921. RESPONSIBILITIES FOR CHEMICAL DEMILI-***
10 ***TARIZATION CITIZENS’ ADVISORY COMMIS-***
11 ***SIONS IN COLORADO AND KENTUCKY.***

12 Section 172 of the National Defense Authorization Act
13 for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

14 (1) by redesignating subsections (f) and (g) as
15 subsections (g) and (h), respectively; and

16 (2) by inserting after subsection (e) the following
17 new subsection (f):

18 “(f) *COLORADO AND KENTUCKY CHEMICAL DEMILI-*
19 *TARIZATION CITIZENS’ ADVISORY COMMISSIONS.*—(1) Not-
20 withstanding subsections (b), (g), and (h), and consistent
21 with section 142 of the Strom Thurmond National Defense
22 Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521
23 note) and section 8122 of the Department of Defense Appro-
24 priations Act, 2003 (Public Law 107–248; 116 Stat. 1566;
25 50 U.S.C. 1521 note), the Secretary of the Army shall trans-

1 *fer responsibilities for the Chemical Demilitarization Citi-*
2 *zens' Advisory Commissions in Colorado and Kentucky to*
3 *the Program Manager for Assembled Chemical Weapons Al-*
4 *ternatives.*

5 “(2) *In carrying out the responsibilities transferred*
6 *under paragraph (1), the Program Manager for Assembled*
7 *Chemical Weapons Alternatives shall take appropriate ac-*
8 *tions to ensure that each Commission referred to in para-*
9 *graph (1) retains the capacity to receive citizen and State*
10 *concerns regarding the ongoing chemical demilitarization*
11 *program in the State concerned.*

12 “(3) *A representative of the Office of the Assistant to*
13 *the Secretary of Defense for Nuclear, Chemical, and Biologi-*
14 *cal Defense Programs shall meet with each Commission re-*
15 *ferred to in paragraph (1) not less often than twice a year.*

16 “(4) *Funds appropriated for the Assembled Chemical*
17 *Weapons Alternatives Program shall be available for travel*
18 *and associated travel costs for Commissioners on the Com-*
19 *missions referred to in paragraph (1) when such travel is*
20 *conducted at the invitation of the Special Assistant for*
21 *Chemical and Biological Defense and Chemical Demili-*
22 *tarization Programs of the Department of Defense.”.*

1 **SEC. 922. COST-BENEFIT ANALYSIS OF FUTURE TREATMENT**
2 **OF HYDROLYSATE AT PUEBLO CHEMICAL**
3 **DEPOT, COLORADO.**

4 (a) *FINDINGS.*—Congress makes the following findings:

5 (1) *The Pueblo Chemical Agent Destruction Pilot*
6 *Plant, Colorado, is not planned to begin chemical*
7 *agent destruction operations until 2015.*

8 (2) *There will be no hydrolysate byproduct of*
9 *chemical agent neutralization at the Pueblo Chemical*
10 *Depot, Colorado, until after chemical agent destruc-*
11 *tion operations begin.*

12 (3) *The Department of Defense has no plans to*
13 *produce, treat, store, or transport hydrolysate at the*
14 *Pueblo Chemical Depot, Colorado, during fiscal year*
15 *2009.*

16 (4) *A January 10, 2007, Department of Defense*
17 *Acquisition Decision Memorandum requires the Pro-*
18 *gram Manager for the Assembled Chemical Weapons*
19 *Alternatives to continue to pursue off-site treatment*
20 *and disposal of hydrolysate as long as doing so would*
21 *be safe, efficient, and economically beneficial.*

22 (b) *COST-BENEFIT ANALYSIS.*—*The Secretary of De-*
23 *fense shall perform a cost-benefit analysis of future on-site*
24 *and off-site options for treatment and disposal of hydroly-*
25 *sate expected to be produced at the Pueblo Chemical Depot,*
26 *Colorado.*

1 (1) *TITLE 5.*—*Title 5, United States Code, is*
2 *amended by striking “National Imagery and Map-*
3 *ping Agency” each place it appears and inserting*
4 *“National Geospatial-Intelligence Agency”.*

5 (2) *TITLE 44.*—*Title 44, United States Code, is*
6 *amended by striking “National Imagery and Map-*
7 *ping Agency” each place it appears and inserting*
8 *“National Geospatial-Intelligence Agency”.*

9 **(b) TECHNICAL CHANGES TO OTHER ACTS.**—

10 (1) *ETHICS IN GOVERNMENT ACT OF 1978.*—*Sec-*
11 *tion 105(a)(1) of the Ethics in Government Act of*
12 *1978 (Public Law 95–521; 5 U.S.C. App. 4) is*
13 *amended by striking “National Imagery and Map-*
14 *ping Agency” and inserting “National Geospatial-In-*
15 *telligence Agency”.*

16 (2) *INSPECTOR GENERAL ACT OF 1978.*—*Section*
17 *8H of the Inspector General Act of 1978 (Public Law*
18 *95–452; 5 U.S.C. App.) is amended—*

19 (A) *in subsection (a)(1)(A), by striking*
20 *“National Imagery and Mapping Agency” and*
21 *inserting “National Geospatial-Intelligence*
22 *Agency”;* *and*

23 (B) *in subsection (g)(1), by striking “Na-*
24 *tional Imagery and Mapping Agency” and in-*

1 serting “National Geospatial-Intelligence Agen-
2 cy”.

3 (3) *EMPLOYEE POLYGRAPH PROTECTION ACT OF*
4 1988.—Section 7(b)(2)(A)(i) of the *Employee Poly-*
5 *graph Protection Act of 1988* (29 U.S.C.
6 2006(b)(2)(A)(i)) is amended by striking “National
7 Imagery and Mapping Agency” and inserting “Na-
8 tional Geospatial-Intelligence Agency”.

9 (4) *LEGISLATIVE BRANCH APPROPRIATIONS ACT,*
10 1993.—Section 207(a)(2)(B) of the *Legislative*
11 *Branch Appropriations Act, 1993* (Public Law 102–
12 392; 44 U.S.C. 501 note), is amended by striking
13 “National Imagery and Mapping Agency” and insert-
14 ing “National Geospatial-Intelligence Agency”.

15 (5) *HOMELAND SECURITY ACT OF 2002.*—Section
16 201(e)(2) of the *Homeland Security Act of 2002* (6
17 U.S.C. 121(e)(2)) is amended by striking “National
18 Imagery and Mapping Agency” and inserting “Na-
19 tional Geospatial-Intelligence Agency”.

20 **SEC. 932. TECHNICAL AMENDMENTS TO TITLE 10, UNITED**
21 **STATES CODE, ARISING FROM ENACTMENT**
22 **OF THE INTELLIGENCE REFORM AND TER-**
23 **RORISM PREVENTION ACT OF 2004.**

24 (a) *REFERENCES TO HEAD OF INTELLIGENCE COMMU-*
25 *NITY.*—Title 10, United States Code, is amended by striking

1 “*Director of Central Intelligence*” each place it appears and
2 inserting “*Director of National Intelligence*” in the fol-
3 lowing:

4 (1) *Section 193(d)(2)*.

5 (2) *Section 193(e)*.

6 (3) *Section 201(a)*.

7 (4) *Section 201(b)(1)*.

8 (5) *Section 201(c)(1)*.

9 (6) *Section 425(a)*.

10 (7) *Section 431(b)(1)*.

11 (8) *Section 441(c)*.

12 (9) *Section 441(d)*.

13 (10) *Section 443(d)*.

14 (11) *Section 2273(b)(1)*.

15 (12) *Section 2723(a)*.

16 (b) *CLERICAL AMENDMENTS*.—Such title is further
17 amended by striking “*DIRECTOR OF CENTRAL INTEL-*
18 *LIGENCE*” each place it appears and inserting “*DIRECTOR*
19 *OF NATIONAL INTELLIGENCE*” in the following:

20 (1) *Section 441(c)*.

21 (2) *Section 443(d)*.

22 (c) *REFERENCE TO HEAD OF CENTRAL INTELLIGENCE*
23 *AGENCY*.—Section 444 of such title is amended by striking
24 “*Director of Central Intelligence*” each place it appears and
25 inserting “*Director of the Central Intelligence Agency*”.

1 **SEC. 933. TECHNICAL AMENDMENTS RELATING TO THE AS-**
 2 **SOCIATE DIRECTOR OF THE CIA FOR MILI-**
 3 **TARY AFFAIRS.**

4 *Section 528(c) of title 10, United States Code, is*
 5 *amended—*

6 *(1) in the heading, by striking “MILITARY SUP-*
 7 *PORT” and inserting “MILITARY AFFAIRS”; and*

8 *(2) by striking “Military Support” and insert-*
 9 *ing “Military Affairs”.*

10 ***Subtitle E—Other Matters***

11 **SEC. 941. ENHANCEMENT OF AUTHORITIES RELATING TO**
 12 **DEPARTMENT OF DEFENSE REGIONAL CEN-**
 13 **TERS FOR SECURITY STUDIES.**

14 *(a) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS*
 15 *FISCAL YEARS.—*

16 *(1) IN GENERAL.—Section 184(f) of title 10,*
 17 *United States Code, is amended by adding at the end*
 18 *the following new paragraph:*

19 *“(6) Funds available to carry out this section, includ-*
 20 *ing funds accepted under paragraph (4) and funds avail-*
 21 *able under paragraph (5), shall be available, to the extent*
 22 *provided in appropriations Acts, for programs and activi-*
 23 *ties under this section that begin in a fiscal year and end*
 24 *in the following fiscal year.”.*

25 *(2) EFFECTIVE DATE.—The amendment made by*
 26 *paragraph (1) shall take effect on October 1, 2008,*

1 *and shall apply with respect to programs and activi-*
2 *ties under section 184 of title 10, United States Code*
3 *(as so amended), that begin on or after that date.*

4 **(b) TEMPORARY WAIVER OF REIMBURSEMENT OF**
5 **COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PER-**
6 **SONNEL.—**

7 **(1) AUTHORITY FOR TEMPORARY WAIVER.—***In*
8 *fiscal years 2009 and 2010, the Secretary of Defense*
9 *may, with the concurrence of the Secretary of State,*
10 *waive reimbursement otherwise required under sub-*
11 *section (f) of section 184 of title 10, United States*
12 *Code, of the costs of activities of Regional Centers*
13 *under such section for personnel of nongovernmental*
14 *and international organizations who participate in*
15 *activities of the Regional Centers that enhance co-*
16 *operation of nongovernmental organizations and*
17 *international organizations with United States forces*
18 *if the Secretary of Defense determines that attendance*
19 *of such personnel without reimbursement is in the na-*
20 *tional security interests of the United States.*

21 **(2) LIMITATION.—***The amount of reimbursement*
22 *that may be waived under paragraph (1) in any fis-*
23 *cal year may not exceed \$1,000,000.*

24 **(3) ANNUAL REPORT.—***The Secretary of Defense*
25 *shall include in the annual report under section*

1 184(h) of title 10, United States Code, in 2010 and
2 2011 information on the attendance of personnel of
3 nongovernmental and international organizations in
4 activities of the Regional Centers during the pre-
5 ceding fiscal year for which a waiver of reimburse-
6 ment was made under paragraph (1), including in-
7 formation on the costs incurred by the United States
8 for the participation of personnel of each nongovern-
9 mental or international organization that so at-
10 tended.

11 **SEC. 942. RESTRICTION ON OBLIGATION OF FUNDS FOR**
12 **UNITED STATES SOUTHERN COMMAND DE-**
13 **VELOPMENT ASSISTANCE ACTIVITIES.**

14 (a) *REPORT AND CERTIFICATION REQUIRED.*—Not
15 later than 120 days after the date of the enactment of this
16 Act, the Secretary of Defense shall submit to the congress-
17 sional defense committees a report describing the develop-
18 ment assistance activities carried out by the United States
19 Southern Command during fiscal year 2008 and planned
20 for fiscal year 2009 and containing a certification by the
21 Secretary that such development assistance activities—

22 (1) will not adversely diminish the ability of the
23 United States Southern Command or its components
24 to carry out its combat or military missions;

1 (2) *do not divert resources from funded or un-*
2 *funded requirements of the United States Southern*
3 *Command in connection with the role of the Depart-*
4 *ment of Defense under section 124 of title 10, United*
5 *States Code, as the single lead agency of the Federal*
6 *Government for the detection and monitoring of aer-*
7 *ial and maritime transit of illegal drugs into the*
8 *United States;*

9 (3) *are not unnecessarily duplicative of activities*
10 *already conducted or planned to be conducted by any*
11 *other Federal department or agency during fiscal*
12 *year 2009; and*

13 (4) *are designed, planned, and conducted to com-*
14 *plement joint training and exercises, host-country ca-*
15 *capacity building, or similar activities directly con-*
16 *nected to the responsibilities of the United States*
17 *Southern Command.*

18 (b) *RESTRICTION ON OBLIGATION OF FUNDS PENDING*
19 *CERTIFICATION.—Of the amounts appropriated pursuant*
20 *to an authorization of appropriations in this Act or other-*
21 *wise made available for fiscal year 2009 for operation and*
22 *maintenance for the United States Southern Command, not*
23 *more than 90 percent may be obligated or expended until*
24 *30 days after the certification required by subsection (a)*
25 *is received by the congressional defense committees.*

1 (c) *DEVELOPMENT ASSISTANCE ACTIVITIES DE-*
2 *FINED.*—*In this section, the term “development assistance*
3 *activities” means assistance activities carried out by the*
4 *United States Southern Command that are comparable to*
5 *the assistance activities carried out by the United States*
6 *under—*

7 (1) *chapters 1, 10, 11, and 12 of part I of the*
8 *Foreign Assistance Act of 1961 (22 U.S.C. 2151,*
9 *2293, 2295, and 2296 et seq.); and*

10 (2) *any other provision of law for purposes com-*
11 *parable to the purposes for which assistance activities*
12 *are carried out under the provisions of law referred*
13 *to in paragraph (1).*

14 **SEC. 943. AUTHORIZATION OF NON-CONVENTIONAL AS-**
15 **SISTED RECOVERY CAPABILITIES.**

16 (a) *NON-CONVENTIONAL ASSISTED RECOVERY CAPA-*
17 *BILITIES.*—*Upon a determination by a commander of a*
18 *combatant command that an action is necessary in connec-*
19 *tion with a non-conventional assisted recovery effort, and*
20 *with the concurrence of the relevant Chief of Mission or*
21 *Chiefs of Mission, an amount not to exceed \$20,000,000 of*
22 *the funds appropriated pursuant to an authorization of ap-*
23 *propriations or otherwise made available for “Operation*
24 *and Maintenance, Navy” may be used to establish, develop,*

1 *and maintain non-conventional assisted recovery capabili-*
2 *ties.*

3 (b) *PROCEDURES.*—*The Secretary of Defense shall es-*
4 *tablish procedures for the exercise of the authority under*
5 *subsection (a). The Secretary shall notify the congressional*
6 *defense committees of those procedures before any exercise*
7 *of that authority.*

8 (c) *AUTHORIZED ACTIVITIES.*—*Non-conventional as-*
9 *sisted recovery capabilities authorized under subsection (a)*
10 *may, in limited and special circumstances, include the pro-*
11 *vision of support to foreign forces, irregular forces, groups,*
12 *or individuals in order to facilitate the recovery of Depart-*
13 *ment of Defense or Coast Guard military or civilian per-*
14 *sonnel, or other individuals who, while conducting activities*
15 *in support of United States military operations, become*
16 *separated or isolated and cannot rejoin their units without*
17 *the assistance authorized in subsection (a). Such support*
18 *may include the provision of limited amounts of equipment,*
19 *supplies, training, transportation, or other logistical sup-*
20 *port or funding.*

21 (d) *NOTICE TO CONGRESS ON USE OF AUTHORITY.*—
22 *Upon using the authority in subsection (a) to make funds*
23 *available for support of non-conventional assisted recovery*
24 *activities, the Secretary of Defense shall notify the congres-*
25 *sional defense committees within 72 hours of the use of such*

1 *authority with respect to support of such activities. Any*
2 *such notice shall be in writing.*

3 (e) *ANNUAL REPORT.*—*Not later than 30 days after*
4 *the close of each fiscal year during which subsection (a) is*
5 *in effect, the Secretary of Defense shall submit to the con-*
6 *gressional defense committees a report on support provided*
7 *under that subsection during that fiscal year. Each such*
8 *report shall describe the support provided, including a*
9 *statement of the recipient of support and the amount obli-*
10 *gated to provide the support.*

11 (f) *LIMITATION ON INTELLIGENCE ACTIVITIES.*—*This*
12 *section does not constitute authority to conduct a covert ac-*
13 *tion, as such term is defined in section 503(e) of the Na-*
14 *tional Security Act of 1947 (50 U.S.C. 413b(e)).*

15 (g) *LIMITATION ON FOREIGN ASSISTANCE ACTIVI-*
16 *TIES.*—*This section does not constitute authority—*

17 (1) *to build the capacity of foreign military*
18 *forces or provide security and stabilization assistance,*
19 *as described in sections 1206 and 1207 of the Na-*
20 *tional Defense Authorization Act for Fiscal Year 2006*
21 *(Public Law 109–163; 119 Stat. 3456 and 3458), re-*
22 *spectively; and*

23 (2) *to provide assistance that is otherwise pro-*
24 *hibited by any other provision in law, including any*

1 *land involving a chemical, biological, radiological, or*
 2 *nuclear device, or high-yield explosives.*

3 **SEC. 945. REPORT ON NATIONAL GUARD RESOURCE RE-**
 4 **QUIREMENTS.**

5 *(a) IN GENERAL.—Not later than 6 months after the*
 6 *date of enactment of this Act, the Chief of the National*
 7 *Guard Bureau shall submit to the Secretary of Defense a*
 8 *report—*

9 *(1) detailing the extent to which the various pro-*
 10 *visions in title XVIII of the National Defense Author-*
 11 *ization Act for Fiscal Year 2008 (Public Law 110-*
 12 *181) have been effective in giving the Chief of the Na-*
 13 *tional Guard Bureau the authorities and resources*
 14 *needed to perform the responsibilities and duties of*
 15 *the Chief; and*

16 *(2) assessing the adequacy of Department of De-*
 17 *fense funding for the resource requirements of the Na-*
 18 *tional Guard.*

19 *(b) REPORT TO CONGRESS.—Not later than 30 days*
 20 *after the Secretary of Defense receives the report under sub-*
 21 *section (a), the Secretary shall submit to Congress such re-*
 22 *port, along with any explanatory comments the Secretary*
 23 *considers necessary.*

24 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

- Sec. 1002. One-time shift of military retirement payments.*
Sec. 1003. Management of purchase cards.
Sec. 1004. Codification of recurring authority on United States contributions to the North Atlantic Treaty Organization common-funded budgets.
Sec. 1005. Incorporation of funding decisions into law.

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. Report on plan for disposal of certain vessels stricken from the Naval Vessel Register.
Sec. 1014. Reimbursement of expenses for certain Navy mess operations.
Sec. 1015. Policy relating to major combatant vessels of the strike forces of the United States Navy.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Extension 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 United States Africa Command.
Sec. 1026. Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions.

Subtitle D—Miscellaneous Authorities and Limitations

- Sec. 1031. Enhancement of the capacity of the United States Government to conduct complex operations.*
Sec. 1032. Crediting of admiralty claim receipts for damage to property funded from a Department of Defense working capital fund.
Sec. 1033. Minimum annual purchase requirements for charter air transportation services from carriers participating in the Civil Reserve Air Fleet.
Sec. 1034. Semi-annual reports on status of Navy Next Generation Enterprise Networks program.
Sec. 1035. Sense of Congress on nuclear weapons management.
Sec. 1036. Sense of Congress on joint Department of Defense-Federal Aviation Administration executive committee on conflict and dispute resolution.
Sec. 1037. Sense of Congress on sale of new outsize cargo, strategic airlift aircraft for civilian use.

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. Report on nuclear weapons.

- Sec. 1045. *Report on compliance by Department of Defense with Guam tax and licensing laws.*
- Sec. 1046. *Report on detention operations in Iraq.*
- Sec. 1047. *Review of bandwidth capacity requirements of the Department of Defense and the intelligence community.*
- Sec. 1048. *Review of findings and recommendations applicable to the Department of Defense regarding electromagnetic pulse attack.*

Subtitle F—Other Matters

- Sec. 1051. *Additional information under annual submissions of information regarding information technology capital assets.*
- Sec. 1052. *Submission to Congress of revision to regulation on enemy prisoners of war, retained personnel, civilian internees, and other detainees.*
- Sec. 1053. *Barnegat Inlet to Little Egg Inlet, New Jersey.*
- Sec. 1054. *Standing advisory panel on improving coordination among the Department of Defense, the Department of State, and the United States Agency for International Development on matters of national security.*
- Sec. 1055. *Reports on strategic communication and public diplomacy activities of the Federal Government.*
- Sec. 1056. *Prohibitions relating to propaganda.*
- Sec. 1057. *Sense of Congress on interrogation of detainees by contractor personnel.*
- Sec. 1058. *Sense of Congress with respect to 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. 1059. *Modification of deadlines for standards required for entry to military installations in the United States.*
- Sec. 1060. *Extension of certain dates for Congressional Commission on the Strategic Posture of the United States.*
- Sec. 1061. *Technical and clerical amendments.*
- Sec. 1062. *Notification of Committees on Armed Services with respect to certain nonproliferation and proliferation activities.*
- Sec. 1063. *Assessment of security measures at consolidated center for North American Aerospace Defense Command and United States Northern Command.*

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-*

1 *partment of Defense in this division for fiscal year*
2 *2009 between any such authorizations for that fiscal*
3 *year (or any subdivisions thereof). Amounts of au-*
4 *thorizations so transferred shall be merged with and*
5 *be available for the same purposes as the authoriza-*
6 *tion to which transferred.*

7 (2) *LIMITATION.—Except as provided in para-*
8 *graph (3), the total amount of authorizations that the*
9 *Secretary may transfer under the authority of this*
10 *section may not exceed \$4,200,000,000.*

11 (3) *EXCEPTION FOR TRANSFERS BETWEEN MILI-*
12 *TARY PERSONNEL AUTHORIZATIONS.—A transfer of*
13 *funds between military personnel authorizations*
14 *under title IV shall not be counted toward the dollar*
15 *limitation in paragraph (2).*

16 (b) *LIMITATIONS.—The authority provided by this sec-*
17 *tion to transfer authorizations—*

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

21 (2) *may not be used to provide authority for an*
22 *item that has been denied authorization by Congress.*

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

1 *thorized for the account to which the amount is transferred*
2 *by an amount equal to the amount transferred.*

3 (d) *NOTICE TO CONGRESS.—The Secretary shall*
4 *promptly notify Congress of each transfer made under sub-*
5 *section (a).*

6 **SEC. 1002. ONE-TIME SHIFT OF MILITARY RETIREMENT PAY-**
7 **MENTS.**

8 (a) *REDUCTION OF PAYMENTS.—Notwithstanding any*
9 *other provision of law, any amounts that would otherwise*
10 *be payable from the fund to individuals for the month of*
11 *August 2013 (with disbursements scheduled for September*
12 *2013) shall be reduced by 1 percent.*

13 (b) *REVERSION.—Beginning on September 1, 2013*
14 *(with disbursements beginning in October 2013), amounts*
15 *payable to individuals from the fund shall revert back to*
16 *amounts as specified in law as if the reduction in subsection*
17 *(a) did not take place.*

18 (c) *REFUND.—Any individual who has a payment re-*
19 *duced under subsection (a) shall receive a one-time pay-*
20 *ment, from the fund, in an amount equal to the amount*
21 *of such reduction. This one-time payment shall be included*
22 *with disbursements from the fund scheduled for October*
23 *2013.*

1 (d) *FUND.*—*In this section, the term “fund” refers to*
2 *the Department of Defense Military Retirement Fund estab-*
3 *lished by section 1461 of title 10, United States Code.*

4 (e) *TRANSFER.*—*Not later than 60 days after the date*
5 *of the enactment of this Act, the Secretary of Defense shall*
6 *transfer \$40,000,000 from the unobligated balances of the*
7 *National Defense Stockpile Transaction Fund to the Mis-*
8 *cellaneous Receipts Fund of the United States Treasury to*
9 *offset estimated costs arising from section 702 and the*
10 *amendments made by such section.*

11 **SEC. 1003. MANAGEMENT OF PURCHASE CARDS.**

12 (a) *PENALTIES FOR VIOLATIONS.*—*Section 2784(c)(1)*
13 *of title 10, United States Code, is amended by striking “(1)*
14 *provide for” and inserting the following:*

15 “(1) provide—

16 “(A) *for the reimbursement of charges for*
17 *unauthorized or erroneous purchases, in appro-*
18 *priate cases; and*

19 “(B) *for*”.

20 (b) *REQUIRED REPORT.*—*Not later than 270 days*
21 *after the date of the enactment of this Act, the Secretary*
22 *of Defense shall submit to the Committees on Armed Serv-*
23 *ices of the Senate and the House of Representatives a report*
24 *detailing actions to be taken by the Department of Defense*
25 *to implement the recommendations of the Government Ac-*

1 *countability Office in its report titled “Actions Needed to*
2 *Strengthen Internal Controls to Reduce Fraudulent, Im-*
3 *proper, and Abusive Purchases” (GAO-08-333) to improve*
4 *safeguards and internal controls on the use of agency pur-*
5 *chase cards.*

6 **SEC. 1004. CODIFICATION OF RECURRING AUTHORITY ON**
7 **UNITED STATES CONTRIBUTIONS TO THE**
8 **NORTH ATLANTIC TREATY ORGANIZATION**
9 **COMMON-FUNDED BUDGETS.**

10 *(a) CODIFICATION OF AUTHORITY.—*

11 *(1) IN GENERAL.—Subchapter II of chapter 134*
12 *of title 10, United States Code, is amended by adding*
13 *at the end the following new section:*

14 **“§2263. United States contributions to the North At-**
15 **lantic Treaty Organization common-fund-**
16 **ed budgets**

17 *“(a) IN GENERAL.—The total amount contributed by*
18 *the Secretary of Defense in any fiscal year for the common-*
19 *funded budgets of NATO may be an amount in excess of*
20 *the maximum amount that would otherwise be applicable*
21 *to those contributions in such fiscal year under the fiscal*
22 *year 1998 baseline limitation.*

23 *“(b) REPORTS.—(1) Not later than October 30 each*
24 *year, the Secretary of Defense shall submit to the congres-*
25 *sional defense committees a report on the contributions*

1 *made by the Secretary to the common-funded budgets of*
2 *NATO in the preceding fiscal year.*

3 “(2) *Each report under paragraph (1) shall include,*
4 *for the fiscal year covered by such report, the following:*

5 “(A) *The amounts contributed by the Secretary*
6 *to each of the separate budgets and programs of the*
7 *North Atlantic Treaty Organization under the com-*
8 *mon-funded budgets of NATO.*

9 “(B) *For each budget and program to which the*
10 *Secretary made such a contribution, the percentage of*
11 *such budget or program during the fiscal year that*
12 *such contribution represented.*

13 “(c) *DEFINITIONS.—In this section:*

14 “(1) *COMMON-FUNDED BUDGETS OF NATO.—The*
15 *term ‘common-funded budgets of NATO’ means the*
16 *Military Budget, the Security Investment Program,*
17 *and the Civil Budget of the North Atlantic Treaty Or-*
18 *ganization (and any successor or additional account*
19 *or program of NATO).*

20 “(2) *FISCAL YEAR 1998 BASELINE LIMITATION.—*
21 *The term ‘fiscal year 1998 baseline limitation’ means*
22 *the maximum annual amount of Department of De-*
23 *fense contributions for common-funded budgets of*
24 *NATO that is set forth as the annual limitation in*
25 *section 3(2)(C)(ii) of the resolution of the Senate giv-*

1 *cluded in the text of the Act, subject to the availability of*
2 *appropriations.*

3 **(b) MERIT-BASED DECISIONS.**—*Decisions by agency*
4 *heads to commit, obligate, or expend funds with or to a*
5 *specific entity on the basis of dollar amount authorized pur-*
6 *suant to subsection (a) shall be based on authorized, trans-*
7 *parent, statutory criteria, or merit-based selection proce-*
8 *dures in accordance with the requirements of sections*
9 *2304(k) and 2374 of title 10, United States Code, and other*
10 *applicable provisions of law.*

11 **(c) RELATIONSHIP TO TRANSFER AND REPROGRAM-**
12 **MING AUTHORITY.**—*This section does not prevent an*
13 *amount covered by this section from being transferred or*
14 *reprogrammed under a transfer or reprogramming author-*
15 *ity provided by another provision of this Act or by other*
16 *law. The transfer or reprogramming of an amount incor-*
17 *porated into the Act by this section shall not count against*
18 *a ceiling on such transfers or reprogrammings under section*
19 *1001 of this Act or any other provision of law, unless such*
20 *transfer or reprogramming would move funds between ap-*
21 *propriation accounts.*

22 **(d) APPLICABILITY TO CLASSIFIED ANNEX.**—*This sec-*
23 *tion applies to any classified annex to the Joint Explana-*
24 *tory Statement referred to in subsection (a).*

1 (e) *ORAL AND WRITTEN COMMUNICATION.*—No oral or
2 written communication concerning any amount specified in
3 the Joint Explanatory Statement referred to in subsection
4 (a) shall supersede the requirements of this section.

5 ***Subtitle B—Policy Relating to***
6 ***Vessels and Shipyards***

7 ***SEC. 1011. CONVEYANCE, NAVY DRYDOCK, ARANSAS PASS,***
8 ***TEXAS.***

9 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
10 Navy is authorized to convey the floating drydock AFDL–
11 23, located in Aransas Pass, Texas, to Gulf Copper Ship
12 Repair, that company being the current lessee of the dry-
13 dock.

14 (b) *CONDITION OF CONVEYANCE.*—The Secretary shall
15 require as a condition of the conveyance under subsection
16 (a) that the drydock remain at the facilities of Gulf Copper
17 Ship Repair, at Aransas Pass, Texas, until at least Sep-
18 tember 30, 2010.

19 (c) *CONSIDERATION.*—As consideration for the convey-
20 ance of the drydock under subsection (a), the purchaser shall
21 provide compensation to the United States the value of
22 which, as determined by the Secretary, is equal to the fair
23 market value of the drydock, as determined by the Sec-
24 retary. The Secretary shall take into account amounts paid
25 by, or due and owing from, the lessee.

1 (d) *TRANSFER AT NO COST TO UNITED STATES.*—The
2 *provisions of section 7306(c) of title 10, United States Code,*
3 *shall apply to the conveyance under this section.*

4 (e) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
5 *retary may require such additional terms and conditions*
6 *in connection with the conveyance under subsection (a) as*
7 *the Secretary considers appropriate to protect the interests*
8 *of the United States.*

9 **SEC. 1012. REPORT ON REPAIR OF NAVAL VESSEL IN FOR-**
10 **EIGN SHIPYARDS.**

11 *Section 7310 of title 10, United States Code, is amend-*
12 *ed by adding at the end the following new subsection:*

13 “(c) *REPORT.*—(1) *The Secretary of the Navy shall*
14 *submit to Congress each year, at the time that the Presi-*
15 *dent’s budget is submitted to Congress that year under sec-*
16 *tion 1105(a) of title 31, a report listing all repairs and*
17 *maintenance performed on any covered naval vessel that*
18 *has undergone work for the repair of the vessel in any ship-*
19 *yard outside the United States or Guam (in this section*
20 *referred to as a ‘foreign shipyard’) during the fiscal year*
21 *preceding the fiscal year in which the report is submitted.*

22 “(2) *The report shall include the percentage of the an-*
23 *nuual ship repair budget of the Navy that was spent on re-*
24 *pair of covered naval vessels in foreign shipyards during*
25 *the fiscal year covered by the report.*

1 “(3) *The report also shall include the following with*
2 *respect to each covered naval vessel:*

3 “(A) *The justification under law for the repair*
4 *in a foreign shipyard.*

5 “(B) *The name and class of vessel repaired.*

6 “(C) *The category of repair and whether the re-*
7 *pair qualified as voyage repair as defined in Com-*
8 *mander Military Sealift Command Instruction*
9 *4700.15C (September 13, 2007) or Joint Fleet Main-*
10 *tenance Manual (Commander Fleet Forces Command*
11 *Instruction 4790.3 Revision A, Change 7), Volume*
12 *III. Scheduled availabilities are to be considered as a*
13 *composite and reported as a single entity without in-*
14 *dividual repair and maintenance items listed sepa-*
15 *rately.*

16 “(D) *The shipyard where the repair work was*
17 *carried out.*

18 “(E) *The number of days the vessel was in port*
19 *for repair.*

20 “(F) *The cost of the repair and the amount (if*
21 *any) that the cost of the repair was less than or great-*
22 *er than the cost of the repair provided for in the con-*
23 *tract.*

24 “(G) *The schedule for repair, the amount of work*
25 *accomplished (stated in terms of work days), whether*

1 *the repair was accomplished on schedule, and, if not*
2 *so accomplished, the reason for the schedule over-run.*

3 *“(H) The homeport or location of the vessel prior*
4 *to its voyage for repair.*

5 *“(I) Whether the repair was performed under a*
6 *contract awarded through the use of competitive pro-*
7 *cedures or procedures other than competitive proce-*
8 *dures.*

9 *“(4) In this subsection, the term ‘covered naval vessel’*
10 *means any of the following:*

11 *“(A) A naval vessel.*

12 *“(B) Any other vessel under the jurisdiction of*
13 *the Secretary of the Navy.”.*

14 **SEC. 1013. REPORT ON PLAN FOR DISPOSAL OF CERTAIN**
15 **VESSELS STRICKEN FROM THE NAVAL VES-**
16 **SEL REGISTER.**

17 *Not later than 180 days after the date of the enactment*
18 *of this Act, the Secretary of the Navy, in consultation with*
19 *the Administrator of the Maritime Administration, shall*
20 *submit to the congressional defense committees a report con-*
21 *taining—*

22 *(1) a plan for the sale and disposal of each vessel*
23 *over 50,000 tons light ship displacement stricken from*
24 *the Naval Vessel Register but not yet disposed of by*
25 *the Navy or the Maritime Administration; and*

1 (2) *the estimated contribution to the domestic*
2 *market for steel and other metals that might be made*
3 *from the scrapping of such vessels.*

4 **SEC. 1014. REIMBURSEMENT OF EXPENSES FOR CERTAIN**
5 **NAVY MESS OPERATIONS.**

6 (a) *AUTHORITY FOR PAYMENT.*—*Of the amounts ap-*
7 *propriated for operation and maintenance for the Navy, not*
8 *more than \$1,000,000 may be used to pay the charge estab-*
9 *lished under section 1011 of title 37, United States Code,*
10 *for meals sold by messes for United States Navy and Naval*
11 *Auxiliary vessels to the following:*

12 (1) *Members of nongovernmental organizations*
13 *and officers or employees of host and foreign nations*
14 *when participating in or providing support to United*
15 *States civil-military operations.*

16 (2) *Foreign national patients treated on Naval*
17 *vessels during the conduct of United States civil-mili-*
18 *tary operations, and their escorts.*

19 (b) *EXPIRATION OF AUTHORITY.*—*The authority to*
20 *pay for meals under subsection (a) shall expire on Sep-*
21 *tember 30, 2010.*

22 (c) *REPORT.*—*Not later than March 31 of each year*
23 *during which the authority to pay for meals under sub-*
24 *section (a) is in effect, the Secretary of Defense shall submit*
25 *to Congress a report on the use of such authority.*

1 **SEC. 1015. POLICY RELATING TO MAJOR COMBATANT VES-**
 2 **SELS OF THE STRIKE FORCES OF THE UNITED**
 3 **STATES NAVY.**

4 *Section 1012(c)(1) of the National Defense Authoriza-*
 5 *tion Act for Fiscal Year 2008 (Public Law 110–181) is*
 6 *amended by adding at the end the following:*

7 *“(D) Amphibious assault ships, including*
 8 *dock landing ships (LSD), amphibious trans-*
 9 *port–dock ships (LPD), helicopter assault ships*
 10 *(LHA/LHD), and amphibious command ships*
 11 *(LCC), if such vessels exceed 15,000 dead weight*
 12 *ton light ship displacement.”.*

13 ***Subtitle C—Counter-Drug Activities***

14 **SEC. 1021. EXTENSION OF REPORTING REQUIREMENT RE-**
 15 **GARDING DEPARTMENT OF DEFENSE EX-**
 16 **PENDITURES TO SUPPORT FOREIGN**
 17 **COUNTER-DRUG ACTIVITIES.**

18 *Section 1022(a) of the Floyd D. Spence National De-*
 19 *fense Authorization Act for Fiscal Year 2001 (as enacted*
 20 *into law by Public Law 106–398; 114 Stat. 1654A–255),*
 21 *as most recently amended by section 1024 of the John War-*
 22 *ner National Defense Authorization Act for Fiscal Year*
 23 *2007 (Public Law 109–364; 120 Stat. 2383), is further*
 24 *amended by striking “and February 15, 2008” and insert-*
 25 *ing “February 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 Authorization*
6 *Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C.*
7 *371 note), as amended by section 1021 of the National De-*
8 *fense Authorization Act for Fiscal Year 2008 (Public Law*
9 *110–181; 122 Stat. 304), is amended by striking “2008”*
10 *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 of*
20 *the John Warner National Defense Authorization Act for*
21 *Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382),*
22 *is further amended—*

23 *(1) in subsection (a), by striking “2008” and in-*
24 *serting “2009”; and*

25 *(2) in subsection (c), by striking “2008” and in-*
26 *serting “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) of
6 section 1033 of the National Defense Authorization Act for
7 Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as
8 amended by section 1021 of the National Defense Authoriza-
9 tion Act for Fiscal Year 2004 (Public Law 108–136, 117
10 Stat. 1593), section 1022 of the John Warner National De-
11 fense Authorization Act for Fiscal Year 2007 (Public Law
12 109–364; 120 Stat. 2137), and section 1022 of the National
13 Defense Authorization Act for Fiscal Year 2008 (Public
14 Law 110–181; 122 Stat. 304), is further amended by strik-
15 ing “2008” and inserting “2009”.

16 (b) *ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE*
17 *SUPPORT.*—Subsection (b) of such section is amended by
18 adding at the end the following new paragraphs:

19 “(19) The Government of Guinea–Bissau.

20 “(20) The Government of Senegal.

21 “(21) The Government of El Salvador.

22 “(22) The Government of Honduras.”.

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 (2) *by striking the period at the end and insert-*
 2 *ing “, or \$75,000,000 during fiscal year 2009.”.*

3 (d) *CONDITION ON PROVISION OF SUPPORT.—Sub-*
 4 *section (f) of such section is amended—*

5 (1) *in paragraph (2), by inserting after “In the*
 6 *case of” the following: “funds appropriated for fiscal*
 7 *year 2009 to carry out this section and”; and*

8 (2) *in paragraph (4)(B), by striking “Committee*
 9 *on International Relations” and inserting “Com-*
 10 *mittee on Foreign Affairs”.*

11 (e) *COUNTER-DRUG PLAN.—Subsection (h) of such sec-*
 12 *tion is amended—*

13 (1) *in the matter preceding paragraph (1), by*
 14 *striking “fiscal year 2004” and inserting “fiscal year*
 15 *2009”; and*

16 (2) *in subparagraph (7), by striking “For the*
 17 *first fiscal year” and inserting “For fiscal year 2009,*
 18 *and thereafter, for the first fiscal year”.*

19 **SEC. 1025. COMPREHENSIVE DEPARTMENT OF DEFENSE**
 20 **STRATEGY FOR COUNTER-NARCOTICS EF-**
 21 **FORTS FOR UNITED STATES AFRICA COM-**
 22 **MAND.**

23 (a) *REPORT REQUIRED.—Not later than June 30,*
 24 *2009, the Secretary of Defense shall submit to the congres-*
 25 *sional defense committees a comprehensive strategy of the*

1 *Department of the Defense with regard to counter-narcotics*
2 *efforts in Africa, with an emphasis on West Africa and the*
3 *Maghreb. The Secretary of Defense shall prepare the strat-*
4 *egy in consultation with the Secretary of State.*

5 (b) *MATTERS TO BE INCLUDED.—The comprehensive*
6 *strategy shall consist of a general overview and a separate*
7 *detailed section for each of the following:*

8 (1) *A description of the overall United States*
9 *counter-narcotics policy for Africa.*

10 (2) *The roles and missions of the Department of*
11 *Defense in support of the overall United States*
12 *counter-narcotics policy for Africa.*

13 (3) *The priorities for the Department of Defense*
14 *to meet programmatic objectives one-year, three-years,*
15 *and five-years after the end of fiscal year 2009, in-*
16 *cluding a description of the expected allocation of re-*
17 *sources of the Department of Defense to accomplish*
18 *these priorities.*

19 (4) *The efforts of the Secretary of Defense to co-*
20 *ordinate the Department of Defense counter-narcotics*
21 *activities in Africa with Department of Defense build-*
22 *ing capacity programs, including programs carried*
23 *out under the authority of the Secretary under section*
24 *1206 of the National Defense Authorization Act for*

1 *Fiscal Year 2006 (Public Law 109-163; 119 Stat.*
2 *3456).*

3 (5) *The efforts to coordinate the counter-narcotics*
4 *activities of the Department of Defense with the*
5 *counter-narcotics activities of the governments eligible*
6 *to receive support under section 1033 of the National*
7 *Defense Authorization Act for Fiscal Year 1998 (Pub-*
8 *lic Law 105-85; 111 Stat. 1881) and the counter-nar-*
9 *cotics activities in Africa of European countries and*
10 *other international and regional partners.*

11 (c) *PLANS.—The comprehensive strategy shall also in-*
12 *clude the following plans:*

13 (1) *A detailed and comprehensive plan to utilize*
14 *the capabilities and assets of the combatant com-*
15 *mands that geographically surround the United*
16 *States Africa Command for the counter-narcotics ef-*
17 *forts and activities of the United States Africa Com-*
18 *mand on a temporary basis until the United States*
19 *Africa Command develops its own commensurate ca-*
20 *pabilities and assets, including in the plan a descrip-*
21 *tion of what measures will be taken to effectuate the*
22 *transition of the missions.*

23 (2) *A detailed and comprehensive plan to en-*
24 *hance cooperation with certain African countries,*
25 *which are often geographically contiguous to other Af-*

1 *rican countries that have a significant narcotics-traf-*
2 *ficking challenges, to increase the effectiveness of the*
3 *counter-narcotics activities of the Department of De-*
4 *fense and its international and regional partners.*

5 **SEC. 1026. COMPREHENSIVE DEPARTMENT OF DEFENSE**
6 **STRATEGY FOR COUNTER-NARCOTICS EF-**
7 **FORTS IN SOUTH AND CENTRAL ASIAN RE-**
8 **GIONS.**

9 *(a) REPORT REQUIRED.—Not later than June 30,*
10 *2009, the Secretary of Defense shall submit to the congres-*
11 *sional defense committees a comprehensive strategy of the*
12 *Department of the Defense with regard to counter-narcotics*
13 *efforts in the South and Central Asian regions, including*
14 *the countries of Afghanistan, Turkmenistan, Tajikistan,*
15 *Kyrgyzstan, Kazakhstan, Pakistan, and India, as well as*
16 *the countries of Armenia, Azerbaijan, and China.*

17 *(b) MATTERS TO BE INCLUDED.—The comprehensive*
18 *strategy shall consist of a general overview and a separate*
19 *detailed section for each of the following:*

20 *(1) The roles and missions of the Department of*
21 *Defense in support of the overall United States*
22 *counter-narcotics policy for countries of the South*
23 *and Central Asian regions and the other countries*
24 *specified in subsection (a).*

1 (2) *The priorities for the Department of Defense*
2 *to meet programmatic objectives for fiscal year 2010,*
3 *including a description of the expected allocation of*
4 *resources of the Department of Defense to accomplish*
5 *these priorities.*

6 (3) *The ongoing and planned counter-narcotics*
7 *activities funded by the Department of Defense for*
8 *such regions and countries.*

9 (4) *The efforts to coordinate the counter-narcotics*
10 *activities of the Department of Defense with the*
11 *counter-narcotics activities of such regions and coun-*
12 *tries and the counter-narcotics activities of other*
13 *international partners in such regions and countries.*

14 (5) *The specific metrics used by the Department*
15 *of Defense to evaluate progress of activities to reduce*
16 *the production and trafficking of illicit narcotics in*
17 *such regions and countries.*

18 ***Subtitle D—Miscellaneous***
19 ***Authorities and Limitations***

20 ***SEC. 1031. ENHANCEMENT OF THE CAPACITY OF THE***
21 ***UNITED STATES GOVERNMENT TO CONDUCT***
22 ***COMPLEX OPERATIONS.***

23 (a) *IN GENERAL.*—Chapter 20 of title 10, United
24 *States Code, is amended by adding at the end the following*
25 *new section:*

1 **“§ 409. Center for Complex Operations**

2 “(a) *CENTER AUTHORIZED.*—*The Secretary of Defense*
3 *may establish a center to be known as the ‘Center for Com-*
4 *plex Operations’ (in this section referred to as the ‘Center’).*

5 “(b) *PURPOSES.*—*The purposes of the Center estab-*
6 *lished under subsection (a) shall be the following:*

7 “(1) *To provide for effective coordination in the*
8 *preparation of Department of Defense personnel and*
9 *other United States Government personnel for com-*
10 *plex operations.*

11 “(2) *To foster unity of effort during complex op-*
12 *erations among—*

13 “(A) *the departments and agencies of the*
14 *United States Government;*

15 “(B) *foreign governments and militaries;*

16 “(C) *international organizations and inter-*
17 *national nongovernmental organizations; and*

18 “(D) *domestic nongovernmental organiza-*
19 *tions.*

20 “(3) *To conduct research; collect, analyze, and*
21 *distribute lessons learned; and compile best practices*
22 *in matters relating to complex operations.*

23 “(4) *To identify gaps in the education and*
24 *training of Department of Defense personnel, and*
25 *other relevant United States Government personnel,*

1 *relating to complex operations, and to facilitate ef-*
2 *forts to fill such gaps.*

3 “(c) *CONCURRENCE OF THE SECRETARY OF STATE.—*
4 *– The Secretary of Defense shall seek the concurrence of the*
5 *Secretary of State to the extent the efforts and activities*
6 *of the Center involve the entities referred to in subpara-*
7 *graphs (B) and (C) of subsection (b)(2).*

8 “(d) *SUPPORT FROM OTHER UNITED STATES GOV-*
9 *ERNMENT DEPARTMENTS OR AGENCIES.—The head of any*
10 *non-Department of Defense department or agency of the*
11 *United States Government may—*

12 “(1) *provide to the Secretary of Defense services,*
13 *including personnel support, to support the oper-*
14 *ations of the Center; and*

15 “(2) *transfer funds to the Secretary of Defense to*
16 *support the operations of the Center.*

17 “(e) *ACCEPTANCE OF GIFTS AND DONATIONS.—(1)*
18 *Subject to paragraph (3), the Secretary of Defense may ac-*
19 *cept from any source specified in paragraph (2) any gift*
20 *or donation for purposes of defraying the costs or enhancing*
21 *the operations of the Center.*

22 “(2) *The sources specified in this paragraph are the*
23 *following:*

24 “(A) *The government of a State or a political*
25 *subdivision of a State.*

1 “(B) *The government of a foreign country.*

2 “(C) *A foundation or other charitable organiza-*
3 *tion, including a foundation or charitable organiza-*
4 *tion that is organized or operates under the laws of*
5 *a foreign country.*

6 “(D) *Any source in the private sector of the*
7 *United States or a foreign country.*

8 “(3) *The Secretary may not accept a gift or donation*
9 *under this subsection if acceptance of the gift or donation*
10 *would compromise or appear to compromise—*

11 “(A) *the ability of the Department of Defense,*
12 *any employee of the Department, or any member of*
13 *the armed forces to carry out the responsibility or*
14 *duty of the Department in a fair and objective man-*
15 *ner; or*

16 “(B) *the integrity of any program of the Depart-*
17 *ment or of any person involved in such a program.*

18 “(4) *The Secretary shall provide written guidance set-*
19 *ting forth the criteria to be used in determining the applica-*
20 *bility of paragraph (3) to any proposed gift or donation*
21 *under this subsection.*

22 “(f) *CREDITING OF FUNDS TRANSFERRED OR ACCEPT-*
23 *ED.—Funds transferred to or accepted by the Secretary of*
24 *Defense under this section shall be credited to appropri-*
25 *ations available to the Department of Defense for the Center,*

1 *and shall be available for the same purposes, and subject*
 2 *to the same conditions and limitations, as the appropria-*
 3 *tions with which merged. Any funds so transferred or ac-*
 4 *cepted shall remain available until expended.*

5 *“(g) DEFINITIONS.—In this section:*

6 *“(1) The term ‘complex operation’ means an op-*
 7 *eration as follows:*

8 *“(A) A stability operation.*

9 *“(B) A security operation.*

10 *“(C) A transition and reconstruction oper-*
 11 *ation.*

12 *“(D) A counterinsurgency operation.*

13 *“(E) An operation consisting of irregular*
 14 *warfare.*

15 *“(2) The term ‘gift or donation’ means any gift*
 16 *or donation of funds, materials (including research*
 17 *materials), real or personal property, or services (in-*
 18 *cluding lecture services and faculty services).”.*

19 *(b) CLERICAL AMENDMENT.—The table of sections at*
 20 *the beginning of chapter 20 of such title is amended by add-*
 21 *ing at the end the following new item:*

“409. Center for Complex Operations.”.

1 **SEC. 1032. CREDITING OF ADMIRALTY CLAIM RECEIPTS FOR**
2 **DAMAGE TO PROPERTY FUNDED FROM A DE-**
3 **PARTMENT OF DEFENSE WORKING CAPITAL**
4 **FUND.**

5 *Section 7623(b) of title 10, United States Code, is*
6 *amended—*

7 *(1) by inserting “(1)” after “(b)”;*

8 *(2) in paragraph (1), as so designated, by strik-*
9 *ing the last sentence; and*

10 *(3) by adding at the end the following new para-*
11 *graph:*

12 *“(2)(A) Except as provided in subparagraph (B),*
13 *amounts received under this section shall be covered into*
14 *the Treasury as miscellaneous receipts.*

15 *“(B) Amounts received under this section for damage*
16 *or loss to property operated and maintained with funds*
17 *from a Department of Defense working capital fund or ac-*
18 *count shall be credited to that fund or account.”.*

19 **SEC. 1033. MINIMUM ANNUAL PURCHASE REQUIREMENTS**
20 **FOR CHARTER AIR TRANSPORTATION SERV-**
21 **ICES FROM CARRIERS PARTICIPATING IN THE**
22 **CIVIL RESERVE AIR FLEET.**

23 *(a) IN GENERAL.—Chapter 931 of title 10, United*
24 *States Code, is amended by adding at the end the following*
25 *new section:*

1 **“§ 9515. Charter air transportation services: minimum**
2 **annual purchase amount for carriers par-**
3 **ticipating in Civil Reserve Air Fleet**

4 “(a) *IN GENERAL.*—*The Secretary of Defense shall*
5 *take steps to—*

6 “(1) *improve the predictability in Department of*
7 *Defense charter requirements;*

8 “(2) *strengthen Civil Reserve Airlift Fleet par-*
9 *ticipation to assure adequate capacity is available to*
10 *meet steady-state, surge and mobilization require-*
11 *ments; and*

12 “(3) *provide incentives for commercial air pas-*
13 *senger carriers to provide newer, more efficient and*
14 *reliable aircraft for Department of Defense service*
15 *rather than older, fully depreciated aircraft.*

16 “(b) *CONSIDERATION OF RECOMMENDATIONS.*—*In*
17 *carrying out subsection (a), the Secretary of Defense shall*
18 *consider the recommendations on courses of action for the*
19 *Civil Reserve Air Fleet as outlined in the report required*
20 *by Section 356 of the National Defense Authorization Act*
21 *for 2008 (Public Law 110-181).*

22 “(c) *CONTRACTS FOR CHARTER AIR TRANSPORTATION*
23 *SERVICES.*—*The Secretary of Defense may award to an air*
24 *carrier or an air carrier contractor team arrangement par-*
25 *ticipating in the Civil Reserve Air Fleet on a fiscal year*
26 *basis a one-year contract for charter air transportation*

1 *services with a minimum purchase amount under such con-*
2 *tract determined in accordance with this section.*

3 “(d) *ELIGIBLE CHARTER AIR TRANSPORTATION CAR-*
4 *RIERS.—In order to be eligible for payments under the min-*
5 *imum purchase amount provided by this section, an air*
6 *carrier (or any air carrier participating in an air carrier*
7 *contractor team arrangement)—*

8 “(1) *if under contract with the Department of*
9 *Defense in the prior fiscal year, shall have an average*
10 *on-time pick up rate, based on factors within such air*
11 *carrier’s control, of at least 90 percent;*

12 “(2) *shall offer such amount of commitment to*
13 *the Civil Reserve Air Fleet in excess of the minimum*
14 *required for participation in the Civil Reserve Air*
15 *Fleet as the Secretary of Defense shall specify for pur-*
16 *poses of this section; and*

17 “(3) *may not have refused a Department of De-*
18 *fense request to act as a host for other Civil Reserve*
19 *Air Fleet carriers at intermediate staging bases dur-*
20 *ing the prior fiscal year.*

21 “(e) *AGGREGATE MINIMUM PURCHASE AMOUNT.—(1)*
22 *The aggregate amount of the minimum purchase amount*
23 *for all contracts awarded under subsection (c) for a fiscal*
24 *year shall be based on forecast needs, but may not exceed*
25 *the amount equal to 80 percent of the average annual ex-*

1 *penditure of the Department of Defense for charter air*
2 *transportation services during the five-fiscal year period*
3 *ending in the fiscal year before the fiscal year for which*
4 *such contracts are awarded.*

5 “(2) *In calculating the average annual expenditure of*
6 *the Department of Defense for charter air transportation*
7 *services for purposes of paragraph (1), the Secretary of De-*
8 *fense shall omit from the calculation any fiscal year exhib-*
9 *iting unusually high demand for charter air transportation*
10 *services if the Secretary determines that the omission of*
11 *such fiscal year from the calculation will result in a more*
12 *accurate forecast of anticipated charter air transportation*
13 *services for purposes of that paragraph.*

14 “(f) *ALLOCATION OF MINIMUM PURCHASE AMONG*
15 *CHARTER AIR TRANSPORTATION CONTRACTS.—(1) The ag-*
16 *gregate amount of the minimum purchase amount for all*
17 *contracts awarded under subsection (c) for a fiscal year,*
18 *as determined under subsection (e), shall be allocated among*
19 *all air carriers and air carrier contractor team arrange-*
20 *ments awarded contracts under subsection (c) for such fiscal*
21 *year in proportion to the commitments of such carriers to*
22 *the Civil Reserve Air Fleet for such fiscal year.*

23 “(2) *In determining the minimum purchase amount*
24 *payable under paragraph (1) under a contract under sub-*
25 *section (c) for charter air transportation services provided*

1 *by an air carrier or air carrier contractor team arrange-*
2 *ment during the fiscal year covered by such contract, the*
3 *Secretary of Defense may adjust the amount allocated to*
4 *such carrier or arrangement under paragraph (2) to take*
5 *into account periods during such fiscal year when charter*
6 *air transportation services of such carrier or a carrier in*
7 *such arrangement are unavailable for usage by the Depart-*
8 *ment of Defense, including during periods of refused busi-*
9 *ness or suspended operations or when such carrier is placed*
10 *in nonuse status pursuant to section 2640 of this title for*
11 *safety reasons.*

12 “(g) *DISTRIBUTION OF AMOUNTS.*—*If any amount*
13 *available under this section for the minimum purchase of*
14 *charter air transportation services from a carrier or air*
15 *carrier contractor team arrangement for a fiscal year under*
16 *a contract under subsection (c) is not utilized to purchase*
17 *charter air transportation services from the carrier or ar-*
18 *rangement in such fiscal year, such amount shall be pro-*
19 *vided to the carrier or arrangement before the first day of*
20 *the following fiscal year.*

21 “(h) *COMMITMENT OF FUNDS.*—(1) *The Secretary of*
22 *each military department shall transfer to the transpor-*
23 *tation working capital fund a percentage of the total*
24 *amount anticipated to be required in such fiscal year for*
25 *the payment of minimum purchase amounts under all con-*

1 *tracts awarded under subsection (c) for such fiscal year*
2 *equivalent to the percentage of the anticipated use of charter*
3 *air transportation services by such military department*
4 *during such fiscal year from all carriers under contracts*
5 *awarded under subsection (c) for such fiscal year.*

6 “(2) *Any amounts required to be transferred under*
7 *paragraph (1) shall be transferred by the last day of the*
8 *fiscal year concerned to meet the requirements of subsection*
9 *(g) unless minimum purchase amounts have already been*
10 *distributed by the Secretary of Defense under subsection (g)*
11 *as of that date.*

12 “(i) *AVAILABILITY OF AIRLIFT SERVICES.—(1) From*
13 *the total amount of charter air transportation services*
14 *available for a fiscal year under all contracts awarded*
15 *under subsection (c) for such fiscal year, a military depart-*
16 *ment shall be entitled to obtain a percentage of such services*
17 *equal to the percentage of the contribution of the military*
18 *department to the transportation working capital fund for*
19 *such fiscal year under subsection (h).*

20 “(2) *A military department may transfer any entitle-*
21 *ment to charter air transportation services under para-*
22 *graph (1) to any other military department or to any other*
23 *agency, element, or component of the Department of De-*
24 *fense.*

1 “(j) *DEFINITION.*—*In this section, the term ‘charter*
2 *air transportation’ has the meaning given such term in sec-*
3 *tion 40102(14) of title 49, United States Code, except that*
4 *it only means such transportation for which the Secretary*
5 *of Defense has entered into a contract for the purpose of*
6 *passenger travel.*”

7 “(k) *SUNSET.*—*The authorities in this section shall ex-*
8 *pire on December 31, 2015.”.*”

9 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
10 *the beginning of chapter 941 of such title is amended by*
11 *adding at the end the following new item:*

“9515. Charter air transportation services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.”.

12 (c) *REPORT TO CONGRESS; LIMITATION ON EXERCISE*
13 *OF AUTHORITY.*—

14 (1) *REPORT.*—*The Secretary of Defense shall*
15 *submit to the congressional defense committees a writ-*
16 *ten report on the actions taken under subsections (a)*
17 *and (b) of section 9515 of title 10, United States*
18 *Code, as added by subsection (a), along with the an-*
19 *ticipated risks and benefits of such actions.*

20 (2) *LIMITATION.*—*No authority under sub-*
21 *sections (c) through (I) of such section may be imple-*
22 *mented until 30 days after the date on which the Sec-*
23 *retary submits the report required under paragraph*
24 *(1).*

1 **SEC. 1034. SEMI-ANNUAL REPORTS ON STATUS OF NAVY**
2 **NEXT GENERATION ENTERPRISE NETWORKS**
3 **PROGRAM.**

4 (a) *SEMI-ANNUAL REPORTS REQUIRED.*—The Sec-
5 retary of Defense shall submit to the congressional defense
6 committees semi-annual reports on the status of the develop-
7 ment, testing, and deployment of the Navy Next Generation
8 Enterprise Networks program and the transition of the ca-
9 pabilities provided by the Navy Marine Corps Intranet pro-
10 gram to the Next Generation Enterprise Networks program.
11 Each such report shall cover such status during the two fis-
12 cal quarters preceding the fiscal quarter in which the report
13 is submitted.

14 (b) *COORDINATION.*—The Secretary of Defense shall
15 develop each of the semi-annual reports required under sub-
16 section (a) in coordination with the Secretary of the Navy,
17 the Under Secretary of Defense for Acquisition, Technology,
18 and Logistics, the Assistant Secretary of Defense for Net-
19 works and Information Integration, and the Director of
20 Operational Test and Evaluation.

21 (c) *CONTENTS OF REPORTS.*—Each of the reports re-
22 quired under subsection (a) shall address the following mat-
23 ters for the period covered by the report:

24 (1) *For each Next Generation Enterprise Net-*
25 *works contract entered into by the Secretary of De-*
26 *fense—*

1 (A) *the metrics used for quantitatively*
2 *measuring the performance of the entity with*
3 *which the Secretary has entered into the contract*
4 *and, based on such metrics, an assessment of the*
5 *performance of such entity during such period;*

6 (B) *the qualitative measures used to assess*
7 *the performance of such entity and, based on*
8 *such qualitative measures, an assessment of the*
9 *performance of such entity during such period;*

10 (C) *the mechanisms for providing incentives*
11 *to improve the performance of such entity, the*
12 *processes for determining incentive payments,*
13 *and the use of incentive payments made during*
14 *such period; and*

15 (D) *the mechanisms for penalizing such en-*
16 *tity for poor performance, the processes for deter-*
17 *mining penalties, and the use of such penalties*
18 *during such period.*

19 (2) *Any progress made during such period to*
20 *transition information technology services from the*
21 *Navy Marine Corps Intranet program to the Next*
22 *Generation Enterprise Networks program, including*
23 *the transfer of intellectual property and infrastruc-*
24 *ture, and a description of contracting mechanisms*

1 *used to facilitate such transition and the provision of*
2 *services related to such transition.*

3 (3) *An assessment of any issues arising during*
4 *such period that relate to the valuation and owner-*
5 *ship of intellectual property and infrastructure in the*
6 *Navy Marine Corps Intranet program.*

7 (4) *Any activities carried out by the Next Gen-*
8 *eration Enterprise Networks Governance Board to re-*
9 *solve issues related to the Next Generation Enterprise*
10 *Network program.*

11 (5) *An assessment of the operational effectiveness*
12 *and suitability of the Next Generation Enterprise*
13 *Networks program during such period based on test-*
14 *ing activities and other assessments.*

15 (6) *A description of the information security and*
16 *information assurance posture and performance of the*
17 *Next Generation Enterprise Networks program during*
18 *such period.*

19 (7) *The schedule, status, and goals of the early*
20 *transition activities between the Navy Marine Corps*
21 *Intranet program and the Next Generation Enterprise*
22 *Networks program carried out during such period.*

23 (8) *A description of the role of the Next Genera-*
24 *tion Enterprise Networks program with the Navy's*
25 *network environment.*

1 (9) *An updated acquisition milestone schedule,*
2 *including any changes from previous planned sched-*
3 *ules, the status of achieving milestones, and mitiga-*
4 *tion strategies for maintaining program schedule per-*
5 *formance.*

6 (d) *DEADLINE FOR SUBMITTAL OF REPORTS.—The*
7 *Secretary of Defense shall submit the semi-annual reports*
8 *required under this section by not later than April 1 and*
9 *October 1 of each year, and shall submit the first report*
10 *required under this section by not later than April 1, 2009.*

11 (e) *TERMINATION.—The requirement to submit semi-*
12 *annual reports under this section shall terminate on the*
13 *date that is one year after the date on which the Secretary*
14 *of Defense completes the full transition of the provision of*
15 *services from the Navy Marine Corps Intranet program and*
16 *other transition programs to the Next Generation Enter-*
17 *prise Networks program.*

18 **SEC. 1035. SENSE OF CONGRESS ON NUCLEAR WEAPONS**

19 **MANAGEMENT.**

20 (a) *FINDINGS.—Congress makes the following findings:*

21 (1) *The unauthorized transfer of nuclear weap-*
22 *ons from Minot Air Force Base, North Dakota, to*
23 *Barksdale Air Force Base, Louisiana, in August 2007*
24 *was an extraordinary breach of the command and*
25 *control and security of nuclear weapons.*

1 (2) *The reviews conducted following that unau-*
2 *thorized transfer found that the ability of the Depart-*
3 *ment of Defense to provide oversight of nuclear weap-*
4 *ons matters had degenerated and that senior level at-*
5 *tention to nuclear weapons management is minimal*
6 *at best.*

7 (3) *The lack of attention to nuclear weapons and*
8 *related equipment by the Department of Defense was*
9 *demonstrated again when it was discovered in March*
10 *2008 that classified equipment from Minuteman III*
11 *intercontinental ballistic missiles was inadvertently*
12 *shipped to Taiwan in 2006.*

13 (4) *The Department of Defense has insufficient*
14 *capability and staffing in the Office of the Under Sec-*
15 *retary of Defense for Policy to provide the necessary*
16 *oversight of the nuclear weapons functions of the De-*
17 *partment.*

18 (5) *The key senior position responsible for nu-*
19 *clear weapons matters in the Department of Defense,*
20 *the Assistant to the Secretary of Defense for Nuclear*
21 *and Chemical and Biological Defense Programs, a po-*
22 *sition filled by appointment by and with the advice*
23 *and consent of the Senate, was vacant for more than*
24 *18 months before being filled in July 2008.*

1 (6) *The inability to provide consistent senior*
2 *level emphasis on nuclear weapons policy has contrib-*
3 *uted to an erosion in the level of attention paid to nu-*
4 *clear weapons matters across the Department of De-*
5 *fense.*

6 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
7 *that—*

8 (1) *the United States should maintain clear and*
9 *unambiguous command and control of its nuclear*
10 *weapons;*

11 (2) *the safety and security of nuclear weapons*
12 *and related equipment should be a high priority as*
13 *long as the United States maintains a stockpile of nu-*
14 *clear weapons;*

15 (3) *these objectives will be more successfully at-*
16 *tained if greater attention is paid to nuclear weapons*
17 *matters within the Office of the Secretary of Defense,*
18 *the Office of the Under Secretary of Defense for Pol-*
19 *icy, and the Office of the Under Secretary of Defense*
20 *for Acquisition, Technology, and Logistics;*

21 (4) *the Secretary of Defense should consider es-*
22 *tablishing and filling a senior position, at the level of*
23 *Assistant Secretary of Defense or Deputy Under Sec-*
24 *retary of Defense, within the Office of the Under Sec-*
25 *retary of Defense for Policy to hold primary responsi-*

1 *bility for the strategic and nuclear weapons policy of*
2 *the Department of Defense; and*

3 *(5) the Secretary of Defense should clarify the*
4 *lines of responsibility and accountability for nuclear*
5 *weapons matters within the Office of the Secretary of*
6 *Defense to place greater emphasis on strategic and*
7 *nuclear weapons policy and management.*

8 **SEC. 1036. SENSE OF CONGRESS ON JOINT DEPARTMENT**
9 **OF DEFENSE-FEDERAL AVIATION ADMINIS-**
10 **TRATION EXECUTIVE COMMITTEE ON CON-**
11 **FLICT AND DISPUTE RESOLUTION.**

12 *(a) FINDINGS.—Congress makes the following findings:*

13 *(1) Unmanned aerial systems (UAS) of the De-*
14 *partment of Defense, like the Predator and the Global*
15 *Hawk, have become a critical component of military*
16 *operations. Unmanned aerial systems are indispen-*
17 *sable in the conflict against terrorism and the cam-*
18 *paigns in Afghanistan and Iraq.*

19 *(2) Unmanned aerial systems of the Department*
20 *of Defense must operate in the National Airspace Sys-*
21 *tem (NAS) for training, operational support to the*
22 *combatant commands, and support to domestic au-*
23 *thorities in emergencies and national disasters.*

24 *(3) The Department of Defense has been lax in*
25 *developing certifications of airworthiness for un-*

1 *manned aerial systems, qualifications for operators of*
2 *unmanned aerial systems, databases on safety matters*
3 *relating to unmanned aerial systems, and standards,*
4 *technology, and procedures that are necessary for rou-*
5 *tine access of unmanned aerial systems to the Na-*
6 *tional Airspace System.*

7 (4) *As recognized in a Memorandum of Agree-*
8 *ment for Operation of Unmanned Aircraft Systems in*
9 *the National Airspace System signed by the Deputy*
10 *Secretary of Defense and the Administrator of the*
11 *Federal Aviation Administration in September 2007,*
12 *it is vital for the Department of Defense and the Fed-*
13 *eral Aviation Administration to collaborate closely to*
14 *achieve progress in gaining access for unmanned aer-*
15 *ial systems to the National Airspace System to sup-*
16 *port military requirements.*

17 (5) *The Department of Defense and the Federal*
18 *Aviation Administration have jointly and separately*
19 *taken significant actions to improve the access of un-*
20 *manned aerial systems of the Department of Defense*
21 *to the National Airspace System, but overall, the pace*
22 *of progress in access of such systems to the National*
23 *Airspace System has been insufficient and poses a*
24 *threat to national security.*

1 (6) *Techniques and procedures can be rapidly*
2 *acquired or developed to temporarily permit safe op-*
3 *erations of unmanned aerial systems in the National*
4 *Airspace System until permanent safe operations of*
5 *such systems in the National Airspace System can be*
6 *achieved.*

7 (7) *Identifying, developing, approving, imple-*
8 *menting, and monitoring the adequacy of these tech-*
9 *niques and procedures may require the establishment*
10 *of a joint Department of Defense-Federal Aviation*
11 *Administration executive committee reporting to the*
12 *highest levels of the Department of Defense and the*
13 *Federal Aviation Administration on matters relating*
14 *to the access of unmanned aerial systems of the De-*
15 *partment of Defense to the National Airspace System.*

16 (8) *Joint management attention at the highest*
17 *levels of the Department of Defense and the Federal*
18 *Aviation Administration may also be required on*
19 *other important issues, such as type ratings for aerial*
20 *refueling aircraft.*

21 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
22 *that the Secretary of Defense should seek an agreement with*
23 *the Administrator of the Federal Aviation Administration*
24 *to jointly establish within the Department of Defense and*
25 *the Federal Aviation Administration a joint Department*

1 *of Defense–Federal Aviation Administration executive com-*
 2 *mittee on conflict and dispute resolution which would—*

3 (1) *act as a focal point for the resolution of dis-*
 4 *putes on matters of policy and procedures between the*
 5 *Department of Defense and the Federal Aviation Ad-*
 6 *ministration with respect to—*

7 (A) *airspace, aircraft certifications, and*
 8 *aircrew training; and*

9 (B) *other issues brought before the joint ex-*
 10 *ecutive committee by the Department of Defense*
 11 *or the Department of Transportation;*

12 (2) *identify solutions to the range of technical,*
 13 *procedural, and policy concerns arising in the dis-*
 14 *putes described in paragraph (1); and*

15 (3) *identify solutions to the range of technical,*
 16 *procedural, and policy concerns arising in the inte-*
 17 *gration of Department of Defense unmanned aerial*
 18 *systems into the National Airspace System in order*
 19 *to achieve the increasing, and ultimately routine, ac-*
 20 *cess of such systems into the National Airspace Sys-*
 21 *tem.*

22 **SEC. 1037. SENSE OF CONGRESS ON SALE OF NEW OUTSIZE**
 23 **CARGO, STRATEGIC AIRLIFT AIRCRAFT FOR**
 24 **CIVILIAN USE.**

25 (a) *FINDINGS.—Congress makes the following findings:*

1 (1) *The 2006 Quadrennial Defense Review and*
2 *the 2005 Mobility Capability Study determined that*
3 *the United States Transportation Command requires*
4 *a force of 292 to 383 organic strategic airlift aircraft,*
5 *augmented by procurement of airlift service from*
6 *commercial air carriers participating in the Civil Re-*
7 *serve Air Fleet, to meet the demands of the National*
8 *Military Strategy. Congress has authorized and ap-*
9 *propriated funds for 316 strategic airlift aircraft.*

10 (2) *The commander of the United States Trans-*
11 *portation Command has testified to Congress that it*
12 *is essential to safeguard the capabilities and capacity*
13 *of the Civil Reserve Air Fleet to meet wartime surge*
14 *demands in connection with major combat operations*
15 *and that procurement by the Air Force of excess or-*
16 *ganic strategic airlift aircraft could be harmful to the*
17 *health of the Civil Reserve Air Fleet.*

18 (3) *The C-17 aircraft is used extensively by the*
19 *Air Mobility Command in the Global War on Terror.*
20 *Production of the C-17 aircraft is scheduled to cease*
21 *in August, 2010.*

22 (4) *The Federal Aviation Administration has in-*
23 *formed Congress that no fewer than six commercial*
24 *operators have expressed interest in operating a com-*
25 *mercial variant of the C-17 aircraft. Commercial sale*

1 of the new C-17 aircraft would require that the De-
2 partment of Defense determine that it is in the na-
3 tional interest for the Federal Aviation Administra-
4 tion to proceed with the issuance of a type certificate
5 for C-17 aircraft in accordance with section 21.27 of
6 title 14, Code of Federal Regulations.

7 (5) New C-17 aircraft sold for commercial use
8 could be made available to the Civil Reserve Air Fleet,
9 thus strengthening the capabilities and capacity of the
10 Civil Reserve Air Fleet.

11 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
12 that the Secretary of Defense, in consultation with the Sec-
13 retary of Transportation, should—

14 (1) review the benefits and feasibility of pur-
15 suing a new production commercial cargo capability
16 with new C-17 commercial variant aircraft and de-
17 termine whether such capability is in the national in-
18 terest; and

19 (2) if the Secretary of Defense determines that
20 such a capability is in the national interest, take ap-
21 propriate actions to coordinate with the Federal Avia-
22 tion Administration to achieve the type certification
23 for a commercial variant of the C-17 required by sec-
24 tion 21.27 of title 14, Code of Federal Regulations.

1 **Subtitle E—Studies and Reports**

2 **SEC. 1041. REPORT ON CORROSION CONTROL AND PREVEN-**
3 **TION.**

4 (a) *REPORT REQUIRED.*—The Secretary of Defense,
5 acting through the Director of Corrosion Policy and Over-
6 sight, shall prepare and submit to the Committees on Armed
7 Services of the Senate and the House of Representatives a
8 report on corrosion control and prevention in weapons sys-
9 tems and equipment.

10 (b) *MATTERS COVERED.*—The report shall include the
11 comments and recommendations of the Department of De-
12 fense regarding potential improvements in corrosion control
13 and prevention through earlier planning. In particular, the
14 report shall include an evaluation and business case anal-
15 ysis of options for improving corrosion control and preven-
16 tion in the requirements and acquisition processes of the
17 Department of Defense for weapons systems and equipment.
18 The evaluation shall include an analysis of the impact of
19 such potential improvements on system acquisition costs
20 and life cycle sustainment. The options for improved corro-
21 sion control and prevention shall include corrosion control
22 and prevention—

23 (1) *as a key performance parameter for assessing*
24 *the selection of materials and processes;*

1 (2) as a key performance parameter for
2 sustainment;

3 (3) as part of the capability development docu-
4 ment in the joint capabilities integration and devel-
5 opment system; and

6 (4) as a requirement for weapons systems man-
7 agers to assess their corrosion control and prevention
8 requirements over a system's life cycle and incor-
9 porate the results into their acquisition strategies
10 prior to issuing a solicitation for contracts.

11 (c) *DEADLINE.*—The report shall be submitted not
12 later than 120 days after the date of the enactment of this
13 Act.

14 (d) *REVIEW BY COMPTROLLER GENERAL.*—The Comp-
15 troller General shall review the report required under sub-
16 section (a), including the methodology used in the Depart-
17 ment's analysis, and shall provide the results of the review
18 to the Committees on Armed Services of the Senate and the
19 House of Representatives not later than 60 days after the
20 Department submits the report.

21 **SEC. 1042. STUDY ON USING MODULAR AIRBORNE FIRE**
22 **FIGHTING SYSTEMS (MAFFS) IN A FEDERAL**
23 **RESPONSE TO WILDFIRES.**

24 (a) *IN GENERAL.*—The Secretary of Defense shall
25 carry out a study to determine—

1 (1) *how to utilize the Department's Modular Air-*
2 *borne Fire Fighting Systems (MAFFS) in all contin-*
3 *gencies where there is a Federal response to wildfires;*
4 *and*

5 (2) *how to decrease the costs of using the Depart-*
6 *ment's MAFFS when supporting National Inter-*
7 *agency Fire Center (NIFC) fire fighting operations.*

8 (b) *REPORT.*—*Not later than 6 months after the date*
9 *of the enactment of this Act, the Secretary shall submit to*
10 *the congressional defense committees a report on the results*
11 *of the study.*

12 **SEC. 1043. STUDY ON ROTORCRAFT SURVIVABILITY.**

13 (a) *STUDY REQUIRED.*—*The Secretary of Defense and*
14 *the Chairman of the Joint Chiefs of Staff shall carry out*
15 *a study on Department of Defense rotorcraft survivability.*
16 *The study shall—*

17 (1) *with respect to actual losses of rotorcraft in*
18 *combat—*

19 (A) *identify the rates of such losses from*
20 *1965 through 2008, measured in total annual*
21 *losses by type of aircraft and by cause, with*
22 *rates for loss per flight hour and loss per sortie*
23 *provided;*

24 (B) *identify by category of hostile action*
25 *(such as small arms, Man-Portable Air Defense*

1 *Systems, and so on), the causal factors for the*
2 *losses; and*

3 (C) *propose candidate solutions for surviv-*
4 *ability (such as training, tactics, speed, counter-*
5 *measures, maneuverability, lethality, technology,*
6 *and so on), in a prioritized list with expla-*
7 *nations, to mitigate each such causal factor,*
8 *along with recommended funding adequate to*
9 *achieve rates at least equal to the experience in*
10 *the Vietnam conflict;*

11 (2) *with respect to actual losses of rotorcraft in*
12 *combat theater not related to hostile action—*

13 (A) *identify the causal factors of loss in a*
14 *ranked list; and*

15 (B) *propose candidate solutions for surviv-*
16 *ability (such as training, tactics, speed, counter-*
17 *measures, maneuverability, lethality, technology,*
18 *and so on), in a prioritized list, to mitigate each*
19 *such causal factor, along with recommended*
20 *funding adequate to achieve the Secretary's Mis-*
21 *hap Reduction Initiative goal of not more than*
22 *0.5 mishaps per 100,000 flight hours;*

23 (3) *with respect to losses of rotorcraft in training*
24 *or other non-combat operations during peacetime or*
25 *interwar years—*

1 (A) identify by category (such as inad-
2 vertent instrument meteorological conditions,
3 wire strike, and so on) the causal factors of loss
4 in a ranked list; and

5 (B) identify candidate solutions for surviv-
6 ability and performance (such as candidate solu-
7 tions referred to in paragraph (2)(B) as well as
8 maintenance, logistics, systems development, and
9 so on) in a prioritized list, to mitigate each such
10 causal factor, along with recommended funding
11 adequate to achieve the goal of rotorcraft loss
12 rates to non-combat causes being reduced to 1.0;

13 (4) identify the key technical factors (causes of
14 mishaps that are not related to human factors) nega-
15 tively impacting the rotorcraft mishap rates and sur-
16 vivability trends, to include reliability, availability,
17 maintainability, and other logistical considerations;
18 and

19 (5) identify what TACAIR is and has done dif-
20 ferently to have such a decrease in losses per sortie
21 when compared to rotorcraft, to include—

22 (A) examination of aircraft, aircraft main-
23 tenance, logistics, operations, and pilot and oper-
24 ator training;

1 (B) an emphasis on the development of com-
2 mon service requirements that TACAIR has im-
3 plemented already which are minimizing losses
4 within TACAIR; and

5 (C) candidate solutions, in a prioritized
6 list, to mitigate each causal factor with rec-
7 ommended funding adequate to achieve the goal
8 of rotorcraft loss rates stated above.

9 (b) *REPORT.*—Not later than August 1, 2009, the Sec-
10 retary and the Chairman shall submit to the congressional
11 defense committees a report on the results of the study.

12 **SEC. 1044. REPORT ON NUCLEAR WEAPONS.**

13 (a) *FINDINGS.*—Congress finds that—

14 (1) numerous nuclear weapons are held in the
15 arsenals of various countries around the world;

16 (2) some of these weapons make attractive targets
17 for theft and for use by terrorist organizations;

18 (3) the United States should identify, track, and
19 monitor these weapons as a matter of national secu-
20 rity;

21 (4) the United States should assess the security
22 risks associated with existing stockpiles of nuclear
23 weapons and should assess the risks of nuclear weap-
24 ons being developed, acquired, or utilized by other

1 *countries, particularly rogue states, and by terrorists*
2 *and other non-state actors; and*

3 *(5) the United States should work cooperatively*
4 *with other countries to improve the security of nu-*
5 *clear weapons and to promote multilateral reductions*
6 *in the numbers of nuclear weapons.*

7 *(b) REVIEW.—The President, in consultation with the*
8 *Secretary of Defense, the Secretary of State, the Secretary*
9 *of Energy, and the Director of National Intelligence, shall*
10 *conduct a review of nuclear weapons world-wide that in-*
11 *cludes—*

12 *(1) an inventory of the nuclear arsenals of all*
13 *countries that possess, or are believed to possess, nu-*
14 *clear weapons, which indicates, as accurately as pos-*
15 *sible, the nuclear weapons that are known, or are be-*
16 *lieved, to exist according to nationality, type, yield,*
17 *and form of delivery, and an assessment of the meth-*
18 *ods that are currently employed to identify, track,*
19 *and monitor nuclear weapons and their component*
20 *materials;*

21 *(2) an assessment of the risks associated with the*
22 *deployment, transfer, and storage of nuclear weapons*
23 *deemed to be attractive to terrorists, rogue states, and*
24 *other state or non-state actors on account of their size*

1 *or portability, or on account of their accessibility due*
2 *to the manner of their deployment or storage; and*

3 *(3) recommendations for—*

4 *(A) mechanisms and procedures to improve*
5 *security and safeguards for the nuclear weapons*
6 *deemed to be attractive to terrorists, rogue states,*
7 *and other state or non-state actors;*

8 *(B) mechanisms and procedures to improve*
9 *the ability of the United States to identify, track,*
10 *and monitor the nuclear weapons deemed to be*
11 *attractive to terrorists, rogue states, and other*
12 *state or non-state actors;*

13 *(C) mechanisms and procedures for imple-*
14 *menting transparent multilateral reductions in*
15 *nuclear weapons arsenals; and*

16 *(D) methods for consolidating, dismantling,*
17 *and disposing of the nuclear weapons in each*
18 *country that possesses, or is believed to possess,*
19 *nuclear weapons, including methods of moni-*
20 *toring and verifying consolidation, dismantle-*
21 *ment, and disposal.*

22 *(c) REPORT.—*

23 *(1) REPORT REQUIRED.—Not later than one*
24 *year after the date of the enactment of this Act, the*
25 *President shall submit to Congress a report on the*

1 *findings and recommendations of the review required*
2 *under subsection (b).*

3 (2) *CLASSIFICATION OF REPORT.*—*The report re-*
4 *quired under paragraph (1) shall be submitted in un-*
5 *classified form, but it may be accompanied by a clas-*
6 *sified annex.*

7 **SEC. 1045. REPORT ON COMPLIANCE BY DEPARTMENT OF**
8 **DEFENSE WITH GUAM TAX AND LICENSING**
9 **LAWS.**

10 *Not later than 180 days after the date of the enactment*
11 *of this Act, the Secretary of Defense, in consultation with*
12 *the Secretary of the Navy and the Joint Guam Program*
13 *Office, shall submit to the congressional defense committees*
14 *a report on the steps that the Department of Defense is tak-*
15 *ing to ensure that contractors of the Department performing*
16 *work on Guam comply with local tax and licensing require-*
17 *ments.*

18 **SEC. 1046. REPORT ON DETENTION OPERATIONS IN IRAQ.**

19 (a) *REPORT REQUIRED.*—*Not later than 90 days after*
20 *the date of the enactment of this Act, the Secretary of De-*
21 *fense shall submit to the congressional defense committees*
22 *a report on detention operations at theater internment fa-*
23 *cilities in Iraq.*

24 (b) *ELEMENTS.*—*The report required by subsection (a)*
25 *shall include each of the following:*

1 (1) *A detailed description of how*
2 *counterinsurgency doctrine has been incorporated at*
3 *theater internment facilities in Iraq.*

4 (2) *A detailed description of the policies and*
5 *programs instituted to prepare detainees for re-*
6 *integration following their release from detention in*
7 *theater internment facilities in Iraq.*

8 (3) *A description and assessment of the effects of*
9 *changes in detention operations and reintegration*
10 *programs at theater internment facilities in Iraq dur-*
11 *ing the period beginning on January 1, 2007, and*
12 *ending on the date of the completion of the report, in-*
13 *cluding changes in levels of violence within intern-*
14 *ment facilities and in rates of recapture of detainees*
15 *released from detention in internment facilities.*

16 (4) *A description of—*

17 (A) *the lessons learned regarding detention*
18 *operations in a counterinsurgency operation, an*
19 *assessment of how such lessons could be applied*
20 *to detention operations elsewhere (including in*
21 *Afghanistan and at Guantanamo Bay, Cuba);*
22 *and*

23 (B) *any efforts to integrate such lessons into*
24 *Department of Defense directives, joint doctrine,*
25 *mission rehearsal exercises for deploying forces,*

1 *and training for units involved in detention and*
2 *interrogation operations.*

3 (c) *FORM.*—*The report required under subsection (a)*
4 *shall be submitted in unclassified form, but may include*
5 *a classified annex.*

6 **SEC. 1047. REVIEW OF BANDWIDTH CAPACITY REQUIRE-**
7 **MENTS OF THE DEPARTMENT OF DEFENSE**
8 **AND THE INTELLIGENCE COMMUNITY.**

9 (a) *IN GENERAL.*—*The Secretary of Defense and the*
10 *Director of National Intelligence shall conduct a joint re-*
11 *view of the bandwidth capacity requirements of the Depart-*
12 *ment of Defense and the intelligence community in the near*
13 *term, mid term, and long term.*

14 (b) *ELEMENTS.*—*The review required by subsection (a)*
15 *shall include an assessment of the following:*

16 (1) *The current bandwidth capacities and capa-*
17 *bilities of the Department of Defense and the intel-*
18 *ligence community to transport data, including Gov-*
19 *ernment and commercial ground networks, airborne*
20 *relays, and satellite systems.*

21 (2) *The bandwidth capacities and capabilities*
22 *anticipated to be available to the Department of De-*
23 *fense and the intelligence community to transport*
24 *data in the near term, mid term, and long term.*

1 (3) *Innovative technologies available to the De-*
2 *partment of Defense and the intelligence community*
3 *to increase data transport capacity of existing band-*
4 *width (such as compression techniques or intelligent*
5 *software agents) that can be applied in the near term,*
6 *mid term, and long term.*

7 (4) *The bandwidth and data requirements of*
8 *current major operational systems of the Department*
9 *of Defense and the intelligence community, including*
10 *an assessment of—*

11 (A) *whether such requirements are being ap-*
12 *propriately met by the bandwidth capacities and*
13 *capabilities described in paragraph (1); and*

14 (B) *the degree to which any such require-*
15 *ments are not being met by such bandwidth ca-*
16 *pacities and capabilities.*

17 (5) *The anticipated bandwidth and data require-*
18 *ments of major operational systems of the Department*
19 *of Defense and the intelligence community planned*
20 *for each of the near term, mid term, and long term,*
21 *including an assessment of—*

22 (A) *whether such anticipated requirements*
23 *will be appropriately met by the bandwidth ca-*
24 *pacities and capabilities described in paragraph*
25 *(2); and*

1 (B) *the degree to which any such require-*
2 *ments are not anticipated to be met by such*
3 *bandwidth capacities and capabilities.*

4 (6) *Any mitigation concepts that could be used*
5 *to satisfy any unmet bandwidth and data require-*
6 *ments.*

7 (7) *The costs of meeting the bandwidth and data*
8 *requirements described in paragraphs (4) and (5).*

9 (8) *Any actions necessary to integrate or consoli-*
10 *date the information networks of the Department of*
11 *Defense and the intelligence community.*

12 (c) *REPORT.—Not later than one year after the date*
13 *of the enactment of this Act, the Secretary of Defense and*
14 *the Director of National Intelligence shall jointly submit to*
15 *the congressional defense committees, the Select Committee*
16 *on Intelligence of the Senate, and the Permanent Select*
17 *Committee on Intelligence of the House of Representatives*
18 *a report setting forth the results of the review required by*
19 *subsection (a).*

20 (d) *FORMAL REVIEW PROCESS FOR BANDWIDTH RE-*
21 *QUIREMENTS.—The Secretary of Defense and the Director*
22 *of National Intelligence shall, as part of the Milestone B*
23 *or Key Decision Point B approval process for any major*
24 *defense acquisition program or major system acquisition*
25 *program, establish a formal review process to ensure that—*

1 (1) *the bandwidth requirements needed to sup-*
2 *port such program are or will be met; and*

3 (2) *a determination will be made with respect to*
4 *how to meet the bandwidth requirements for such pro-*
5 *gram.*

6 (e) *DEFINITIONS.—In this section:*

7 (1) *INTELLIGENCE COMMUNITY.—The term “in-*
8 *telligence community” has the meaning given the*
9 *term in section 3(4) of the National Security Act of*
10 *1947 (50 U.S.C. 401a(4)).*

11 (2) *LONG TERM.—The term “long term” means*
12 *the five-year period beginning on the date that is 10*
13 *years after the date of the enactment of this Act.*

14 (3) *MID TERM.—The term “mid term” means*
15 *the five-year period beginning on the date that is five*
16 *years after the date of the enactment of this Act.*

17 (4) *NEAR TERM.—The term “near term” means*
18 *the five-year period beginning on the date of the en-*
19 *actment of this Act.*

20 **SEC. 1048. REVIEW OF FINDINGS AND RECOMMENDATIONS**

21 **APPLICABLE TO THE DEPARTMENT OF DE-**
22 **FENSE REGARDING ELECTROMAGNETIC**
23 **PULSE ATTACK.**

24 (a) *REVIEW.—The Secretary of Defense shall conduct*
25 *a review of the findings and recommendations applicable*

1 *to the Department of Defense made in the reports of the*
2 *Commission to Assess the Threat to the United States from*
3 *Electromagnetic Pulse Attack established under title XIV of*
4 *the Floyd D. Spence National Defense Authorization Act*
5 *for Fiscal Year 2001 (as enacted into law by Public Law*
6 *106–398; 114 Stat. 165A–345).*

7 *(b) REPORTS.—*

8 *(1) IN GENERAL.—The Secretary shall submit to*
9 *the congressional defense committees a report on the*
10 *review required by subsection (a) that shall include*
11 *the following:*

12 *(A) A description of the findings and rec-*
13 *ommendations described in that subsection that*
14 *are applicable to the Department of Defense.*

15 *(B) A plan for addressing the applicable*
16 *findings and implementing the applicable rec-*
17 *ommendations to the extent practicable and fea-*
18 *sible.*

19 *(C) If the Secretary determines that it is*
20 *not practicable or feasible to address an applica-*
21 *ble finding or implement an applicable rec-*
22 *ommendation, an explanation clearly explaining*
23 *each such determination.*

1 (D) *A description of the capabilities of the*
2 *Department of Defense needed to protect and re-*
3 *cover from an electromagnetic pulse attack.*

4 (E) *Any research and development needed*
5 *to address any applicable finding or rec-*
6 *ommendation to enable the Department of De-*
7 *fense to implement such recommendations in the*
8 *future.*

9 (F) *A description of the plans and pro-*
10 *grams that the Department of Defense has in*
11 *place or plans to put in place to address the*
12 *threat from electromagnetic pulse attack.*

13 (G) *A description of the organizational and*
14 *management structure that the Department of*
15 *Defense has in place or plans to have in place*
16 *to address the threat from an electromagnetic*
17 *pulse attack.*

18 (H) *A description of any impediments to*
19 *implementing any applicable recommendations.*

20 (2) *SUBMITTAL DATES.*—*The report required by*
21 *paragraph (1) shall be submitted not later than Sep-*
22 *tember 1 of each odd numbered year beginning in*
23 *2009 and ending in 2015.*

1 (3) *FORM OF REPORT.*—*The report required by*
2 *paragraph (1) shall be submitted in unclassified form,*
3 *but may include a classified annex.*

4 ***Subtitle F—Other Matters***

5 ***SEC. 1051. ADDITIONAL INFORMATION UNDER ANNUAL*** 6 ***SUBMISSIONS OF INFORMATION REGARDING*** 7 ***INFORMATION TECHNOLOGY CAPITAL AS-*** 8 ***SETS.***

9 *Section 351 of the Bob Stump National Defense Au-*
10 *thorization Act for Fiscal Year 2003 (Public Law 107–314;*
11 *116 Stat. 2516; 10 U.S.C. 221 note) is amended—*

12 (1) *in subsection (a)—*

13 (A) *by striking paragraph (1);*

14 (B) *by redesignating paragraph (2) as*
15 *paragraph (1);*

16 (C) *in paragraph (1), as so redesignated, by*
17 *striking “and an estimated total life cycle cost”*
18 *and inserting “or an estimated total cost”; and*

19 (D) *by adding at the end the following new*
20 *paragraph (2):*

21 “*(2) Information technology capital assets not*
22 *covered by paragraph (1) that have been determined*
23 *by the Chief Information Officer of the Department of*
24 *Defense to be significant investments.”;*

25 (2) *by striking subsection (b);*

1 (3) *by redesignating subsection (c) as subsection*
 2 *(b);*

3 (4) *in subsection (b), as so redesignated, by strik-*
 4 *ing “subsection (a)(2)” and inserting “subsection*
 5 *(a)(1)”;*

6 (5) *by inserting after subsection (b) the following*
 7 *new subsection (c):*

8 “*(c) REQUIRED INFORMATION FOR SIGNIFICANT IN-*
 9 *VESTMENTS.—With respect to each information technology*
 10 *capital asset not covered by paragraph (1) of subsection (a),*
 11 *but covered by paragraph (2) of that subsection, the Sec-*
 12 *retary of Defense shall include such information in a format*
 13 *that is appropriate to the current status of such asset.”;*
 14 *and*

15 (6) *in subsection (d), by striking “life cycle”.*

16 **SEC. 1052. SUBMISSION TO CONGRESS OF REVISION TO**
 17 **REGULATION ON ENEMY PRISONERS OF WAR,**
 18 **RETAINED PERSONNEL, CIVILIAN INTERN-**
 19 **EES, AND OTHER DETAINEES.**

20 (a) *SUBMISSION TO CONGRESS.—A successor regula-*
 21 *tion to Army Regulation 190–8 Enemy Prisoners of War,*
 22 *Retained Personnel, Civilian Internees and Other Detainees*
 23 *(dated October 1, 1997) may not be carried out or imple-*
 24 *mented until the date that is 60 days after the date on*
 25 *which the Secretary of Defense submits to the Committees*

1 *on Armed Services of the Senate and House of Representa-*
2 *tives such successor regulation.*

3 (b) *SAVINGS CLAUSE.*—*Nothing in this section shall*
4 *affect the continued effectiveness of Army Regulation 190–*
5 *8 Enemy Prisoners of War, Retained Personnel, Civilian*
6 *Internees and Other Detainees (dated October 1, 1997).*

7 **SEC. 1053. BARNEGAT INLET TO LITTLE EGG INLET, NEW**
8 **JERSEY.**

9 (a) *PROJECT MODIFICATION.*—*The project for hurri-*
10 *cane and storm damage reduction, Barnegat Inlet to Little*
11 *Egg Inlet, New Jersey, authorized by section 101(a)(1) of*
12 *the Water Resources Development Act of 2000 (114 Stat.*
13 *2576), is modified to authorize the Secretary of the Army*
14 *to undertake, at Federal expense, such measures as the Sec-*
15 *retary determines to be necessary and appropriate in the*
16 *public interest to address the handling of munitions placed*
17 *on the beach during construction of the project before the*
18 *date of enactment of this section.*

19 (b) *TREATMENT OF COSTS.*—*Costs incurred in car-*
20 *rying out subsection (a) shall not be considered to be a cost*
21 *of constructing the project.*

22 (c) *CREDIT.*—*The Secretary shall credit, in accordance*
23 *with section 221 of the Flood Control Act of 1970 (42 U.S.C.*
24 *1962d-5b), toward the non-Federal share of the cost of the*
25 *project the costs incurred by the non-Federal interest with*

1 *respect to the removal and handling of the munitions re-*
2 *ferred to in subsection (a).*

3 (d) *ELIGIBLE ACTIVITIES.*—*Measures authorized by*
4 *subsection (a) include monitoring, removal, and disposal of*
5 *the munitions referred to in subsection (a).*

6 **SEC. 1054. STANDING ADVISORY PANEL ON IMPROVING CO-**
7 **ORDINATION AMONG THE DEPARTMENT OF**
8 **DEFENSE, THE DEPARTMENT OF STATE, AND**
9 **THE UNITED STATES AGENCY FOR INTER-**
10 **NATIONAL DEVELOPMENT ON MATTERS OF**
11 **NATIONAL SECURITY.**

12 (a) *ESTABLISHMENT OF ADVISORY PANEL.*—*The Sec-*
13 *retary of Defense, the Secretary of State, and the Adminis-*
14 *trator of the United States Agency for International Devel-*
15 *opment (USAID) may jointly establish an advisory panel*
16 *to advise, review, and make recommendations on ways to*
17 *improve coordination among the Department of Defense, the*
18 *Department of State, and the United States Agency for*
19 *International Development on matters relating to national*
20 *security, including reviewing their respective roles and re-*
21 *sponsibilities.*

22 (b) *MEMBERSHIP.*—

23 (1) *COMPOSITION.*—*The advisory panel shall be*
24 *composed of 12 members, of whom—*

1 (A) three shall be appointed by the Sec-
2 retary of Defense, in consultation with the Sec-
3 retary of State and the Administrator;

4 (B) three shall be appointed by the Sec-
5 retary of Defense, with the advice of the Chair-
6 man of the Joint Chiefs of Staff, and in con-
7 sultation with the Secretary of State and the Ad-
8 ministrator;

9 (C) three shall be appointed by the Sec-
10 retary of State, in consultation with the Sec-
11 retary of Defense and the Administrator; and

12 (D) three shall be appointed by the Admin-
13 istrator, in consultation with the Secretary of
14 Defense and the Secretary of State.

15 (2) CHAIRMAN.—The Secretary of Defense, the
16 Secretary of State, and the Administrator shall joint-
17 ly designate one member as chairman.

18 (3) VICE CHAIRMAN.—The Secretary of Defense,
19 the Secretary of State, and the Administrator shall
20 jointly designate one member as vice chairman. The
21 vice chairman may not be a member appointed to the
22 advisory panel under paragraph (1) by the same Sec-
23 retary or Administrator who appointed the member
24 under such paragraph who is designated as the chair-
25 man under paragraph (2).

1 (4) *EXPERTISE.*—*Members of the advisory panel*
2 *shall be private citizens of the United States with na-*
3 *tional recognition and significant experience in the*
4 *Federal Government, the Armed Forces, public ad-*
5 *ministration, foreign affairs, or development.*

6 (5) *DEADLINE FOR APPOINTMENT.*—*All members*
7 *of the advisory panel should be appointed not earlier*
8 *than January 20, 2009, and not later than March 20,*
9 *2009.*

10 (6) *TERMS.*—*The term of each member of the ad-*
11 *visory panel is for the life of the advisory panel.*

12 (7) *VACANCIES.*—*A vacancy in the advisory*
13 *panel shall be filled not later than 30 days after such*
14 *vacancy occurs and in the manner in which the origi-*
15 *nal appointment was made.*

16 (8) *SECURITY CLEARANCES.*—*The appropriate*
17 *departments or agencies of the Federal Government*
18 *shall cooperate with the advisory panel in expedi-*
19 *tiously providing to the members and staff of the ad-*
20 *visory panel appropriate security clearances to the ex-*
21 *tent possible pursuant to existing procedures and re-*
22 *quirements, except that no person shall be provided*
23 *with access to classified information under this sec-*
24 *tion without the appropriate security clearances.*

1 (9) *STATUS.*—A member of the advisory panel
2 who is not otherwise employed by the Federal Govern-
3 ment shall not be considered to be a Federal employee,
4 except for the purposes of chapter 81 of title 5, United
5 States Code, and chapter 171 of title 28, United
6 States Code.

7 (10) *EXPENSES.*—The members of the advisory
8 panel shall be allowed travel expenses, including per
9 diem in lieu of subsistence, at rates authorized for
10 employees of agencies under subchapter I of chapter
11 57 of title 5, while away from their homes or regular
12 places of business in the performance of services for
13 the advisory panel.

14 (c) *MEETINGS AND PROCEDURES.*—

15 (1) *INITIAL MEETING.*—The advisory panel shall
16 conduct its first meeting not later than 30 days after
17 the date that all appointments to the advisory panel
18 have been made under subsection (b).

19 (2) *MEETINGS.*—The advisory panel shall meet
20 not less often than once every three months. The advi-
21 sory panel may also meet at the call of the Secretary
22 of Defense, the Secretary of State, or the Adminis-
23 trator.

1 (3) *PROCEDURES.*—*The advisory panel shall*
2 *carry out its duties under procedures established*
3 *under subsection (d).*

4 (d) *SUPPORT OF FEDERALLY FUNDED RESEARCH AND*
5 *DEVELOPMENT CENTER.*—*If the advisory panel is estab-*
6 *lished under subsection (a), the Secretary of Defense, in con-*
7 *sultation with the Secretary of State and the Adminis-*
8 *trator, shall, not later than 60 days after the date of the*
9 *final appointment of the members of the advisory panel*
10 *pursuant to subsection (b)(5), enter into a contract with*
11 *a federally funded research and development center for the*
12 *provision of administrative and logistical support and as-*
13 *sistance to the advisory panel in carrying out its duties*
14 *under this section. Such support and assistance shall in-*
15 *clude the establishment of the procedures of the advisory*
16 *panel.*

17 (e) *DUTIES OF PANEL.*—*The advisory panel shall—*
18 (1) *analyze the roles and responsibilities of the*
19 *Department of Defense, the Department of State, and*
20 *the USAID regarding—*

21 (A) *stability operations;*

22 (B) *foreign assistance (including security*
23 *assistance); and*

1 (C) other areas the Secretary of Defense, the
2 Secretary of State, and the Administrator jointly
3 agree are appropriate;

4 (2) review—

5 (A) the structures and systems that coordi-
6 nate policy-making;

7 (B) the national security-related roles and
8 responsibilities of the Department of Defense, the
9 Department of State, USAID, and, as appro-
10 priate, other relevant agencies to ensure effective
11 coordination;

12 (C) the efforts of the Department of Defense,
13 the Department of State, USAID, and such other
14 relevant agencies to ensure that lessons learned
15 and expertise that is developed in carrying out
16 programs related to national security are shared
17 among the departments and agencies of the Fed-
18 eral Government, as appropriate; and

19 (D) the coordination of activities conducted
20 abroad and carried out by personnel of the De-
21 partment of Defense, Department of State,
22 USAID, and such other relevant agencies; and

23 (3) provide advice and make recommendations
24 for otherwise improving coordination between and

1 among the Department of Defense, the Department of
2 State and USAID on matters of national security.

3 (f) COOPERATION OF OTHER AGENCIES.—Upon re-
4 quest by the advisory panel, any department or agency of
5 the Federal Government shall provide information that the
6 advisory panel considers necessary to carry out its duties.

7 (g) REPORTS.—

8 (1) INTERIM REPORT.—Not later than 180 days
9 after the first meeting of the advisory panel, the advi-
10 sory panel shall submit to the Secretary of Defense,
11 the Secretary of State, and the Administrator a re-
12 port that identifies—

13 (A) aspects of the interagency structure and
14 processes relating to matters of national security
15 that should take priority in any effort to im-
16 prove the coordination among the Department of
17 Defense, the Department of State, and USAID;
18 and

19 (B) methods to better coordinate the inter-
20 agency structure and processes relating to mat-
21 ters of national security.

22 (2) ANNUAL REPORTS.—Not later than December
23 31 of the year in which the interim report is sub-
24 mitted under paragraph (1), the advisory panel shall

1 *submit to the Secretary of Defense, the Secretary of*
2 *State, and the Administrator a report on—*

3 *(A) the activities of the advisory panel;*

4 *(B) any deficiencies relating to coordina-*
5 *tion among the Department of Defense, Depart-*
6 *ment of States and USAID and other relevant*
7 *agencies on matters of national security;*

8 *(C) any improvements made during the pe-*
9 *riod covered by the report to the coordination*
10 *among the Department of Defense, the Depart-*
11 *ment of State, USAID, and other relevant agen-*
12 *cies on matters of national security;*

13 *(D) methods to better coordinate the inter-*
14 *agency structure and processes among the De-*
15 *partment of Defense, the Department of State,*
16 *USAID, and other relevant agencies on matters*
17 *relating to national security; and*

18 *(E) such findings, conclusions, and rec-*
19 *ommendations as the advisory panel considers*
20 *appropriate.*

21 *(3) SUBMISSION OF REPORT TO CONGRESS.—The*
22 *Secretary of Defense, the Secretary of State, and the*
23 *Administrator shall submit to the appropriate con-*
24 *gressional committees the reports required under this*

1 subsection and any additional information considered
2 appropriate.

3 (4) CONGRESSIONAL BRIEFINGS.—Not later than
4 30 days after the submission of each report required
5 under this subsection, the members of the advisory
6 panel shall make themselves available to meet with the
7 appropriate congressional committees to brief such
8 committees on the matters contained in the report.

9 (5) APPROPRIATE COMMITTEES.—For the pur-
10 poses of this subsection, the appropriate congressional
11 committees are the following:

12 (A) The Committees on Foreign Affairs,
13 Armed Services, and Appropriations of the
14 House of Representatives.

15 (B) The Committees on Foreign Relations,
16 Armed Services, and Appropriations of the Sen-
17 ate.

18 (h) TERMINATION OF ADVISORY PANEL.—The advisory
19 panel shall terminate on December 31, 2012.

20 (i) DEFINITIONS.—In this section:

21 (1) ADMINISTRATOR.—The term “Adminis-
22 trator” means the Administrator of the United States
23 Agency for International Development.

24 (2) 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 (3) *FEDERAL AGENCY.*—*The term “Federal agen-*
7 *cy” means any entity included in chapter 1 of title*
8 *5, United States code.*

9 **SEC. 1055. REPORTS ON STRATEGIC COMMUNICATION AND**
10 **PUBLIC DIPLOMACY ACTIVITIES OF THE FED-**
11 **ERAL GOVERNMENT.**

12 (a) *REPORT BY PRESIDENT.*—

13 (1) *INITIAL REPORT.*—*Not later than December*
14 *31, 2009, the President shall submit to the appro-*
15 *priate committees of Congress a report on a com-*
16 *prehensive interagency strategy for public diplomacy*
17 *and strategic communication of the Federal Govern-*
18 *ment, including benchmarks and a timetable for*
19 *achieving such benchmarks.*

20 (2) *ELEMENTS OF REPORT.*—*The report required*
21 *under paragraph (1) shall include the following ele-*
22 *ments:*

23 (A) *STRATEGY.*—*A comprehensive inter-*
24 *agency strategy, which shall include the fol-*
25 *lowing:*

1 (i) *Prioritizing the mission of sup-*
2 *porting specific foreign policy objectives,*
3 *such as counterterrorism and efforts to com-*
4 *bat extremist ideology, in parallel and in*
5 *complement with, as appropriate, the broad*
6 *mission of communicating the policies and*
7 *values of the United States to foreign audi-*
8 *ences.*

9 (ii) *Consolidating and elevating, as*
10 *appropriate, Federal Government leadership*
11 *to prioritize, manage, and implement the*
12 *strategy required by this subsection, includ-*
13 *ing consideration of whether to establish*
14 *strategic communication and public diplo-*
15 *macy positions at the National Security*
16 *Council and to establish a single office to*
17 *coordinate strategic communication and*
18 *public diplomacy efforts.*

19 (iii) *Improving coordination across de-*
20 *partments and agencies of the Federal Gov-*
21 *ernment on strategic communications and*
22 *public diplomacy.*

23 (iv) *Consideration of whether resources*
24 *devoted to strategic communication and*

1 *public diplomacy efforts should be in-*
2 *creased.*

3 *(B) STUDY.—A study of whether to estab-*
4 *lish an independent, not-for-profit organization*
5 *responsible for providing independent assessment*
6 *and strategic guidance to the Federal Govern-*
7 *ment on strategic communication and public di-*
8 *plomacy, as recommended by the Task Force on*
9 *Strategic Communication of the Defense Science*
10 *Board.*

11 *(C) ROLES OF DEPARTMENTS OR AGENCIES*
12 *OF THE FEDERAL GOVERNMENT.—A description*
13 *of the respective roles of the National Security*
14 *Council, the Department of Defense, and the De-*
15 *partment of State regarding strategic commu-*
16 *nication and public diplomacy, including—*

17 *(i) a description of the roles of the of-*
18 *fices within the National Security Council,*
19 *the Department of Defense, and the Depart-*
20 *ment of State engaged in message outreach*
21 *to audiences abroad; and*

22 *(ii) an explanation of how the Na-*
23 *tional Security Council, the Department of*
24 *Defense, and the Department of State co-*

1 *ordinate strategic communication and pub-*
2 *lic diplomacy activities.*

3 (3) *SUBSEQUENT REPORT.*—*Two years after the*
4 *submission of the initial report under paragraph (1),*
5 *the President shall submit to the appropriate commit-*
6 *tees of Congress a report on—*

7 (A) *the status of the implementation of the*
8 *strategy;*

9 (B) *progress toward achievement of bench-*
10 *marks; and*

11 (C) *any changes to the strategy since the*
12 *submission of the initial report.*

13 (b) *REPORT BY SECRETARY OF DEFENSE.*—*Not later*
14 *than December 31, 2009, the Secretary of Defense shall re-*
15 *view, and submit to the congressional defense committees*
16 *a report on, the organizational structure within the Depart-*
17 *ment of Defense for advising the Secretary on the direction*
18 *and priorities for strategic communication activities, in-*
19 *cluding an assessment of the option of establishing a board,*
20 *composed of representatives from among the organizations*
21 *within the Department responsible for strategic commu-*
22 *nications, public diplomacy, and public affairs, and includ-*
23 *ing advisory members from the broader interagency commu-*
24 *nity as appropriate, for purposes of—*

1 (1) *providing strategic direction for Department*
2 *of Defense efforts related to strategic communications*
3 *and public diplomacy; and*

4 (2) *setting priorities for the Department of De-*
5 *fense in the areas of strategic communications and*
6 *public diplomacy.*

7 (c) *FORM AND AVAILABILITY OF REPORTS.—*

8 (1) *FORM.—The reports required by this section*
9 *may be submitted in a classified form.*

10 (2) *AVAILABILITY.—Any unclassified portions of*
11 *the reports required by this section shall be made*
12 *available to the public.*

13 (d) *APPROPRIATE COMMITTEES.—For the purposes of*
14 *this section, the appropriate committees of Congress are the*
15 *following:*

16 (1) *The Committees on Foreign Relations, Armed*
17 *Services, and Appropriations of the Senate.*

18 (2) *The Committees on Foreign Affairs, Armed*
19 *Services, and Appropriations of the House of Rep-*
20 *resentatives.*

21 **SEC. 1056. PROHIBITIONS RELATING TO PROPAGANDA.**

22 (a) *PROHIBITION.—No part of any funds authorized*
23 *to be appropriated in this or any other Act shall be used*
24 *by the Department of Defense for publicity or propaganda*

1 *purposes within the United States not otherwise specifically*
2 *authorized by law.*

3 (b) *REPORT.*—*Not later than 90 days after the date*
4 *of the enactment of this Act, the Inspector General of the*
5 *Department of Defense shall submit to Congress a report*
6 *on the findings of their project number D2008–DIPOEF–*
7 *0209.000, entitled “Examination of Allegations Involving*
8 *DoD Office of Public Affairs Outreach Program”.*

9 (c) *LEGAL OPINION.*—*Not later than 120 days after*
10 *the date of the enactment of this Act, the Comptroller Gen-*
11 *eral of the United States shall issue a legal opinion to Con-*
12 *gress on whether the Department of Defense violated appro-*
13 *priations prohibitions on publicity or propaganda activi-*
14 *ties established in Public Laws 107–117, 107–248, 108–87,*
15 *108–287, 109–148, 109–289, and 110–116, the Department*
16 *of Defense Appropriations Acts for fiscal years 2002*
17 *through 2008, respectively, by offering special access to*
18 *prominent persons in the private sector who serve as media*
19 *analysts, including briefings and information on war ef-*
20 *forts, meetings with high level government officials, and*
21 *trips to Iraq and Guantanamo Bay, Cuba.*

22 (d) *RULE OF CONSTRUCTION RELATED TO INTEL-*
23 *LIGENCE ACTIVITIES.*—*Nothing in this section shall be con-*
24 *strued to apply to any lawful and authorized intelligence*
25 *activity of the United States Government.*

1 **SEC. 1057. SENSE OF CONGRESS ON INTERROGATION OF**
2 **DETAINEES BY CONTRACTOR PERSONNEL.**

3 *It is the sense of Congress that—*

4 *(1) the interrogation of enemy prisoners of war,*
5 *civilian internees, retained persons, other detainees,*
6 *terrorists, and criminals when captured, transferred,*
7 *confined, or detained during or in the aftermath of*
8 *hostilities is an inherently governmental function and*
9 *cannot appropriately be transferred to private sector*
10 *contractors;*

11 *(2) not later than one year after the date of the*
12 *enactment of this Act, the Secretary of Defense should*
13 *develop the resources needed to ensure that interroga-*
14 *tions described in paragraph (1) can be conducted by*
15 *government personnel and not by private sector con-*
16 *tractors; and*

17 *(3) properly trained and cleared contractors may*
18 *appropriately be used as linguists, interpreters, report*
19 *writers, information technology technicians, and other*
20 *employees filling ancillary positions, if the private*
21 *sector contractors are subject to the same rules, proce-*
22 *dures, policies, and laws pertaining to detainee oper-*
23 *ations and interrogations that govern the execution of*
24 *these positions by government personnel.*

1 **SEC. 1058. SENSE OF CONGRESS WITH RESPECT TO**
2 **VIDEOTAPING OR OTHERWISE ELECTRONI-**
3 **CALLY RECORDING STRATEGIC INTEL-**
4 **LIGENCE INTERROGATIONS OF PERSONS IN**
5 **THE CUSTODY OF OR UNDER THE EFFECTIVE**
6 **CONTROL OF THE DEPARTMENT OF DEFENSE.**

7 (a) *IN GENERAL.*—*It is the sense of Congress that the*
8 *Secretary of Defense should take such actions as are nec-*
9 *essary to ensure that each strategic intelligence interroga-*
10 *tion of any person who is in the custody or under the effec-*
11 *tive control of the Department of Defense or under detention*
12 *in a Department of Defense facility is videotaped or other-*
13 *wise electronically recorded.*

14 (b) *STRATEGIC INTELLIGENCE INTERROGATION DE-*
15 *FINED.*—*For purposes of this section, the term “strategic*
16 *intelligence interrogation” means an interrogation of a per-*
17 *son described in subsection (a) conducted at a theater-level*
18 *detention facility.*

19 **SEC. 1059. MODIFICATION OF DEADLINES FOR STANDARDS**
20 **REQUIRED FOR ENTRY TO MILITARY INSTAL-**
21 **LATIONS IN THE UNITED STATES.**

22 *Section 1069(c) of the National Defense Authorization*
23 *Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat.*
24 *327) is amended—*

25 (1) *in paragraph (1)—*

1 (A) by striking “July 1, 2008” and insert-
2 ing “February 1, 2009”; and

3 (B) by striking “January 1, 2009” and in-
4 serting “October 1, 2010”; and

5 (2) in paragraph (2), by striking “implemented”
6 and inserting “developed”.

7 **SEC. 1060. EXTENSION OF CERTAIN DATES FOR CONGRES-**
8 **SIONAL COMMISSION ON THE STRATEGIC**
9 **POSTURE OF THE UNITED STATES.**

10 (a) *EXTENSION OF DATES.*—Section 1062 of the Na-
11 tional Defense Authorization Act for Fiscal Year 2008 (Pub-
12 lic Law 110–181) is amended—

13 (1) in subsection (e), by striking “December 1,
14 2008” and inserting “April 1, 2009”; and

15 (2) in subsection (g), by striking “June 1, 2009”
16 and inserting “September 30, 2009”.

17 (b) *INTERIM REPORT.*—Not later than December 1,
18 2008, the Congressional Commission on the Strategic Pos-
19 ture of the United States shall submit to the President, the
20 Secretary of Defense, the Secretary of Energy, the Secretary
21 of State, the Committee on Armed Services of the Senate,
22 and the Committee on Armed Services of the House of Rep-
23 resentatives an interim report on the commission’s initial
24 findings, conclusions, and recommendations. To the extent
25 practicable, the interim report shall address the matters re-

1 *quired to be included in the report under subsection (e) of*
2 *such section 1062.*

3 **SEC. 1061. TECHNICAL AND CLERICAL AMENDMENTS.**

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

6 (1) *The table of sections at the beginning of*
7 *chapter 2 is amended by inserting after the item re-*
8 *lating to 118a the following new item:*

“118b. Quadrennial roles and missions review.”.

9 (2) *The table of sections at the beginning of*
10 *chapter 5 is amended in the item relating to section*
11 *156 by inserting a period at the end.*

12 (3) *The table of sections at the beginning of*
13 *chapter 7 is amended in the item relating to section*
14 *183 by inserting a period at the end.*

15 (4) *Section 1477(e) is amended by inserting a*
16 *period at the end.*

17 (5) *Section 2192a is amended—*

18 (A) *in subsection (e)(4), by striking “title*
19 *11, United States Code,” and inserting “title*
20 *11”; and*

21 (B) *in subsection (f), by striking “title 10,*
22 *United States Code” and inserting “this title”.*

23 (6) *The table of chapters at the beginning of sub-*
24 *title C, and the table of chapters at the beginning of*
25 *part IV of such subtitle, are each amended by striking*

1 *the item relating to chapter 667 and inserting the fol-*
 2 *lowing new item:*

**“667. Issue of Serviceable Material Other Than to Armed
 Forces 7911”.**

3 *(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR*
 4 *FISCAL YEAR 2008.—Effective as of January 28, 2008, and*
 5 *as if included therein as enacted, the National Defense Au-*
 6 *thorization Act for Fiscal Year 2008 (Public Law 110–181)*
 7 *is amended as follows:*

8 *(1) Section 371(c) (122 Stat. 80) is amended by*
 9 *striking “‘operational strategies’” and inserting*
 10 *“‘operational systems’”.*

11 *(2) Section 585(b)(3)(C) (122 Stat. 132) is*
 12 *amended by inserting “both places it appears” before*
 13 *the period at the end.*

14 *(3) Section 703(b) (122 Stat. 103) is amended*
 15 *by striking “as amended by” and inserting “as in-*
 16 *serted by”.*

17 *(4) Section 805(a) (122 Stat. 212) is amended*
 18 *by striking “Act ,” and inserting “Act,”.*

19 *(5) Section 883(b) (122 Stat. 264) is amended*
 20 *by striking “Section 832(c)(1) of such Act, as redesign-*
 21 *ated by subsection (a), is amend by” and inserting*
 22 *“Section 832(b)(1) of such Act is amended by”.*

23 *(6) Section 890(d)(2) (122 Stat. 270) is amended*
 24 *by striking “sections” and inserting “parts”.*

1 (7) Section 904(a)(4) (122 Stat. 274) is amended
2 by striking “131(b)(2)” and inserting “131(b)”.

3 (8) Section 954(a)(3)(B) (122 Stat. 294) is
4 amended by inserting “, as redesignated by section
5 524(a)(1)(A),” after “of such title”.

6 (9) Section 954(b)(2) (122 Stat. 294) is amend-
7 ed—

8 (A) by striking “2114(e) of such title” and
9 inserting “2114(f) of such title, as redesignated
10 by section 524(a)(1)(A),”; and

11 (B) by striking the period at the end and
12 inserting “and inserting ‘President.’”.

13 (10) Section 1063(d)(1) (122 Stat. 323) is
14 amended by striking “a semicolon after ‘subsection’”
15 and inserting “a comma after ‘subsection’”.

16 (11) Section 1229(i)(3) (122 Stat. 383) is
17 amended by striking “publically” and inserting “pub-
18 licly”.

19 (12) Section 1422(e)(2) (122 Stat. 422) is
20 amended by striking “subsection (c)” and inserting
21 “subsection (c)(1)”.

22 (13) Section 1602(4) (122 Stat. 432) is amended
23 by striking “section 411 h(b)” and inserting “section
24 411h(b)(1)”.

1 (14) Section 1617(b) (122 Stat. 449) is amended
2 by striking “by adding at the end” and inserting “by
3 inserting after the item relating to section 1074k”.

4 (15) Section 2106 (122 Stat. 508) is amended by
5 striking “for 2007” both places it appears and insert-
6 ing “for Fiscal Year 2007”.

7 (16) Section 2826(a)(2)(A) (122 Stat. 546) is
8 amended by striking “‘Secretary of the Army’” and
9 inserting “‘Secretary of Army’”.

10 (c) TITLE 31, UNITED STATES CODE.—Title 31,
11 United States Code, is amended as follows:

12 (1) Chapter 35 is amended by striking the first
13 section 3557.

14 (2) The second section 3557 is amended in the
15 section heading by striking “**Public-Private**” and
16 inserting “**public-private**”.

17 (3) The table of sections at the beginning of
18 chapter 35 is amended by striking the second item re-
19 lating to section 3557.

20 (d) TITLE 28, UNITED STATES CODE.—Section
21 1491(b) of title 28, United States Code, is amended by strik-
22 ing the first paragraph (5).

23 (e) RONALD W. REAGAN NATIONAL DEFENSE AU-
24 THORIZATION ACT FOR FISCAL YEAR 2005.—Section 721(e)
25 of the Ronald W. Reagan National Defense Authorization

1 *Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat.*
 2 *1988; 10 U.S.C. 1092 note) is amended by striking “fiscal*
 3 *years 2005” and all that follows through “2010” and insert-*
 4 *ing “fiscal years 2005 through 2010”.*

5 **SEC. 1062. NOTIFICATION OF COMMITTEES ON ARMED**
 6 **SERVICES WITH RESPECT TO CERTAIN NON-**
 7 **PROLIFERATION AND PROLIFERATION AC-**
 8 **TIVITIES.**

9 (a) *NOTIFICATION WITH RESPECT TO NONPROLIFERA-*
 10 *TION ACTIVITIES.*—*The Secretary of Defense, the Secretary*
 11 *of Energy, the Secretary of Commerce, the Secretary of*
 12 *State, and the Nuclear Regulatory Commission shall keep*
 13 *the Committee on Armed Services of the Senate and the*
 14 *Committee on Armed Services of the House of Representa-*
 15 *tives informed with respect to—*

16 (1) *any activities undertaken by any such Sec-*
 17 *retary or the Commission to carry out the purposes*
 18 *and policies of the Secretaries and the Commission*
 19 *with respect to nonproliferation programs; and*

20 (2) *any other activities undertaken by any such*
 21 *Secretary or the Commission to prevent the prolifera-*
 22 *tion of nuclear, chemical, or biological weapons or the*
 23 *means of delivery of such weapons.*

24 (b) *NOTIFICATION WITH RESPECT TO PROLIFERATION*
 25 *ACTIVITIES IN FOREIGN NATIONS.*—

1 (1) *IN GENERAL.*—*The Director of National In-*
2 *telligence shall keep the Committee on Armed Services*
3 *of the Senate and the Committee on Armed Services*
4 *of the House of Representatives fully and currently*
5 *informed with respect to any activities of foreign na-*
6 *tions that are significant with respect to the prolifera-*
7 *tion of nuclear, chemical, or biological weapons or the*
8 *means of delivery of such weapons.*

9 (2) *FULLY AND CURRENTLY INFORMED DE-*
10 *FINED.*—*For purposes of paragraph (1), the term*
11 *“fully and currently informed” means the transmittal*
12 *of credible information with respect to an activity de-*
13 *scribed in such paragraph not later than 60 days*
14 *after becoming aware of the activity.*

15 **SEC. 1063. ASSESSMENT OF SECURITY MEASURES AT CON-**
16 **SOLIDATED CENTER FOR NORTH AMERICAN**
17 **AEROSPACE DEFENSE COMMAND AND**
18 **UNITED STATES NORTHERN COMMAND.**

19 (a) *ASSESSMENT REQUIRED.*—*The Secretary of De-*
20 *fense shall conduct an assessment of the adequacy of secu-*
21 *rity measures for the consolidated command center for*
22 *North American Aerospace Defense Command and United*
23 *States Northern Command at Peterson Air Force Base, Col-*
24 *orado.*

1 (b) *ELEMENTS.*—*The assessment required in para-*
2 *graph (a) shall include the following:*

3 (1) *A description of the security measures taken*
4 *and planned for the consolidated command center as*
5 *of October 1, 2008.*

6 (2) *An assessment of whether existing and*
7 *planned security measures for the consolidated com-*
8 *mand center are adequate to provide the necessary*
9 *level of protection.*

10 (3) *An estimate of the total costs associated with*
11 *such security measures adequate to provide the nec-*
12 *essary level of protection.*

13 (c) *REPORT REQUIRED.*—*Not later than March 1,*
14 *2009, the Secretary of Defense shall submit to the congres-*
15 *sional defense committees a report containing the results*
16 *of the assessment required in subsection (a).*

17 (d) *ADDITIONAL REQUIREMENT.*—*The Secretary of*
18 *Defense shall ensure that redundant facilities and equip-*
19 *ment, along with the appropriate manning necessary to en-*
20 *sure the continuity of operations, are maintained at Chey-*
21 *enne Mountain Air Force Station until the Secretary cer-*
22 *tifies that security measures have been instituted that bring*
23 *the consolidated command center for North American Aero-*
24 *space Defense Command and United States Northern Com-*
25 *mand into full compliance with Protection Level One re-*

1 *quirements, as defined by Air Force Instruction 31-101,*
 2 *dated March 1, 2007.*

3 **TITLE XI—CIVILIAN PERSONNEL**
 4 **MATTERS**

Sec. 1101. Authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.

Sec. 1102. Temporary discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.

Sec. 1103. Election of insurance coverage by Federal civilian employees deployed in support of a contingency operation.

Sec. 1104. Extension of authority to make lump-sum severance payments.

Sec. 1105. Extension of voluntary reduction-in-force authority of Department of Defense.

Sec. 1106. Enhancement of authorities relating to additional positions under the national security personnel system.

Sec. 1107. Expedited hiring authority for health care professionals.

Sec. 1108. Direct hire authority at personnel demonstration laboratories for certain candidates.

Sec. 1109. Status reports relating to laboratory personnel demonstration projects.

Sec. 1110. Technical amendment relating to definition of professional accounting position for purposes of certification and credentialing standards.

Sec. 1111. Exceptions and adjustments to limitations on personnel and reports on such exceptions and adjustments.

5 **SEC. 1101. AUTHORITY TO WAIVE ANNUAL LIMITATION ON**
 6 **PREMIUM PAY AND AGGREGATE LIMITATION**
 7 **ON PAY FOR FEDERAL CIVILIAN EMPLOYEES**
 8 **WORKING OVERSEAS.**

9 (a) *WAIVER AUTHORITY.*—*During calendar year*
 10 *2009, and notwithstanding section 5547 of title 5, United*
 11 *States Code, the head of an Executive agency may waive*
 12 *the premium pay limitations established in that section up*
 13 *to the annual rate of salary payable to the Vice President*
 14 *under section 104 of title 3, United States Code, for an em-*
 15 *ployee who performs work while in an overseas location that*

1 *is in the area of responsibility of the Commander of the*
2 *United States Central Command, or an overseas location*
3 *that was formerly in the area of responsibility of the Com-*
4 *mander of the United States Central Command but has*
5 *been moved to the area of responsibility of the Commander*
6 *of the United States Africa Command, in direct support*
7 *of, or directly related to—*

8 (1) *a military operation, including a contin-*
9 *gency operation; or*

10 (2) *an operation in response to a national emer-*
11 *gency declared by the President.*

12 (b) *APPLICABILITY OF AGGREGATE LIMITATION ON*
13 *PAY.—Section 5307 of title 5, United States Code, shall not*
14 *apply to any employee in any calendar year in which that*
15 *employee is granted a waiver under subsection (a).*

16 (c) *ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—*
17 *To the extent that a waiver under subsection (a) results in*
18 *payment of additional premium pay of a type that is nor-*
19 *mally creditable as basic pay for retirement or any other*
20 *purpose, such additional pay shall not be considered to be*
21 *basic pay for any purpose, nor shall it be used in com-*
22 *puting a lump-sum payment for accumulated and accrued*
23 *annual leave under section 5551 of title 5, United States*
24 *Code.*

1 (d) *REGULATIONS.*—*The Director of the Office of Per-*
2 *sonnel Management may issue regulations to ensure appro-*
3 *priate consistency among heads of executive agencies in the*
4 *exercise of authority granted by this section.*

5 **SEC. 1102. TEMPORARY DISCRETIONARY AUTHORITY TO**
6 **GRANT ALLOWANCES, BENEFITS, AND GRATU-**
7 **ITIES TO PERSONNEL ON OFFICIAL DUTY IN A**
8 **COMBAT ZONE.**

9 (a) *IN GENERAL.*—*Section 1603(a) of the Emergency*
10 *Supplemental Appropriations Act for Defense, the Global*
11 *War on Terror, and Hurricane Recovery, 2006 (Public Law*
12 *109–234; 120 Stat. 443) is amended—*

13 (1) *by striking “During fiscal years 2006, 2007,*
14 *and 2008” and inserting “(1) During fiscal years*
15 *2006 (including the period beginning on October 1,*
16 *2005, and ending on June 15, 2006), 2007, and*
17 *2008”; and*

18 (2) *by adding at the end the following:*

19 “(2) *During fiscal years 2009, 2010, and 2011, the*
20 *head of an agency may, in the agency head’s discretion,*
21 *provide to an individual employed by, or assigned or de-*
22 *tailed to, such agency allowances, benefits, and gratuities*
23 *comparable to those provided by the Secretary of State to*
24 *members of the Foreign Service under section 413 and chap-*
25 *ter 9 of title I of the Foreign Service Act of 1980, if such*

1 *individual is on official duty in a combat zone (as defined*
 2 *by section 112(c) of the Internal Revenue Code of 1986).”.*

3 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 4 *section (a) shall take effect as if included in the enactment*
 5 *of the Emergency Supplemental Appropriations Act for De-*
 6 *fense, the Global War on Terror, and Hurricane Recovery,*
 7 *2006 (Public Law 109–234).*

8 **SEC. 1103. ELECTION OF INSURANCE COVERAGE BY FED-**
 9 **ERAL CIVILIAN EMPLOYEES DEPLOYED IN**
 10 **SUPPORT OF A CONTINGENCY OPERATION.**

11 (a) *AUTOMATIC COVERAGE.*—*Section 8702(c) of title*
 12 *5, United States Code, is amended—*

13 (1) *by inserting “an employee who is deployed*
 14 *in support of a contingency operation (as that term*
 15 *is defined in section 101(a)(13) of title 10) or” after*
 16 *“subsection (b),”; and*

17 (2) *by striking “the date of the” and inserting*
 18 *“the date of notification of deployment or”.*

19 (b) *OPTIONAL INSURANCE.*—*Section 8714a(b) of such*
 20 *title is amended—*

21 (1) *by designating the text as paragraph (2);*
 22 *and*

23 (2) *by inserting before paragraph (2), as so des-*
 24 *ignated, the following new paragraph (1):*

1 “(1) *An employee who is deployed in support of a con-*
2 *tingency operation (as that term is defined in section*
3 *101(a)(13) of title 10) or an employee of the Department*
4 *of Defense who is designated as emergency essential under*
5 *section 1580 of title 10 shall be insured under the policy*
6 *of insurance under this section if the employee, within 60*
7 *days after the date of notification of deployment or designa-*
8 *tion, elects to be insured under the policy of insurance. An*
9 *election under this paragraph shall be effective when pro-*
10 *vided to the Office in writing, in the form prescribed by*
11 *the Office, within such 60-day period.”.*

12 (c) *ADDITIONAL OPTIONAL LIFE INSURANCE.—Section*
13 *8714b(b) of such title is amended—*

14 (1) *by designating the text as paragraph (2);*
15 *and*

16 (2) *by inserting before paragraph (2), as so des-*
17 *ignated, the following new paragraph (1):*

18 “(1) *An employee who is deployed in support of a con-*
19 *tingency operation (as that term is defined in section*
20 *101(a)(13) of title 10) or an employee of the Department*
21 *of Defense who is designated as emergency essential under*
22 *section 1580 of title 10 shall be insured under the policy*
23 *of insurance under this section if the employee, within 60*
24 *days after the date of notification of deployment or designa-*
25 *tion, elects to be insured under the policy of insurance. An*

1 *election under this paragraph shall be effective when pro-*
 2 *vided to the Office in writing, in the form prescribed by*
 3 *the Office, within such 60-day period.”.*

4 **SEC. 1104. EXTENSION OF AUTHORITY TO MAKE LUMP-SUM**
 5 **SEVERANCE PAYMENTS.**

6 *Section 5595(i)(4) of title 5, United States Code, is*
 7 *amended by striking “October 1, 2010” and inserting “Oc-*
 8 *tober 1, 2014”.*

9 **SEC. 1105. EXTENSION OF VOLUNTARY REDUCTION-IN-**
 10 **FORCE AUTHORITY OF DEPARTMENT OF DE-**
 11 **FENSE.**

12 *Section 3502(f)(5) of title 5, United States Code, is*
 13 *amended by striking “September 30, 2010” and inserting*
 14 *“September 30, 2014”.*

15 **SEC. 1106. ENHANCEMENT OF AUTHORITIES RELATING TO**
 16 **ADDITIONAL POSITIONS UNDER THE NA-**
 17 **TIONAL SECURITY PERSONNEL SYSTEM.**

18 *Section 9902(i) of title 5, United States Code, is*
 19 *amended—*

20 *(1) in paragraph (1), by striking “the require-*
 21 *ments of chapter 71 and the limitations in subsection*
 22 *(b)(3)” and inserting “the requirements and limita-*
 23 *tions in paragraph (3)”;* and

24 *(2) by striking the period at the end of para-*
 25 *graph (2) and inserting “, in a manner comparable*

1 to that in which such provisions are applied under
2 chapter 33.

3 “(3) Any action taken by the Secretary pursuant
4 to the authority of this subsection shall be subject to—

5 “(A) the requirements of chapter 71; and

6 “(B) the limitations in subsection (b)(3),
7 except that the requirements of chapter 33 may
8 be waived to the extent necessary to achieve the
9 purposes of this subsection.”.

10 **SEC. 1107. EXPEDITED HIRING AUTHORITY FOR HEALTH**
11 **CARE PROFESSIONALS.**

12 (a) *EXPEDITED HIRING AUTHORITY.*—Section
13 1599c(a) of title 10, United States Code, is amended—

14 (1) by inserting “(1)” before “The Secretary of
15 Defense may”; and

16 (2) by adding at the end the following new para-
17 graph:

18 “(2)(A) For purposes of sections 3304, 5333, and 5753
19 of title 5, the Secretary of Defense may—

20 “(i) designate any category of medical or health
21 professional positions within the Department of De-
22 fense as shortage category positions; and

23 “(ii) utilize the authorities in such sections to re-
24 cruit and appoint highly qualified persons directly to
25 positions so designated.

1 “(B) *In using the authority provided by this para-*
 2 *graph, the Secretary shall apply the principles of preference*
 3 *for the hiring of veterans and other persons established in*
 4 *subchapter 1 of chapter 33 of title 5.”*

5 (b) *TERMINATION OF AUTHORITY.—Section 1599c(c)*
 6 *of such title is amended—*

7 (1) *by inserting “(1)” before “The authority of”;*

8 (2) *by striking “September 30, 2010” and insert-*
 9 *ing “September 30, 2012”;* and

10 (3) *by adding at the end the following new para-*
 11 *graph:*

12 “(2) *The Secretary may not appoint a person to a po-*
 13 *sition of employment under subsection (a)(2) after Sep-*
 14 *tember 30, 2012.”*

15 **SEC. 1108. DIRECT HIRE AUTHORITY AT PERSONNEL DEM-**
 16 **ONSTRATION LABORATORIES FOR CERTAIN**
 17 **CANDIDATES.**

18 (a) *AUTHORITY.—The Secretary of Defense may ap-*
 19 *point qualified candidates possessing an advanced degree*
 20 *to positions described in subsection (b) without regard to*
 21 *the provisions of subchapter I of chapter 33 of title 5,*
 22 *United States Code, other than sections 3303 and 3328 of*
 23 *such title.*

24 (b) *APPLICABILITY.—This section applies with respect*
 25 *to candidates for scientific and engineering positions within*

1 *any laboratory identified in section 9902(c)(2) of title 5,*
 2 *United States Code.*

3 (c) *LIMITATION.*—(1) *Authority under this section*
 4 *may not, in any calendar year and with respect to any*
 5 *laboratory, be exercised with respect to a number of can-*
 6 *didates greater than the number equal to 2 percent of the*
 7 *total number of scientific and engineering positions within*
 8 *such laboratory that are filled as of the close of the fiscal*
 9 *year last ending before the start of such calendar year.*

10 (2) *For purposes of this subsection, positions and can-*
 11 *didates shall be counted on a full-time equivalent basis.*

12 (d) *EMPLOYEE DEFINED.*—*As used in this section, the*
 13 *term “employee” has the meaning given such term by sec-*
 14 *tion 2105 of title 5, United States Code.*

15 (e) *TERMINATION.*—*The authority to make appoint-*
 16 *ments under this section shall not be available after Decem-*
 17 *ber 31, 2013.*

18 **SEC. 1109. STATUS REPORTS RELATING TO LABORATORY**

19 **PERSONNEL DEMONSTRATION PROJECTS.**

20 *Section 1107 of the National Defense Authorization*
 21 *Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat.*
 22 *357) is amended by adding at the end the following:*

23 “(e) *STATUS REPORTS.*—

24 “(1) *IN GENERAL.*—*Not later than 45 days after*
 25 *the date of the enactment of this Act and not later*

1 *than March 1 of each year beginning after the date*
2 *on which the first report under this subsection is sub-*
3 *mitted, the Secretary of Defense shall submit to the*
4 *Committees on Armed Services of the Senate and*
5 *House of Representatives a report providing, with re-*
6 *spect to the year before the year in which such report*
7 *is submitted, the information described in paragraph*
8 *(2).*

9 *“(2) INFORMATION REQUIRED.—Each report*
10 *under this subsection shall describe the following:*

11 *“(A) The actions taken by the Secretary of*
12 *Defense under subsection (a) during the year*
13 *covered by the report.*

14 *“(B) The progress made by the Secretary of*
15 *Defense during such year in developing and im-*
16 *plementing the plan required by subsection (b),*
17 *including the anticipated date for completion of*
18 *such plan and a list and description of any*
19 *issues relating to the development or implemen-*
20 *tation of such plan.*

21 *“(C) With respect to any applications by*
22 *any Department of Defense laboratories seeking*
23 *to be designated as a demonstration laboratory*
24 *or to otherwise obtain any of the personnel flexi-*

1 **ilities available to a demonstration labora-**
2 **tory—**

3 “(i) *the number of applications that*
4 *were received, pending, or acted on during*
5 *such year;*

6 “(ii) *the status or disposition of any*
7 *applications under clause (i), including, in*
8 *the case of any application on which a final*
9 *decision was rendered, the laboratory in-*
10 *olved, what the laboratory had requested,*
11 *the decision reached, and the reasons for the*
12 *decision; and*

13 “(iii) *in the case of any applications*
14 *under clause (i) on which a final decision*
15 *was not rendered, the date by which a final*
16 *decision is anticipated.*

17 “(3) *DEFINITION.—For purposes of this sub-*
18 *section, the term ‘demonstration laboratory’ means a*
19 *laboratory designated by the Secretary of Defense*
20 *under the provisions of section 342(b) of the National*
21 *Defense Authorization Act for Fiscal Year 1995 (as*
22 *cited in subsection (a)).’.*”

1 **SEC. 1110. TECHNICAL AMENDMENT RELATING TO DEFINI-**
2 **TION OF PROFESSIONAL ACCOUNTING POSI-**
3 **TION FOR PURPOSES OF CERTIFICATION AND**
4 **CREDENTIALING STANDARDS.**

5 *Section 1599d(e) of title 10, United States Code, is*
6 *amended by striking “GS–510, GS–511, and GS–505” and*
7 *inserting “0505, 0510, 0511, or equivalent”.*

8 **SEC. 1111. EXCEPTIONS AND ADJUSTMENTS TO LIMITA-**
9 **TIONS ON PERSONNEL AND REPORTS ON**
10 **SUCH EXCEPTIONS AND ADJUSTMENTS.**

11 *(a) EXCEPTION TO LIMITATIONS ON PERSONNEL.—*
12 *For fiscal year 2009 and fiscal years thereafter, the baseline*
13 *personnel limitations in sections 143, 194, 3014, 5014, and*
14 *8014 of title 10, United States Code (as adjusted pursuant*
15 *to subsection (b)), shall not apply to—*

16 *(1) acquisition personnel hired pursuant to the*
17 *expedited hiring authority provided in section*
18 *1705(h) of title 10, United States Code, as amended*
19 *by section 821 of this Act, or otherwise hired with*
20 *funds in the Department of Defense Acquisition Work-*
21 *force Development Fund established in accordance*
22 *with section 1705(a) of such title; or*

23 *(2) personnel hired pursuant to a shortage cat-*
24 *egory designation by the Secretary of Defense or the*
25 *Director of the Office of Personnel Management.*

1 (b) *AUTHORITY TO ADJUST LIMITATIONS ON PER-*
2 *SONNEL.—For fiscal year 2009 and for four fiscal years*
3 *thereafter, the Secretary of Defense or a secretary of a mili-*
4 *tary department may adjust the baseline personnel limita-*
5 *tions in sections 143, 194, 3014, 5014 and 8014 of title*
6 *10, United States Code, to—*

7 (1) *fill a gap in the civilian workforce of the De-*
8 *partment of Defense identified by the Secretary of De-*
9 *fense in a strategic human capital plan submitted to*
10 *Congress in accordance with the requirements of—*

11 (A) *section 1122 of the National Defense*
12 *Authorization Act for Fiscal Year 2006 (Public*
13 *Law 109–163; 10 U.S.C. prec. 1580 note);*

14 (B) *section 1102 of the John Warner Na-*
15 *tional Defense Authorization Act for Fiscal Year*
16 *2007 (Public Law 109–364; 120 Stat. 2407); or*

17 (C) *section 851 of the National Defense Au-*
18 *thorization Act for Fiscal Year 2008 (Public*
19 *Law 110–181; 10 U.S.C. note prec. 1580); or*

20 (2) *accommodate increases in workload or mod-*
21 *ify the type of personnel required to accomplish work,*
22 *for any purpose described in paragraphs (1) through*
23 *(4) of subsection (c).*

24 (c) *LIMITATION ON AUTHORITY TO ADJUST LIMITA-*
25 *TIONS ON PERSONNEL.—The Secretary of Defense or the*

1 *secretary of a military department may not increase a base-*
2 *line personnel limitation under paragraph (2) of subsection*
3 *(b) by more than 5 percent in a fiscal year. An increase*
4 *in a baseline personnel limitation under such paragraph*
5 *may be made for any of the following purposes:*

6 (1) *Performance of inherently governmental*
7 *functions.*

8 (2) *Performance of work pursuant to section*
9 *2463 of title 10 United States Code.*

10 (3) *Ability to maintain sufficient organic exper-*
11 *tise and technical capability.*

12 (4) *Performance of work that, while the position*
13 *may not exercise an inherently governmental func-*
14 *tion, nevertheless should be performed only by officers*
15 *or employees of the Federal Government or members*
16 *of the Armed Forces because of the critical nature of*
17 *the work.*

18 (d) *REPORT REQUIRED.*—*The Secretary of Defense*
19 *shall submit a report to the congressional defense commit-*
20 *tees on the implementation of this section at the same time*
21 *that the defense budget materials for each of the four fiscal*
22 *years after fiscal year 2009 are presented to Congress. The*
23 *report shall include the following information regarding the*
24 *implementation of this section during the preceding fiscal*
25 *year:*

1 (1) *The average number of military personnel,*
2 *civilian employees of the Department of Defense, and*
3 *contractor employees assigned to or detailed to perma-*
4 *nent duty in—*

5 (A) *the Office of the Secretary of Defense;*

6 (B) *the management headquarters activities*
7 *and management headquarters support activities*
8 *in the Defense Agencies and Department of De-*
9 *fense Field Activities;*

10 (C) *the Office of the Secretary of the Army*
11 *and the Army Staff;*

12 (D) *the Office of the Secretary of the Navy,*
13 *the Office of Chief of Naval Operations, and the*
14 *Headquarters, Marine Corps; and*

15 (E) *the Office of the Secretary of the Air*
16 *Force and the Air Staff.*

17 (2) *An estimate of the number of personnel hired*
18 *pursuant to an exception in subsection (a) in each of-*
19 *fice described in subparagraphs (A) through (E) of*
20 *paragraph (1).*

21 (3) *The amount of any adjustment in the limita-*
22 *tion on personnel made by the Secretary of Defense*
23 *or the secretary of a military department, and, for*
24 *each adjustment made pursuant to subsection (b)(2),*
25 *the purpose of the adjustment.*

1 **TITLE XII—MATTERS RELATING**
 2 **TO FOREIGN NATIONS**

Subtitle A—Assistance and Training

- Sec. 1201. Extension of authority to build the capacity of the Pakistan Frontier Corps.*
- Sec. 1202. Availability across fiscal years of funds for military-to-military contacts and comparable activities.*
- Sec. 1203. Availability across fiscal years of funds to pay incremental expenses for participation of developing countries in combined exercises.*
- Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.*
- Sec. 1205. Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the Armed Forces.*
- Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.*
- Sec. 1207. Extension of authority and increased funding for security and stabilization assistance.*
- Sec. 1208. Extension and expansion of authority for support of special operations to combat terrorism.*
- Sec. 1209. Increase in amount available for costs of education and training of foreign military forces under 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. Reports on enhancing security and stability in the region along the border of Afghanistan and Pakistan.*
- Sec. 1218. Study and report on Police Transition Teams to train, assist, and advise units of the Iraqi Police Service.*

Subtitle C—Other Matters

- Sec. 1231. Payment of personnel expenses for multilateral cooperation programs.*
- Sec. 1232. Participation of the Department of Defense in multinational military centers of excellence.*
- Sec. 1233. Review of security risks of participation by defense contractors in certain space activities of the People's Republic of China.*
- Sec. 1234. Report on Iran's capability to produce nuclear weapons.*
- Sec. 1235. Employment for resettled Iraqis.*

Sec. 1236. Extension and modification of updates on report on claims relating to the bombing of the Labelle Discotheque.

Sec. 1237. Report on utilization of certain global partnership authorities.

Sec. 1238. Modification and repeal of requirement to submit certain annual reports to Congress regarding allied contributions to the common defense.

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 the
 6 *National Defense Authorization Act for Fiscal Year 2008*
 7 *(Public Law 110–181; 122 Stat. 366) is amended by strik-*
 8 *ing “during fiscal year 2008” and inserting “during fiscal*
 9 *years 2008 and 2009”.*

10 *(b) FUNDING LIMITATION.*—Subsection (c)(1) of such
 11 *section is amended by inserting after “fiscal year 2008” the*
 12 *following: “and up to \$25,000,000 of funds available to the*
 13 *Department of Defense for operation and maintenance for*
 14 *fiscal year 2009”.*

15 ***SEC. 1202. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS***
 16 ***FOR MILITARY-TO-MILITARY CONTACTS AND***
 17 ***COMPARABLE ACTIVITIES.***

18 *(a) IN GENERAL.*—Section 168(e) of title 10, *United*
 19 *States Code, is amended by adding at the end the following*
 20 *new paragraph:*

21 *“(5) Funds available to carry out this section shall be*
 22 *available, to the extent provided in appropriations Acts, for*

1 *programs or activities under this section that begin in a*
 2 *fiscal year and end in the following fiscal year.”.*

3 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 4 *section (a) shall take effect on October 1, 2008, and shall*
 5 *apply with respect to programs and activities under section*
 6 *168 of title 10, United States Code, as so amended, that*
 7 *begin on or after that date.*

8 **SEC. 1203. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS**
 9 **TO PAY INCREMENTAL EXPENSES FOR PAR-**
 10 **TICIPATION OF DEVELOPING COUNTRIES IN**
 11 **COMBINED EXERCISES.**

12 (a) *IN GENERAL.*—*Section 2010 of title 10, United*
 13 *States Code, is amended—*

14 (1) *by redesignating subsection (d) as subsection*
 15 *(e); and*

16 (2) *by inserting after subsection (c) the following*
 17 *new subsection:*

18 “(d) *Funds available to carry out this section shall be*
 19 *available, to the extent provided in appropriations Acts, for*
 20 *bilateral or multilateral military exercises that begin in a*
 21 *fiscal year and end in the following fiscal year.”.*

22 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
 23 *section (a) shall take effect on October 1, 2008, and shall*
 24 *apply with respect to bilateral and multilateral military*

1 *exercises described in section 2010 of title 10, United States*
2 *Code, as so amended, that begin on or after that date.*

3 **SEC. 1204. EXTENSION OF TEMPORARY AUTHORITY TO USE**
4 **ACQUISITION AND CROSS-SERVICING AGREE-**
5 **MENTS TO LEND MILITARY EQUIPMENT FOR**
6 **PERSONNEL PROTECTION AND SURVIV-**
7 **ABILITY.**

8 (a) *SEMIANNUAL REPORTS TO CONGRESSIONAL COM-*
9 *MITTEES.*—*Subsection (b)(3) of section 1202 of the John*
10 *Warner National Defense Authorization Act for Fiscal Year*
11 *2007 (Public Law 109–364; 120 Stat. 2412) is amended*
12 *by adding at the end the following new subparagraph:*

13 “(E) *With respect to equipment provided to*
14 *each foreign force that is not returned to the*
15 *United States, a description of the terms of dis-*
16 *position of the equipment to the foreign force.*

17 “(F) *The percentage of equipment provided*
18 *to foreign forces under the authority of this sec-*
19 *tion that is not returned to the United States.”.*

20 (b) *EXPIRATION.*—*Subsection (e) of such section, as*
21 *amended by section 1252(b) of National Defense Authoriza-*
22 *tion Act for Fiscal Year 2008 (Public Law 110–181; 122*
23 *Stat. 402), is further amended by striking “September 30,*
24 *2009” and inserting “September 30, 2011”.*

1 **SEC. 1205. AUTHORITY FOR DISTRIBUTION TO CERTAIN**
2 **FOREIGN PERSONNEL OF EDUCATION AND**
3 **TRAINING MATERIALS AND INFORMATION**
4 **TECHNOLOGY TO ENHANCE MILITARY INTER-**
5 **OPERABILITY WITH THE ARMED FORCES.**

6 (a) *AUTHORITY FOR DISTRIBUTION.*—

7 (1) *IN GENERAL.*—Subchapter I of chapter 134
8 of title 10, United States Code, is amended by adding
9 at the end the following new section:

10 **“§ 2249d. Distribution to certain foreign personnel of**
11 **education and training materials and in-**
12 **formation technology to enhance military**
13 **interoperability with the armed forces**

14 *“(a) DISTRIBUTION AUTHORIZED.*—To enhance inter-
15 operability between the armed forces and military forces of
16 friendly foreign nations, the Secretary of Defense, with the
17 concurrence of the Secretary of State, may—

18 *“(1) provide to personnel referred to in sub-*
19 *section (b) electronically-distributed learning content*
20 *for the education and training of such personnel for*
21 *the development or enhancement of allied and friendly*
22 *military and civilian capabilities for multinational*
23 *operations, including joint exercises and coalition op-*
24 *erations; and*

25 *“(2) provide information technology, including*
26 *computer software developed for such purpose, but*

1 *only to the extent necessary to support the use of such*
2 *learning content for the education and training of*
3 *such personnel.*

4 “(b) *AUTHORIZED RECIPIENTS.*—*The personnel to*
5 *whom learning content and information technology may be*
6 *provided under subsection (a) are military and civilian*
7 *personnel of a friendly foreign government, with the permis-*
8 *sion of that government.*

9 “(c) *EDUCATION AND TRAINING.*—*Any education and*
10 *training provided under subsection (a) shall include the fol-*
11 *lowing:*

12 “(1) *Internet-based education and training.*

13 “(2) *Advanced distributed learning and similar*
14 *Internet learning tools, as well as distributed training*
15 *and computer-assisted exercises.*

16 “(d) *APPLICABILITY OF EXPORT CONTROL RE-*
17 *GIMES.*—*The provision of learning content and information*
18 *technology under this section shall be subject to the provi-*
19 *sions of the Arms Export Control Act (22 U.S.C. 2751 et*
20 *seq.) and any other export control regime under law relat-*
21 *ing to the transfer of military technology to foreign nations.*

22 “(e) *GUIDANCE ON UTILIZATION OF AUTHORITY.*—

23 “(1) *GUIDANCE REQUIRED.*—*The Secretary of*
24 *Defense shall develop and issue guidance on the proce-*
25 *dures for the use of the authority in this section.*

1 “(2) *MODIFICATION.*—*If the Secretary modifies*
2 *the guidance issued under paragraph (1), the Sec-*
3 *retary shall submit to the appropriate committees of*
4 *Congress a report setting forth the modified guidance*
5 *not later than 30 days after the date of such modifica-*
6 *tion.*

7 “(f) *ANNUAL REPORT.*—

8 “(1) *REPORT REQUIRED.*—*Not later than Octo-*
9 *ber 31 following each fiscal year in which the author-*
10 *ity in this section is used, the Secretary of Defense*
11 *shall submit to the appropriate committees of Con-*
12 *gress a report on the exercise of the authority during*
13 *such fiscal year.*

14 “(2) *ELEMENTS.*—*Each report under paragraph*
15 *(1) shall include, for the fiscal year covered by such*
16 *report, the following:*

17 “(A) *A statement of the recipients of learn-*
18 *ing content and information technology provided*
19 *under this section.*

20 “(B) *A description of the type, quantity,*
21 *and value of the learning content and informa-*
22 *tion technology provided under this section.*

23 “(g) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
24 *FINED.*—*In this section, the term ‘appropriate committees*
25 *of Congress’ means—*

1 “(1) *the Committee on Armed Services and the*
2 *Committee on Foreign Relations of the Senate; and*

3 “(2) *the Committee on Armed Services and the*
4 *Committee on Foreign Affairs of the House of Rep-*
5 *resentatives.*”.

6 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
7 *tions at the beginning of subchapter I of chapter 134*
8 *of such title is amended by adding at the end the fol-*
9 *lowing new item:*

 “2249d. *Distribution to certain foreign personnel of education and training mate-*
 rials and information technology to enhance military interoper-
 ability with the armed forces.”.

10 (b) *GUIDANCE ON UTILIZATION OF AUTHORITY.*—

11 (1) *SUBMITTAL TO CONGRESS.*—*Not later than*
12 *30 days after issuing the guidance required by section*
13 *2249d(e) of title 10, United States Code, as added by*
14 *subsection (a), the Secretary of Defense shall submit*
15 *to the Committees on Armed Services of the Senate*
16 *and the House of Representatives a report setting*
17 *forth such guidance.*

18 (2) *UTILIZATION OF SIMILAR GUIDANCE.*—*In de-*
19 *veloping the guidance required by section 2249d(e) of*
20 *title 10, United States Code, as so added, the Sec-*
21 *retary may utilize applicable portions of the current*
22 *guidance developed by the Secretary under subsection*
23 *(f) of section 1207 of the John Warner National De-*
24 *fense Authorization Act for Fiscal Year 2007 (Public*

1 *Law 109–364; 120 Stat. 2419) for purposes of the ex-*
2 *ercise of the authority in such section 1207.*

3 (c) *REPEAL OF SUPERSEDED AUTHORITY.*—

4 (1) *IN GENERAL.*—*Section 1207 of the John*
5 *Warner National Defense Authorization Act for Fiscal*
6 *Year 2007 is repealed.*

7 (2) *SUBMITTAL OF FINAL REPORT ON EXERCISE*
8 *OF AUTHORITY.*—*If the Secretary of Defense exercised*
9 *the authority in section 1207 of the John Warner Na-*
10 *tional Defense Authorization Act for Fiscal Year 2007*
11 *during fiscal year 2008, the Secretary shall submit*
12 *the report required by subsection (g) of such section*
13 *for such fiscal year in accordance with the provisions*
14 *of such subsection (g) without regard to the repeal of*
15 *such section under paragraph (1).*

16 (d) *EFFECTIVE DATE.*—*This section and the amend-*
17 *ments made by this section shall take effect on October 1,*
18 *2008.*

19 **SEC. 1206. MODIFICATION AND EXTENSION OF AUTHORI-**
20 **TIES RELATING TO PROGRAM TO BUILD THE**
21 **CAPACITY OF FOREIGN MILITARY FORCES.**

22 (a) *BUILDING OF CAPACITY OF ADDITIONAL FOREIGN*
23 *FORCES.*—*Subsection (a) of section 1206 of the National*
24 *Defense Authorization Act for Fiscal Year 2006 (Public*
25 *Law 109–163; 119 Stat. 3456), as amended by section 1206*

1 *of the John Warner National Defense Authorization Act for*
2 *Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418),*
3 *is further amended by striking “a program” and all that*
4 *follows and inserting “a program or programs as follows:*

5 *“(1) To build the capacity of a foreign country’s*
6 *national military forces in order for that country*
7 *to—*

8 *“(A) conduct counterterrorism operations;*
9 *or*

10 *“(B) participate in or support military and*
11 *stability operations in which the United States*
12 *Armed Forces are participating.*

13 *“(2) To build the capacity of a foreign country’s*
14 *maritime security forces to conduct counterterrorism*
15 *operations.”.*

16 *(b) FUNDING.—Subsection (c) of such section, as so*
17 *amended, is further amended—*

18 *(1) in paragraph (1), by striking*
19 *“\$300,000,000” and inserting “\$350,000,000”; and*

20 *(2) by adding at the end the following new para-*
21 *graph:*

22 *“(4) AVAILABILITY OF FUNDS FOR ACTIVITIES*
23 *ACROSS FISCAL YEARS.—Amounts available under*
24 *this subsection for the authority in subsection (a) for*
25 *a fiscal year may be used for programs under that*

1 *authority that begin in such fiscal year but end in the*
2 *next fiscal year.”.*

3 (c) *THREE-YEAR EXTENSION OF AUTHORITY.*—Sub-
4 *section (g) of such section, as so amended, is further amend-*
5 *ed—*

6 (1) *by striking “September 30, 2008” and insert-*
7 *ing “September 30, 2011”; and*

8 (2) *by striking “fiscal year 2006, 2007, or 2008”*
9 *and inserting “fiscal years 2006 through 2011”.*

10 (d) *EFFECTIVE DATE.*—*The amendment made by sub-*
11 *section (b)(2) shall take effect on October 1, 2008, and shall*
12 *apply with respect to programs under the authority in sub-*
13 *section (a) of section 1206 of the National Defense Author-*
14 *ization Act for Fiscal Year 2006, as so amended, that begin*
15 *on or after that date.*

16 **SEC. 1207. EXTENSION OF AUTHORITY AND INCREASED**
17 **FUNDING FOR SECURITY AND STABILIZATION**
18 **ASSISTANCE.**

19 (a) *PROHIBITION ON BUDGET SUPPORT.*—*Subsection*
20 *(a) of section 1207 of the National Defense Authorization*
21 *Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.*
22 *3458) is amended—*

23 (1) *by striking “The Secretary of Defense” and*
24 *inserting the following:*

1 “(1) *IN GENERAL.*—*The Secretary of Defense*”;
2 *and*

3 (2) *by adding at the end the following new para-*
4 *graph:*

5 “(2) *PROHIBITION ON BUDGET SUPPORT.*—*Noth-*
6 *ing in this section shall be construed to authorize the*
7 *provision of budget support to any foreign country.*”.

8 (b) *ASSISTANCE TO GEORGIA DURING FISCAL YEAR*
9 2009.—*Subsection (b) of such section is amended—*

10 (1) *by striking “The aggregate value” and insert-*
11 *ing the following:*

12 “(1) *IN GENERAL.*—*Except as provided in para-*
13 *graph (2), the aggregate value*”; *and*

14 (2) *by adding at the end the following new para-*
15 *graph:*

16 “(2) *ASSISTANCE TO GEORGIA DURING FISCAL*
17 *YEAR 2009.*—

18 “(A) *IN GENERAL.*—*The Secretary of De-*
19 *fense is authorized during fiscal year 2009 to ex-*
20 *ercise the authority of subsection (a) to provide*
21 *services to, and transfer defense articles and*
22 *funds to, the Secretary of State for the purposes*
23 *of facilitating the provision by the Secretary of*
24 *State of reconstruction, security, or stabilization*
25 *assistance to the country of Georgia.*

1 “(B) *LIMITATION.*—*The aggregate value of*
2 *all services, defense articles, and funds provided*
3 *or transferred to the Secretary of State under*
4 *this section for Georgia in fiscal year 2009—*

5 “(i) *may not exceed \$50,000,000; and*

6 “(ii) *shall not count against the dollar*
7 *amount limitation specified in paragraph*
8 *(1) for such fiscal year.”.*

9 (c) *EXTENSION OF AUTHORITY.*—*Subsection (g) of*
10 *such section, as amended by section 1210(b) of the National*
11 *Defense Authorization Act for Fiscal Year 2008 (Public*
12 *Law 110–181; 122 Stat. 369), is further amended by strik-*
13 *ing “September 30, 2008” and inserting “September 30,*
14 *2009”.*

15 (d) *EFFECTIVE DATE.*—*The amendments made by this*
16 *section shall take effect on October 1, 2008.*

17 **SEC. 1208. EXTENSION AND EXPANSION OF AUTHORITY FOR**
18 **SUPPORT OF SPECIAL OPERATIONS TO COM-**
19 **BAT TERRORISM.**

20 (a) *IN GENERAL.*—*Subsection (a) of section 1208 of*
21 *the Ronald W. Reagan National Defense Authorization Act*
22 *for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086)*
23 *is amended—*

24 (1) *by inserting “, with the concurrence of the*
25 *relevant Chief of Mission,” after “may”; and*

1 *apply with respect to fiscal years beginning on or after that*
2 *date.*

3 ***Subtitle B—Matters Relating to***
4 ***Iraq and Afghanistan***

5 ***SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR***
6 ***CERTAIN PURPOSES RELATING TO IRAQ.***

7 *No funds appropriated pursuant to an authorization*
8 *of appropriations in this Act may be obligated or expended*
9 *for a purpose as follows:*

10 (1) *To establish any military installation or base*
11 *for the purpose of providing for the permanent sta-*
12 *tioning of United States Armed Forces in Iraq.*

13 (2) *To exercise United States control of the oil*
14 *resources of Iraq.*

15 ***SEC. 1212. REPORT ON STATUS OF FORCES AGREEMENTS***
16 ***BETWEEN THE UNITED STATES AND IRAQ.***

17 (a) *REQUIREMENT FOR REPORT.—*

18 (1) *IN GENERAL.—(A) Not later than 90 days*
19 *after the date of the enactment of this Act, the Presi-*
20 *dent shall transmit to the appropriate congressional*
21 *committees a report on any agreement that has been*
22 *completed between the United States and Iraq relat-*
23 *ing to—*

24 (i) *the legal status of United States military*
25 *personnel, civilian personnel, and contractor per-*

1 *sonnel of contracts awarded by any department*
2 *or agency of the United States Government;*

3 *(ii) the establishment of or access to mili-*
4 *tary bases;*

5 *(iii) the rules of engagement under which*
6 *United States Armed Forces operate in Iraq; and*

7 *(iv) any security commitment, arrange-*
8 *ment, or assurance that obligates the United*
9 *States to respond to internal or external threats*
10 *against Iraq.*

11 *(B) If, on the date that is 90 days after the date*
12 *of the enactment of this Act, no agreement between the*
13 *United States and Iraq described in subparagraph*
14 *(A) has been completed, the President shall notify the*
15 *appropriate congressional committees that no such*
16 *agreement has been completed, and shall transmit to*
17 *the appropriate congressional committees the report*
18 *required under subparagraph (A) as soon as prac-*
19 *ticable after such an agreement or agreements are*
20 *completed.*

21 *(2) UPDATE OF REPORT.—The President shall*
22 *transmit to the appropriate congressional committees*
23 *an update of the report required under paragraph (1)*
24 *whenever an agreement between the United States and*

1 *Iraq relating to the matters described in the report is*
2 *substantially revised.*

3 *(b) MATTERS TO BE INCLUDED.—The report required*
4 *under subsection (a) shall include, with respect to each*
5 *agreement described in subsection (a), the following:*

6 *(1) A description of any conditions placed on*
7 *United States combat operations by the Government*
8 *of Iraq, including required coordination, if any, be-*
9 *fore such operations can be undertaken.*

10 *(2) A description of any constraints placed on*
11 *United States military personnel, civilian personnel,*
12 *and contractor personnel of contracts awarded by any*
13 *department or agency of the United States Govern-*
14 *ment as a result of such conditions.*

15 *(3) A description of the conditions under which*
16 *United States military personnel, civilian personnel,*
17 *or contractor personnel of contracts awarded by any*
18 *department or agency of the United States Govern-*
19 *ment could be tried by an Iraqi court for alleged*
20 *crimes occurring both during the performance of offi-*
21 *cial duties and during other such times, and the pro-*
22 *tections that such personnel would be extended in an*
23 *Iraqi court, if applicable.*

24 *(4) An assessment of authorities under the agree-*
25 *ment for United States Armed Forces and Coalition*

1 *partners to apprehend, detain, and interrogate pris-*
2 *oners and otherwise collect intelligence.*

3 (5) *A description of any security commitment,*
4 *arrangement, or assurance that obligates the United*
5 *States to respond to internal or external threats*
6 *against Iraq, including the manner in which such*
7 *commitment, arrangement, or assurance may be im-*
8 *plemented.*

9 (6) *An assessment of any payments required*
10 *under the agreement to be paid to the Government of*
11 *Iraq or other Iraqi entities for rights, access, or sup-*
12 *port for bases and facilities.*

13 (7) *An assessment of any payments required*
14 *under the agreement for any claims for deaths and*
15 *damages caused by United States military personnel,*
16 *civilian personnel, and contractor personnel of con-*
17 *tracts awarded by any department or agency of the*
18 *United States Government in the performance of their*
19 *official duties.*

20 (8) *A description of the arrangements required*
21 *under the agreement to resolve disputes arising over*
22 *matters contained in the agreement or to consider*
23 *changes to the agreement.*

24 (9) *A discussion of the extent to which the agree-*
25 *ment applies to other Coalition partners.*

1 (10) *A description of how the agreement can be*
2 *terminated by the United States or Iraq.*

3 (c) *FORM.*—*The report required under subsection (a)*
4 *shall be submitted in unclassified form, but may include*
5 *a classified annex.*

6 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
7 *FINED.*—*In this section, the term “appropriate congres-*
8 *sional committees” means—*

9 (1) *the Committee on Armed Services and the*
10 *Committee on Foreign Affairs of the House of Rep-*
11 *resentatives; and*

12 (2) *the Committee on Armed Services and the*
13 *Committee on Foreign Relations of the Senate.*

14 (e) *TERMINATION OF REQUIREMENT.*—

15 (1) *IN GENERAL.*—*Except as provided in para-*
16 *graph (2), the requirement to transmit the report and*
17 *updates of the report under subsection (a) terminates*
18 *on December 31, 2009.*

19 (2) *EXCEPTION.*—*The requirement to transmit*
20 *the report and updates of the report under subsection*
21 *(a) terminates before December 31, 2009, if the fol-*
22 *lowing conditions are met:*

23 (A) *The President transmits to the appro-*
24 *priate congressional committees the text of any*
25 *agreement between the United States and Iraq*

1 described in subsection (a)(1)(A) and any
2 amendment or update thereto.

3 (B) Within 30 days of transmission of the
4 agreement, the President makes available appro-
5 priate senior officials to brief the appropriate
6 congressional committees on the matters covered
7 by the agreement or any amendment or update
8 thereto.

9 **SEC. 1213. STRATEGY FOR UNITED STATES-LED PROVIN-**
10 **CIAL RECONSTRUCTION TEAMS IN IRAQ.**

11 (a) *IN GENERAL.*—The President shall establish and
12 implement a strategy for United States-led Provincial Re-
13 construction Teams (PRTs), including embedded PRTs and
14 Provincial Support Teams, in Iraq that ensures that such
15 United States-led PRTs are—

16 (1) supporting the operational and strategic
17 goals of the Multi-National Force–Iraq; and

18 (2) developing the capacity of national, provin-
19 cial, and local government and other civil institutions
20 in Iraq to assume increasing responsibility for the
21 formulation, implementation, and oversight of recon-
22 struction and development activities.

23 (b) *ELEMENTS OF STRATEGY.*—At a minimum, the
24 strategy required under subsection (a) shall include—

1 (1) *a mission statement and clearly defined ob-*
2 *jectives for United States-led PRTs as a whole;*

3 (2) *a mission statement and clearly defined ob-*
4 *jectives for each United States-led PRT; and*

5 (3) *measures of effectiveness and performance in-*
6 *dicators for meeting the objectives of each United*
7 *States-led PRT as described in paragraph (2).*

8 (c) *REPORT.—*

9 (1) *IN GENERAL.—Not later than 90 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 implementation*
14 *of the strategy required under subsection (a), includ-*
15 *ing an assessment of the specific contributions United*
16 *States-led PRTs are making to implement the strat-*
17 *egy. The initial report required under this subsection*
18 *should include a general description of the strategy*
19 *required under subsection (a) and a general discus-*
20 *sion of the elements of the strategy required under*
21 *subsection (b).*

22 (2) *INCLUSION IN OTHER REPORT.—The report*
23 *required under this subsection may be included in the*
24 *report required by section 1227 of the National De-*

1 *fense Authorization Act for Fiscal Year 2006 (Public*
 2 *Law 109–163; 119 Stat. 3465).*

3 *(d) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
 4 *FINED.—In this section, the term “appropriate congres-*
 5 *sional committees” means—*

6 *(1) the Committee on Armed Services, the Com-*
 7 *mittee on Appropriations, and the Committee on For-*
 8 *oreign Affairs of the House of Representatives; and*

9 *(2) the Committee on Armed Services, the Com-*
 10 *mittee on Appropriations, and the Committee on For-*
 11 *oreign Relations of the Senate.*

12 **SEC. 1214. COMMANDERS’ EMERGENCY RESPONSE PRO-**
 13 **GRAM.**

14 *(a) AUTHORITY FOR FISCAL YEARS 2008 AND 2009.—*
 15 *Subsection (a) of section 1202 of the National Defense Au-*
 16 *thorization Act for Fiscal Year 2006 (Public Law 109–163;*
 17 *119 Stat. 3455), as amended by section 1205 of the National*
 18 *Defense Authorization Act for Fiscal Year 2008 (Public*
 19 *Law 110–181; 122 Stat. 366), is further amended in the*
 20 *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) *QUARTERLY REPORTS*.—*Subsection (b) of such sec-*
2 *tion, as so amended, is further amended—*

3 (1) *in the heading, by inserting “AND BRIEF-*
4 *INGS” after “REPORTS”;*

5 (2) *by striking “Not later than” and inserting*
6 *the following:*

7 “(1) *IN GENERAL*.—*Not later than”;* and

8 (3) *by adding at the end the following new para-*
9 *graphs:*

10 “(2) *ADDITIONAL MATTERS TO BE INCLUDED*.—
11 *In addition to the information described in para-*
12 *graph (1), each report required under paragraph (1)*
13 *that contains information on projects carried out*
14 *using funds authorized under the Commanders’*
15 *Emergency Response Program in Iraq shall include*
16 *the following:*

17 “(A) *A listing of each project for which*
18 *amounts in excess of \$500,000 provided through*
19 *the Commanders’ Emergency Response Program*
20 *in Iraq were expended.*

21 “(B) *A written statement by the Secretary*
22 *of Defense, or the Deputy Secretary of Defense if*
23 *the authority under subsection (f) is delegated to*
24 *the Deputy Secretary of Defense, affirming that*
25 *the certification required under subsection (f)*

1 *was issued for each project in Iraq for which*
2 *amounts in excess of \$1,000,000 provided*
3 *through the Commanders' Emergency Response*
4 *Program in Iraq were expended.*

5 “(C) *For each project listed in subpara-*
6 *graph (A), the following information:*

7 “(i) *A description and justification for*
8 *carrying out the project*

9 “(ii) *A description of the extent of in-*
10 *volvement by the Government of Iraq in the*
11 *project, including—*

12 “(I) *the amount of funds provided*
13 *by the Government of Iraq for the*
14 *project; and*

15 “(II) *a description of the plan for*
16 *the transition of such project upon*
17 *completion to the people of Iraq and*
18 *for the sustainment of any completed*
19 *facilities, including any commitments*
20 *by the Government of Iraq to sustain*
21 *projects requiring the support of the*
22 *Government of Iraq for sustainment.*

23 “(iii) *A description of the current sta-*
24 *tus of the project, including, where appro-*
25 *priate, the projected completion date.*

1 “(D) A description of the status of
2 *transitioning activities carried out under the*
3 *Commanders’ Emergency Response Program in*
4 *Iraq to the Government of Iraq, including—*

5 “(i) *the level of funding provided by*
6 *the Government of Iraq for the Government*
7 *of Iraq Commanders’ Emergency Response*
8 *Program (commonly known as ‘I-CERP’);*

9 “(ii) *the level of funding provided and*
10 *expended by the Government of Iraq in*
11 *other programs designed to meet urgent hu-*
12 *manitarian relief and reconstruction re-*
13 *quirements that immediately assist the*
14 *Iraqi people; and*

15 “(iii) *a description of the progress*
16 *made in transitioning the responsibility for*
17 *the Sons of Iraq Program to the Govern-*
18 *ment of Iraq.*

19 “(3) *BRIEFINGS.—Not later than 15 days after*
20 *the submission of each report under paragraph (1),*
21 *appropriate officials of the Department of Defense*
22 *shall meet with the congressional defense committees*
23 *to brief such committees on the matters contained in*
24 *the report.”.*

1 (c) *PROHIBITION ON CERTAIN PROJECTS UNDER THE*
2 *COMMANDERS' EMERGENCY RESPONSE PROGRAM IN*
3 *IRAQ.—Such section, as so amended, is further amended—*

4 (1) *by redesignating subsection (e) as subsection*
5 *(f); and*

6 (2) *by inserting after subsection (d) the following*
7 *new subsection:*

8 “(e) *PROHIBITION ON CERTAIN PROJECTS UNDER THE*
9 *COMMANDERS' EMERGENCY RESPONSE PROGRAM IN*
10 *IRAQ.—*

11 “(1) *PROHIBITION.—Except as provided in*
12 *paragraph (2), funds made available under this sec-*
13 *tion for the Commanders' Emergency Response Pro-*
14 *gram in Iraq may not be obligated or expended to*
15 *carry out any project commenced after the date of the*
16 *enactment of the Duncan Hunter National Defense*
17 *Authorization Act for Fiscal Year 2009 if the total*
18 *amount of such funds made available for the purpose*
19 *of carrying out the project exceeds \$2,000,000.*

20 “(2) *EXCEPTION.—The prohibition contained in*
21 *paragraph (1) shall not apply with respect to funds*
22 *managed or controlled by the Department of Defense*
23 *that were otherwise provided by another department*
24 *or agency of the United States Government, the Gov-*
25 *ernment of Iraq, the government of a foreign country,*

1 *a foundation or other charitable organization (includ-*
2 *ing a foundation or charitable organization that is*
3 *organized or operates under the laws of a foreign*
4 *country), or any source in the private sector of the*
5 *United States or a foreign country.*

6 “(3) *WAIVER.—The Secretary of Defense may*
7 *waive the prohibition contained in paragraph (1) if*
8 *the Secretary of Defense—*

9 “(A) *determines that such a waiver is re-*
10 *quired to meet urgent humanitarian relief and*
11 *reconstruction requirements that will imme-*
12 *diately assist the Iraqi people; and*

13 “(B) *submits in writing, within 15 days of*
14 *issuing such waiver, to the congressional defense*
15 *committees a notification of the waiver, together*
16 *with a discussion of—*

17 “(i) *the unmet and urgent needs to be*
18 *addressed by the project; and*

19 “(ii) *any arrangements between the*
20 *Government of the United States and the*
21 *Government of Iraq regarding the provision*
22 *of Iraqi funds for carrying out and sus-*
23 *taining the project .”.*

1 (d) *CERTIFICATION ON CERTAIN PROJECTS UNDER*
2 *THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN*
3 *IRAQ.—Such section, as so amended, is further amended—*

4 (1) *by redesignating subsection (f), as redesign-*
5 *ated by subsection (c) of this section, as subsection*
6 *(g); and*

7 (2) *by inserting after subsection (e), as added by*
8 *subsection (c) of this section, the following new sub-*
9 *section:*

10 “(f) *CERTIFICATION ON CERTAIN PROJECTS UNDER*
11 *THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN*
12 *IRAQ.—*

13 “(1) *CERTIFICATION.—Funds made available*
14 *under this section for the Commanders' Emergency*
15 *Response Program in Iraq may not be obligated or*
16 *expended to carry out any project commenced after*
17 *the date of the enactment of the Duncan Hunter Na-*
18 *tional Defense Authorization Act for Fiscal Year 2009*
19 *if the total amount of such funds made available for*
20 *the purpose of carrying out the project exceeds*
21 *\$1,000,000 unless the Secretary of Defense certifies*
22 *that the project addresses urgent humanitarian relief*
23 *and reconstruction requirements that will imme-*
24 *diately assist the Iraqi people.*

1 “(2) *DELEGATION.*—*The Secretary may delegate*
2 *the authority under paragraph (1) to the Deputy Sec-*
3 *retary of Defense.*”.

4 *(e) SENSE OF CONGRESS.*—*It is the sense of Congress*
5 *that the Government of Iraq should assume increasing re-*
6 *sponsibility for funding and carrying out projects currently*
7 *funded by the United States through the Commanders’*
8 *Emergency Response Program, and should assume all costs*
9 *associated with the Sons of Iraq program as expeditiously*
10 *as possible.*

11 **SEC. 1215. PERFORMANCE MONITORING SYSTEM FOR**
12 **UNITED STATES-LED PROVINCIAL RECON-**
13 **STRUCTION TEAMS IN AFGHANISTAN.**

14 *(a) IN GENERAL.*—*The President, acting through the*
15 *Secretary of Defense and the Secretary of State, shall de-*
16 *velop and implement a system to monitor the performance*
17 *of United States-led Provincial Reconstruction Teams*
18 *(PRTs) in Afghanistan.*

19 *(b) ELEMENTS OF PERFORMANCE MONITORING SYS-*
20 *TEM.*—*The performance monitoring system required under*
21 *subsection (a) shall include—*

22 *(1) PRT-specific work plans that incorporate the*
23 *long-term strategy, mission, and clearly defined objec-*
24 *tives required by section 1230(c)(3) of the National*
25 *Defense Authorization Act for Fiscal Year 2008 (Pub-*

1 *lic Law 110–181; 122 Stat. 386), and include plans*
2 *for developing the capacity of national, provincial,*
3 *and local government and other civil institutions in*
4 *Afghanistan to assume increasing responsibility for*
5 *the formulation, implementation, and oversight of re-*
6 *construction and development activities; and*

7 (2) *comprehensive performance indicators and*
8 *measures of progress toward sustainable long-term se-*
9 *curity and stability in Afghanistan, and include per-*
10 *formance standards and progress goals together with*
11 *a notional timetable for achieving such goals, con-*
12 *sistent with the requirements of section 1230(d) of the*
13 *National Defense Authorization Act for Fiscal Year*
14 *2008 (Public Law 110–181; 122 Stat. 388).*

15 (c) *REPORT.*—*Not later than 90 days after the date*
16 *of the enactment of this Act, the President shall submit to*
17 *the appropriate congressional committees a report on the*
18 *implementation of the performance monitoring system re-*
19 *quired under subsection (a).*

20 (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
21 *FINED.*—*In this section, the term “appropriate congres-*
22 *sional committees” means—*

23 (1) *the Committee on Armed Services, the Com-*
24 *mittee on Appropriations, and the Committee on For-*
25 *oreign Affairs of the House of Representatives; and*

1 (2) *the Committee on Armed Services, the Com-*
2 *mittee on Appropriations, and the Committee on For-*
3 *oreign Relations of the Senate.*

4 **SEC. 1216. REPORT ON COMMAND AND CONTROL STRUC-**
5 **TURE FOR MILITARY FORCES OPERATING IN**
6 **AFGHANISTAN.**

7 (a) *REPORT REQUIRED.*—*Not later than 60 days after*
8 *the date of the enactment of this Act, or December 1, 2008,*
9 *whichever occurs later, the Secretary of Defense shall submit*
10 *to the appropriate congressional committees a report on the*
11 *command and control structure for military forces oper-*
12 *ating in Afghanistan.*

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

15 (1) *A detailed description of efforts by the Sec-*
16 *retary of Defense, in coordination with senior leaders*
17 *of NATO ISAF forces, including the commander of*
18 *NATO ISAF forces, to modify the chain of command*
19 *structure for military forces operating in Afghanistan*
20 *to better coordinate and de-conflict military oper-*
21 *ations and achieve unity of command whenever pos-*
22 *sible in Afghanistan, and the results of such efforts,*
23 *including—*

24 (A) *any United States or NATO ISAF plan*
25 *for improving the command and control struc-*

1 *ture for military forces operating in Afghani-*
2 *stan; and*

3 *(B) any efforts to establish a headquarters*
4 *in Afghanistan that is led by a commander—*

5 *(i) with command authority over*
6 *NATO ISAF forces and separate United*
7 *States forces operating under Operation*
8 *Enduring Freedom and charged with closely*
9 *coordinating the efforts of such forces; and*

10 *(ii) responsible for coordinating other*
11 *United States and international security ef-*
12 *forts in Afghanistan.*

13 *(2) A description of how rules of engagement are*
14 *determined and managed for United States forces op-*
15 *erating under NATO ISAF or Operation Enduring*
16 *Freedom, and a description of any key differences be-*
17 *tween rules of engagement for NATO ISAF forces and*
18 *separate United States forces operating under Oper-*
19 *ation Enduring Freedom.*

20 *(3) An assessment of how any modifications to*
21 *the command and control structure for military forces*
22 *operating in Afghanistan would impact coordination*
23 *of military and civilian efforts in Afghanistan.*

24 *(c) UPDATE OF REPORT.—The Secretary of Defense*
25 *shall submit to the appropriate congressional committees an*

1 *update of the report required under subsection (a) as war-*
2 *ranted by any modifications to the command and control*
3 *structure for military forces operating in Afghanistan as*
4 *described in the report.*

5 (d) *FORM.*—*The report required under subsection (a)*
6 *and any update of the report required under subsection (c)*
7 *shall be submitted in an unclassified form, but may include*
8 *a classified annex, if necessary.*

9 (e) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
10 *FINED.*—*In this section, the term “appropriate congres-*
11 *sional committees” means—*

12 (1) *the Committee on Armed Services and the*
13 *Committee on Foreign Affairs of the House of Rep-*
14 *resentatives; and*

15 (2) *the Committee on Armed Services and the*
16 *Committee on Foreign Relations of the Senate.*

17 **SEC. 1217. REPORTS ON ENHANCING SECURITY AND STA-**
18 **BILITY IN THE REGION ALONG THE BORDER**
19 **OF AFGHANISTAN AND PAKISTAN.**

20 (a) *ADDITIONAL REPORTS REQUIRED.*—*Subsection*
21 *(a) of section 1232 of the National Defense Authorization*
22 *Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*
23 *392) is amended—*

24 (1) *in the heading of paragraph (1), by striking*
25 *“IN GENERAL” and inserting “INITIAL REPORT”;*

1 (2) *by striking paragraph (4);*

2 (3) *by redesignating paragraph (3) as para-*
3 *graph (4); and*

4 (4) *by inserting after paragraph (2) the fol-*
5 *lowing new paragraph:*

6 “(3) *SUBSEQUENT REPORTS.—Concurrent with*
7 *the submission of each report submitted under section*
8 *1230 after the date of the enactment of the Duncan*
9 *Hunter National Defense Authorization Act for Fiscal*
10 *Year 2009, the Secretary of Defense, in consultation*
11 *with the Secretary of State, shall submit to the appro-*
12 *priate congressional committees, a report on enhanc-*
13 *ing security and stability in the region along the bor-*
14 *der of Afghanistan and Pakistan. Each such report*
15 *shall include the following:*

16 “(A) *A description of the matters required*
17 *to be included in the initial report required*
18 *under paragraph (1).*

19 “(B) *A description of any peace agreements*
20 *between the Government of Pakistan and tribal*
21 *leaders from regions along the Afghanistan-Paki-*
22 *stan border that contain commitments to prevent*
23 *cross-border incursions into Afghanistan and*
24 *any mechanisms in such agreements to enforce*
25 *such commitments.*

1 “(C) *An assessment of the effectiveness of*
2 *such peace agreements in preventing cross-border*
3 *incursions and of the Government of Pakistan in*
4 *enforcing those agreements.*”.

5 (b) *COPY OF NOTIFICATION RELATING TO DEPART-*
6 *MENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKI-*
7 *STAN.—Subsection (b)(1) of such section is amended by*
8 *adding at the end the following new subparagraph:*

9 “(C) *COPY OF NOTIFICATION.—The Sec-*
10 *retary of Defense shall submit to the Committee*
11 *on Foreign Affairs of the House of Representa-*
12 *tives and the Committee on Foreign Relations of*
13 *the Senate a copy of each notification required*
14 *under subparagraph (A).*”.

15 (c) *ADDITIONAL INFORMATION ON DEPARTMENT OF*
16 *DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—*
17 *Subsection (b) of such section is amended—*

18 (1) *by redesignating paragraph (5) as para-*
19 *graph (6); and*

20 (2) *by inserting after paragraph (4) the fol-*
21 *lowing new paragraph:*

22 “(5) *REQUIREMENT TO SUBMIT INFORMATION*
23 *RELATING TO CLAIMS DISALLOWED OR DEFERRED BY*
24 *THE UNITED STATES.—*

1 “(A) *IN GENERAL.*—*The Secretary of De-*
2 *fense shall submit, in the manner specified in*
3 *subparagraph (B), an itemized description of the*
4 *costs claimed by the Government of Pakistan for*
5 *logistical, military, or other support provided by*
6 *Pakistan to the United States for which the*
7 *United States will disallow or defer reimburse-*
8 *ment to the Government of Pakistan under the*
9 *authority of any provision of law described in*
10 *paragraph (1)(B).*

11 “(B) *MANNER OF SUBMISSION.*—

12 “(i) *IN GENERAL.*—*To the maximum*
13 *extent practicable, the Secretary shall sub-*
14 *mit each itemized description of costs re-*
15 *quired under subparagraph (A) as part of*
16 *the notification required under paragraph*
17 *(1).*

18 “(ii) *ALTERNATIVE SUBMISSION.*—*To*
19 *the extent that an itemized description of*
20 *costs required under subparagraph (A) is*
21 *not submitted in accordance with clause (i),*
22 *the Secretary shall submit such description*
23 *not later than 180 days after the date on*
24 *which a decision to disallow or defer reim-*
25 *bursement for the costs claimed is made.*

1 “(C) *FORM.*—Each itemized description of
2 costs required under subparagraph (B) shall be
3 submitted in an unclassified form, but may in-
4 clude a classified annex, if necessary.”.

5 (d) *EXTENSION OF NOTIFICATION REQUIREMENT RE-*
6 *LATING TO DEPARTMENT OF DEFENSE COALITION SUP-*
7 *PORT FUNDS FOR PAKISTAN.*—Subsection (b)(6) of such sec-
8 *tion, as redesignated by subsection (c) of this section, is*
9 *amended by striking “September 30, 2009” and inserting*
10 *“September 30, 2010”.*

11 (e) *REPORT RELATING TO DEPARTMENT OF DEFENSE*
12 *COALITION SUPPORT FUNDS FOR PAKISTAN.*—Such section
13 *is further amended by adding at the end the following new*
14 *subsection:*

15 “(c) *REPORT RELATING TO DEPARTMENT OF DE-*
16 *FENSE COALITION SUPPORT FUNDS FOR PAKISTAN.*—

17 “(1) *REPORT REQUIRED.*—Not later than 180
18 days after the date of the enactment of the Duncan
19 Hunter National Defense Authorization Act for Fiscal
20 Year 2009, the Secretary of Defense shall submit to
21 the appropriate congressional committees a report
22 that contains a detailed description of efforts by the
23 Secretary of Defense to address the findings and im-
24 plement the recommendations made by the Govern-
25 ment Accountability Office in its report entitled

1 *‘Combating Terrorism: Increased Oversight and Ac-*
2 *countability Needed Over Pakistan Reimbursement*
3 *Claims for Coalition Support Funds’ (GAO-08-806;*
4 *June 24, 2008).*

5 “(2) *APPROPRIATE CONGRESSIONAL COMMITTEE*
6 *DEFINED.—In this subsection, the term ‘appropriate*
7 *congressional committees’ has the meaning given the*
8 *term in subsection (a)(5).”.*

9 **SEC. 1218. STUDY AND REPORT ON POLICE TRANSITION**
10 **TEAMS TO TRAIN, ASSIST, AND ADVISE UNITS**
11 **OF THE IRAQI POLICE SERVICE.**

12 (a) *STUDY AND REPORT.—Not later than 180 days*
13 *after the date of the enactment of this Act, the Secretary*
14 *of Defense, in consultation with the Secretary of State and*
15 *the Government of Iraq, shall conduct a study and submit*
16 *to the appropriate congressional committees a report con-*
17 *taining the recommendations of the Secretary of Defense*
18 *on—*

19 (1) *the number of personnel required for Police*
20 *Transition Teams to train, assist, and advise units of*
21 *the Iraqi Police Service in fiscal year 2009 and in*
22 *fiscal year 2010;*

23 (2) *the funding required to support the level of*
24 *personnel described in paragraph (1) in fiscal year*
25 *2009 and in fiscal year 2010; and*

1 (3) *the feasibility of transferring responsibility*
 2 *for the provision of the personnel described in para-*
 3 *graph (1) and the support described in paragraph (2)*
 4 *from the Department of Defense to the Department of*
 5 *State.*

6 (b) *FORM.—The report required under subsection (a)*
 7 *shall be submitted in unclassified form, but may include*
 8 *a classified annex if required.*

9 (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
 10 *FINED.—In this section, the term “appropriate congres-*
 11 *sional committees” means—*

12 (1) *the Committee on Armed Services and the*
 13 *Committee on Foreign Affairs of the House of Rep-*
 14 *resentatives; and*

15 (2) *the Committee on Armed Services and the*
 16 *Committee on Foreign Relations of the Senate.*

17 ***Subtitle C—Other Matters***

18 ***SEC. 1231. PAYMENT OF PERSONNEL EXPENSES FOR MULTI-***

19 ***LATERAL COOPERATION PROGRAMS.***

20 (a) *EXPANSION OF AUTHORITY FOR BILATERAL AND*
 21 *REGIONAL PROGRAMS TO COVER MULTILATERAL PRO-*
 22 *GRAMS.—Section 1051 of title 10, United States Code, is*
 23 *amended—*

24 (1) *in subsection (a), by striking “a bilateral”*
 25 *and inserting “a multilateral, bilateral,”; and*

1 (2) *in subsection (b)—*

2 (A) *in paragraph (1)—*

3 (i) *by striking “to and” and inserting*

4 *“to, from, and”; and*

5 (ii) *by striking “bilateral” and insert-*

6 *ing “multilateral, bilateral,”; and*

7 (B) *in paragraph (2), by striking “bilat-*

8 *eral” and inserting “multilateral, bilateral,”.*

9 (b) *AVAILABILITY OF FUNDS FOR PROGRAMS AND AC-*
10 *TIVITIES ACROSS FISCAL YEARS.—*

11 (1) *IN GENERAL.—Such section is further*
12 *amended by adding at the end the following new sub-*
13 *section:*

14 *“(e) Funds available to carry out this section shall be*
15 *available, to the extent provided in appropriations Acts, for*
16 *programs and activities under this section that begin in*
17 *a fiscal year and end in the following fiscal year.”.*

18 (2) *EFFECTIVE DATE.—The amendment made by*
19 *paragraph (1) shall take effect on October 1, 2008,*
20 *and shall apply with respect to programs and activi-*
21 *ties under section 1051 of title 10, United States*
22 *Code, as so amended, that begin on or after that date.*

23 (c) *CONFORMING AND CLERICAL AMENDMENTS.—*

24 (1) *HEADING AMENDMENT.—The heading of such*
25 *section is amended to read as follows:*

1 **“§ 1051. Multilateral, bilateral, or regional coopera-**
 2 **tion programs: payment of personnel ex-**
 3 **penses”.**

4 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 5 *tions at the beginning of chapter 53 of such title is*
 6 *amended by striking the item relating to section 1051*
 7 *and inserting the following new item:*

“1051. Multilateral, bilateral, or regional cooperation programs: payment of per-
sonnel expenses.”.

8 **SEC. 1232. PARTICIPATION OF THE DEPARTMENT OF DE-**
 9 **FENSE IN MULTINATIONAL MILITARY CEN-**
 10 **TERS OF EXCELLENCE.**

11 (a) *PARTICIPATION AUTHORIZED.*—

12 (1) *IN GENERAL.*—*Subchapter II of chapter 138*
 13 *of title 10, United States Code, is amended by adding*
 14 *at the end the following new section:*

15 **“§ 2350m. Participation in multinational military**
 16 **centers of excellence**

17 *“(a) PARTICIPATION AUTHORIZED.*—*The Secretary of*
 18 *Defense may, with the concurrence of the Secretary of State,*
 19 *authorize the participation of members of the armed forces*
 20 *and Department of Defense civilian personnel in any multi-*
 21 *national military center of excellence for purposes of—*

22 *“(1) enhancing the ability of military forces and*
 23 *civilian personnel of the nations participating in*

1 *such center to engage in joint exercises or coalition or*
2 *international military operations; or*

3 *“(2) improving interoperability between the*
4 *armed forces and the military forces of friendly for-*
5 *eign nations.*

6 *“(b) MEMORANDUM OF UNDERSTANDING.—(1) The*
7 *participation of members of the armed forces or Department*
8 *of Defense civilian personnel in a multinational military*
9 *center of excellence under subsection (a) shall be in accord-*
10 *ance with the terms of one or more memoranda of under-*
11 *standing entered into by the Secretary of Defense, with the*
12 *concurrence of the Secretary of State, and the foreign nation*
13 *or nations concerned.*

14 *“(2) If Department of Defense facilities, equipment, or*
15 *funds are used to support a multinational military center*
16 *of excellence under subsection (a), the memoranda of under-*
17 *standing under paragraph (1) with respect to that center*
18 *shall provide details of any cost-sharing arrangement or*
19 *other funding arrangement.*

20 *“(c) AVAILABILITY OF APPROPRIATED FUNDS.—(1)*
21 *Funds appropriated to the Department of Defense for oper-*
22 *ation and maintenance are available as follows:*

23 *“(A) To pay the United States share of the oper-*
24 *ating expenses of any multinational military center*

1 *of excellence in which the United States participates*
2 *under this section.*

3 “(B) *To pay the costs of the participation of*
4 *members of the armed forces and Department of De-*
5 *fense civilian personnel in multinational military*
6 *centers of excellence under this section, including the*
7 *costs of expenses of such participants.*

8 “(2) *No funds may be used under this section to fund*
9 *the pay or salaries of members of the armed forces and De-*
10 *partment of Defense civilian personnel who participate in*
11 *multinational military centers of excellence under this sec-*
12 *tion.*

13 “(d) *USE OF DEPARTMENT OF DEFENSE FACILITIES*
14 *AND EQUIPMENT.—Facilities and equipment of the Depart-*
15 *ment of Defense may be used for purposes of the support*
16 *of multinational military centers of excellence under this*
17 *section that are hosted by the Department.*

18 “(e) *ANNUAL REPORTS ON USE OF AUTHORITY.—(1)*
19 *Not later than October 31, 2009, and annually thereafter,*
20 *the Secretary of Defense shall submit to the Committee on*
21 *Armed Services of the Senate and the Committee on Armed*
22 *Services of the House of Representatives a report on the use*
23 *of the authority in this section during the preceding fiscal*
24 *year.*

1 “(2) *Each report required by paragraph (1) shall in-*
2 *clude, for the fiscal year covered by such report, the fol-*
3 *lowing:*

4 “(A) *A detailed description of the participation*
5 *of the Department of Defense, and of members of the*
6 *armed forces and civilian personnel of the Depart-*
7 *ment, in multinational military centers of excellence*
8 *under the authority of this section.*

9 “(B) *For each multinational military center of*
10 *excellence in which the Department of Defense, or*
11 *members of the armed forces or civilian personnel of*
12 *the Department, so participated—*

13 “(i) *a description of such multinational*
14 *military center of excellence;*

15 “(ii) *a description of the activities partici-*
16 *pated in by the Department, or by members of*
17 *the armed forces or civilian personnel of the De-*
18 *partment; and*

19 “(iii) *a statement of the costs of the Depart-*
20 *ment for such participation, including—*

21 “(I) *a statement of the United States*
22 *share of the expenses of such center and a*
23 *statement of the percentage of the United*
24 *States share of the expenses of such center to*
25 *the total expenses of such center; and*

1 “(II) a statement of the amount of such
2 costs (including a separate statement of the
3 amount of costs paid for under the author-
4 ity of this section by category of costs).

5 “(f) *MULTINATIONAL MILITARY CENTER OF EXCEL-*
6 *LENCE DEFINED.*—*In this section, the term ‘multinational*
7 *military center of excellence’ means an entity sponsored by*
8 *one or more nations that is accredited and approved by the*
9 *Military Committee of the North Atlantic Treaty Organiza-*
10 *tion (NATO) as offering recognized expertise and experience*
11 *to personnel participating in the activities of such entity*
12 *for the benefit of NATO by providing such personnel oppor-*
13 *tunities to—*

14 “(1) *enhance education and training;*
15 “(2) *improve interoperability and capabilities;*
16 “(3) *assist in the development of doctrine; and*
17 “(4) *validate concepts through experimen-*
18 *tation.”.*

19 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
20 *tions at the beginning of subchapter II of chapter 138*
21 *of such title is amended by adding at the end the fol-*
22 *lowing new item:*

“2350m. *Participation in multinational military centers of excellence.*”.

23 (b) *REPEAL OF SUPERSEDED AUTHORITY.*—*Section*
24 *1205 of the John Warner National Defense Authorization*

1 *Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.*
2 *2416) is repealed.*

3 (c) *EFFECTIVE DATE.*—*The amendments made by this*
4 *section shall take effect on October 1, 2008.*

5 **SEC. 1233. REVIEW OF SECURITY RISKS OF PARTICIPATION**
6 **BY DEFENSE CONTRACTORS IN CERTAIN**
7 **SPACE ACTIVITIES OF THE PEOPLE’S REPUB-**
8 **LIC OF CHINA.**

9 (a) *REVIEW REQUIRED.*—*The Secretary of Defense*
10 *shall conduct a review to determine whether there are any*
11 *security risks associated with participation by covered con-*
12 *tractors in certain space activities of the People’s Republic*
13 *of China.*

14 (b) *MATTERS TO BE INCLUDED.*—*The review required*
15 *under subsection (a) shall include, at a minimum, a review*
16 *of the following:*

17 (1) *Whether there have been any incidents with*
18 *respect to which a determination has been made that*
19 *an improper disclosure of covered information by a*
20 *covered contractor has occurred during the five-year*
21 *period ending on the date of the enactment of this*
22 *Act.*

23 (2) *The increase, if any, in the number of cov-*
24 *ered contractors expected to occur during the 5-year*

1 *period beginning on the date of the enactment of this*
2 *Act.*

3 (3) *The extent to which the policies and proce-*
4 *dures of the Department of Defense are sufficient to*
5 *protect against the improper disclosure of covered in-*
6 *formation by a covered contractor during the 5-year*
7 *period beginning on the date of the enactment of this*
8 *Act.*

9 (4) *The Secretary's conclusions regarding awards*
10 *of contracts by the Department of Defense to covered*
11 *contractors after the date of the enactment of this Act.*

12 (5) *Any other matters that the Secretary deter-*
13 *mines to be appropriate to include in the review.*

14 (c) *COOPERATION FROM OTHER DEPARTMENTS AND*
15 *AGENCIES.—The Secretary of State, the Director of Na-*
16 *tional Intelligence, and the head of any other United States*
17 *Government department or agency shall cooperate in a com-*
18 *plete and timely manner to provide the Secretary of Defense*
19 *with data and other information necessary for the Secretary*
20 *of Defense to carry out the review required under subsection*
21 *(a).*

22 (d) *REPORT.—*

23 (1) *IN GENERAL.—Not later than March 1, 2009,*
24 *the Secretary of Defense shall submit to the congress-*

1 *sional defense committees a report on the review re-*
2 *quired under subsection (a).*

3 (2) *FORM.—The report required under this sub-*
4 *section shall include a summary in unclassified form*
5 *to the maximum extent practicable.*

6 (e) *DEFINITIONS.—In this section:*

7 (1) *CERTAIN SPACE ACTIVITIES OF THE PEO-*
8 *PLE’S REPUBLIC OF CHINA.—The term “certain space*
9 *activities of the People’s Republic of China” means—*

10 (A) *the development or manufacture of sat-*
11 *ellites for launch from the People’s Republic of*
12 *China; and*

13 (B) *the launch of satellites from the People’s*
14 *Republic of China.*

15 (2) *COVERED CONTRACTOR.—The term “covered*
16 *contractor” means a contractor of the Department of*
17 *Defense, and any subcontractor (at any tier) of the*
18 *contractor, that—*

19 (A) *has access to covered information; and*

20 (B) *participates, or is part of a joint ven-*
21 *ture that participates, or whose parent, sister,*
22 *subsidiary, or affiliate company participates, in*
23 *certain space activities in the People’s Republic*
24 *of China.*

1 (3) *COVERED INFORMATION.*—*The term “covered*
2 *information” means classified information and sen-*
3 *sitive controlled unclassified information obtained*
4 *under contracts (or subcontracts of such contracts) of*
5 *the Department of Defense.*

6 **SEC. 1234. REPORT ON IRAN’S CAPABILITY TO PRODUCE**
7 **NUCLEAR WEAPONS.**

8 (a) *REPORT REQUIRED.*—*Not later than 180 days*
9 *after the date of the enactment of this Act, and annually*
10 *thereafter, the Director of National Intelligence shall submit*
11 *to Congress a report on Iran’s capability to produce nuclear*
12 *weapons. The report required under this subsection may be*
13 *submitted in classified form.*

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

16 (1) *The locations, types, and number of cen-*
17 *trifuges and other specialized equipment necessary for*
18 *the enrichment of uranium and any plans to acquire,*
19 *manufacture, and operate such equipment in the fu-*
20 *ture.*

21 (2) *An estimate of the amount, if any, of highly*
22 *enriched uranium and weapons grade plutonium ac-*
23 *quired or produced to date, an estimate of the amount*
24 *of weapons grade plutonium that is likely to be pro-*
25 *duced or acquired in the near- and midterms and the*

1 *amount of highly enriched uranium that is likely to*
2 *be produced or acquired in the near- and midterms,*
3 *and the number of nuclear weapons that could be pro-*
4 *duced with such materials.*

5 *(3) A evaluation of the extent to which security*
6 *and safeguards at any nuclear site prevent, slow,*
7 *verify, or help monitor the enrichment of uranium or*
8 *the reprocessing of plutonium into weapons-grade ma-*
9 *terials.*

10 *(4) A description of any weaponization activi-*
11 *ties, such as the research, design, development, or test-*
12 *ing of nuclear weapons or weapons-related compo-*
13 *nents.*

14 *(5) A description of any programs to construct,*
15 *acquire, test, or improve methods to deliver nuclear*
16 *weapons, including an assessment of the likely*
17 *progress of such programs in the near- and mid-*
18 *terms.*

19 *(6) A summary of assessments made by allies of*
20 *the United States of Iran's nuclear weapons program*
21 *and nuclear-capable delivery systems programs.*

22 *(c) NOTIFICATION.—The President shall notify Con-*
23 *gress, in writing, within 15 days of determining that—*

24 *(1) Iran has resumed a nuclear weapons pro-*
25 *gram;*

1 (2) *Iran has met or surpassed any major mile-*
2 *stone in its nuclear weapons program; or*

3 (3) *Iran has undertaken to accelerate, decelerate,*
4 *or cease the development of any significant element*
5 *within its nuclear weapons program.*

6 **SEC. 1235. EMPLOYMENT FOR RESETTLED IRAQIS.**

7 (a) *IN GENERAL.—The Secretary of Defense and the*
8 *Secretary of State are authorized to jointly establish and*
9 *operate a temporary program to offer employment as trans-*
10 *lators, interpreters, or cultural awareness instructors to in-*
11 *dividuals described in subsection (b). Individuals described*
12 *in such subsection may be appointed to temporary positions*
13 *of one year or less outside Iraq with either the Department*
14 *of Defense or the Department of State, without competition*
15 *and without regard for the provisions of chapter 51 and*
16 *subchapter III of chapter 53 of title 5, United States Code.*
17 *Such individuals may also be hired as personal services*
18 *contractors by either of such Departments to provide trans-*
19 *lation, interpreting, or cultural awareness instruction, ex-*
20 *cept that such individuals so hired shall not by virtue of*
21 *such employment be considered employees of the United*
22 *States Government, except for purposes of chapter 81 of title*
23 *5, United States Code, and chapter 171 of title 28, United*
24 *States Code.*

1 (b) *ELIGIBILITY.*—Individuals referred to in sub-
2 section (a) are Iraqi nationals who—

3 (1) have received a special immigrant visa
4 issued pursuant to section 1059 of the National De-
5 fense Authorization Act for Fiscal Year 2006 (Public
6 Law 109–163) or section 1244 of the National Defense
7 Authorization Act for Fiscal Year 2008 (Public Law
8 110–181); and

9 (2) are lawfully present in the United States.

10 (c) *FUNDING.*—

11 (1) *IN GENERAL.*—Except as provided in para-
12 graph (2), the program established under subsection
13 (a) shall be funded from the annual general operating
14 budget of the Department of Defense.

15 (2) *EXCEPTION.*—The Secretary of State shall
16 reimburse the Department of Defense for any costs as-
17 sociated with individuals described in subsection (b)
18 whose work is for or on behalf of the Department of
19 State.

20 (d) *RULE OF CONSTRUCTION REGARDING ACCESS TO*
21 *CLASSIFIED INFORMATION.*—Nothing in this section may
22 be construed as affecting in any manner practices and pro-
23 cedures regarding the handling of or access to classified in-
24 formation.

1 (e) *INFORMATION SHARING.*—*The Secretary of Defense*
2 *and the Secretary of State shall work with the Secretary*
3 *of Homeland Security and the Office of Refugee Resettle-*
4 *ment of the Department of Health and Human Services to*
5 *ensure that individuals described in subsection (b) are in-*
6 *formed of the program established under subsection (a).*

7 (f) *REGULATION.*—*The Secretary of Defense, jointly*
8 *with the Secretary of State and with the concurrence of the*
9 *Director of the Office of Personnel Management, shall pre-*
10 *scribe such regulations as are necessary to carry out the*
11 *program established under subsection (a), including ensur-*
12 *ing the suitability for employment described in subsection*
13 *(a) of individuals described in subsection (b), determining*
14 *the number of positions, and establishing pay scales and*
15 *hiring procedures.*

16 (g) *TERMINATION.*—

17 (1) *IN GENERAL.*—*Except as provided in para-*
18 *graph (2), the program established under subsection*
19 *(a) shall terminate on December 31, 2014.*

20 (2) *EARLIER TERMINATION.*—*If the Secretary of*
21 *Defense, jointly with the Secretary of State, deter-*
22 *mines that the program established under subsection*
23 *(a) should terminate before the date specified in para-*
24 *graph (1), the Secretaries may terminate the program*
25 *if the Secretaries notify Congress in writing of such*

1 *termination at least 180 days before such termi-*
 2 *nation.*

3 **SEC. 1236. EXTENSION AND MODIFICATION OF UPDATES ON**
 4 **REPORT ON CLAIMS RELATING TO THE BOMB-**
 5 **ING OF THE LABELLE DISCOTHEQUE.**

6 *Section 1225(b) of the National Defense Authorization*
 7 *Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.*
 8 *3465), as amended by section 1261(1)(B) of the National*
 9 *Defense Authorization Act for Fiscal Year 2008 (Public*
 10 *Law 110–181; 122 Stat. 405), is further amended—*

11 *(1) in paragraph (2)—*

12 *(A) by striking “Not later than one year*
 13 *after enactment of this Act, and not later than*
 14 *two years after enactment of this Act” and in-*
 15 *serting “Not later than 90 days after the date of*
 16 *the enactment of the Duncan Hunter National*
 17 *Defense Authorization Act for Fiscal Year 2009,*
 18 *and every 180 days thereafter”;* and

19 *(B) by adding at the end the following new*
 20 *sentence: “Each update under this paragraph*
 21 *after the date of the enactment of the Duncan*
 22 *Hunter National Defense Authorization Act for*
 23 *Fiscal Year 2009 shall be submitted in unclassi-*
 24 *fied form, but may include a classified annex.”;*
 25 *and*

1 (2) *by adding at the end the following new para-*
2 *graph:*

3 “(3) *TERMINATION.*—*The requirement to submit*
4 *updates under paragraph (2) shall terminate upon*
5 *submission by the Secretary of State to Congress of*
6 *the certification described in section 5(a)(2) of the*
7 *Libya Claims Resolution Act (Public Law 110–301;*
8 *122 Stat. 3000).”.*

9 **SEC. 1237. REPORT ON UTILIZATION OF CERTAIN GLOBAL**
10 **PARTNERSHIP AUTHORITIES.**

11 (a) *IN GENERAL.*—*Not later than December 31, 2010,*
12 *the Secretary of Defense and the Secretary of State shall*
13 *jointly submit to the appropriate committees of Congress*
14 *a report on the implementation of the Building Global*
15 *Partnership authorities during the period beginning on the*
16 *date of the enactment of this Act and ending on September*
17 *30, 2010.*

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

20 (1) *A detailed summary of the programs con-*
21 *ducted under the Building Global Partnership au-*
22 *thorities during the period covered by the report, in-*
23 *cluding, for each country receiving assistance under*
24 *such a program, a description of the assistance pro-*
25 *vided and its cost.*

1 (2) *An assessment of the impact of the assistance*
2 *provided under the Building Global Partnership au-*
3 *thorities with respect to each country receiving assist-*
4 *ance under such authorities.*

5 (3) *A description of—*

6 (A) *the processes used by the Department of*
7 *Defense and the Department of State to jointly*
8 *formulate, prioritize, and select projects to be*
9 *funded under the Building Global Partnership*
10 *authorities; and*

11 (B) *the processes, if any, used by the De-*
12 *partment of Defense and the Department of State*
13 *to evaluate the success of each project so funded*
14 *after its completion.*

15 (4) *A statement of the projects initiated under*
16 *the Building Global Partnership authorities that were*
17 *subsequently transitioned to and sustained under the*
18 *authorities of the Foreign Assistance Act of 1961 or*
19 *other authorities.*

20 (5) *An assessment of the utility of the Building*
21 *Global Partnership authorities, and of any gaps in*
22 *such authorities, including an assessment of the*
23 *feasibility and advisability of continuing such au-*
24 *thorities beyond their current dates of expiration*
25 *(whether in their current form or with such modifica-*

1 *tions as the Secretary of Defense and the Secretary of*
2 *State jointly consider appropriate).*

3 *(c) DEFINITIONS.—In this section:*

4 *(1) APPROPRIATE COMMITTEES OF CONGRESS.—*
5 *The term “appropriate committees of Congress”*
6 *means—*

7 *(A) the Committee on Armed Services, the*
8 *Committee on Appropriations, and the Com-*
9 *mittee on Foreign Relations of the Senate; and*

10 *(B) the Committee on Armed Services, the*
11 *Committee on Appropriations, and the Com-*
12 *mittee on Foreign Affairs of the House of Rep-*
13 *resentatives.*

14 *(2) BUILDING GLOBAL PARTNERSHIP AUTHORI-*
15 *TIES.—The term “Building Global Partnership au-*
16 *thorities” means the following:*

17 *(A) AUTHORITY FOR BUILDING CAPACITY OF*
18 *FOREIGN MILITARY FORCES.—The authorities*
19 *provided in section 1206 of the National Defense*
20 *Authorization Act for Fiscal Year 2006 (Public*
21 *Law 109–163; 119 Stat. 3456), as amended by*
22 *section 1206 of the John Warner National De-*
23 *fense Authorization Act for Fiscal Year 2007*
24 *(Public Law 109–364; 120 Stat. 2418) and sec-*
25 *tion 1206 of this Act.*

1 (B) *AUTHORITY FOR SECURITY AND STA-*
2 *BILIZATION ASSISTANCE.*—*The authorities pro-*
3 *vided in section 1207 of the National Defense*
4 *Authorization Act for Fiscal Year 2006 (119*
5 *Stat. 3458), as amended by section 1210 of the*
6 *National Defense Authorization Act for Fiscal*
7 *Year 2008 (Public Law 110–181; 122 Stat. 369)*
8 *and section 1207 of this Act.*

9 (C) *CIVIC ASSISTANCE AUTHORITIES UNDER*
10 *COMBATANT COMMANDER INITIATIVE FUND.*—*The*
11 *authority to engage in urgent and unanticipated*
12 *civic assistance under the Combatant Com-*
13 *mander Initiative Fund under section*
14 *166a(b)(6) of title 10, United States Code, as a*
15 *result of the amendments made by section 902 of*
16 *the John Warner National Defense Authorization*
17 *Act for Fiscal Year 2007 (120 Stat. 2351).*

18 **SEC. 1238. MODIFICATION AND REPEAL OF REQUIREMENT**
19 **TO SUBMIT CERTAIN ANNUAL REPORTS TO**
20 **CONGRESS REGARDING ALLIED CONTRIBU-**
21 **TIONS TO THE COMMON DEFENSE.**

22 (a) *MODIFICATION OF CERTAIN REPORTS ON ALLIED*
23 *CONTRIBUTIONS TO THE COMMON DEFENSE.*—*Section*
24 *1003 of the Department of Defense Authorization Act, 1985*
25 *(Public Law 98–525; 98 Stat. 2576) is amended—*

1 (1) *by striking subsections (c) and (d); and*

2 (2) *adding at the end the following new sub-*
3 *sections:*

4 “(c) *The Secretary of Defense shall submit to the Com-*
5 *mittee on Armed Services of the Senate and the Committee*
6 *on Armed Services of the House of Representatives each*
7 *year, not later than March 1, a report containing a descrip-*
8 *tion of—*

9 “(1) *annual defense spending by each member*
10 *nation of NATO, by each member nation of the Euro-*
11 *Atlantic Partnership Council (EAPC), and by Japan,*
12 *including available nominal budget figures and de-*
13 *fense spending as a percentage of the respective na-*
14 *tion’s gross domestic product for the fiscal year imme-*
15 *diately preceding the fiscal year in which the report*
16 *is submitted;*

17 “(2) *activities of each NATO member nation,*
18 *each EAPC member nation, and Japan to contribute*
19 *to military or stability operations in which the*
20 *United States Armed Forces are a participant;*

21 “(3) *any limitations that such nations place on*
22 *the use of their national contributions described in*
23 *paragraph (2); and*

1 “(4) any actions undertaken by the United
2 States Government to minimize those limitations de-
3 scribed in paragraph (3).

4 “(d) The report required under subsection (c) shall be
5 submitted in unclassified form, but may include a classified
6 annex.”

7 (b) *REPEAL OF REPORT ON COST-SHARING.*—Section
8 1313 of the National Defense Authorization Act for Fiscal
9 Year 1995 (Public Law 103–337; 108 Stat. 2894) is amend-
10 ed—

11 (1) by striking subsection (c); and

12 (2) by redesignating subsection (d) as subsections
13 (c).

14 **TITLE XIII—COOPERATIVE**
15 **THREAT REDUCTION**

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

16 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
17 **DUCTION PROGRAMS AND FUNDS.**

18 (a) *SPECIFICATION OF COOPERATIVE THREAT REDUC-*
19 *TION PROGRAMS.*—For purposes of section 301 and other
20 provisions of this Act, Cooperative Threat Reduction pro-
21 grams are the programs specified in section 1501 of the Na-
22 tional Defense Authorization Act for Fiscal Year 1997 (50
23 U.S.C. 2362 note).

1 (b) *FISCAL YEAR 2009 COOPERATIVE THREAT REDUC-*
2 *TION FUNDS DEFINED.*—As used in this title, the term “fis-
3 cal year 2009 Cooperative Threat Reduction funds” means
4 the funds appropriated pursuant to the authorization of ap-
5 propriations in section 301 for Cooperative Threat Reduc-
6 tion programs.

7 (c) *AVAILABILITY OF FUNDS.*—Funds appropriated
8 pursuant to the authorization of appropriations in section
9 301 for Cooperative Threat Reduction programs shall be
10 available for obligation for fiscal years 2009, 2010, and
11 2011.

12 **SEC. 1302. FUNDING ALLOCATIONS.**

13 (a) *FUNDING FOR SPECIFIC PURPOSES.*—Of the
14 \$434,135,000 authorized to be appropriated to the Depart-
15 ment of Defense for fiscal year 2009 in section 301(19) for
16 Cooperative Threat Reduction programs, the following
17 amounts may be obligated for the purposes specified:

18 (1) *For strategic offensive arms elimination in*
19 *Russia, \$79,985,000.*

20 (2) *For strategic nuclear arms elimination in*
21 *Ukraine, \$6,400,000.*

22 (3) *For nuclear weapons storage security in Rus-*
23 *sia, \$24,101,000.*

24 (4) *For nuclear weapons transportation security*
25 *in Russia, \$40,800,000.*

1 (5) *For weapons of mass destruction prolifera-*
2 *tion prevention in the states of the former Soviet*
3 *Union, \$59,286,000.*

4 (6) *For biological threat reduction in the former*
5 *Soviet Union, \$184,463,000.*

6 (7) *For chemical weapons destruction,*
7 *\$1,000,000.*

8 (8) *For defense and military contacts,*
9 *\$8,000,000.*

10 (9) *For new Cooperative Threat Reduction ini-*
11 *tiatives, \$10,000,000.*

12 (10) *For activities designated as Other Assess-*
13 *ments/Administrative Costs, \$20,100,000.*

14 (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*
15 *FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Coop-*
16 *erative Threat Reduction funds may be obligated or ex-*
17 *pended for a purpose other than a purpose listed in para-*
18 *graphs (1) through (10) of subsection (a) until 15 days after*
19 *the date that the Secretary of Defense submits to Congress*
20 *a report on the purpose for which the funds will be obligated*
21 *or expended and the amount of funds to be obligated or ex-*
22 *pended. Nothing in the preceding sentence shall be construed*
23 *as authorizing the obligation or expenditure of fiscal year*
24 *2009 Cooperative Threat Reduction funds for a purpose for*
25 *which the obligation or expenditure of such funds is specifi-*

1 *cally prohibited under this title or any other provision of*
2 *law.*

3 (c) *LIMITED AUTHORITY TO VARY INDIVIDUAL*
4 *AMOUNTS.—*

5 (1) *IN GENERAL.—Subject to paragraph (2), in*
6 *any case in which the Secretary of Defense determines*
7 *that it is necessary to do so in the national interest,*
8 *the Secretary may obligate amounts appropriated for*
9 *fiscal year 2009 for a purpose listed in paragraphs*
10 *(1) through (10) of subsection (a) in excess of the spe-*
11 *cific amount authorized for that purpose.*

12 (2) *NOTICE-AND-WAIT REQUIRED.—An obligation*
13 *of funds for a purpose stated in paragraphs (1)*
14 *through (10) of subsection (a) in excess of the specific*
15 *amount authorized for such purpose may be made*
16 *using the authority provided in paragraph (1) only*
17 *after—*

18 (A) *the Secretary submits to Congress noti-*
19 *fication of the intent to do so together with a*
20 *complete discussion of the justification for doing*
21 *so; and*

22 (B) *15 days have elapsed following the date*
23 *of the notification.*

1 **TITLE XIV—OTHER**
 2 **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.
Sec. 1407. National Defense Sealift Fund amendments.

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. Authorization of appropriations for Armed Forces Retirement Home.*

3 ***Subtitle A—Military Programs***

4 **SEC. 1401. WORKING CAPITAL FUNDS.**

5 *Funds are hereby authorized to be appropriated for fis-*
 6 *cal year 2009 for the use of the Armed Forces and other*
 7 *activities and agencies of the Department of Defense for*
 8 *providing capital for working capital and revolving funds*
 9 *in amounts as follows:*

10 (1) *For the Defense Working Capital Funds,*
 11 *\$198,150,000.*

12 (2) *For the Defense Working Capital Fund, De-*
 13 *fense Commissary, \$1,291,084,000.*

14 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

15 *Funds are hereby authorized to be appropriated for fis-*
 16 *cal year 2009 for the National Defense Sealift Fund in the*
 17 *amount of \$1,608,572,000.*

1 **SEC. 1403. DEFENSE HEALTH PROGRAM.**

2 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are
3 hereby authorized to be appropriated for the Department
4 of Defense for fiscal year 2009 for expenses, not otherwise
5 provided for, for the Defense Health Program, in the
6 amount of \$24,966,917,000, of which—

7 (1) \$24,467,074,000 is for Operation and Main-
8 tenance;

9 (2) \$195,938,000 is for Research, Development,
10 Test, and Evaluation; and

11 (3) \$303,905,000 is for Procurement.

12 (b) *SOURCE OF CERTAIN FUNDS.*—Of the amount
13 available under subsection (a), \$1,300,000,000 shall, to the
14 extent provided in advance in an Act making appropri-
15 ations for fiscal year 2009, be available by transfer from the
16 National Defense Stockpile Transaction Fund established
17 under subsection (a) of section 9 of the Strategic and Crit-
18 ical Materials Stock Piling Act (50 U.S.C. 98h).

19 **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
20 **TION, DEFENSE.**

21 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are
22 hereby authorized to be appropriated for the Department
23 of Defense for fiscal year 2009 for expenses, not otherwise
24 provided for, for Chemical Agents and Munitions Destruc-
25 tion, Defense, in the amount of \$1,485,634,000, of which—

1 (1) \$1,152,668,000 is for Operation and Maintenance;
2

3 (2) \$268,881,000 is for Research, Development,
4 Test, and Evaluation; and

5 (3) \$64,085,000 is for Procurement.

6 (b) USE.—Amounts authorized to be appropriated
7 under subsection (a) are authorized for—

8 (1) the destruction of lethal chemical agents and
9 munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50
10 U.S.C. 1521); and

11 (2) the destruction of chemical warfare materiel
12 of the United States that is not covered by section
13 1412 of such Act.
14

15 **SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC-**
16 **TIVITIES, DEFENSE-WIDE.**

17 Funds are hereby authorized to be appropriated for the
18 Department of Defense for fiscal year 2009 for expenses, not
19 otherwise provided for, for Drug Interdiction and Counter-
20 Drug Activities, Defense-wide, in the amount of
21 \$1,060,463,000.

22 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

23 Funds are hereby authorized to be appropriated for the
24 Department of Defense for fiscal year 2009 for expenses, not
25 otherwise provided for, for the Office of the Inspector Gen-

1 *eral of the Department of Defense, in the amount of*
 2 *\$273,845,000, of which—*

3 *(1) \$270,445,000 is for Operation and Mainte-*
 4 *nance; and*

5 *(2) \$3,400,000 is for Procurement.*

6 **SEC. 1407. NATIONAL DEFENSE SEALIFT FUND AMEND-**
 7 **MENTS.**

8 *Section 2218 of title 10, United States Code, is amend-*
 9 *ed—*

10 *(1) by striking subsection (j) and redesignating*
 11 *subsections (k) and (l) as subsections (j) and (k), re-*
 12 *spectively; and*

13 *(2) in paragraph (2) of subsection (k) (as so re-*
 14 *designated), by striking subparagraphs (B) thru (I)*
 15 *and inserting the following new subparagraph (B):*

16 *“(B) Any other auxiliary vessel that was pro-*
 17 *cured or chartered with specific authorization in law*
 18 *for the vessel, or class of vessels, to be funded in the*
 19 *National Defense Sealift Fund.”.*

20 ***Subtitle B—National Defense***
 21 ***Stockpile***

22 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**
 23 **STOCKPILE FUNDS.**

24 *(a) OBLIGATION OF STOCKPILE FUNDS.—During fis-*
 25 *cal year 2009, the National Defense Stockpile Manager may*

1 obligate up to \$41,153,000 of the funds in the National De-
2 fense Stockpile Transaction Fund established under sub-
3 section (a) of section 9 of the Strategic and Critical Mate-
4 rials Stock Piling Act (50 U.S.C. 98h) for the authorized
5 uses of such funds under subsection (b)(2) of such section,
6 including the disposal of hazardous materials that are envi-
7 ronmentally sensitive.

8 (b) *ADDITIONAL OBLIGATIONS.*—*The National Defense*
9 *Stockpile Manager may obligate amounts in excess of the*
10 *amount specified in subsection (a) if the National Defense*
11 *Stockpile Manager notifies Congress that extraordinary or*
12 *emergency conditions necessitate the additional obligations.*
13 *The National Defense Stockpile Manager may make the ad-*
14 *ditional obligations described in the notification after the*
15 *end of the 45-day period beginning on the date on which*
16 *Congress receives the notification.*

17 (c) *LIMITATIONS.*—*The authorities provided by this*
18 *section shall be subject to such limitations as may be pro-*
19 *vided in appropriations Acts.*

20 **SEC. 1412. REVISIONS TO PREVIOUSLY AUTHORIZED DIS-**
21 **POSALS FROM THE NATIONAL DEFENSE**
22 **STOCKPILE.**

23 (a) *FISCAL YEAR 1999 DISPOSAL AUTHORITY.*—*Sec-*
24 *tion 3303(a)(7) of the Strom Thurmond National Defense*
25 *Authorization Act for Fiscal Year 1999 (Public Law 105-*

1 261; 50 U.S.C. 98d note), as most recently amended by sec-
2 tion 1412(b) of the National Defense Authorization Act for
3 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 418), is
4 further amended by striking “\$1,066,000,000 by the end of
5 fiscal year 2015” and inserting “\$1,386,000,000 by the end
6 of fiscal year 2016”.

7 (b) *FISCAL YEAR 1998 DISPOSAL AUTHORITY*.—Sec-
8 tion 3305(a)(5) of the National Defense Authorization Act
9 for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d
10 note), as most recently amended by section 3302(b) of the
11 John Warner National Defense Authorization Act for Fiscal
12 Year 2007 (Public Law 109–364; 120 Stat. 2513), is further
13 amended by striking “2008” and inserting “2009”.

14 ***Subtitle C—Armed Forces***
15 ***Retirement Home***

16 ***SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR***
17 ***ARMED FORCES RETIREMENT HOME.***

18 *There is authorized to be appropriated for fiscal year*
19 *2009 from the Armed Forces Retirement Home Trust Fund*
20 *the sum of \$63,010,000 for the operation of the Armed*
21 *Forces Retirement Home.*

1 **TITLE XV—AUTHORIZATION OF**
 2 **ADDITIONAL APPROPRIA-**
 3 **TIONS FOR OPERATION IRAQI**
 4 **FREEDOM AND OPERATION**
 5 **ENDURING FREEDOM**

Sec. 1501. Authorization of additional appropriations for operations in Afghanistan and Iraq for fiscal year 2009.

Sec. 1502. Requirement for separate display of budgets for Afghanistan and Iraq.

Sec. 1503. Joint Improvised Explosive Device Defeat Fund.

Sec. 1504. Science and technology investment strategy to defeat or counter improvised explosive devices.

Sec. 1505. Limitations on Iraq Security Forces Fund.

Sec. 1506. Limitations on Afghanistan Security Forces Fund.

Sec. 1507. Special transfer authority.

Sec. 1508. Prohibition on use of United States funds for certain facilities projects in Iraq and contributions by the Government of Iraq to combined operations and other activities in Iraq.

6 **SEC. 1501. AUTHORIZATION OF ADDITIONAL APPROPRIA-**
 7 **TIONS FOR OPERATIONS IN AFGHANISTAN**
 8 **AND IRAQ FOR FISCAL YEAR 2009.**

9 (a) *AUTHORIZATION OF PREVIOUSLY APPROPRIATED*
 10 *AMOUNTS.—In addition to the amounts otherwise author-*
 11 *ized to be appropriated by division A of this Act, the*
 12 *amounts appropriated for fiscal year 2009 in chapter 2 of*
 13 *title IX of the Supplemental Appropriations Act, 2008*
 14 *(Public Law 110–252; 122 Stat. 2405–2414) are hereby au-*
 15 *thorized to be appropriated.*

16 (b) *ADDITIONAL AUTHORIZATION.—In addition to the*
 17 *amounts otherwise authorized to be appropriated by divi-*
 18 *sion A of this Act and subsection (a), funds in the amount*
 19 *of \$2,076,000,000 are hereby authorized to be appropriated*

1 *for aircraft procurement, Air Force, for the purpose of ac-*
2 *quiring six C-17 aircraft.*

3 **SEC. 1502. REQUIREMENT FOR SEPARATE DISPLAY OF**
4 **BUDGETS FOR AFGHANISTAN AND IRAQ.**

5 *(a) OPERATIONS IN IRAQ AND AFGHANISTAN.—In any*
6 *annual or supplemental budget request for the Department*
7 *of Defense that is submitted to Congress after the date of*
8 *the enactment of this Act, the Secretary of Defense shall set*
9 *forth separately any funding requested in such budget re-*
10 *quest for—*

11 *(1) operations of the Department of Defense in*
12 *Afghanistan; and*

13 *(2) operations of the Department of Defense in*
14 *Iraq.*

15 *(b) SPECIFICITY OF DISPLAY.—Each budget request*
16 *covered by subsection (a) shall, for any funding requested*
17 *for operations in Iraq or Afghanistan—*

18 *(1) clearly display the amount of such funding*
19 *at the appropriation account level and at the pro-*
20 *gram, project, or activity level; and*

21 *(2) include a detailed description of the assump-*
22 *tions underlying the funding for the period covered by*
23 *the budget request, including the anticipated troop*
24 *levels, the operations intended to be carried out, and*

1 (d) *MONTHLY OBLIGATIONS AND EXPENDITURE RE-*
2 *PORTS.*—Not later than 15 days after the end of each month
3 of fiscal year 2009, the Secretary of Defense shall provide
4 to the congressional defense committees a report on the
5 *Joint Improvised Explosive Device Defeat Fund* explaining
6 monthly commitments, obligations, and expenditures by
7 line of action.

8 (e) *MODIFICATION OF SUBMITTAL DATE OF OTHER*
9 *REPORTS.*—Section 1514(e) of the John Warner National
10 *Defense Authorization Act for Fiscal Year 2007* (Public
11 *Law 109–364; 120 Stat. 2440*) is amended by striking “30
12 *days*” and inserting “60 days”.

13 **SEC. 1504. SCIENCE AND TECHNOLOGY INVESTMENT**
14 **STRATEGY TO DEFEAT OR COUNTER IMPRO-**
15 **VED EXPLOSIVE DEVICES.**

16 (a) *STRATEGY REQUIRED.*—The Director of the Joint
17 *Improvised Explosive Device Defeat Organization*
18 *(JIEDDO)*, jointly with the Director of Defense Research
19 *and Engineering*, shall develop a comprehensive science and
20 *technology investment strategy for countering the threat of*
21 *improvised explosive devices (IEDs)*.

22 (b) *ELEMENTS.*—The strategy developed under sub-
23 *section (a)* shall include the following:

24 (1) *Identification of counter-IED capability*
25 *gaps.*

1 (2) *A taxonomy describing the major technical*
2 *areas for the Department of Defense to address the*
3 *counter-IED capability gaps and in which science*
4 *and technology funding investments should be made.*

5 (3) *Identification of funded programs to develop*
6 *or mature technologies from or to the level of system*
7 *or subsystem model or prototype demonstration in a*
8 *relevant environment, and investment levels for those*
9 *initiatives.*

10 (4) *Identification of JIEDDO's mechanisms for*
11 *coordinating Department of Defense and Federal Gov-*
12 *ernment science and technology activities in areas*
13 *covered by the strategy.*

14 (5) *Identification of technology transition mech-*
15 *anisms developed or utilized to efficiently transition*
16 *technologies to acquisition programs of the Depart-*
17 *ment of Defense or into operational use, including a*
18 *summary of counter-IED technologies transitioned*
19 *from JIEDDO, the military departments, and other*
20 *Defense Agencies to the acquisition programs or into*
21 *operational use.*

22 (6) *Identification of high priority basic research*
23 *efforts that should be addressed through JIEDDO or*
24 *other Department of Defense activities to support de-*
25 *velopment of next generation IED defeat capabilities.*

1 (7) *Identification of barriers or issues, such as*
2 *industrial base, workforce, or statutory or regulatory*
3 *barriers, that could hinder the efficient and effective*
4 *development and operational use of advanced IED de-*
5 *feat capabilities, and discussion of activities under-*
6 *taken to address them.*

7 (8) *Identification of the measures of effectiveness*
8 *for the overall Department of Defense science and*
9 *technology counter-IED effort.*

10 (9) *Such other matters as the Director of the*
11 *JIEDDO and the Director of Defense Research and*
12 *Engineering consider appropriate.*

13 (c) *REPORT.—Not later than March 1, 2009, and each*
14 *March 1 thereafter through March 1, 2013, the Director of*
15 *the JIEDDO and the Director of Defense Research and En-*
16 *gineering shall jointly submit to the congressional defense*
17 *committees a report describing the implementation of the*
18 *strategy developed under subsection (a). The report may be*
19 *in unclassified and classified format, as necessary.*

20 **SEC. 1505. LIMITATIONS ON IRAQ SECURITY FORCES FUND.**

21 *Funds appropriated pursuant to the authorization of*
22 *appropriations in section 1501 of this Act or in the Supple-*
23 *mental Appropriations Act, 2008 (Public Law 110–252;*
24 *122 Stat. 2407) and made available to the Department of*
25 *Defense for the Iraq Security Forces Fund shall be subject*

1 *to the conditions contained in subsections (b) through (g)*
2 *of section 1512 of the National Defense Authorization Act*
3 *for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).*

4 **SEC. 1506. LIMITATIONS ON AFGHANISTAN SECURITY**
5 **FORCES FUND.**

6 *Funds appropriated pursuant to the authorization of*
7 *appropriations in section 1501 of this Act or in the Supple-*
8 *mental Appropriations Act, 2008 (Public Law 110–252;*
9 *122 Stat. 2407) and made available to the Department of*
10 *Defense for the Afghanistan Security Forces Fund shall be*
11 *subject to the conditions contained in subsections (b)*
12 *through (g) of section 1513 of the National Defense Author-*
13 *ization Act for Fiscal Year 2008 (Public Law 110–181; 122*
14 *Stat. 428).*

15 **SEC. 1507. SPECIAL TRANSFER AUTHORITY.**

16 *(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—*

17 *(1) AUTHORITY.—Upon determination by the*
18 *Secretary of Defense that such action is necessary in*
19 *the national interest, the Secretary may transfer*
20 *amounts of authorizations made available to the De-*
21 *partment of Defense in this title for fiscal year 2009*
22 *between any such authorizations for that fiscal year*
23 *(or any subdivisions thereof). Amounts of authoriza-*
24 *tions so transferred shall be merged with and be*

1 *available for the same purposes as the authorization*
2 *to which transferred.*

3 (2) *LIMITATION.*—*The total amount of author-*
4 *izations that the Secretary may transfer under the*
5 *authority of this section may not exceed*
6 *\$4,000,000,000.*

7 (b) *TERMS AND CONDITIONS.*—*Transfers under this*
8 *section shall be subject to the same terms and conditions*
9 *as transfers under section 1001.*

10 (c) *ADDITIONAL AUTHORITY.*—*The transfer authority*
11 *provided by this section is in addition to the transfer au-*
12 *thority provided under section 1001.*

13 **SEC. 1508. PROHIBITION ON USE OF UNITED STATES FUNDS**
14 **FOR CERTAIN FACILITIES PROJECTS IN IRAQ**
15 **AND CONTRIBUTIONS BY THE GOVERNMENT**
16 **OF IRAQ TO COMBINED OPERATIONS AND**
17 **OTHER ACTIVITIES IN IRAQ.**

18 (a) *PROHIBITION RELATED TO FACILITIES FOR GOV-*
19 *ERNMENT OF IRAQ.*—

20 (1) *PROHIBITION ON AVAILABILITY OF UNITED*
21 *STATES FUNDS FOR PROJECTS.*—*Except as provided*
22 *in paragraph (2), amounts authorized to be appro-*
23 *priated by this title may not be obligated or expended*
24 *for the acquisition, conversion, rehabilitation, or in-*
25 *stallation of facilities in Iraq for the use of the Gov-*

1 *ernment of Iraq, political subdivisions of Iraq, or*
2 *agencies, departments, or forces of the Government of*
3 *Iraq or such political subdivisions.*

4 (2) *EXCEPTIONS.—*

5 (A) *EXCEPTION FOR CERP.—The prohibi-*
6 *tion in paragraph (1) does not apply to amounts*
7 *authorized to be appropriated by this title for the*
8 *Commanders' Emergency Response Program*
9 *(CERP).*

10 (B) *EXCEPTION FOR MILITARY CONSTRUC-*
11 *TION.—The prohibition in paragraph (1) does*
12 *not apply to military construction (as defined in*
13 *section 2801 of title 10, United States Code),*
14 *carried out in Iraq.*

15 (C) *EXCEPTION FOR TECHNICAL ASSIST-*
16 *ANCE.—The prohibition in paragraph (1) does*
17 *not apply to the provision of technical assistance*
18 *necessary to assist the Government of Iraq to*
19 *carry out facilities projects on its own behalf.*

20 (b) *COMBINED OPERATIONS.—*

21 (1) *COST SHARING.—The United States Govern-*
22 *ment shall initiate negotiations with the Government*
23 *of Iraq on an agreement under which the Government*
24 *of Iraq shall share with the United States Govern-*
25 *ment the costs of combined operations of the Govern-*

1 *ment of Iraq and the Multi-National Forces Iraq un-*
 2 *dertaken as part of Operation Iraqi Freedom.*

3 (2) *REPORT.*—*Not later than 90 days after the*
 4 *date of the enactment of this Act, the Secretary of*
 5 *State shall, in conjunction with the Secretary of De-*
 6 *fense, submit to Congress a report describing the sta-*
 7 *tus of negotiations under paragraph (1).*

8 (c) *IRAQI SECURITY FORCES.*—

9 (1) *USE OF IRAQ FUNDS.*—*The United States*
 10 *Government shall take actions to ensure that Iraq*
 11 *funds are used to pay the costs of the salaries, train-*
 12 *ing, equipping, and sustainment of Iraqi Security*
 13 *Forces.*

14 (2) *REPORTS.*—*Not later than 90 days after the*
 15 *date of the enactment of this Act, and every 180 days*
 16 *thereafter, the President shall submit to Congress a re-*
 17 *port setting forth an assessment of the progress made*
 18 *in meeting the requirements of paragraph (1).*

19 **TITLE XVI—RECONSTRUCTION**
 20 **AND STABILIZATION CIVILIAN**
 21 **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 Sta-*
3 *bilization 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 Department*
9 *of State with the mandate to lead, coordinate, and in-*
10 *stitutionalize United States Government civilian ca-*
11 *capacity to prevent or prepare for post-conflict situa-*
12 *tions and help reconstruct and stabilize a country or*
13 *region that is at risk of, in, or is in transition from,*
14 *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 of*
18 *State, and at the Secretary’s direction, the Coordi-*
19 *nator, to coordinate and lead integrated United*
20 *States Government efforts, involving all United States*
21 *departments and agencies with relevant capabilities,*
22 *to prepare, plan for, and conduct reconstruction and*
23 *stabilization operations.*

24 *(3) National Security Presidential Directive 44*
25 *assigns to the Secretary, with the Coordinator’s as-*
26 *sistance, the lead role to develop reconstruction and*

1 *stabilization strategies, ensure civilian interagency*
2 *program and policy coordination, coordinate inter-*
3 *agency processes to identify countries at risk of insta-*
4 *bility, provide decision-makers with detailed options*
5 *for an integrated United States Government response*
6 *in connection with reconstruction and stabilization*
7 *operations, and carry out a wide range of other ac-*
8 *tions, including the development of a civilian surge*
9 *capacity to meet reconstruction and stabilization*
10 *emergencies. The Secretary and the Coordinator are*
11 *also charged with coordinating with the Department*
12 *of Defense on reconstruction and stabilization re-*
13 *sponses, and integrating planning and implementing*
14 *procedures.*

15 *(4) The Department of Defense issued Directive*
16 *3000.05, which establishes that stability operations*
17 *are a core United States military mission that the*
18 *Department of Defense must be prepared to conduct*
19 *and support, provides guidance on stability oper-*
20 *ations that will evolve over time, and assigns respon-*
21 *sibilities within the Department of Defense for plan-*
22 *ning, training, and preparing to conduct and support*
23 *stability operations.*

24 *(5) The President's Fiscal Year 2009 Budget Re-*
25 *quest to Congress includes \$248.6 million for a Civil-*

1 *ian Stabilization Initiative that would vastly im-*
2 *prove civilian partnership with United States Armed*
3 *Forces in post-conflict stabilization situations, includ-*
4 *ing by establishing a Active Response Corps of 250*
5 *persons, a Standby Response Corps of 2,000 persons,*
6 *and a Civilian Response Corps of 2,000 persons.*

7 **SEC. 1603. DEFINITIONS.**

8 *In this title:*

9 (1) *ADMINISTRATOR.*—*The term “Adminis-*
10 *trator” means the Administrator of the United States*
11 *Agency for International Development.*

12 (2) *AGENCY.*—*The term “agency” means any en-*
13 *tity included in chapter 1 of title 5, United States*
14 *Code.*

15 (3) *APPROPRIATE CONGRESSIONAL COMMIT-*
16 *TEES.*—*The term “appropriate congressional commit-*
17 *tees” means the Committee on Foreign Affairs of the*
18 *House of Representatives and the Committee on For-*
19 *eign Relations of the Senate.*

20 (4) *DEPARTMENT.*—*Except as otherwise provided*
21 *in this title, the term “Department” means the De-*
22 *partment of State.*

23 (5) *PERSONNEL.*—*The term “personnel” means*
24 *individuals serving in any service described in section*

1 2101 of title 5, United States Code, other than in the
2 legislative or judicial branch.

3 (6) *SECRETARY.*—The term “Secretary” means
4 the Secretary of State.

5 **SEC. 1604. AUTHORITY TO PROVIDE ASSISTANCE FOR RE-**
6 **CONSTRUCTION AND STABILIZATION CRISES.**

7 Chapter 1 of part III of the Foreign Assistance Act
8 of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting
9 after section 617 the following new section:

10 **“SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STA-**
11 **BILIZATION CRISIS.**

12 “(a) *ASSISTANCE.*—

13 “(1) *IN GENERAL.*—If the President determines
14 that it is in the national security interests of the
15 United States for United States civilian agencies or
16 non-Federal employees to assist in reconstructing and
17 stabilizing a country or region that is at risk of, in,
18 or is in transition from, conflict or civil strife, the
19 President may, in accordance with the provisions set
20 forth in section 614(a)(3), but notwithstanding any
21 other provision of law, and on such terms and condi-
22 tions as the President may determine, furnish assist-
23 ance to such country or region for reconstruction or
24 stabilization using funds described in paragraph (2).

1 “(2) *FUNDS DESCRIBED.*—*The funds referred to*
2 *in paragraph (1) are funds made available under any*
3 *other provision of this Act, and transferred or repro-*
4 *grammed for purposes of this section, and such trans-*
5 *fer or reprogramming shall be subject to the proce-*
6 *dures applicable to a notification under section 634A*
7 *of this Act.*

8 “(3) *RULE OF CONSTRUCTION.*—*Nothing in this*
9 *section shall be construed to provide authority to*
10 *transfer funds between accounts or between Federal*
11 *departments or agencies.*

12 “(b) *LIMITATION.*—*The authority contained in this*
13 *section may be exercised only during fiscal years 2009,*
14 *2010, and 2011.”.*

15 **SEC. 1605. RECONSTRUCTION AND STABILIZATION.**

16 *Title I of the State Department Basic Authorities Act*
17 *of 1956 (22 U.S.C. 2651a et seq.) is amended by adding*
18 *at the end the following new section:*

19 **“SEC. 62. RECONSTRUCTION AND STABILIZATION.**

20 “(a) *OFFICE OF THE COORDINATOR FOR RECON-*
21 *STRUCTION AND STABILIZATION.*—

22 “(1) *ESTABLISHMENT.*—*There is established*
23 *within the Department of State the Office of the Coor-*
24 *ordinator for Reconstruction and Stabilization.*

1 “(2) *COORDINATOR FOR RECONSTRUCTION AND*
2 *STABILIZATION.*—*The head of the Office shall be the*
3 *Coordinator for Reconstruction and Stabilization,*
4 *who shall be appointed by the President, by and with*
5 *the advice and consent of the Senate. The Coordinator*
6 *shall report directly to the Secretary.*

7 “(3) *FUNCTIONS.*—*The functions of the Office of*
8 *the Coordinator for Reconstruction and Stabilization*
9 *shall include the following:*

10 “(A) *Monitoring, in coordination with rel-*
11 *evant bureaus and offices of the Department of*
12 *State and the United States Agency for Inter-*
13 *national Development (USAID), political and*
14 *economic instability worldwide to anticipate the*
15 *need for mobilizing United States and inter-*
16 *national assistance for the reconstruction and*
17 *stabilization of a country or region that is at*
18 *risk of, in, or are in transition from, conflict or*
19 *civil strife.*

20 “(B) *Assessing the various types of recon-*
21 *struction and stabilization crises that could*
22 *occur and cataloging and monitoring the non-*
23 *military resources and capabilities of agencies*
24 *(as such term is defined in section 1603 of the*
25 *Reconstruction and Stabilization Civilian Man-*

1 *agement Act of 2008) that are available to ad-*
2 *dress such crises.*

3 *“(C) Planning, in conjunction with*
4 *USAID, to address requirements, such as demo-*
5 *bilization, disarmament, rebuilding of civil soci-*
6 *ety, policing, human rights monitoring, and*
7 *public information, that commonly arise in re-*
8 *construction and stabilization crises.*

9 *“(D) Coordinating with relevant agencies to*
10 *develop interagency contingency plans and pro-*
11 *cedures to mobilize and deploy civilian personnel*
12 *and conduct reconstruction and stabilization op-*
13 *erations to address the various types of such cri-*
14 *ses.*

15 *“(E) Entering into appropriate arrange-*
16 *ments with agencies to carry out activities under*
17 *this section and the Reconstruction and Sta-*
18 *bilization Civilian Management Act of 2008.*

19 *“(F) Identifying personnel in State and*
20 *local governments and in the private sector who*
21 *are available to participate in the Civilian Re-*
22 *serve Corps established under subsection (b) or to*
23 *otherwise participate in or contribute to recon-*
24 *struction and stabilization activities.*

1 “(G) Taking steps to ensure that training
2 and education of civilian personnel to perform
3 such reconstruction and stabilization activities is
4 adequate and is carried out, as appropriate,
5 with other agencies involved with stabilization
6 operations.

7 “(H) Taking steps to ensure that plans for
8 United States reconstruction and stabilization
9 operations are coordinated with and complemen-
10 tary to reconstruction and stabilization activities
11 of other governments and international and non-
12 governmental organizations, to improve effective-
13 ness and avoid duplication.

14 “(I) Maintaining the capacity to field on
15 short notice an evaluation team consisting of
16 personnel from all relevant agencies to undertake
17 on-site needs assessment.

18 “(b) *RESPONSE READINESS CORPS.*—

19 “(1) *RESPONSE READINESS CORPS.*—The Sec-
20 retary, in consultation with the Administrator of the
21 United States Agency for International Development
22 and the heads of other appropriate agencies of the
23 United States Government, may establish and main-
24 tain a Response Readiness Corps (referred to in this
25 section as the ‘Corps’) to provide assistance in sup-

1 *port of reconstruction and stabilization operations in*
2 *countries or regions that are at risk of, in, or are in*
3 *transition from, conflict or civil strife. The Corps*
4 *shall be composed of active and standby components*
5 *consisting of United States Government personnel, in-*
6 *cluding employees of the Department of State, the*
7 *United States Agency for International Development,*
8 *and other agencies who are recruited and trained*
9 *(and employed in the case of the active component) to*
10 *provide such assistance when deployed to do so by the*
11 *Secretary to support the purposes of this Act.*

12 *“(2) CIVILIAN RESERVE CORPS.—The Secretary,*
13 *in consultation with the Administrator of the United*
14 *States Agency for International Development, may es-*
15 *tablish a Civilian Reserve Corps for which purpose*
16 *the Secretary is authorized to employ and train indi-*
17 *viduals who have the skills necessary for carrying out*
18 *reconstruction and stabilization activities, and who*
19 *have volunteered for that purpose. The Secretary may*
20 *deploy members of the Civilian Reserve Corps pursu-*
21 *ant to a determination by the President under section*
22 *618 of the Foreign Assistance Act of 1961.*

23 *“(3) MITIGATION OF DOMESTIC IMPACT.—The es-*
24 *tablishment and deployment of any Civilian Reserve*
25 *Corps shall be undertaken in a manner that will*

1 *avoid substantively impairing the capacity and read-*
2 *iness of any State and local governments from which*
3 *Civilian Reserve Corps personnel may be drawn.*

4 “(c) *EXISTING TRAINING AND EDUCATION PRO-*
5 *GRAMS.—The Secretary shall ensure that personnel of the*
6 *Department, and, in coordination with the Administrator*
7 *of USAID, that personnel of USAID, make use of the rel-*
8 *evant existing training and education programs offered*
9 *within the Government, such as those at the Center for Sta-*
10 *bilization and Reconstruction Studies at the Naval Post-*
11 *graduate School and the Interagency Training, Education,*
12 *and After Action Review Program at the National Defense*
13 *University.”.*

14 **SEC. 1606. AUTHORITIES RELATED TO PERSONNEL.**

15 (a) *EXTENSION OF CERTAIN FOREIGN SERVICE BENE-*
16 *FITS.—The Secretary, or the head of any agency with re-*
17 *spect to personnel of that agency, may extend to any indi-*
18 *viduals assigned, detailed, or deployed to carry out recon-*
19 *struction and stabilization activities pursuant to section 62*
20 *of the State Department Basic Authorities Act of 1956 (as*
21 *added by section 1605 of this title), the benefits or privileges*
22 *set forth in sections 413, 704, and 901 of the Foreign Serv-*
23 *ice Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22*
24 *U.S.C. 4081) to the same extent and manner that such bene-*

1 *fits and privileges are extended to members of the Foreign*
2 *Service.*

3 **(b) AUTHORITY REGARDING DETAILS.**—*The Secretary*
4 *is authorized to accept details or assignments of any per-*
5 *sonnel, and any employee of a State or local government,*
6 *on a reimbursable or nonreimbursable basis for the purpose*
7 *of carrying out this title, and the head of any agency is*
8 *authorized to detail or assign personnel of such agency on*
9 *a reimbursable or nonreimbursable basis to the Department*
10 *of State for purposes of section 62 of the State Department*
11 *Basic Authorities Act of 1956, as added by section 1605*
12 *of this title.*

13 **SEC. 1607. RECONSTRUCTION AND STABILIZATION STRAT-**
14 **EGY.**

15 **(a) IN GENERAL.**—*The Secretary of State, in consulta-*
16 *tion with the Administrator of the United States Agency*
17 *for International Development, shall develop an interagency*
18 *strategy to respond to reconstruction and stabilization oper-*
19 *ations.*

20 **(b) CONTENTS.**—*The strategy required under sub-*
21 *section (a) shall include the following:*

22 **(1)** *Identification of and efforts to improve the*
23 *skills sets needed to respond to and support recon-*
24 *struction and stabilization operations in countries or*

1 *regions that are at risk of, in, or are in transition*
2 *from, conflict or civil strife.*

3 *(2) Identification of specific agencies that can*
4 *adequately satisfy the skills sets referred to in para-*
5 *graph (1).*

6 *(3) Efforts to increase training of Federal civil-*
7 *ian personnel to carry out reconstruction and sta-*
8 *bilization activities.*

9 *(4) Efforts to develop a database of proven and*
10 *best practices based on previous reconstruction and*
11 *stabilization operations.*

12 *(5) A plan to coordinate the activities of agencies*
13 *involved in reconstruction and stabilization oper-*
14 *ations.*

15 **SEC. 1608. ANNUAL REPORTS TO CONGRESS.**

16 *Not later than 180 days after the date of the enactment*
17 *of this Act and annually for each of the five years thereafter,*
18 *the Secretary of State shall submit to the appropriate con-*
19 *gressional committees a report on the implementation of*
20 *this title. The report shall include detailed information on*
21 *the following:*

22 *(1) Any steps taken to establish a Response*
23 *Readiness Corps and a Civilian Reserve Corps, pur-*
24 *suant to section 62 of the State Department Basic*

1 *Authorities Act of 1956 (as added by section 1605 of*
2 *this title).*

3 (2) *The structure, operations, and cost of the Re-*
4 *sponse Readiness Corps and the Civilian Reserve*
5 *Corps, if established.*

6 (3) *How the Response Readiness Corps and the*
7 *Civilian Reserve Corps coordinate, interact, and work*
8 *with other United States foreign assistance programs.*

9 (4) *An assessment of the impact that deployment*
10 *of the Civilian Reserve Corps, if any, has had on the*
11 *capacity and readiness of any domestic agencies or*
12 *State and local governments from which Civilian Re-*
13 *serve Corps personnel are drawn.*

14 (5) *The reconstruction and stabilization strategy*
15 *required by section 1607 and any annual updates to*
16 *that strategy.*

17 (6) *Recommendations to improve implementa-*
18 *tion of subsection (b) of section 62 of the State De-*
19 *partment Basic Authorities Act of 1956, including*
20 *measures to enhance the recruitment and retention of*
21 *an effective Civilian Reserve Corps.*

22 (7) *A description of anticipated costs associated*
23 *with the development, annual sustainment, and de-*
24 *ployment of the Civilian Reserve Corps.*

1 **DIVISION B—MILITARY CON-**
2 **STRUCTION AUTHORIZA-**
3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 *This division may be cited as the “Military Construc-*
6 *tion Authorization Act for Fiscal Year 2009”.*

7 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
8 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
9 **LAW.**

10 *(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE*
11 *YEARS.—Except as provided in subsection (b), all author-*
12 *izations contained in titles XXI through XXVII and title*
13 *XXIX for military construction projects, land acquisition,*
14 *family housing projects and facilities, and contributions to*
15 *the North Atlantic Treaty Organization Security Invest-*
16 *ment Program (and authorizations of appropriations there-*
17 *for) shall expire on the later of—*

18 *(1) October 1, 2011; or*

19 *(2) the date of the enactment of an Act author-*
20 *izing funds for military construction for fiscal year*
21 *2012.*

22 *(b) EXCEPTION.—Subsection (a) shall not apply to au-*
23 *thorizations for military construction projects, land acqui-*
24 *sition, family housing projects and facilities, and contribu-*
25 *tions to the North Atlantic Treaty Organization Security*

1 *Investment Program (and authorizations of appropriations*
 2 *therefor), for which appropriated funds have been obligated*
 3 *before the later of—*

4 (1) *October 1, 2011; or*

5 (2) *the date of the enactment of an Act author-*
 6 *izing funds for fiscal year 2012 for military construc-*
 7 *tion projects, land acquisition, family housing*
 8 *projects and facilities, or contributions to the North*
 9 *Atlantic Treaty Organization Security Investment*
 10 *Program.*

11 **SEC. 2003. EFFECTIVE DATE.**

12 *Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII,*
 13 *and XXIX shall take effect on the later of—*

14 (1) *October 1, 2008; or*

15 (2) *the date of the enactment of this Act.*

16 **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.

17 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 18 **ACQUISITION PROJECTS.**

19 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*
 20 *propriated pursuant to the authorization of appropriations*

1 in section 2104(a)(1), the Secretary of the Army may ac-
 2 quire real property and carry out military construction
 3 projects for the installations or locations inside the United
 4 States, and in the amounts, set forth in the following table:

Army: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
Alabama	Anniston Army Depot	\$46,400,000
	Fort Rucker	\$6,800,000
Alaska	Redstone Arsenal	\$16,500,000
	Fort Richardson	\$18,100,000
Arizona	Fort Wainwright	\$110,400,000
	Fort Huachuca	\$13,200,000
California	Yuma Proving Ground	\$3,800,000
	Fort Irwin	\$39,600,000
	Presidio, Monterey	\$15,000,000
Colorado	Sierra Army Depot	\$12,400,000
	Fort Carson	\$534,000,000
Georgia	Fort Benning	\$267,800,000
	Fort Stewart/Hunter Army Air Field	\$432,300,000
Hawaii	Pohakuloa Training Area	\$30,000,000
	Schofield Barracks	\$279,000,000
	Wahiawa	\$40,000,000
Indiana	Crane Army Ammunition Activity	\$8,300,000
Kansas	Fort Leavenworth	\$4,200,000
	Fort Riley	\$158,000,000
Kentucky	Fort Campbell	\$118,113,000
Louisiana	Fort Polk	\$29,000,000
Michigan	Detroit Arsenal	\$6,100,000
Missouri	Fort Leonard Wood	\$42,550,000
New Jersey	Picatinny Arsenal	\$9,900,000
New York	Fort Drum	\$96,900,000
	United States Military Academy	\$67,000,000
	Fort Bragg	\$58,400,000
North Carolina	Fort Sill	\$63,000,000
	McAlester Army Ammunition Plant	\$5,800,000
	Carlisle Barracks	\$13,400,000
Pennsylvania	Letterkenny Army Depot	\$7,500,000
	Tobyhanna Army Depot	\$15,000,000
	Fort Jackson	\$30,000,000
South Carolina	Camp Bullis	\$4,200,000
	Corpus Christi Army Depot	\$39,000,000
	Fort Bliss	\$1,044,300,000
Texas	Fort Hood	\$49,500,000
	Fort Sam Houston	\$96,000,000
	Red River Army Depot	\$6,900,000
	Fort Belvoir	\$7,200,000
	Fort Eustis	\$31,900,000
Virginia	Fort Lee	\$100,600,000
	Fort Myer	\$14,000,000
	Fort Lewis	\$158,000,000
Washington		

5 (b) OUTSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2104(a)(2), the Secretary of the Army may

1 *acquire real property and carry out military construction*
 2 *projects for the installations or locations outside the United*
 3 *States, and in the amounts, set forth in the following table:*

Army: Outside the United States

Country	Installation or Location	Amount
<i>Afghanistan</i>	<i>Bagram Air Base</i>	\$67,000,000
<i>Germany</i>	<i>Katterbach</i>	\$19,000,000
	<i>Wiesbaden Air Base</i>	\$119,000,000
<i>Japan</i>	<i>Camp Zama</i>	\$2,350,000
	<i>Sagamihara</i>	\$17,500,000
<i>Korea</i>	<i>Camp Humphreys</i>	\$20,000,000

4 **SEC. 2102. FAMILY HOUSING.**

5 (a) *CONSTRUCTION AND ACQUISITION.*—Using
 6 *amounts appropriated pursuant to the authorization of ap-*
 7 *propriations in section 2104(a)(5)(A), the Secretary of the*
 8 *Army may construct or acquire family housing units (in-*
 9 *cluding land acquisition and supporting facilities) at the*
 10 *installations or locations, in the number of units, and in*
 11 *the amounts set forth in the following table:*

Army: Family Housing

Country	Installation or Location	Units	Amount
<i>Germany</i>	<i>Wiesbaden Air Base</i>	326	\$133,000,000
<i>Korea</i>	<i>Camp Humphreys</i>	216	\$125,000,000

12 (b) *PLANNING AND DESIGN.*—Using amounts appro-
 13 *priated pursuant to the authorization of appropriations in*
 14 *section 2104(a)(5)(A), the Secretary of the Army may carry*
 15 *out architectural and engineering services and construction*
 16 *design activities with respect to the construction or im-*
 17 *provement of family housing units in an amount not to*
 18 *exceed \$579,000.*

1 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 *Subject to section 2825 of title 10, United States Code,*
4 *and using amounts appropriated pursuant to the author-*
5 *ization of appropriations in section 2104(a)(5)(A), the Sec-*
6 *retary of the Army may improve existing military family*
7 *housing units in an amount not to exceed \$420,001,000.*

8 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

9 *(a) IN GENERAL.—Funds are hereby authorized to be*
10 *appropriated for fiscal years beginning after September 30,*
11 *2008, for military construction, land acquisition, and mili-*
12 *tary family housing functions of the Department of the*
13 *Army in the total amount of \$5,973,388,000, as follows:*

14 *(1) For military construction projects inside the*
15 *United States authorized by section 2101(a),*
16 *\$4,010,063,000.*

17 *(2) For military construction projects outside the*
18 *United States authorized by section 2101(b),*
19 *\$185,350,000.*

20 *(3) For unspecified minor military construction*
21 *projects authorized by section 2805 of title 10, United*
22 *States Code, \$23,000,000.*

23 *(4) For host nation support and architectural*
24 *and engineering services and construction design*
25 *under section 2807 of title 10, United States Code,*
26 *\$178,685,000.*

1 (5) *For military family housing functions:*

2 (A) *For construction and acquisition, plan-*
3 *ning and design, and improvement of military*
4 *family housing and facilities, \$646,580,000.*

5 (B) *For support of military family housing*
6 *(including the functions described in section*
7 *2833 of title 10, United States Code),*
8 *\$716,110,000.*

9 (6) *For the construction of increment 3 of a bar-*
10 *racks complex at Fort Lewis, Washington, authorized*
11 *by section 2101(a) of the Military Construction Au-*
12 *thorization Act for Fiscal Year 2007 (division B of*
13 *Public Law 109–364; 120 Stat. 2445), as amended by*
14 *section 20814 of the Continuing Appropriations Reso-*
15 *lution, 2007 (division B of Public Law 109–289), as*
16 *added by section 2 of the Revised Continuing Resolu-*
17 *tion, 2007 (Public Law 110–5; 121 Stat 41),*
18 *\$102,000,000.*

19 (7) *For the construction of increment 2 of the*
20 *United States Southern Command Headquarters at*
21 *Miami Doral, Florida, authorized by section 2101(a)*
22 *of the Military Construction Authorization Act for*
23 *Fiscal Year 2008 (division B of Public Law 110–181;*
24 *122 Stat. 504), \$81,600,000.*

1 (8) *For the construction of increment 2 of the*
2 *brigade complex operations support facility at*
3 *Vicenza, Italy, authorized by section 2101(b) of the*
4 *Military Construction Authorization Act for Fiscal*
5 *Year 2008 (division B of Public Law 110–181; 122*
6 *Stat. 505), \$15,000,000.*

7 (9) *For the construction of increment 2 of the*
8 *brigade complex barracks and community support fa-*
9 *cility at Vicenza, Italy, authorized by section 2101(b)*
10 *of the Military Construction Authorization Act for*
11 *Fiscal Year 2008 (division B of Public Law 110–181;*
12 *122 Stat. 505), \$15,000,000.*

13 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
14 *PROJECTS.—Notwithstanding the cost variations author-*
15 *ized by section 2853 of title 10, United States Code, and*
16 *any other cost variation authorized by law, the total cost*
17 *of all projects carried out under section 2401 of this Act*
18 *may not exceed the sum of the following:*

19 (1) *The total amount authorized to be appro-*
20 *priated under paragraphs (1) and (2) of subsection*
21 *(a).*

22 (2) *\$60,000,000 (the balance of the amount au-*
23 *thorized under section 2101(a) for barracks and a*
24 *dining facility at Fort Carson, Colorado).*

1 (3) \$80,000,000 (the balance of the amount au-
2 thorized under section 2101(a) for barracks and a
3 dining facility at Fort Stewart, Georgia).

4 (4) \$59,500,000 (the balance of the amount au-
5 thorized under section 2101(b) for the construction of
6 a headquarters element in Wiesbaden, Germany).

7 (5) \$101,000,000 (the balance of the amount au-
8 thorized under section 2102(a) for family housing at
9 Wiesbaden, Germany).

10 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
11 **CERTAIN FISCAL YEAR 2008 PROJECTS.**

12 (a) *INSIDE THE UNITED STATES PROJECTS.*—The
13 table in section 2101(a) of the Military Construction Au-
14 thorization Act for Fiscal Year 2008 (division B of Public
15 Law 110–181; 122 Stat. 504) is amended—

16 (1) in the item relating to Hawthorne Army
17 Ammunition Plant, Nevada, by striking
18 “\$11,800,000” in the amount column and inserting
19 “\$7,300,000”;

20 (2) in the item relating to Fort Drum, New
21 York, by striking “\$311,200,000” in the amount col-
22 umn and inserting “\$304,600,000”; and

23 (3) in the item relating to Fort Bliss, Texas, by
24 striking “\$118,400,000” in the amount column and
25 inserting “\$111,900,000”.

1 (b) *CONFORMING AMENDMENTS.*—Section 2104(a) of
2 *that Act (122 Stat. 506) is amended—*

3 (1) *in the matter preceding paragraph (1), by*
4 *striking “\$5,106,703,000” and inserting*
5 *“\$5,089,103,000”; and*

6 (2) *in paragraph (1), by striking*
7 *“\$3,198,150,000” and inserting “\$3,180,550,000”.*

8 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**
9 **CERTAIN FISCAL YEAR 2007 PROJECTS.**

10 (a) *INSIDE THE UNITED STATES PROJECTS.*—The
11 *table in section 2101(a) of the Military Construction Au-*
12 *thorization Act for Fiscal Year 2007 (division B of Public*
13 *Law 109–364; 120 Stat. 2445), as amended by section*
14 *20814 of the Continuing Appropriations Resolution, 2007*
15 *(division B of Public Law 109–289) and section 2105(a)*
16 *of the Military Construction Authorization Act for Fiscal*
17 *Year 2008 (division B of Public Law 110–181; 122 Stat.*
18 *507), is further amended in the item relating to Fort Bragg,*
19 *North Carolina, by striking “\$96,900,000” in the amount*
20 *column and inserting “\$75,900,000”.*

21 (b) *OUTSIDE THE UNITED STATES PROJECTS.*—The
22 *table in section 2101(b) of the Military Construction Au-*
23 *thorization Act for Fiscal Year 2007 (division B of Public*
24 *Law 109–364; 120 Stat. 2446), as amended by section*
25 *2106(a) of the Military Construction Authorization Act for*

1 *Fiscal Year 2008 (division B of Public Law 110–181; 122*
2 *Stat. 508), is further amended in the item relating to*
3 *Vicenza, Italy, by striking “\$223,000,000” in the amount*
4 *column and inserting “\$208,280,000”.*

5 (c) *CONFORMING AMENDMENTS.—Section 2104(a) of*
6 *the Military Construction Authorization Act for Fiscal Year*
7 *2007 (division B of Public Law 109–364; 120 Stat. 2447),*
8 *as amended by section 2105(b) of the Military Construction*
9 *Authorization Act for Fiscal Year 2008 (division B of Pub-*
10 *lic Law 110–181; 122 Stat. 508), is further amended—*

11 (1) *in the matter preceding paragraph (1), by*
12 *striking “\$3,275,700,000” and inserting*
13 *“\$3,239,980,000”;*

14 (2) *in paragraph (1), by striking*
15 *“\$1,119,450,000” and inserting “\$1,098,450,000”;*
16 *and*

17 (3) *in paragraph (2), by striking “\$510,582,00”*
18 *and inserting “\$495,862,000”.*

19 **SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
20 **FISCAL YEAR 2006 PROJECTS.**

21 (a) *EXTENSION.—Notwithstanding section 2701 of the*
22 *Military Construction Authorization Act for Fiscal Year*
23 *2006 (division B of Public Law 109–163; 119 Stat. 3501),*
24 *the authorizations set forth in the table in subsection (b),*
25 *as provided in section 2101 of that Act (119 Stat. 3485),*

1 shall remain in effect until October 1, 2009, or the date
 2 of the enactment of an Act authorizing funds for military
 3 construction for fiscal year 2010, whichever is later.

4 (b) TABLE.—The table referred to in subsection (a) is
 5 as follows:

Army: Extension of 2006 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Hawaii</i>	<i>Pohakuloa</i>	<i>Tactical Vehicle Wash Facility</i>	\$9,207,000
		<i>Battle Area Complex</i>	\$33,660,000
<i>Virginia</i>	<i>Fort Belvoir</i>	<i>Defense Access Road</i>	\$18,000,000

6 **SEC. 2108. EXTENSION OF AUTHORIZATION OF CERTAIN**
 7 **FISCAL YEAR 2005 PROJECT.**

8 (a) EXTENSION.—Notwithstanding section 2701 of the
 9 Military Construction Authorization Act for Fiscal Year
 10 2005 (division B of Public Law 108–375; 118 Stat. 2116),
 11 the authorization set forth in the table in subsection (b),
 12 as provided in section 2101 of that Act (118 Stat. 2101)
 13 and extended by section 2108 of the Military Construction
 14 Authorization Act for Fiscal Year 2008 (division B of Pub-
 15 lic Law 110–181; 122 Stat. 508), shall remain in effect
 16 until October 1, 2009, or the date of the enactment of an
 17 Act authorizing funds for military construction for fiscal
 18 year 2010, whichever is later.

19 (b) TABLE.—The table referred to in subsection (a) is
 20 as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks.	Training Facility	\$35,542,000

1

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.

2 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**

3

ACQUISITION PROJECTS.

4

(a) INSIDE THE UNITED STATES.—Using amounts ap-

5 *propriated pursuant to the authorization of appropriations*6 *in section 2204(1), the Secretary of the Navy may acquire*7 *real property and carry out military construction projects*8 *for the installations or locations inside the United States,*9 *and in the amounts, set forth in the following 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
	Marine Corps Recruit Depot, San Diego	\$51,220,000
	Marine Corps Base, Twentynine Palms	\$155,310,000
Connecticut	Naval Submarine Base, Groton	\$46,060,000
	Naval Submarine Base, New London	\$11,000,000
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, Kaneohe	\$28,200,000

Inside the United States—Continued

State	Installation or Location	Amount
	<i>Naval Station, Pearl Harbor</i>	\$80,290,000
<i>Illinois</i>	<i>Recruit Training Command, Great Lakes</i>	\$62,940,000
<i>Maine</i>	<i>Portsmouth Naval Shipyard</i>	\$30,640,000
<i>Maryland</i>	<i>Naval Surface Warfare Center, Carderock</i>	\$6,980,000
	<i>Naval Surface Warfare Center, Indian Head</i>	\$25,980,000
<i>Mississippi</i>	<i>Naval Construction Battalion Center, Gulf- port.</i>	\$12,770,000
	<i>Naval Air Station, Meridian</i>	\$6,340,000
<i>New Jersey</i>	<i>Naval Air Warfare Center, Lakehurst</i>	\$15,440,000
	<i>Naval Weapons Station, Earle</i>	\$8,160,000
<i>North Carolina</i>	<i>Marine Corps Base, Camp Lejeune</i>	\$353,090,000
	<i>Marine Corps Air Station, Cherry Point</i>	\$77,420,000
	<i>Marine Corps Air Station, New River</i>	\$86,280,000
<i>Pennsylvania</i>	<i>Naval Support Activity, Philadelphia</i>	\$22,020,000
<i>Rhode Island</i>	<i>Naval Station, Newport</i>	\$39,800,000
<i>South Carolina</i>	<i>Marine Corps Air Station, Beaufort</i>	\$5,940,000
	<i>Marine Corps Recruit Depot, Parris Island</i>	\$64,750,000
<i>Texas</i>	<i>Naval Air Station, Corpus Christi</i>	\$3,500,000
	<i>Naval Air Station, Kingsville</i>	\$11,580,000
<i>Virginia</i>	<i>Naval Station, Norfolk</i>	\$73,280,000
	<i>Marine Corps Base, Quantico</i>	\$150,290,000
<i>Washington</i>	<i>Naval Base, Kitsap</i>	\$5,110,000
	<i>Naval Air Station Whidbey Island</i>	\$6,160,000

1 **(b) OUTSIDE THE UNITED STATES.**—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations 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 table:

Navy: Outside the United States

Country	Installation or Location	Amount
<i>Cuba</i>	<i>Naval Air Station, Guantanamo Bay</i>	\$20,600,000
<i>Diego Garcia</i>	<i>Diego Garcia</i>	\$35,060,000
<i>Djibouti</i>	<i>Camp Lemonier</i>	\$31,410,000
<i>Guam</i>	<i>Naval Activities, Guam</i>	\$88,430,000

7 **(c) UNSPECIFIED WORLDWIDE.**—Using the amounts
8 appropriated pursuant to the authorization of appropri-
9 ations in section 2204(3), the Secretary of the Navy may
10 acquire real property and carry out military construction

1 projects for unspecified installations or locations in the
 2 amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified ..	Unspecified Worldwide	\$101,020,000

3 **SEC. 2202. FAMILY HOUSING.**

4 (a) CONSTRUCTION AND ACQUISITION.—Using
 5 amounts appropriated pursuant to the authorization of ap-
 6 propriations in section 2204(6)(A), the Secretary of the
 7 Navy may construct or acquire family housing units (in-
 8 cluding land acquisition and supporting facilities) at the
 9 installations or locations, in the number of units, and in
 10 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	\$59,943,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-
 12 priated pursuant to the authorization of appropriations in
 13 section 2204(6)(A), the Secretary of the Navy may carry
 14 out architectural and engineering services and construction
 15 design activities with respect to the construction or im-
 16 provement of family housing units in an amount not to
 17 exceed \$2,169,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 *Subject to section 2825 of title 10, United States Code,*
4 *and using amounts appropriated pursuant to the author-*
5 *ization of appropriations in section 2204(6)(A), the Sec-*
6 *retary of the Navy may improve existing military family*
7 *housing units in an amount not to exceed \$318,011,000.*

8 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

9 *Funds are hereby authorized to be appropriated for fis-*
10 *cal years beginning after September 30, 2008, for military*
11 *construction, land acquisition, and military family housing*
12 *functions of the Department of the Navy in the total amount*
13 *of \$4,046,354,000, as follows:*

14 *(1) For military construction projects inside the*
15 *United States authorized by section 2201(a),*
16 *\$2,564,312,000.*

17 *(2) For military construction projects outside the*
18 *United States authorized by section 2201(b),*
19 *\$175,500,000.*

20 *(3) For military construction projects at unspec-*
21 *ified worldwide locations authorized by section*
22 *2201(c), \$101,020,000.*

23 *(4) For unspecified minor military construction*
24 *projects authorized by section 2805 of title 10, United*
25 *States Code, \$13,670,000.*

1 (5) *For architectural and engineering services*
2 *and construction design under section 2807 of title*
3 *10, United States Code, \$246,528,000.*

4 (6) *For military family housing functions:*

5 (A) *For construction and acquisition, plan-*
6 *ning and design, and improvement of military*
7 *family housing and facilities, \$380,123,000.*

8 (B) *For support of military family housing*
9 *(including functions described in section 2833 of*
10 *title 10, United States Code), \$376,062,000.*

11 (7) *For the construction of increment 2 of the*
12 *wharf extension at Naval Forces Marianas Islands,*
13 *Guam, authorized by section 2201(b) of the Military*
14 *Construction Authorization Act for Fiscal Year 2008*
15 *(division B of Public Law 110–181; 122 Stat. 510),*
16 *\$50,912,000.*

17 (8) *For the construction of increment 2 of the*
18 *submarine drive-in magnetic silencing facility at*
19 *Naval Submarine Base, Pearl Harbor, Hawaii, au-*
20 *thorized in section 2201(a) of the Military Construc-*
21 *tion Authorization Act for Fiscal Year 2008 (division*
22 *B of Public Law 110–181; 122 Stat. 510),*
23 *\$41,088,000.*

24 (9) *For the construction of increment 3 of the*
25 *National Maritime Intelligence Center, Suitland,*

1 *Maryland, authorized by section 2201(a) of the Mili-*
2 *tary Construction Authorization Act for Fiscal Year*
3 *2007 (division B of Public Law 109–364; 120 Stat.*
4 *2448), \$12,439,000.*

5 *(10) For the construction of increment 2 of hang-*
6 *ar 5 recapitalizations at Naval Air Station, Whidbey*
7 *Island, Washington, authorized by section 2201(a) of*
8 *the Military Construction Authorization Act of Fiscal*
9 *Year 2007 (division B of Public Law 109–364; 120*
10 *Stat. 2448), \$34,000,000.*

11 *(11) For the construction of increment 5 of the*
12 *limited area production and storage complex at Naval*
13 *Submarine Base, Kitsap, Bangor, Washington (for-*
14 *merly referred to as a project at the Strategic Weap-*
15 *ons Facility Pacific, Bangor), authorized by section*
16 *2201(a) of the Military Construction Authorization*
17 *Act of Fiscal Year 2005 (division B of Public Law*
18 *108–375; 118 Stat. 2106), as amended by section*
19 *2206 of the Military Construction Authorization Act*
20 *for Fiscal Year 2006 (division B of Public law 109–*
21 *163; 119 Stat. 3493) and section 2206 of the Military*
22 *Construction Authorization Act for Fiscal Year 2008*
23 *(division B of Public Law 110–181; 122 Stat. 514)*
24 *\$50,700,000.*

1 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
 2 **CERTAIN FISCAL YEAR 2005 PROJECT.**

3 *The table in section 2201(a) of the Military Construc-*
 4 *tion Authorization Act for Fiscal Year 2005 (division B*
 5 *of Public Law 108–375; 118 Stat. 2105), as amended by*
 6 *section 2206 of the Military Construction Authorization Act*
 7 *for Fiscal Year 2006 (division B of Public Law 109–163;*
 8 *119 Stat. 3493) and section 2206 of the Military Construc-*
 9 *tion Authorization Act for Fiscal Year 2008 (division B*
 10 *of Public Law 110–181; 122 Stat. 514), is further amend-*
 11 *ed—*

12 (1) *in the item relating to Strategic Weapons*
 13 *Facility Pacific, Bangor, Washington, by striking*
 14 *“\$295,000,000” in the amount column and inserting*
 15 *“\$311,670,000”; and*

16 (2) *by striking the amount identified as the total*
 17 *in the amount column and inserting*
 18 *“\$1,084,497,000”.*

19 **SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT**
 20 **CERTAIN FISCAL YEAR 2007 PROJECTS.**

21 (a) *MODIFICATIONS.—The table in section 2201(a) of*
 22 *the Military Construction Authorization Act for Fiscal Year*
 23 *2007 (division B of Public Law 109–364; 120 Stat. 2448),*
 24 *as amended by section 2205(a)(17) of the Military Con-*
 25 *struction Authorization Act for Fiscal Year 2008 (division*

1 *B of Public Law 110–181; 122 Stat. 513), is further amend-*
 2 *ed—*

3 (1) *in the item relating to NMIC/Naval Support*
 4 *Activity, Suitland, Maryland, by striking*
 5 *“\$67,939,000” in the amount column and inserting*
 6 *“\$76,288,000”; and*

7 (2) *in the item relating to Naval Air Station,*
 8 *Whidbey Island, Washington, by striking*
 9 *“\$57,653,000” in the amount column and inserting*
 10 *“\$60,500,000”.*

11 (b) *CONFORMING AMENDMENTS.—Section 2204(b) of*
 12 *the Military Construction Authorization Act for Fiscal Year*
 13 *2007 (division B of Public Law 109–364; 120 Stat. 2452)*
 14 *is amended—*

15 (1) *in paragraph (2), by striking “\$56,159,000”*
 16 *and inserting “\$64,508,000”; and*

17 (2) *in paragraph (3), by striking “\$31,153,000”*
 18 *and inserting “\$34,000,000”.*

19 **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.

1 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 2 **LAND ACQUISITION PROJECTS.**

3 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 4 propriated pursuant to the authorization of appropriations
 5 in section 2304(1), the Secretary of the Air Force may ac-
 6 quire 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 table:

Air Force: Inside the United States

State	Installation or Location	Amount
<i>Alabama</i>	<i>Maxwell Air Force Base</i>	\$15,556,000
<i>Alaska</i>	<i>Elmendorf Air Force Base</i>	\$138,300,000
<i>Arizona</i>	<i>Davis Monthan Air Force Base</i>	\$15,000,000
<i>California</i>	<i>Edwards Air Force Base</i>	\$9,100,000
	<i>Travis Air Force Base</i>	\$12,100,000
<i>Colorado</i>	<i>Peterson Air Force Base</i>	\$4,900,000
	<i>United States Air Force Academy</i> ..	\$18,000,000
<i>Delaware</i>	<i>Dover Air Force Base</i>	\$19,000,000
<i>Florida</i>	<i>Cape Canaveral Air Station</i>	\$8,000,000
	<i>Eglin Air Force Base</i>	\$19,000,000
	<i>MacDill Air Force Base</i>	\$26,000,000
	<i>Tyndall Air Force Base</i>	\$11,600,000
<i>Georgia</i>	<i>Robins Air Force Base</i>	\$29,350,000
<i>Kansas</i>	<i>McConnell Air Force Base</i>	\$6,800,000
<i>Louisiana</i>	<i>Barksdale Air Force Base</i>	\$14,600,000
<i>Maryland</i>	<i>Andrews Air Force Base</i>	\$77,648,000
<i>Mississippi</i>	<i>Columbus Air Force Base</i>	\$8,100,000
	<i>Keesler Air Force Base</i>	\$6,600,000
<i>Missouri</i>	<i>Whiteman Air Force Base</i>	\$4,200,000
<i>Montana</i>	<i>Malmstrom Air Force Base</i>	\$10,000,000
<i>Nevada</i>	<i>Crech Air Force Base</i>	\$48,500,000
	<i>Nellis Air Force Base</i>	\$63,100,000
<i>New Jersey</i>	<i>McGuire Air Force Base</i>	\$7,200,000
<i>New Mexico</i>	<i>Holloman Air Force Base</i>	\$25,450,000
<i>North Carolina</i>	<i>Seymour Johnson Air Force Base</i> ..	\$12,200,000
<i>North Dakota</i>	<i>Grand Forks Air Force Base</i>	\$13,000,000
<i>Ohio</i>	<i>Wright Patterson Air Force Base</i>	\$14,000,000
<i>Oklahoma</i>	<i>Altus Air Force Base</i>	10,200,000
	<i>Tinker Air Force Base</i>	\$54,000,000
<i>South Carolina</i>	<i>Charleston Air Force Base</i>	\$4,500,000
	<i>Shaw Air Force Base</i>	\$9,900,000
<i>South Dakota</i>	<i>Ellsworth Air Force Base</i>	\$11,000,000
<i>Texas</i>	<i>Dyess Air Force Base</i>	\$21,000,000
	<i>Fort Hood</i>	\$10,800,000
	<i>Lackland Air Force Base</i>	\$75,515,000
<i>Utah</i>	<i>Hill Air Force Base</i>	\$41,400,000
<i>Washington</i>	<i>McChord Air Force Base</i>	\$5,500,000
<i>Wyoming</i>	<i>Francis E. Warren Air Force Base</i> ..	\$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 may
 4 acquire real property and carry out military construction
 5 projects for the installations or locations outside the United
 6 States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Afghanistan</i>	<i>Bagram Airfield</i>	\$57,200,000
<i>Guam</i>	<i>Andersen Air Force Base</i>	\$10,600,000
<i>Kyrgyzstan</i>	<i>Manas Air Base</i>	\$6,000,000
<i>United Kingdom</i>	<i>Royal Air Force Lakenheath</i>	\$7,400,000

7 (c) *UNSPECIFIED WORLDWIDE.*—Using the amounts
 8 appropriated pursuant to the authorization of appropria-
 9 tions in section 2304(3), the Secretary of the Air Force may
 10 acquire real property and carry out military construction
 11 projects for unspecified installations or locations in the
 12 amounts set forth in the following table:

Air Force: Unspecified Worldwide

<i>Location</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Worldwide Unspecified</i>	<i>Unspecified Worldwide Locations</i>	\$38,391,000

13 **SEC. 2302. FAMILY HOUSING.**

14 (a) *CONSTRUCTION AND ACQUISITION.*—Using
 15 amounts appropriated pursuant to the authorization of ap-
 16 propriations in section 2304(6)(A), the Secretary of the Air
 17 Force may construct or acquire family housing units (in-
 18 cluding land acquisition and supporting facilities) at the

1 installations or locations, in the number of units, and in
 2 the amounts set forth in the following table:

Air Force: Family Housing

Country	Installation or Location	Purpose	Amount
<i>United Kingdom</i>	<i>Royal Air Force Lakenheath</i>	<i>182 Units</i>	<i>\$71,828,000</i>

3 (b) *PLANNING AND DESIGN.*—Using amounts appro-
 4 priated pursuant to the authorization of appropriations in
 5 section 2304(6)(A), the Secretary of the Air Force may
 6 carry out architectural and engineering services and con-
 7 struction design activities with respect to the construction
 8 or improvement of family housing units in an amount not
 9 to exceed \$7,708,000.

10 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 11 **UNITS.**

12 Subject to section 2825 of title 10, United States Code,
 13 and using amounts appropriated pursuant to the author-
 14 ization of appropriations in section 2304(6)(A), the Sec-
 15 retary of the Air Force may improve existing military fam-
 16 ily housing units in an amount not to exceed \$316,343,000.

17 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
 18 **FORCE.**

19 Funds are hereby authorized to be appropriated for fis-
 20 cal years beginning after September 30, 2008, for military
 21 construction, land acquisition, and military family housing
 22 functions of the Department of the Air Force in the total
 23 amount of \$2,108,090,000, as follows:

1 (1) *For military construction projects inside the*
2 *United States authorized by section 2301(a),*
3 *\$889,719,000.*

4 (2) *For military construction projects outside the*
5 *United States authorized by section 2301(b),*
6 *\$81,200,000.*

7 (3) *For the military construction projects at un-*
8 *specified worldwide locations authorized by section*
9 *2301(c), \$38,391,000.*

10 (4) *For unspecified minor military construction*
11 *projects authorized by section 2805 of title 10, United*
12 *States Code, \$15,000,000.*

13 (5) *For architectural and engineering services*
14 *and construction design under section 2807 of title*
15 *10, United States Code, \$93,436,000.*

16 (6) *For military family housing functions:*

17 (A) *For construction and acquisition, plan-*
18 *ning and design, and improvement of military*
19 *family housing and facilities, \$395,879,000.*

20 (B) *For support of military family housing*
21 *(including functions described in section 2833 of*
22 *title 10, United States Code), \$594,465,000.*

1 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2006 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *2006 (division B of Public Law 109–163; 119 Stat. 3501),*
 6 *authorizations set forth in the tables in subsection (b), as*
 7 *provided in section 2302 of that Act, shall remain in effect*
 8 *until October 1, 2009, or the date of the enactment of an*
 9 *Act authorizing funds for military construction for fiscal*
 10 *year 2010, whichever is later.*

11 (b) *TABLE.*—The table referred to in subsection (a) is
 12 *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

13 **SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 14 **FISCAL YEAR 2005 PROJECTS.**

15 (a) *EXTENSION.*—Notwithstanding section 2701 of the
 16 *Military Construction Authorization Act for Fiscal Year*
 17 *2005 (division B of Public Law 108–375; 118 Stat. 2116),*

1 authorizations set forth in the table in subsection (b), as
 2 provided in sections 2301 and 2302 of that Act and ex-
 3 tended by section 2307 of the *Military Construction Author-*
 4 *ization Act for Fiscal Year 2008 (division B of Public Law*
 5 *110–181; 122 Stat. 519), shall remain in effect until Octo-*
 6 *ber 1, 2009, or the date of the enactment of an Act author-*
 7 *izing funds for military construction for fiscal year 2010,*
 8 *whichever is later.*

9 (b) *TABLE.—The table referred to in subsection (a) is*
 10 *as follows:*

Air Force: Extension of 2005 Project Authorizations

<i>State/Country</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Arizona</i>	<i>Davis-Monthan Air Force Base</i>	<i>Replace Family Housing (250 units)</i>	<i>\$48,500,000</i>
<i>California</i>	<i>Vandenberg Air Force Base</i>	<i>Replace Family Housing (120 units)</i>	<i>\$30,906,000</i>
<i>Florida</i>	<i>MacDill Air Force Base</i>	<i>Construct Housing Maintenance Facility</i>	<i>\$1,250,000</i>
<i>Missouri</i>	<i>Whiteman Air Force Base</i>	<i>Replace Family Housing (160 units)</i>	<i>\$37,087,000</i>
<i>North Carolina</i>	<i>Seymour Johnson Air Force Base</i>	<i>Replace Family Housing (167 units)</i>	<i>\$32,693,000</i>
<i>Germany</i>	<i>Ramstein Air Base</i>	<i>USAFE Theater Aerospace Operations Support Center</i>	<i>\$24,204,000</i>

11 ***TITLE XXIV—DEFENSE***
 12 ***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 CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

4
 5 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*
 6 *propriated pursuant to the authorization of appropriations*
 7 *in section 2403(a)(1), the Secretary of Defense may acquire*
 8 *real property and carry out military construction projects*
 9 *for the installations or locations inside the United States,*
 10 *and in the amounts, set forth in the following tables:*

Defense Education Activity

State	Installation or Location	Amount
<i>Kentucky</i>	<i>Fort Campbell</i>	<i>\$21,400,000</i>
<i>North Carolina</i>	<i>Fort Bragg</i>	<i>\$78,471,000</i>

Defense Intelligence Agency

State	Installation or Location	Amount
<i>Illinois</i>	<i>Scott Air Force Base</i>	<i>\$13,977,000</i>

Defense Logistics Agency

State	Installation or Location	Amount
<i>California</i>	<i>Defense Distribution Depot, Tracy</i>	<i>\$50,300,000</i>
<i>Delaware</i>	<i>Defense Fuel Supply Center, Dover Air Force Base.</i>	<i>\$3,373,000</i>
<i>Florida</i>	<i>Defense Fuel Support Point, Jacksonville</i>	<i>\$34,000,000</i>
<i>Georgia</i>	<i>Hunter Army Air Field</i>	<i>\$3,500,000</i>
<i>Hawaii</i>	<i>Pearl Harbor</i>	<i>\$27,700,000</i>

Defense Logistics Agency—Continued

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>New Mexico</i>	<i>Kirtland Air Force Base</i>	<i>\$14,400,000</i>
<i>Oklahoma</i>	<i>Altus Air Force Base</i>	<i>\$2,850,000</i>
<i>Pennsylvania</i>	<i>Philadelphia</i>	<i>\$1,200,000</i>
<i>Utah</i>	<i>Hill Air Force Base</i>	<i>\$20,400,000</i>
<i>Virginia</i>	<i>Craney Island</i>	<i>\$39,900,000</i>

National Security Agency

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Maryland</i>	<i>Fort Meade</i>	<i>\$31,000,000</i>

Special Operations Command

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>California</i>	<i>Naval Amphibious Base, Coronado</i>	<i>\$9,800,000</i>
<i>Florida</i>	<i>Eglin Air Force Base</i>	<i>\$40,000,000</i>
	<i>Hurlburt Field</i>	<i>\$8,900,000</i>
	<i>MacDill Air Force Base</i>	<i>\$10,500,000</i>
<i>Kentucky</i>	<i>Fort Campbell</i>	<i>\$15,000,000</i>
<i>New Mexico</i>	<i>Cannon Air Force Base</i>	<i>\$26,400,000</i>
<i>North Carolina</i>	<i>Fort Bragg</i>	<i>\$38,250,000</i>
<i>Virginia</i>	<i>Fort Story</i>	<i>\$11,600,000</i>
<i>Washington</i>	<i>Fort Lewis</i>	<i>\$38,000,000</i>

TRICARE Management Activity

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Alaska</i>	<i>Fort Richardson</i>	<i>\$6,300,000</i>
<i>Colorado</i>	<i>Buckley Air Force Base</i>	<i>\$3,000,000</i>
<i>Georgia</i>	<i>Fort Benning</i>	<i>\$3,900,000</i>
<i>Kentucky</i>	<i>Fort Campbell</i>	<i>\$24,000,000</i>
<i>Maryland</i>	<i>Aberdeen Proving Ground</i>	<i>\$430,000,000</i>
<i>Missouri</i>	<i>Fort Leonard Wood</i>	<i>\$22,000,000</i>
<i>Oklahoma</i>	<i>Tinker Air Force Base</i>	<i>\$65,000,000</i>
<i>Texas</i>	<i>Fort Sam Houston</i>	<i>\$13,000,000</i>

Washington Headquarters Services

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Virginia</i>	<i>Pentagon Reservation</i>	<i>\$38,940,000</i>

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

1 projects for the installations or locations outside the United
 2 States, and in the amounts, set forth in the following tables:

Defense Logistics Agency

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Germany</i>	<i>Germersheim</i>	\$48,000,000
<i>Greece</i>	<i>Souda Bay</i>	\$8,000,000

Missile Defense Command

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Czech Republic</i>	<i>Various Locations</i>	\$176,100,000
<i>Poland</i>	<i>Various Locations</i>	\$661,380,000

Special Operations Command

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Qatar</i>	<i>Al Udeid</i>	\$9,200,000

TRICARE Management Activity

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Guam</i>	<i>Naval Activities</i>	\$30,000,000

3 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

4 Using amounts appropriated pursuant to the author-
 5 ization of appropriations in section 2403(a)(6), the Sec-
 6 retary of Defense may carry out energy conservation
 7 projects under chapter 173 of title 10, United States Code,
 8 in the amount of \$90,000,000.

9 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
 10 **AGENCIES.**

11 (a) *IN GENERAL.*—Funds are hereby authorized to be
 12 appropriated for fiscal years beginning after September 30,
 13 2008, for military construction, land acquisition, and mili-
 14 tary family housing functions of the Department of Defense

1 *(other than the military departments) in the total amount*
2 *of \$1,639,050,000, as follows:*

3 *(1) For military construction projects inside the*
4 *United States authorized by section 2401(a),*
5 *\$740,811,000.*

6 *(2) For military construction projects outside the*
7 *United States authorized by section 2401(b),*
8 *\$246,360,000.*

9 *(3) For unspecified minor military construction*
10 *projects under section 2805 of title 10, United States*
11 *Code, \$28,853,000.*

12 *(4) For contingency construction projects of the*
13 *Secretary of Defense under section 2804 of title 10,*
14 *United States Code, \$5,000,000.*

15 *(5) For architectural and engineering services*
16 *and construction design under section 2807 of title*
17 *10, United States Code, \$133,225,000.*

18 *(6) For energy conservation projects authorized*
19 *by section 2402 of this Act, \$90,000,000.*

20 *(7) For support of military family housing, in-*
21 *cluding functions described in section 2833 of title 10,*
22 *United States Code, and credits to the Department of*
23 *Defense Family Housing Improvement Fund under*
24 *section 2883 of title 10, United States Code, and the*
25 *Homeowners Assistance Fund established under sec-*

1 *tion 1013 of the Demonstration Cities and Metropoli-*
2 *tan Development Act of 1966 (42 U.S.C. 3374),*
3 *\$54,581,000.*

4 (8) *For the construction of increment 4 of the re-*
5 *gional security operations center at Augusta, Georgia,*
6 *authorized by section 2401(a) of the Military Con-*
7 *struction Authorization Act of Fiscal Year 2006 (divi-*
8 *sion B of Public Law 109–163; 119 Stat. 3497), as*
9 *amended by section 7016 of the Emergency Supple-*
10 *mental Appropriation Act for Defense, the Global*
11 *War on Terror, and Hurricane Recovery, 2006 (Pub-*
12 *lic Law 109–234; 120 Stat. 485), \$100,220,000.*

13 (9) *For the construction of increment 2 of the*
14 *Army Medical Research Institute of Infectious Dis-*
15 *eases Stage 1 at Fort Detrick, Maryland, authorized*
16 *by section 2401(a) of the Military Construction Au-*
17 *thorization Act of Fiscal Year 2007 (division B of*
18 *Public Law 109–364; 120 Stat. 2457), \$209,000,000.*

19 (10) *For the construction of increment 2 of the*
20 *special operations forces operational facility at Dam*
21 *Neck, Virginia, authorized by section 2401(a) of the*
22 *Military Construction Authorization Act of Fiscal*
23 *Year 2008 (division B of Public Law 110–181; 122*
24 *Stat. 521), \$31,000,000.*

1 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
2 *PROJECTS.*—*Notwithstanding the cost variations author-*
3 *ized by section 2853 of title 10, United States Code, and*
4 *any other cost variation authorized by law, the total cost*
5 *of all projects carried out under section 2401 of this Act*
6 *may not exceed the sum of the following:*

7 (1) *The total amount authorized to be appro-*
8 *priated under paragraphs (1) and (2) of subsection*
9 *(a).*

10 (2) *\$402,000,000 (the balance of the amount au-*
11 *thorized for the TRICARE Management Activity*
12 *under section 2401(a) for the construction of the*
13 *United States Army Medical Research Institute of In-*
14 *fectious Diseases at Aberdeen Proving Ground, Mary-*
15 *land).*

16 (3) *\$618,780,000 (the balance of the amount au-*
17 *thorized for the Missile Defense Command under sec-*
18 *tion 2401(b) for the construction of the Ballistic Mis-*
19 *sile Defense, European Interceptor Site).*

20 (4) *\$67,540,000 (the balance of the amount au-*
21 *thorized for the Missile Defense Command under sec-*
22 *tion 2401(b) for the construction of the Ballistic Mis-*
23 *sile Defense, European Mid-Course Radar Site).*

1 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2007 PROJECT.**

3 (a) *MODIFICATION.*—*The table relating to the*
4 *TRICARE Management Activity in section 2401(a) of the*
5 *Military Construction Authorization Act for Fiscal Year*
6 *2007 (division B of Public Law 109–364; 120 Stat. 2457)*
7 *is amended in the item relating to Fort Detrick, Maryland,*
8 *by striking “\$550,000,000” in the amount column and in-*
9 *serting “\$683,000,000”.*

10 (b) *CONFORMING AMENDMENT.*—*Section 2405(b)(3) of*
11 *that Act (120 Stat. 2461) is amended by striking*
12 *“\$521,000,000” and inserting “\$654,000,000”.*

13 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**
14 **CERTAIN FISCAL YEAR 2005 PROJECTS.**

15 (a) *MODIFICATION.*—*The table in section 2401(a) of*
16 *the Military Construction Authorization Act for Fiscal Year*
17 *2005 (division B of Public Law 108–375; 118 Stat. 2112)*
18 *is amended—*

19 (1) *by striking the item relating to Defense Fuel*
20 *Support Point, Naval Air Station, Oceana, Virginia;*
21 *and*

22 (2) *by striking the amount identified as the total*
23 *in the amount column and inserting “\$485,193,000”.*

24 (b) *CONFORMING AMENDMENTS.*—*Section 2404(a) of*
25 *that Act (118 Stat. 2113) is amended—*

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 in*
 11 *the following table:*

Chemical Demilitarization Program: Inside the United States

<i>Army</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Army</i>	<i>Blue Grass Army Depot, Kentucky</i>	<i>\$12,000,000</i>

12 **SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
 13 **ICAL DEMILITARIZATION CONSTRUCTION,**
 14 **DEFENSE-WIDE.**

15 *Funds are hereby authorized to be appropriated for fis-*
 16 *cal years beginning after September 30, 2008, for military*
 17 *construction and land acquisition for chemical demili-*
 18 *tarization in the total amount of \$144,278,000, 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 of*
9 *Public Law 107–314; 116 Stat. 2698), \$65,060,000.*

10 (3) *For the construction of phase 9 of a muni-*
11 *tions demilitarization facility at Blue Grass Army*
12 *Depot, Kentucky, authorized by section 2401(a) of the*
13 *Military Construction Authorization Act for Fiscal*
14 *Year 2000 (division B of Public Law 106–65; 113*
15 *Stat. 835), as amended by section 2405 of the Mili-*
16 *tary Construction Authorization Act for Fiscal Year*
17 *2002 (division B of Public Law 107–107; 115 Stat.*
18 *1298) and section 2405 of the Military Construction*
19 *Authorization Act for Fiscal Year 2003 (division B of*
20 *Public Law 107–314; 116 Stat. 2698), \$67,218,000.*

21 **SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT**
22 **CERTAIN FISCAL YEAR 1997 PROJECT.**

23 (a) *MODIFICATIONS.*—*The table in section 2401(a) of*
24 *the Military Construction Authorization Act for Fiscal Year*
25 *1997 (division B of Public Law 104–201; 110 Stat. 2775),*

1 *Military Construction Authorization Act for Fiscal Year*
 2 *2003 (division B of Public Law 107–314; 116 Stat. 2698),*
 3 *is amended—*

4 (1) *under the agency heading relating to Chem-*
 5 *ical Demilitarization, in the item relating to Blue*
 6 *Grass Army Depot, Kentucky, by striking*
 7 *“\$290,325,000” in the amount column and inserting*
 8 *“\$492,000,000”; and*

9 (2) *by striking the amount identified as the total*
 10 *in the amount column and inserting “\$949,920,000”.*

11 (b) *CONFORMING AMENDMENT.—Section 2405(b)(3) of*
 12 *the Military Construction Authorization Act for Fiscal Year*
 13 *2000 (division B of Public Law 106–65; 113 Stat. 839),*
 14 *as amended by section 2405 of the Military Construction*
 15 *Authorization Act for Fiscal Year 2002 (division B of Pub-*
 16 *lic Law 107–107; 115 Stat. 1298) and section 2405 of the*
 17 *Military Construction Authorization Act for Fiscal Year*
 18 *2003 (division B of Public Law 107–314; 116 Stat. 2698),*
 19 *is further amended by striking “\$267,525,000” and insert-*
 20 *ing “\$469,200,000”.*

21 **TITLE XXV—NORTH ATLANTIC**
 22 **TREATY ORGANIZATION SE-**
 23 **CURITY INVESTMENT PRO-**
 24 **GRAM**

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

1 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
 2 **ACQUISITION PROJECTS.**

3 *The Secretary of Defense may make contributions for*
 4 *the North Atlantic Treaty Organization Security Invest-*
 5 *ment Program as provided in section 2806 of title 10,*
 6 *United States Code, in an amount not to exceed the sum*
 7 *of the amount authorized to be appropriated for this pur-*
 8 *pose in section 2502 and the amount collected from the*
 9 *North Atlantic Treaty Organization as a result of construc-*
 10 *tion previously financed by the United States.*

11 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

12 *Funds are hereby authorized to be appropriated for fis-*
 13 *cal years beginning after September 30, 2008, for contribu-*
 14 *tions by the Secretary of Defense under section 2806 of title*
 15 *10, United States Code, for the share of the United States*
 16 *of the cost of projects for the North Atlantic Treaty Organi-*
 17 *zation Security Investment Program authorized by section*
 18 *2501, in the amount of \$230,867,000.*

19 **TITLE XXVI—GUARD AND**
 20 **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. Modification of authority to carry out certain fiscal year 2008 project.

Sec. 2608. Extension of authorizations of certain fiscal year 2006 projects.

Sec. 2609. Extension of Authorization of certain fiscal year 2005 project.

1 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 2 **STRUCTION AND LAND ACQUISITION**
 3 **PROJECTS.**

4 *Using amounts appropriated pursuant to the author-*
 5 *ization of appropriations in section 2606(1)(A), the Sec-*
 6 *retary of the Army may acquire real property and carry*
 7 *out military construction projects for the Army National*
 8 *Guard locations, and in the amounts, set forth in the fol-*
 9 *lowing table:*

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	\$3,000,000
Alaska	Bethel Armory	\$16,000,000
Arizona	Camp Navajo	\$13,000,000
	Florence	\$13,800,000
	Papago Military Reservation	\$24,000,000
	Cabot	\$10,868,000
Arkansas	Denver	\$9,000,000
Colorado	Grand Junction	\$9,000,000
	Camp Rell	\$28,000,000
Connecticut	East Haven	\$13,800,000
	New Castle	\$28,000,000
Florida	Camp Blanding	\$33,307,000
Georgia	Dobbins Air Reserve Base	\$45,000,000
Idaho	Orchard Training Area	\$1,850,000
Illinois	Urbana Armory	\$16,186,000
Indiana	Camp Atterbury	\$5,800,000
	Lawrence	\$21,000,000
Iowa	Muscatatuck	\$6,000,000
	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	\$22,943,000
Minnesota	Arden Hills	\$15,000,000
Nevada	Elko	\$11,375,000
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
Rhode Island	North Kingstown	\$5,000,000

Army National Guard—Continued

State	Location	Amount
<i>South Carolina</i>	<i>Anderson</i>	\$12,000,000
	<i>Beaufort</i>	\$3,400,000
	<i>Eastover</i>	\$28,000,000
	<i>Hemingway</i>	\$4,600,000
<i>South Dakota</i>	<i>Camp Rapid</i>	\$14,463,000
	<i>Rapid City</i>	\$29,000,000
<i>Tennessee</i>	<i>Tullahoma</i>	\$10,372,000
<i>Utah</i>	<i>Camp Williams</i>	\$17,500,000
<i>Vermont</i>	<i>Ethan Allen Firing Range</i>	\$10,200,000
<i>Virginia</i>	<i>Arlington</i>	\$15,500,000
	<i>Fort Pickett</i>	\$2,950,000
<i>Washington</i>	<i>Fort Lewis (Gray Army Airfield)</i>	\$32,000,000
<i>West Virginia</i>	<i>Camp Dawson</i>	\$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 lo-*
7 *cations, and in the amounts, set forth in the following table:*

Army Reserve

State	Location	Amount
<i>California</i>	<i>Fort Hunter Liggett</i>	\$3,950,000
<i>Hawaii</i>	<i>Fort Shafter</i>	\$19,199,000
<i>Idaho</i>	<i>Hayden Lake</i>	\$9,580,000
<i>Kansas</i>	<i>Dodge City</i>	\$8,100,000
<i>Maryland</i>	<i>Baltimore</i>	\$11,600,000
<i>Massachusetts</i>	<i>Fort Devens</i>	\$1,900,000
<i>Michigan</i>	<i>Saginaw</i>	\$11,500,000
<i>Missouri</i>	<i>Weldon Springs</i>	\$11,700,000
<i>Nevada</i>	<i>Las Vegas</i>	\$33,900,000
<i>New Jersey</i>	<i>Fort Dix</i>	\$3,825,000
<i>New York</i>	<i>Kingston</i>	\$13,494,000
	<i>Shoreham</i>	\$15,031,000
	<i>Staten Island</i>	\$18,550,000
<i>North Carolina</i>	<i>Raleigh</i>	\$25,581,000
<i>Pennsylvania</i>	<i>Letterkenny Army Depot</i>	\$14,914,000
<i>Tennessee</i>	<i>Chattanooga</i>	\$10,600,000
<i>Texas</i>	<i>Sinton</i>	\$9,700,000
<i>Washington</i>	<i>Seattle</i>	\$37,500,000
<i>Wisconsin</i>	<i>Fort McCoy</i>	\$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 Marine*
 8 *Corps Reserve locations, and in the amounts, set forth in*
 9 *the following table:*

Navy Reserve and Marine Corps Reserve

<i>State</i>	<i>Location</i>	<i>Amount</i>
<i>California</i>	<i>Lemoore</i>	<i>\$15,420,000</i>
<i>Delaware</i>	<i>Wilmington</i>	<i>\$11,530,000</i>
<i>Georgia</i>	<i>Marietta</i>	<i>\$7,560,000</i>
<i>Virginia</i>	<i>Norfolk</i>	<i>\$8,170,000</i>
	<i>Williamsburg</i>	<i>\$12,320,000</i>

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-*
 14 *retary of the Air Force may acquire real property and*
 15 *carry out military construction projects for the Air Na-*
 16 *tional Guard locations, and in the amounts, set forth in*
 17 *the following table:*

Air National Guard

<i>State</i>	<i>Location</i>	<i>Amount</i>
<i>Arkansas</i>	<i>Little Rock Air Force Base</i>	<i>\$4,000,000</i>
<i>Colorado</i>	<i>Buckley Air Force Base</i>	<i>\$4,200,000</i>
<i>Connecticut</i>	<i>Bradley International Airport</i>	<i>\$7,200,000</i>
<i>Delaware</i>	<i>New Castle County Airport</i>	<i>\$14,800,000</i>
<i>Georgia</i>	<i>Savannah Combat Readiness Training</i> <i>Center.</i>	<i>\$7,500,000</i>

Air National Guard—Continued

State	Location	Amount
<i>Indiana</i>	<i>Fort Wayne International Airport</i>	\$5,600,000
<i>Iowa</i>	<i>Fort Dodge</i>	\$5,600,000
<i>Kansas</i>	<i>Smoky Hill Air National Guard Range</i> ..	\$7,100,000
<i>Maryland</i>	<i>Martin State Airport</i>	\$7,900,000
<i>Massachusetts</i>	<i>Otis Air National Guard Base</i>	\$14,300,000
<i>Minnesota</i>	<i>Duluth 148th Fighter Wing Base</i>	\$4,500,000
	<i>Minneapolis-St. Paul</i>	\$1,500,000
<i>Mississippi</i>	<i>Gulfport-Biloxi International Airport</i>	\$3,400,000
<i>New Jersey</i>	<i>Atlantic City International Airport</i>	\$8,400,000
<i>New York</i>	<i>Gabreski Airport, Westhampton</i>	\$7,500,000
	<i>Hancock Field</i>	\$10,400,000
<i>Ohio</i>	<i>Springfield Air National Guard Base</i>	\$12,800,000
<i>Rhode Island</i>	<i>Quonset State Airport</i>	\$7,700,000
<i>South Dakota</i>	<i>Joe Foss Field</i>	\$4,500,000
<i>Tennessee</i>	<i>Knoxville</i>	\$8,000,000
<i>Texas</i>	<i>Ellington Field</i>	\$7,600,000
	<i>Fort Worth Naval Air Station Joint Reserve Base.</i>	\$5,000,000
<i>Vermont</i>	<i>Burlington International Airport</i>	\$6,600,000
<i>Washington</i>	<i>McChord Air Force Base</i>	\$8,600,000
<i>West Virginia</i>	<i>Yeager Airport, Charleston</i>	\$27,000,000
<i>Wisconsin</i>	<i>Truax Field</i>	\$6,300,000
<i>Wyoming</i>	<i>Cheyenne Municipal Airport</i>	\$7,000,000

1 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

2

3 *Using amounts appropriated pursuant to the author-*

4 *ization of appropriations in section 2606(3)(B), the Sec-*

5 *retary of the Air Force may acquire real property and*

6 *carry out military construction projects for the Air Force*

7 *Reserve locations, and in the amounts, set forth in the fol-*

8 *lowing table:*

Air Force Reserve

State	Location	Amount
<i>Georgia</i>	<i>Dobbins Air Reserve Base</i>	\$6,450,000
<i>Oklahoma</i>	<i>Tinker Air Force Base</i>	\$9,900,000
<i>New York</i>	<i>Niagara Falls Air Reserve Station</i>	\$9,000,000

1 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
2 **TIONAL GUARD AND RESERVE.**

3 *Funds are hereby authorized to be appropriated for fis-*
4 *cal years beginning after September 30, 2008, for the costs*
5 *of acquisition, architectural and engineering services, and*
6 *construction of facilities for the Guard and Reserve Forces,*
7 *and for contributions therefor, under chapter 1803 of title*
8 *10, United States Code (including the cost of acquisition*
9 *of land for those facilities), in the following amounts:*

10 (1) *For the Department of the Army—*

11 (A) *for the Army National Guard of the*
12 *United States, \$736,317,000; and*

13 (B) *for the Army Reserve, \$282,607,000.*

14 (2) *For the Department of the Navy, for the*
15 *Navy and Marine Corps Reserve, \$57,045,000.*

16 (3) *For the Department of the Air Force—*

17 (A) *for the Air National Guard of the*
18 *United States, \$242,924,000; and*

19 (B) *for the Air Force Reserve, \$36,958,000.*

20 **SEC. 2607. MODIFICATION OF AUTHORITY TO CARRY OUT**
21 **CERTAIN FISCAL YEAR 2008 PROJECT.**

22 *The table in section 2601 of the Military Construction*
23 *Authorization Act for Fiscal Year 2008 (division B of Pub-*
24 *lic Law 110–181; 122 Stat. 527) is amended in the item*
25 *relating to North Kingstown, Rhode Island, by striking*

1 “\$33,000,000” in the amount column and inserting
 2 “\$38,000,000”.

3 **SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 4 **FISCAL YEAR 2006 PROJECTS.**

5 (a) *EXTENSION.*—Notwithstanding section 2701 of the
 6 *Military Construction Authorization Act for Fiscal Year*
 7 *2006 (division B of Public Law 109–163; 119 Stat. 3501),*
 8 *the authorizations set forth in the table in subsection (b),*
 9 *as provided in section 2601 of that Act, shall remain in*
 10 *effect until October 1, 2009, or the date of the enactment*
 11 *of an Act authorizing funds for military construction for*
 12 *fiscal year 2010, whichever is later.*

13 (b) *TABLE.*—The table referred to in subsection (a) is
 14 as follows:

Army National Guard: Extension of 2006 Project Authorizations

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>California</i>	<i>Camp Roberts</i>	<i>Urban Assault Course</i>	<i>\$1,485,000</i>
<i>Idaho</i>	<i>Gowen Field</i>	<i>Railhead, Phase 1</i>	<i>\$8,331,000</i>
<i>Mississippi</i>	<i>Biloxi</i>	<i>Readiness Center</i>	<i>\$16,987,000</i>
	<i>Camp Shelby</i>	<i>Modified Record Fire Range.</i>	<i>\$2,970,000</i>
<i>Montana</i>	<i>Townsend</i>	<i>Automated Qualification Training Range.</i>	<i>\$2,532,000</i>
<i>Pennsylvania</i>	<i>Philadelphia</i>	<i>Stryker Brigade Combat Team Readiness Center.</i>	<i>\$11,806,000</i>
		<i>Organizational Maintenance Shop #7.</i>	<i>\$6,144,930</i>

15 **SEC. 2609. EXTENSION OF AUTHORIZATION OF CERTAIN**
 16 **FISCAL YEAR 2005 PROJECT.**

17 (a) *EXTENSION.*—Notwithstanding section 2701 of the
 18 *Military Construction Authorization Act for Fiscal Year*

1 2005 (division B of Public Law 108–375; 118 Stat. 2116),
 2 the authorization set forth in the table in subsection (b),
 3 as provided in section 2601 of that Act, shall remain in
 4 effect until October 1, 2009, or the date of the enactment
 5 of an Act authorizing funds for military construction for
 6 fiscal year 2010, whichever is later.

7 (b) *TABLE.*—The table referred to in subsection (a) is
 8 as follows:

Army National Guard: Extension of 2005 Project Authorization

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>California</i>	<i>Dublin</i>	<i>Readiness Center, Add/Alt (ADRS).</i>	<i>\$11,318,000</i>

9 **TITLE XXVII—BASE CLOSURE**
 10 **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. Modification of annual base closure and realignment reporting requirements.

Sec. 2712. 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. Independent design review of National Naval Medical Center and military hospital at Fort Belvoir.

Sec. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.

Subtitle A—Authorizations

**SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE
CLOSURE AND REALIGNMENT ACTIVITIES
FUNDED THROUGH DEPARTMENT OF DE-
FENSE BASE CLOSURE ACCOUNT 1990.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of \$458,377,000, as follows:

*(1) For the Department of the Army,
\$87,855,000.*

*(2) For the Department of the Navy,
\$228,700,000.*

*(3) For the Department of the Air Force,
\$139,155,000.*

(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 of*
7 *Defense may carry out base closure and realignment activi-*
8 *ties, including real property acquisition and military con-*
9 *struction projects, as authorized by the Defense Base Closure*
10 *and Realignment Act of 1990 (part A of title XXIX of Pub-*
11 *lic Law 101–510; 10 U.S.C. 2687 note) and funded through*
12 *the Department of Defense Base Closure Account 2005 es-*
13 *tablished by section 2906A of such Act, in the amount of*
14 *\$6,982,334,000.*

15 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE**
16 **CLOSURE AND REALIGNMENT ACTIVITIES**
17 **FUNDED THROUGH DEPARTMENT OF DE-**
18 **FENSE BASE CLOSURE ACCOUNT 2005.**

19 *Funds are hereby authorized to be appropriated for fis-*
20 *cal years beginning after September 30, 2008, for base clo-*
21 *sure and realignment activities, including real property ac-*
22 *quisition and military construction projects, as authorized*
23 *by 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) and funded through the Department of Defense*

1 *Base Closure Account 2005 established by section 2906A of*
2 *such Act, in the total amount of \$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. 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 for*
20 *fiscal year 2007 and for each fiscal year thereafter”*
21 *and inserting “(a) REPORTING REQUIREMENT.—As*
22 *part of the budget request for fiscal year 2007 and for*
23 *each fiscal year thereafter through fiscal year 2016”;*
24 *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 with*
 7 *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 further*
 11 *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. 2712. TECHNICAL CORRECTIONS REGARDING AUTHOR-**
 19 **IZED COST AND SCOPE OF WORK VARIATIONS**
 20 **FOR MILITARY CONSTRUCTION AND MILI-**
 21 **TARY FAMILY HOUSING PROJECTS RELATED**
 22 **TO BASE CLOSURES AND REALIGNMENTS.**

23 (a) *CORRECTION OF CITATION IN AMENDATORY LAN-*
 24 *GUAGE.*—

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 (A) *in subsection (a), by striking “Section*
6 *2905A” and inserting “Section 2906A”; and*

7 (B) *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 2704*
12 *of the Military Construction Authorization Act for*
13 *Fiscal Year 2008.*

14 (b) *CORRECTION OF SCOPE OR WORK VARIATION LIM-*
15 *TATION.*—*Subsection (f) of section 2906A 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), as*
18 *added by section 2704(a) of the Military Construction Au-*
19 *thorization Act for Fiscal Year 2008 (division B of Public*
20 *Law 110–181; 122 Stat. 532) and amended by subsection*
21 *(a), is amended by striking “20 percent or \$2,000,000,*
22 *whichever is greater” and inserting “20 percent or*
23 *\$2,000,000, whichever is less”.*

Subtitle C—Other Matters**SEC. 2721. INDEPENDENT DESIGN REVIEW OF NATIONAL
NAVAL MEDICAL CENTER AND MILITARY HOS-
PITAL AT FORT BELVOIR.**

(a) *FINDINGS.*—Congress makes the following findings:

(1) *Military personnel and their families, as well as veterans and retired military personnel living in the National Capital region, deserve to be treated in world class medical facilities.*

(2) *World class medical facilities are defined as incorporating the best practices of the premier private health facilities in the country as well as the collaborative input of military health care professionals into a design that supports the unique needs of military personnel and their families.*

(3) *The closure of the Walter Reed Army Medical Center in Washington, D.C., and the resulting construction of the National Military Medical Center at the National Naval Medical Center, Bethesda, Maryland, and a new military hospital at Fort Belvoir, Virginia, offer the Department of Defense the opportunity to provide state-of-the-art and world-class medical facilities offering the highest quality of joint service care for members of the Armed Forces and their families.*

1 (4) *Congress has supported a Department of De-*
2 *fense request to expedite the construction of the new*
3 *facilities at Bethesda and Fort Belvoir in order to*
4 *provide care in better facilities as quickly as possible.*

5 (5) *The Department of Defense has a responsi-*
6 *bility to ensure that the expedited design and con-*
7 *struction of such facilities do not result in degrada-*
8 *tion of the quality standards required for world class*
9 *facilities.*

10 (b) *INDEPENDENT DESIGN REVIEW.—*

11 (1) *ESTABLISHMENT OF DESIGN REVIEW*
12 *PANEL.—The Secretary of Defense shall establish a*
13 *panel consisting of medical facility design experts,*
14 *military healthcare professionals, representatives of*
15 *premier health care facilities in the United States,*
16 *and patient representatives—*

17 (A) *to review design plans for the National*
18 *Military Medical Center and the new military*
19 *hospital at Fort Belvoir; and*

20 (B) *to advise the Secretary regarding*
21 *whether the design, in the view of the panel, will*
22 *achieve the goal of providing world-class medical*
23 *facilities; and*

24 (2) *RECOMMENDATIONS FOR CHANGES TO DE-*
25 *SIGN PLAN.—If the panel determines that the design*

1 *plans will not meet such goal, the panel shall make*
2 *recommendations for changes to those plans to ensure*
3 *the construction of world-class medical facilities.*

4 (3) *REPORT.*—*Not later than 90 days after the*
5 *date of the enactment of this Act, the panel shall sub-*
6 *mit to the Secretary of Defense a report on the find-*
7 *ings and recommendations of the panel to address*
8 *any deficiencies in the conceptual design plans.*

9 (4) *ASSESSMENT OF RECOMMENDATIONS.*—*Not*
10 *later than 30 days after submission of the report*
11 *under paragraph (3), the Secretary of Defense shall*
12 *submit to the congressional defense committees a re-*
13 *port including—*

14 (A) *an assessment by the Secretary of the*
15 *findings and recommendations of the panel; and*

16 (B) *the plans of the Secretary for address-*
17 *ing such findings and recommendations.*

18 (c) *COST ESTIMATE.*—

19 (1) *PREPARATION.*—*The Department of Defense*
20 *shall prepare a cost estimate of the total cost to be in-*
21 *curring by the United States to close Walter Reed*
22 *Army Medical Center, design and construct replace-*
23 *ment facilities at the National Naval Medical Center*
24 *and Fort Belvoir, and relocate operations to the re-*
25 *placement facilities.*

1 (2) *SUBMISSION.*—*The Secretary of Defense shall*
2 *submit the resulting cost estimate to the congressional*
3 *defense committees as soon as possible, but in no case*
4 *later than 120 days after the date of the enactment*
5 *of this Act.*

6 (d) *MILESTONE SCHEDULE.*—

7 (1) *PREPARATION.*—*The Secretary of Defense*
8 *shall prepare a complete milestone schedule for the*
9 *closure of Walter Reed Army Medical Center, the de-*
10 *sign and construction of replacement facilities at the*
11 *National Naval Medical Center and Fort Belvoir, and*
12 *the relocation of operations to the replacement facili-*
13 *ties. The schedule shall include a detailed plan re-*
14 *garding how the Department of Defense will carry out*
15 *the transition of operations between Walter Reed*
16 *Army Medical Center and the replacement facilities.*

17 (2) *SUBMISSION.*—*The Secretary of Defense shall*
18 *submit the resulting milestone schedule and transition*
19 *plan to the congressional defense committees as soon*
20 *as possible, but in no case later than 45 days after*
21 *the date of the enactment of this Act.*

1 **SEC. 2722. REPORT ON USE OF BRAC PROPERTIES AS SITES**
 2 **FOR REFINERIES OR NUCLEAR POWER**
 3 **PLANTS.**

4 *Not later than October 1, 2009, the Secretary of De-*
 5 *fense shall submit to the congressional defense committees*
 6 *a report evaluating the feasibility of using military instal-*
 7 *lations selected for closure under the base closure and re-*
 8 *alignment process as locations for the construction of petro-*
 9 *leum or natural gas refineries or nuclear power plants.*

10 **TITLE XXVIII—MILITARY CON-**
 11 **STRUCTION GENERAL PROVI-**
 12 **SIONS**

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. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.
Sec. 2803. Use of military family housing constructed under build and lease authority to house members without dependents.
Sec. 2804. Leasing of military family housing to Secretary of Defense.
Sec. 2805. Improved oversight and accountability for military housing privatization initiative projects.
Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command and United States Africa Command areas of responsibility.
Sec. 2807. Cost-benefit analysis of dissolution of Patrick Family Housing LLC.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Clarification of 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. Defense access roads.
Sec. 2815. Report on application of force protection and anti-terrorism standards to gates and entry points on military installations.

Subtitle C—Provisions Related to Guam Realignment

- Sec. 2821. Sense of Congress regarding military housing and utilities related to Guam realignment.*
- Sec. 2822. Federal assistance to Guam.*
- Sec. 2823. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.*
- Sec. 2824. Support for realignment of military installations and relocation of military personnel on Guam.*

Subtitle D—Energy Security

- Sec. 2831. Certification of enhanced use leases for energy-related projects.*
- Sec. 2832. Annual report on Department of Defense installations energy management.*

Subtitle E—Land Conveyances

- Sec. 2841. Land conveyance, former Naval Air Station, Alameda, California.*
- Sec. 2842. Transfer of administrative jurisdiction, decommissioned Naval Security Group Activity, Skaggs Island, California.*
- Sec. 2843. Transfer of proceeds from property conveyance, Marine Corps Logistics Base, Albany, Georgia.*
- Sec. 2844. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.*
- Sec. 2845. Land conveyance, John Sevier Range, Knox County, Tennessee.*
- Sec. 2846. Land conveyance, Army property, Camp Williams, Utah.*
- Sec. 2847. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.*

Subtitle F—Other Matters

- Sec. 2851. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.*
- Sec. 2852. 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. 2853. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.*
- Sec. 2854. Use of runway at NASJRB Willow Grove, Pennsylvania.*
- Sec. 2855. 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-EFFECTIVE.—*
9 *Subsection (c) of section 2801 of title 10, United States*
10 *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);*

14 *(2) by redesignating the subsequent three para-*
15 *graphs as paragraphs (2), (4), and (5), respectively;*
16 *and*

17 *(3) by inserting after paragraph (2), as so redес-*
18 *ignated, the following new paragraph:*

19 *“(3) The term ‘life-cycle cost-effective’, with re-*
20 *spect to a project, product, or measure, means that*
21 *the sum of the present values of investment costs, cap-*
22 *ital costs, installation costs, energy costs, operating*
23 *costs, maintenance costs, and replacement costs, as es-*
24 *timated for the lifetime of the project, product, or*

1 *measure, does not exceed the base case (current or*
2 *standard) for the practice, product, or measure.”.*

3 *(b) INCLUSION.—Section 2802 of such title is amended*
4 *by adding at the end the following new subsection:*

5 *“(c) In determining the scope of a proposed military*
6 *construction project, the Secretary concerned shall submit*
7 *to the President such recommendations as the Secretary*
8 *considers to be appropriate regarding the incorporation and*
9 *inclusion of life-cycle cost-effective practices as an element*
10 *in the project documents submitted to Congress in connec-*
11 *tion with the budget submitted pursuant to section 1105*
12 *of title 31 for the fiscal year in which a contract is proposed*
13 *to be awarded for the project.”.*

14 **SEC. 2802. REVISION OF MAXIMUM LEASE AMOUNT APPLI-**
15 **CABLE TO CERTAIN DOMESTIC ARMY FAMILY**
16 **HOUSING LEASES TO REFLECT PREVIOUSLY**
17 **MADE ANNUAL ADJUSTMENTS IN AMOUNT.**

18 *Section 2828(b)(7)(A) of title 10, United States Code,*
19 *is amended by striking “\$18,620 per unit” and inserting*
20 *“\$35,000 per unit”.*

1 **SEC. 2803. 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 WITHOUT*
 12 *DEPENDENTS.*—(1) *To the extent that the Secretary con-*
 13 *cerned determines that military family housing constructed*
 14 *and leased under section 2835 of this title is not needed*
 15 *to house members of the armed forces eligible for assignment*
 16 *to military family housing, the Secretary may assign, with-*
 17 *out rental charge, members without dependents to the hous-*
 18 *ing.*

19 “(2) *A member without dependents who is assigned to*
 20 *housing pursuant to paragraph (1) shall be considered to*
 21 *be assigned to quarters pursuant to section 403(e) of title*
 22 *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 excess*

1 *to the long-term needs of the family housing program of*
2 *the Secretary, the Secretary may convert the lease contract*
3 *entered into under subsection (a) of such section into a long-*
4 *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 Sec-*
10 *retary concerned may not convert military family housing*
11 *to military unaccompanied housing under subsection (b)*
12 *until—*

13 “(A) *the Secretary submits to the congressional*
14 *defense committees a notice of the intent to undertake*
15 *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 section*
21 *480 of this title.*

22 “(2) *The notice required by paragraph (1) shall in-*
23 *clude—*

1 **“§2838. Leasing of military family housing to Sec-**
2 **retary of Defense**

3 “(a) *AUTHORITY.—(1) The Secretary of a military de-*
4 *partment may lease to the Secretary of Defense military*
5 *family housing in the National Capital Region (as defined*
6 *in section 2674(f) of this title).*

7 “(2) *In determining the military housing unit to lease*
8 *under this section, the Secretary of Defense should first con-*
9 *sider any available military housing units that are already*
10 *substantially equipped for executive communications and*
11 *security.*

12 “(b) *RENTAL RATE.—A lease under subsection (a)*
13 *shall provide for the payment by the Secretary of Defense*
14 *of consideration in an amount equal to 105 percent of the*
15 *monthly rate of basic allowance for housing prescribed*
16 *under section 403(b) of title 37 for a member of the uni-*
17 *formed services in the pay grade of O–10 with dependents*
18 *assigned to duty at the military installation on which the*
19 *leased housing unit is located. A rate so established shall*
20 *be considered the fair market value of the lease interest.*

21 “(c) *TREATMENT OF PROCEEDS.—(1) The Secretary of*
22 *a military department shall deposit all amounts received*
23 *pursuant to leases entered into by the Secretary under this*
24 *section into a special account in the Treasury established*
25 *for such military department.*

1 “(2) *The proceeds deposited into the special account*
 2 *of a military department pursuant to paragraph (1) shall*
 3 *be available to the Secretary of that military department,*
 4 *without further appropriation, for the maintenance, protec-*
 5 *tion, alteration, repair, improvement, or restoration of*
 6 *military housing on the military installation at which the*
 7 *housing leased pursuant to subsection (a) is located.”.*

8 (b) *CLERICAL AMENDMENT.—The table of sections at*
 9 *the beginning of such subchapter is amended by adding at*
 10 *the end the following new item:*

“2838. Leasing of military family housing to Secretary of Defense.”.

11 **SEC. 2805. IMPROVED OVERSIGHT AND ACCOUNTABILITY**
 12 **FOR MILITARY HOUSING PRIVATIZATION INI-**
 13 **TIATIVE PROJECTS.**

14 (a) *OVERSIGHT AND ACCOUNTABILITY.—*

15 (1) *IN GENERAL.—Subchapter IV of chapter 169*
 16 *of title 10, United States Code, is amended by adding*
 17 *at the end the following new section:*

18 **“§2885. Oversight and accountability for privatiza-**
 19 **tion projects**

20 “(a) *OVERSIGHT AND ACCOUNTABILITY MEASURES.—*
 21 *Each Secretary concerned shall prescribe regulations to ef-*
 22 *fectively oversee and manage military housing privatiza-*
 23 *tion projects carried out under this subchapter. The regula-*
 24 *tions shall include the following requirements for each pri-*
 25 *vatization project:*

1 “(1) *The installation asset manager shall con-*
2 *duct monthly site visits and provide quarterly reports*
3 *on the progress of the construction or renovation of*
4 *the housing units. The reports shall be submitted*
5 *quarterly to the assistant secretary for installations*
6 *and environment of the respective military depart-*
7 *ment.*

8 “(2) *The installation asset manager, and, as ap-*
9 *licable, the resident construction manager, privatiza-*
10 *tion asset manager, bondholder representative, project*
11 *owner, developer, general contractor, and construction*
12 *consultant for the project shall conduct meetings to*
13 *ensure that the construction or renovation of the units*
14 *meets performance and schedule requirements and*
15 *that appropriate operating and ground lease agree-*
16 *ments are in place and adhered to.*

17 “(3) *If a project is 90 days or more behind*
18 *schedule or otherwise appears to be substantially fail-*
19 *ing to adhere to the obligations or milestones under*
20 *the contract, the assistant secretary for installations*
21 *and environment of the respective military depart-*
22 *ment shall submit a notice of deficiency to the Deputy*
23 *Under Secretary of Defense (Installations and Envi-*
24 *ronment), the Secretary concerned, the managing*
25 *member, and the trustee for the project.*

1 “(4)(A) Not later than 15 days after the sub-
2 mittal of a notice of deficiency under paragraph (3),
3 the Secretary concerned or designated representative
4 shall submit to the project owner, developer, or gen-
5 eral contractor responsible for the project a summary
6 of deficiencies related to the project.

7 “(B) If the project owner, developer, or general
8 contractor responsible for the privatization project is
9 unable, within 60 days after receiving a notice of de-
10 ficiency under subparagraph (A), to make progress on
11 the issues outlined in such notice, the Secretary con-
12 cerned shall notify the congressional defense commit-
13 tees of the status of the project, and shall provide a
14 recommended course of action to correct the problems.

15 “(b) *REQUIRED QUALIFICATIONS.*—The Secretary con-
16 cerned or designated representative shall ensure that the
17 project owner, developer, or general contractor that is se-
18 lected for each military housing privatization initiative
19 project has construction experience commensurate with that
20 required to complete the project.

21 “(c) *BONDING LEVELS.*—The Secretary concerned
22 shall ensure that the project owner, developer, or general
23 contractor responsible for a military housing privatization
24 initiative project has sufficient payment and performance
25 bonds or suitable instruments in place for each phase of

1 a construction or renovation portion of the project to ensure
2 successful completion of the work in amounts as agreed to
3 in the project's legal documents, but in no case less than
4 50 percent of the total value of the active phases of the
5 project, prior to the commencement of work for that phase.

6 “(d) *REPORTING OF EFFORTS TO SELECT SUCCESSOR*
7 *IN EVENT OF DEFAULT.*—In the event a military housing
8 privatization initiative project enters into default, the as-
9 sistant secretary for installations and environment of the
10 respective military department shall submit a report to the
11 congressional defense committees every 90 days detailing the
12 status of negotiations to award the project to a new project
13 owner, developer, or general contractor.

14 “(e) *EFFECT OF NOTICES OF DEFICIENCY ON CON-*
15 *TRACTORS AND AFFILIATED ENTITIES.*—(1) The Secretary
16 concerned shall keep a record of all plans of action or no-
17 tices of deficiency issued to a project owner, developer, or
18 general contractor under subsection (a)(4), including the
19 identity of each parent, subsidiary, affiliate, or other con-
20 trolling entity of such owner, developer, or contractor.

21 “(2) Each military department shall consult all
22 records maintained under paragraph (1) when reviewing
23 the past performance of owners, developers, and contractors
24 in the bidding process for a contract or other agreement
25 for a military housing privatization initiative project.”.

1 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 2 *tions at the beginning of such subchapter is amended*
 3 *by adding at the end the following new item:*

 “2885. *Oversight and accountability for privatization projects.*”.

4 (b) *REPORT FOR IDENTIFYING AND COMMUNICATING*
 5 *BEST PRACTICES FOR TRANSACTIONS.*—*Section 2884(b) of*
 6 *such title is amended by adding at the end the following*
 7 *new paragraph:*

8 “(7) *A report on best practices for the execution*
 9 *of housing privatization initiatives, including—*

10 “(A) *effective means to track and verify*
 11 *proper performance, schedule, and cash flow;*

12 “(B) *means of overseeing the actions of*
 13 *bondholders to properly monitor construction*
 14 *progress and construction draws;*

15 “(C) *effective structuring of transactions to*
 16 *ensure the United States Government has ade-*
 17 *quate abilities to oversee project owner perform-*
 18 *ance;*

19 “(D) *ensuring that notices to proceed on*
 20 *new work are not issued until proper bonding is*
 21 *in place; and*

22 “(E) *such other topics that are identified as*
 23 *pertinent by the Department of Defense.*”.

24 (c) *PARTNERSHIP WITH ELIGIBLE ENTITY RE-*
 25 *QUIRED.*—*Section 2871(5) of title 10, United States Code,*

1 *is amended by inserting before the period at the end the*
2 *following: “that is prepared to enter into a contract as a*
3 *partner with the Secretary concerned for the construction*
4 *of military housing units and ancillary supporting facili-*
5 *ties”.*

6 *(d) COMPETITIVE PROCESS FOR CONVEYANCE OR*
7 *LEASE OF PROPERTY.—Section 2878 of such title is amend-*
8 *ed—*

9 *(1) by redesignating subsections (c) and (d) as*
10 *subsections (d) and (e); respectively; and*

11 *(2) by inserting after subsection (b) the following*
12 *new subsection:*

13 *“(c) COMPETITIVE PROCESS.—The Secretary con-*
14 *cerned shall ensure that the time, method, and terms and*
15 *conditions of the reconveyance or lease of property or facili-*
16 *ties under this section from the eligible entity permit full*
17 *and free competition consistent with the value and nature*
18 *of the property or facilities involved.”.*

19 *(e) TREATMENT OF ACQUIRED OR CONSTRUCTED*
20 *HOUSING UNITS.—*

21 *(1) REPEAL OF SEPARATE ASSIGNMENT AUTHOR-*
22 *ITY.—Section 2882 of such title is amended to read*
23 *as follows:*

1 **“§2882. Effect of assignment of members to housing**
2 **units acquired or constructed under alter-**
3 **native 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 housing*
8 *facility under the jurisdiction of a uniformed service for*
9 *purposes of section 403 of title 37.*

10 “(b) *AVAILABILITY OF BASIC ALLOWANCE FOR HOUS-*
11 *ING.—A member of the armed forces who is assigned to a*
12 *housing unit acquired or constructed under this subchapter*
13 *that is not owned or leased by the United States shall be*
14 *entitled to a basic allowance for housing under section 403*
15 *of title 37.*

16 “(c) *LEASE PAYMENTS THROUGH PAY ALLOT-*
17 *MENTS.—The Secretary concerned may require members of*
18 *the armed forces who lease housing in housing units ac-*
19 *quired or constructed under this subchapter to make lease*
20 *payments for such housing pursuant to allotments of the*
21 *pay of such members under section 701 of title 37.”.*

22 (2) *CLERICAL AMENDMENT.—The table of sec-*
23 *tions at the beginning of subchapter IV of chapter 169*
24 *of such title is amended by striking the item relating*
25 *to section 2882 and inserting the following new item:*

“2882. *Effect of assignment of members to housing units acquired or constructed under alternative authority.*”.

1 (f) *ANNUAL REPORT ON MAINTENANCE AND REPAIR*
 2 *TO PRIVATIZED GENERAL AND FLAG OFFICER QUAR-*
 3 *TERS.—Section 2884(b) of such title, as amended by sub-*
 4 *section (b), is further amended by adding at the end the*
 5 *following new paragraph:*

6 “(8) *A report identifying each family housing*
 7 *unit acquired or constructed under this subchapter*
 8 *that is used, or intended to be used, as quarters for*
 9 *a general officer or flag officer and for which the total*
 10 *operation, maintenance, and repair costs for the unit*
 11 *exceeded \$50,000. For each housing unit so identified,*
 12 *the report shall also include the total of such oper-*
 13 *ation, maintenance, and repair costs.*”.

14 **SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AND UNITED STATES AFRICA COMMAND AREAS OF RESPONSIBILITY.**

19 (a) *ONE-YEAR EXTENSION OF AUTHORITY.—Sub-*
 20 *section (a) of section 2808 of the Military Construction Au-*
 21 *thorization Act for Fiscal Year 2004 (division B of Public*
 22 *Law 108–136; 117 Stat. 1723), as amended by section 2810*
 23 *of the Military Construction Authorization Act for Fiscal*
 24 *Year 2005 (division B of Public Law 108–375; 118 Stat.*

1 2128), section 2809 of the Military Construction Authoriza-
2 tion Act for Fiscal Year 2006 (division B of Public Law
3 109–163; 119 Stat. 3508), section 2802 of the Military Con-
4 struction Authorization Act for Fiscal Year 2007 (division
5 B of Public Law 109–364; 120 Stat. 2466), and section
6 2801 of the Military Construction Authorization Act for
7 Fiscal Year 2008 (division B of Public Law 110–181; 122
8 Stat. 538), is further amended—

9 (1) by striking “2008” and inserting “2009”;
10 and

11 (2) by striking “outside the United States” and
12 inserting “inside the United States Central Command
13 and United States Africa Command areas of respon-
14 sibility”.

15 (b) *EXCEPTION FOR PROJECTS IN AFGHANISTAN FROM*
16 *LIMITATION ON AUTHORITY RELATED TO LONG-TERM*
17 *UNITED STATES PRESENCE.*—Such subsection, as so
18 amended, is further amended by inserting before the period
19 at the end of paragraph (2) the following: “, unless the mili-
20 tary installation is located in Afghanistan, for which
21 projects using this authority may be carried out at installa-
22 tions deemed as supporting a long-term presence”.

23 (c) *MODIFICATION OF ANNUAL LIMITATION ON USE OF*
24 *AUTHORITY.*—Subsection (c) of section 2808 of the Military
25 Construction Authorization Act for Fiscal Year 2004 (divi-

1 sion B of Public Law 108–136; 117 Stat. 1723) is amended
2 to read as follows:

3 “(c) ANNUAL LIMITATION ON USE OF AUTHORITY.—

4 (1) The total cost of the construction projects carried out
5 under the authority of this section using, in whole or in
6 part, appropriated funds available for operation and main-
7 tenance shall not exceed \$200,000,000 in a fiscal year.

8 “(2) If the Secretary of Defense certifies to the congres-
9 sional defense committees that additional construction in
10 Afghanistan is required to meet urgent military require-
11 ments in Afghanistan, up to an additional \$300,000,000
12 in funds available for operation and maintenance may be
13 used in Afghanistan upon completing the prenotification re-
14 quirements under subsection (b). Under no circumstances
15 shall the total appropriated funds available from operation
16 and maintenance for fiscal year 2009 exceed
17 \$500,000,000.”.

18 (d) QUARTERLY REPORTS.—Subsection (d)(1) of such
19 section, as amended by section 2810 of the Military Con-
20 struction Authorization Act for Fiscal Year 2005 (division
21 B of Public Law 108–375; 118 Stat. 2128) and section 2809
22 of the Military Construction Authorization Act for Fiscal
23 Year 2006 (division B of Public Law 109–163; 119 Stat.
24 3508), is further amended by striking “30 days” and insert-
25 ing “45 days”.

1 **SEC. 2807. COST-BENEFIT ANALYSIS OF DISSOLUTION OF**
 2 **PATRICK FAMILY HOUSING LLC.**

3 *Not later than 30 days after the date of the enactment*
 4 *of this Act, the Secretary of the Air Force shall submit to*
 5 *the congressional defense committees a cost-benefit analysis*
 6 *of dissolving Patrick Family Housing LLC without exer-*
 7 *cising the full range of rights available to the United States*
 8 *Government to recover damages from the partnership.*

9 ***Subtitle B—Real Property and***
 10 ***Facilities Administration***

11 **SEC. 2811. CLARIFICATION OF CONGRESSIONAL REPORT-**
 12 **ING REQUIREMENTS FOR CERTAIN REAL**
 13 **PROPERTY TRANSACTIONS.**

14 *Section 2662(c) of title 10, United States Code, is*
 15 *amended by striking “river and harbor projects or flood*
 16 *control projects” and inserting “water resource development*
 17 *projects of the Corps of Engineers”.*

18 **SEC. 2812. AUTHORITY TO LEASE NON-EXCESS PROPERTY**
 19 **OF MILITARY DEPARTMENTS AND DEFENSE**
 20 **AGENCIES.**

21 *(a) CONSOLIDATION OF SEPARATE AUTHORITIES.—*

22 *(1) ESTABLISHMENT OF SINGLE AUTHORITY.—*

23 *Subsection (a) of section 2667 of title 10, United*
 24 *States Code, is amended to read as follows:*

25 *“(a) LEASE AUTHORITY.—Whenever the Secretary*
 26 *concerned considers it advantageous to the United States,*

1 *the Secretary concerned may lease to such lessee and upon*
 2 *such terms as the Secretary concerned considers will pro-*
 3 *mote the national defense or to be in the public interest,*
 4 *real or personal property that—*

5 “(1) *is under the control of the Secretary con-*
 6 *cerned;*

7 “(2) *is not for the time needed for public use;*
 8 *and*

9 “(3) *is not excess property, as defined by section*
 10 *102 of title 40.”.*

11 (2) *SECRETARY CONCERNED DEFINED.—Sub-*
 12 *section (i) of such section is amended by adding at*
 13 *the end the following new paragraph:*

14 “(4) *The term ‘Secretary concerned’ means—*

15 “(A) *the Secretary of a military depart-*
 16 *ment, with respect to matters concerning that*
 17 *military department; and*

18 “(B) *the Secretary of Defense, with respect*
 19 *to matters concerning the Defense Agencies.”.*

20 (b) *PROHIBITION ON LEASEBACK WITH EXCESSIVE*
 21 *ANNUAL PAYMENTS.—Subsection (b) of such section is*
 22 *amended—*

23 (1) *by striking “and” at the end of paragraph*
 24 (5);

1 (2) *by striking the period at the end of para-*
2 *graph (6) and inserting “; and”; and*

3 (3) *by adding at the end the following new para-*
4 *graph:*

5 “(7) *may not provide for a leaseback by the Sec-*
6 *retary concerned with an annual payment in excess*
7 *of \$500,000.”.*

8 (c) *IMPROVED CONGRESSIONAL NOTIFICATION RE-*
9 *QUIREMENTS.—Paragraph (4) of subsection (c) of such sec-*
10 *tion is amended to read as follows:*

11 “(4)(A) *Not later than 30 days before issuing a con-*
12 *tract solicitation or other lease offering under this section*
13 *for a lease whose annual payment, including any in-kind*
14 *consideration to be accepted under subsection (b)(5) or this*
15 *subsection, will exceed \$750,000, the Secretary concerned*
16 *shall submit to the congressional defense committees a re-*
17 *port containing—*

18 “(i) *a description of the proposed lease, includ-*
19 *ing the proposed duration of the lease;*

20 “(ii) *a description of the authorities to be used*
21 *in entering the lease and the intended participation*
22 *of the United States in the lease, including a jus-*
23 *tification of the intended method of participation;*

1 “(iii) a statement of the scored cost of the lease,
2 determined using the scoring criteria of the Office of
3 Management and Budget;

4 “(iv) a determination that the property involved
5 in the lease is not excess property, as required by sub-
6 section (a)(3), including the basis for the determina-
7 tion;

8 “(v) a determination that the proposed lease is
9 directly compatible with the mission of the military
10 installation or Defense Agency whose property is to be
11 subject to the lease and the anticipated long-term use
12 of the property at the conclusion of the lease; and

13 “(vi) a description of the requirements or condi-
14 tions within the contract solicitation or other lease of-
15 fering for the offeror to address taxation issues, in-
16 cluding payments-in-lieu-of taxes, and other develop-
17 ment issues related to local municipalities.

18 “(B) In the case of a lease described in subparagraph
19 (A), the Secretary concerned also shall submit to the con-
20 gressional defense committees a report at least 30 days be-
21 fore the date on which the Secretary concerned enters into
22 a lease the following information:

23 “(i) A copy of the report submitted under sub-
24 paragraph (A).

1 “(ii) A description of the differences between the
2 report submitted under that subparagraph and the
3 new report.

4 “(iii) A description of the lessee payment re-
5 quired under this section.”.

6 (d) *CONFORMING AMENDMENTS TO REFERENCES TO*
7 *MILITARY DEPARTMENTS AND INSTALLATIONS.*—

8 (1) *COMMUNITY SUPPORT FACILITIES AND COM-*
9 *MUNITY SUPPORT SERVICES.*—Subsection (d) of such
10 section is amended—

11 (A) in paragraph (2), by striking “Sec-
12 retary of a military department” and inserting
13 “Secretary concerned”; and

14 (B) in paragraphs (3), (4), and (6), by
15 striking “of the military department” each place
16 it appears.

17 (2) *DEPOSIT AND USE OF PROCEEDS.*—Sub-
18 section (e) of such section is amended—

19 (A) in paragraph (1)(A)—

20 (i) in the matter preceding clause (i)—

21 (I) by striking “Secretary of a
22 military department” and inserting
23 “Secretary concerned”; and

1 (II) by striking “such military de-
2 partment” and inserting “that Sec-
3 retary”; and

4 (ii) in clause (iii), by striking “mili-
5 tary department” and inserting “Sec-
6 retary”;

7 (B) in paragraph (1)(B)(i), by striking
8 “Secretary of a military department” and in-
9 serting “Secretary concerned”;

10 (C) in paragraph (1)(C), by striking “of a
11 military department pursuant to subparagraph
12 (A) shall be available to the Secretary of that
13 military department” and inserting “established
14 for the Secretary concerned shall be available to
15 the Secretary”;

16 (D) in paragraph (1)(D)—

17 (i) by striking “of a military depart-
18 ment under subparagraph (A)” and insert-
19 ing “established for the Secretary con-
20 cerned”; and

21 (ii) by inserting “or Defense Agency lo-
22 cation” after “military installation”;

23 (E) in paragraph (1)(E), by striking “in-
24 stallation” and inserting “military installation
25 or Defense Agency location”; and

1 (F) in paragraph (3), by striking “Sec-
2 retary of a military department” and inserting
3 “Secretary concerned”.

4 (3) *BASE CLOSURE PROPERTY.*—Subsection
5 (g)(1) of such section is amended by striking “Sec-
6 retary of a military department” and inserting “Sec-
7 retary concerned”.

8 (e) *REPEAL OF SEPARATE DEFENSE AGENCY AU-*
9 *THORITY.*—

10 (1) *REPEAL.*—Section 2667a of such title is re-
11 pealed.

12 (2) *EFFECT ON EXISTING CONTRACTS.*—The re-
13 peal of section 2667a of title 10, United States Code,
14 shall not affect the validity or terms of any lease with
15 respect to property of a Defense Agency entered into
16 by the Secretary of Defense under such section before
17 the date of the enactment of this Act.

18 (3) *TREATMENT OF MONEY RENTS.*—Amounts in
19 any special account established for a Defense Agency
20 pursuant to subsection (d) of section 2667a of title 10,
21 United States Code, before repeal of such section by
22 paragraph (1), and amounts that would be deposited
23 in such an account in connection with a lease referred
24 to in paragraph (2), shall—

1 (A) remain available until expended for the
2 purposes specified in such subsection, notwith-
3 standing the repeal of such section by paragraph
4 (1); or

5 (B) to the extent provided in appropria-
6 tions Acts, be transferred to the special account
7 required for the Secretary of Defense by sub-
8 section (e) of section 2667 of such title, as
9 amended by subsection (d)(2) of this section.

10 (f) CLERICAL AMENDMENTS.—

11 (1) SECTION HEADING.—The heading of section
12 2667 of such title is amended to read as follows:

13 **“§2667. Leases: non-excess property of military de-**
14 **partments and Defense Agencies”.**

15 (2) TABLE OF SECTIONS.—The table of sections
16 at the beginning of chapter 159 of such title is
17 amended by striking the items relating to sections
18 2667 and 2667a and inserting the following new
19 item:

“2667. Leases: non-excess property of military departments and Defense Agen-
cies.”.

20 **SEC. 2813. MODIFICATION OF UTILITY SYSTEM CONVEY-**
21 **ANCE AUTHORITY.**

22 Section 2688 of title 10, United States Code, is amend-
23 ed—

1 (1) *by redesignating subsection (j) as subsection*
2 *(k); and*

3 (2) *by inserting after subsection (i) the following*
4 *new subsection:*

5 “(j) *CONSTRUCTION OF UTILITY INFRASTRUCTURE*
6 *AFTER CONVEYANCE OF A UTILITY SYSTEM.—(1) Upon*
7 *conveyance of a utility system, the Secretary of a military*
8 *department may convey additional utility infrastructure*
9 *under the jurisdiction of the Secretary on a military instal-*
10 *lation to a utility or entity to which a utility system for*
11 *the installation has been conveyed under subsection (a) if*
12 *the Secretary determines that—*

13 “(A) *the additional utility infrastructure was*
14 *constructed or installed after the date of the convey-*
15 *ance of the utility system;*

16 “(B) *the additional utility infrastructure cannot*
17 *operate without being a part of the conveyed utility*
18 *system;*

19 “(C) *the additional utility infrastructure was*
20 *planned and coordinated with the entity operating*
21 *the conveyed utility system; and*

22 “(D) *the military department receives as consid-*
23 *eration an amount equal to the fair market value of*
24 *the utility infrastructure determined in the same*
25 *manner as the consideration the Secretary could re-*

1 *quire under subsection (c) for a conveyance under*
2 *subsection (a).*

3 *“(2) The conveyance under this paragraph may consist*
4 *of all right, title, and interest of the United States or such*
5 *lesser estate as the Secretary considers appropriate to serve*
6 *the interests of the United States.”.*

7 **SEC. 2814. DEFENSE ACCESS ROADS.**

8 *(a) BASIS FOR TRANSPORTATION NEEDS ASSESS-*
9 *MENT.—Section 210(a) of title 23, United States Code, is*
10 *amended—*

11 *(1) by striking “(a)” and inserting “(a)(1)”;* and

12 *(2) by adding at the end the following new para-*
13 *graph:*

14 *“(2) If it is determined that an action of the Depart-*
15 *ment of Defense will cause a significant transportation im-*
16 *pect to access to a military reservation, the Secretary of*
17 *Defense shall conduct a transportation needs assessment to*
18 *assess the magnitude of the improvement required to ad-*
19 *dress the impact.”.*

20 *(b) REPORT ON RECENTLY IDENTIFIED TRANSPOR-*
21 *TATION IMPACTS.—Not later than April 1, 2009, the Sec-*
22 *retary of Defense shall submit to the congressional defense*
23 *committees and the Committee on Transportation and In-*
24 *frastructure of the House of Representatives a report that*
25 *details the significant transportation impacts resulting*

1 *from actions of the Department of Defense since January*
2 *1, 2005. In the report, the Secretary shall assess the funding*
3 *requirements necessary to address transportation needs re-*
4 *sulting from these significant transportation impacts.*

5 **SEC. 2815. REPORT ON APPLICATION OF FORCE PROTEC-**
6 **TION AND ANTI-TERRORISM STANDARDS TO**
7 **GATES AND ENTRY POINTS ON MILITARY IN-**
8 **STALLATIONS.**

9 *(a) REPORT REQUIRED.—Not later than February 1,*
10 *2009, the Secretary of Defense shall submit to the congres-*
11 *sional defense committees a report on the implementation*
12 *of Department of Defense Anti-Terrorism/Force Protection*
13 *standards at gates and entry points of military installa-*
14 *tions.*

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

17 *(1) A description of the anti-terrorism/force pro-*
18 *tection standards for gates and entry points.*

19 *(2) An assessment, by installation, of whether the*
20 *gates and entry points meet anti-terrorism/force pro-*
21 *tection standards.*

22 *(3) An assessment of whether the standards are*
23 *met with either temporary or permanent measures,*
24 *facilities, or equipment.*

1 (4) *A description and cost estimate of each ac-*
 2 *tion to be taken by the Secretary of Defense for each*
 3 *installation to ensure compliance with Department of*
 4 *Defense Anti-Terrorism/Force Protection standards*
 5 *using permanent measures and construction methods.*

6 (5) *An investment plan to complete all action re-*
 7 *quired to ensure compliance with the standards de-*
 8 *scribed under paragraph (1).*

9 ***Subtitle C—Provisions Related to***
 10 ***Guam Realignment***

11 ***SEC. 2821. SENSE OF CONGRESS REGARDING MILITARY***
 12 ***HOUSING AND UTILITIES RELATED TO GUAM***
 13 ***REALIGNMENT.***

14 (a) *NATURE OF SPECIAL PURPOSE ENTITIES.—It is*
 15 *the sense of Congress that any military family housing pro-*
 16 *vided in connection with the realignment of military instal-*
 17 *lations and the relocation of military personnel on Guam*
 18 *should—*

19 (1) *be operated, to the extent practicable, in the*
 20 *manner provided for public-private ventures under*
 21 *subchapter IV of chapter 169 of title 10, United*
 22 *States Code; and*

23 (2) *should be constructed in accordance with cur-*
 24 *rent Department of Defense building standards.*

1 (c) *UTILITY INFRASTRUCTURE IMPROVEMENTS.*—It is
2 the sense of Congress that the proposed utility infrastructure
3 improvements on Guam should incorporate the civilian and
4 military infrastructure into a single grid to realize and
5 maximize the effectiveness of the overall utility system, if
6 appropriate cost sharing and quality standards are met.

7 **SEC. 2822. FEDERAL ASSISTANCE TO GUAM.**

8 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
9 that the Interagency Group on Insular Areas, in coordina-
10 tion with the appropriate Federal agencies, should enter
11 into a memorandum of understanding with the Government
12 of Guam to identify, before the realignment of military in-
13 stallations and the relocation of military personnel on
14 Guam, local funding requirements for civilian infrastruc-
15 ture development and other needs related to the realignment
16 and relocation.

17 (b) *REPORT REQUIRED.*—Not later than 180 days
18 after the date of the enactment of this Act, the Comptroller
19 General shall submit to the congressional defense committees
20 a report on the status of interagency coordination through
21 the Interagency Group on Insular Areas of budgetary re-
22 quests to assist the Government of Guam with its budgetary
23 requirements related to the realignment of military forces
24 on Guam. The report shall address to what extent and how
25 the Interagency Group on Insular Areas will be able to co-

1 *ordinate interagency budgets so the realignment of military*
 2 *forces on Guam will meet the 2014 completion date as stip-*
 3 *ulated in the May 2006 security agreement between the*
 4 *United States and Japan.*

5 *(c) INTERAGENCY GROUP ON INSULAR AREAS DE-*
 6 *FINED.—In this section, the term “Interagency Group on*
 7 *Insular Areas” means the interagency group established by*
 8 *Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg.*
 9 *25477; 48 U.S.C. note prec. 1451). The term includes any*
 10 *sub-group or working group of that interagency group.*

11 **SEC. 2823. ELIGIBILITY OF THE COMMONWEALTH OF THE**
 12 **NORTHERN MARIANA ISLANDS FOR MILITARY**
 13 **BASE REUSE STUDIES AND COMMUNITY**
 14 **PLANNING ASSISTANCE.**

15 *(a) INCLUSION IN DEFINITION OF MILITARY INSTALLA-*
 16 *TION.—Section 2687(e)(1) of title 10, United States Code,*
 17 *is amended by inserting after “Virgin Islands,” the fol-*
 18 *lowing: “the Commonwealth of the Northern Mariana Is-*
 19 *lands,”.*

20 *(b) INCLUSION OF FACILITIES OWNED AND OPERATED*
 21 *BY COMMONWEALTH.—Section 2391(d)(1) of title 10,*
 22 *United States Code, is amended by inserting after “Guam,”*
 23 *the following: “the Commonwealth of the Northern Mariana*
 24 *Islands,”.*

1 **SEC. 2824. SUPPORT FOR REALIGNMENT OF MILITARY IN-**
2 **STALLATIONS AND RELOCATION OF MILI-**
3 **TARY PERSONNEL ON GUAM.**

4 (a) *ESTABLISHMENT OF ACCOUNT.*—*There is estab-*
5 *lished on the books of the Treasury an account to be known*
6 *as the “Support for United States Relocation to Guam Ac-*
7 *count” (in this section referred to as the “Account”).*

8 (b) *CREDITS TO ACCOUNT.*—

9 (1) *AMOUNTS IN FUND.*—*There shall be credited*
10 *to the Account all contributions received during fiscal*
11 *year 2009 and subsequent fiscal years under section*
12 *2350k of title 10, United States Code, for the realign-*
13 *ment of military installations and the relocation of*
14 *military personnel on Guam.*

15 (2) *NOTICE OF RECEIPT OF CONTRIBUTIONS.*—
16 *The Secretary of Defense shall submit to the congres-*
17 *sional defense committees written notice of the receipt*
18 *of contributions referred to in paragraph (1), includ-*
19 *ing the amount of the contributions, not later than 30*
20 *days after receiving the contributions.*

21 (c) *USE OF ACCOUNT.*—

22 (1) *AUTHORIZED USES.*—*Subject to paragraph*
23 *(2), amounts in the Account may be used as follows:*

24 (A) *To carry out or facilitate the carrying*
25 *out of a transaction authorized by this section in*
26 *connection with the realignment of military in-*

1 *stallations and the relocation of military per-*
2 *sonnel on Guam, including military construc-*
3 *tion, military family housing, unaccompanied*
4 *housing, general facilities constructions for mili-*
5 *tary forces, and utilities improvements.*

6 *(B) To carry out improvements of property*
7 *or facilities on Guam as part of such a trans-*
8 *action.*

9 *(C) To obtain property support services for*
10 *property or facilities on Guam resulting from*
11 *such a transaction.*

12 *(D) To develop military facilities or train-*
13 *ing ranges in the Commonwealth of the Northern*
14 *Mariana Islands.*

15 *(2) COMPLIANCE WITH GUAM MASTER PLAN.—*
16 *Transactions authorized by paragraph (1) shall be*
17 *consistent with the Guam Master Plan, as incor-*
18 *porated in decisions made in the manner provided in*
19 *section 102 of the National Environmental Policy Act*
20 *of 1969 (42 U.S.C. 4332).*

21 *(3) LIMITATION REGARDING MILITARY HOUS-*
22 *ING.—To extent that the authorities provided under*
23 *subchapter IV of chapter 169 of title 10, United*
24 *States Code, are available to the Secretary of Defense,*
25 *the Secretary shall use such authorities to acquire,*

1 *construct, or improve family housing units or ancil-*
2 *lary supporting facilities in connection with the relo-*
3 *cation of military personnel on Guam.*

4 (4) *SPECIAL REQUIREMENTS REGARDING USE OF*
5 *CONTRIBUTIONS.—*

6 (A) *TREATMENT OF CONTRIBUTIONS.—Ex-*
7 *cept as provided in subparagraph (C), the use of*
8 *contributions referred to in subsection (b)(1)*
9 *shall not be subject to conditions imposed on the*
10 *use of appropriated funds by chapter 169 of title*
11 *10, United States Code, or contained in annual*
12 *military construction appropriations Acts.*

13 (B) *NOTICE OF OBLIGATION.—Contribu-*
14 *tions referred to in subsection (b)(1) may not be*
15 *obligated for a transaction authorized by para-*
16 *graph (1) until the Secretary of Defense submits*
17 *to the congressional defense committees notice of*
18 *the transaction, including a detailed cost esti-*
19 *mate, and a period of 21 days has elapsed after*
20 *the date on which the notification is received by*
21 *the committees or, if earlier, a period of 14 days*
22 *has elapsed after the date on which a copy of the*
23 *notification is provided in an electronic medium.*

24 (C) *COST AND SCOPE OF WORK VARI-*
25 *ATIONS.—Section 2853 of title 10, United States*

1 Code, shall apply to the use of contributions re-
2 ferred to in subsection (b)(1).

3 (d) *TRANSFER AUTHORITY.*—

4 (1) *TRANSFER TO HOUSING FUNDS.*—*The Sec-*
5 *retary of Defense may transfer funds from the Ac-*
6 *count to the Department of Defense Family Housing*
7 *Improvement Fund established by section 2883(a)(1)*
8 *of title 10, United States Code.*

9 (2) *TREATMENT OF TRANSFERRED AMOUNTS.*—
10 *Amounts transferred under paragraph (1) to a fund*
11 *referred to in that paragraph shall be available in ac-*
12 *cordance with the provisions of section 2883 of title*
13 *10, United States Code for activities on Guam au-*
14 *thorized under subchapter IV of chapter 169 of such*
15 *title.*

16 (e) *REPORT REGARDING GUAM MILITARY CONSTRUC-*
17 *TION.*—*Not later than February 15 of each year, the Sec-*
18 *retary of Defense shall submit to Congress a report con-*
19 *taining information on each military construction project*
20 *included in the budget submission for the next fiscal year*
21 *related to the realignment of military installations and the*
22 *relocation of military personnel on Guam. The Secretary*
23 *shall present the information in manner consistent with the*
24 *presentation of projects in the military construction ac-*
25 *counts for each of the military departments in the budget*

1 *submission. The report shall also include projects associated*
2 *with the realignment of military installations and reloca-*
3 *tion of military personnel on Guam that are included in*
4 *the future-years defense program pursuant to section 221*
5 *of title 10, United States Code.*

6 (f) *SENSE OF CONGRESS.—It is the sense of Congress*
7 *that the use of the Account to facilitate construction projects*
8 *associated with the realignment of military installations*
9 *and the relocation of military personnel on Guam, as au-*
10 *thorized by subsection (c)(1), provides a great opportunity*
11 *for business enterprises of the United States and its terri-*
12 *ories to contribute to the United States strategic presence*
13 *in the western Pacific by competing for contracts awarded*
14 *for such construction. Congress urges the Secretary of De-*
15 *fense to ensure maximum participation by business enter-*
16 *prises of the United States and its territories in such con-*
17 *struction.*

18 ***Subtitle D—Energy Security***

19 ***SEC. 1. CERTIFICATION OF ENHANCED USE LEASES FOR*** 20 ***ENERGY-RELATED PROJECTS.***

21 Section 2667(h) of title 10, United States Code, is
22 amended by adding at the end the following new paragraph:

23 “(5) *If a proposed lease under subsection (a) involves*
24 *a project related to energy production and the term of the*
25 *lease exceeds 20 years, the Secretary concerned may not*

1 *enter into the lease until at least 30 days after the date*
2 *on which the Secretary of Defense submits to the congres-*
3 *sional defense committees a certification that the project is*
4 *consistent with the Department of Defense performance*
5 *goals and plan required by section 2911 of this title.”.*

6 **SEC. 2. ANNUAL REPORT ON DEPARTMENT OF DEFENSE IN-**
7 **STALLATIONS ENERGY MANAGEMENT.**

8 *Section 2925(a) of title 10, United States Code, is*
9 *amended—*

10 *(1) by striking the subsection heading and in-*
11 *serting the following: “ANNUAL REPORT RELATED TO*
12 *INSTALLATIONS ENERGY MANAGEMENT.—”;*

13 *(2) in paragraph (1), by inserting “, the Energy*
14 *Independence and Security Act of 2007 (Public Law*
15 *110–140),” after “58”;* and

16 *(3) by adding at the end the following new para-*
17 *graph:*

18 *“(6) A description and estimate of the progress*
19 *made by the military departments to meet the certifi-*
20 *cation requirements for sustainable green-building*
21 *standards in construction and major renovations as*
22 *required by section 433 of the Energy Independence*
23 *and Security Act of 2007 (Public Law 110–140; 121*
24 *Stat. 1612).”.*

1 ***Subtitle E—Land Conveyances***

2 ***SEC. 2841. LAND CONVEYANCE, FORMER NAVAL AIR STA-***
3 ***TION, ALAMEDA, CALIFORNIA.***

4 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
5 *Navy may 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 right,*
8 *title and interest of the United States in and to the real*
9 *and personal property comprising Naval Air Station Ala-*
10 *meda, except those parcels identified for public benefit con-*
11 *veyance and certain surplus lands at the Naval Air Station*
12 *Alameda described in the Federal Register on November 5,*
13 *2007. In this section, the real and personal property to be*
14 *conveyed under this section is referred to as the “NAS Prop-*
15 *erty”.*

16 (b) *MULTIPLE CONVEYANCES.*—*The conveyance of the*
17 *NAS Property may be conducted through multiple parcel*
18 *transfers.*

19 (c) *CONSIDERATION.*—*As consideration for the convey-*
20 *ance of the NAS Property under subsection (a), the Sec-*
21 *retary of the Navy shall seek to obtain fair market value.*

22 (d) *EXISTING USES.*—*During the three-year period be-*
23 *ginning on the date on which the first conveyance under*
24 *this section is made, the redevelopment authority shall make*
25 *reasonable efforts to accommodate the continued use by the*

1 *United States of those portions of the NAS Property covered*
2 *by a request for Federal Land Transfer so long as the ac-*
3 *commodation of such use is at no cost or expense to the*
4 *redevelopment authority. Such accommodations shall pro-*
5 *vide adequate protection for the endangered California*
6 *Least Tern in accordance with the requirements of the exist-*
7 *ing Biological Opinion for Naval Air Station Alameda*
8 *dated March 22, 1999, and any future amendments to the*
9 *Biological Opinion.*

10 (e) *SAVINGS PROVISION.—Nothing in this section shall*
11 *be construed to affect or limit the application of, or any*
12 *obligation to comply with, any environmental law, includ-*
13 *ing the Comprehensive Environmental Response, Com-*
14 *pensation, and Liability Act of 1980 (42 U.S.C. 9601 et*
15 *seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901*
16 *et seq.).*

17 (f) *DESCRIPTION OF PROPERTY.—The exact acreage*
18 *and legal description of the real property to be conveyed*
19 *under this section shall be determined by a survey satisfac-*
20 *tory to the Department.*

21 (g) *MASTER LEASE.—The Lease in Furtherance of*
22 *Conveyance, dated June 2000, as amended, between the Sec-*
23 *retary of the Navy and the redevelopment authority shall*
24 *remain in full force and effect until conveyance of the NAS*
25 *Property in accordance with this section, and a lease*

1 *amendment recognizing this section shall be offered by the*
2 *Secretary.*

3 *(h) TREATMENT OF AMOUNTS RECEIVED.—Amounts*
4 *received by the United States under this section shall be*
5 *credited to the fund or account intended to receive proceeds*
6 *from the disposal of the NAS Property pursuant to the De-*
7 *fense Base Closure and Realignment Act of 1990 (part A*
8 *of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).*

9 *(i) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
10 *retary of the Navy may require such additional terms and*
11 *conditions in connection with the conveyance under sub-*
12 *section (a) as the Secretary considers appropriate to protect*
13 *the interests of the United States.*

14 **SEC. 2842. TRANSFER OF ADMINISTRATIVE JURISDICTION,**
15 **DECOMMISSIONED NAVAL SECURITY GROUP**
16 **ACTIVITY, SKAGGS ISLAND, CALIFORNIA.**

17 *(a) TRANSFER MEMORANDUM OF AGREEMENT.—The*
18 *Secretary of the Navy and the Secretary of the Interior shall*
19 *negotiate a memorandum of agreement that stipulates the*
20 *conditions upon which the decommissioned Naval Security*
21 *Group Activity, Skaggs Island, Sonoma, California shall*
22 *be transferred from the administrative jurisdiction of the*
23 *Department of the Navy to the United States Fish and*
24 *Wildlife Service for inclusion in the National Wildlife Ref-*
25 *uge System.*

1 (b) *ACCEPTANCE OF DONATIONS; USE.*—*The Secretary*
2 *of the Navy and the Secretary of the Interior may accept*
3 *contributions from the State of California and other entities*
4 *to help cover the costs of demolishing and removing struc-*
5 *tures on the property described in subsection (a) and to fa-*
6 *cilitate future environmental restoration that furthers the*
7 *ultimate end use of the property for conservation purposes.*
8 *Amounts received may be merged with other amounts avail-*
9 *able to the Secretaries to carry out this section and shall*
10 *remain available, without further appropriation and until*
11 *expended.*

12 **SEC. 2843. TRANSFER OF PROCEEDS FROM PROPERTY CON-**
13 **VEYANCE, MARINE CORPS LOGISTICS BASE,**
14 **ALBANY, GEORGIA.**

15 (a) *TRANSFER AUTHORIZED.*—*The Secretary of De-*
16 *fense may transfer any proceeds from the sale of approxi-*
17 *mately 120.375 acres of improved land located at the former*
18 *Boyett Village Family Housing Complex at the Marine*
19 *Corps Logistics Base, Albany, Georgia, into the Department*
20 *of Defense Family Housing Improvement Fund established*
21 *under section 2883(a)(1) of title 10, United States Code,*
22 *for carrying out activities under subchapter IV of chapter*
23 *169 of that title with respect to military family housing.*

24 (b) *NOTIFICATION REQUIREMENT.*—*A transfer of pro-*
25 *ceeds under subsection (a) may be made only after the end*

1 of the 30-day period beginning on the date the Secretary
2 of Defense submits written notice of the transfer to the con-
3 gressional defense committees.

4 **SEC. 2844. LAND CONVEYANCE, SERGEANT FIRST CLASS**
5 **M.L. DOWNS ARMY RESERVE CENTER,**
6 **SPRINGFIELD, OHIO.**

7 (a) *CONVEYANCE AUTHORIZED.*—At such time as the
8 Army Reserve vacates the Sergeant First Class M.L. Downs
9 Army Reserve Center at 1515 West High Street in Spring-
10 field, Ohio, the Secretary of the Army may convey, without
11 consideration, to the City of Springfield, Ohio (in this sec-
12 tion referred to as the “City”), all right, title, and interest
13 of the United States in and to the parcel of real property,
14 including improvements thereon, containing the Reserve
15 Center and approximately three acres for the purpose of
16 permitting the City to utilize the property for municipal
17 government activities.

18 (b) *REVERSIONARY INTEREST.*—If the Secretary deter-
19 mines at any time that the real property conveyed under
20 subsection (a) is not being used in accordance with the pur-
21 pose of the conveyance, all right, title, and interest in and
22 to such real property, including any improvements and ap-
23 purtenant easements thereto, shall, at the option of the Sec-
24 retary, revert to and become the property of the United
25 States, and the United States shall have the right of imme-

1 *diate entry onto such real property. A determination by the*
2 *Secretary under this subsection shall be made on the record*
3 *after an opportunity for a hearing.*

4 *(c) DESCRIPTION OF PROPERTY.—The exact acreage*
5 *and legal description of the real property to be conveyed*
6 *under subsection (a) shall be determined by a survey satis-*
7 *factory to the Secretary.*

8 *(d) PAYMENT OF COSTS OF CONVEYANCES.—*

9 *(1) PAYMENT REQUIRED.—The Secretary shall*
10 *require the City to cover costs to be incurred by the*
11 *Secretary, or to reimburse the Secretary for costs in-*
12 *curring by the Secretary, to carry out the conveyance*
13 *under subsection (a), including survey costs, costs re-*
14 *lated to environmental documentation, and other ad-*
15 *ministrative costs related to the conveyance. If*
16 *amounts are collected from the City in advance of the*
17 *Secretary incurring the actual costs, and the amount*
18 *collected exceeds the costs actually incurred by the*
19 *Secretary to carry out the conveyance, the Secretary*
20 *shall refund the excess amount to the City.*

21 *(2) TREATMENT OF AMOUNTS RECEIVED.—*
22 *Amounts received as reimbursements under para-*
23 *graph (1) shall be credited to the fund or account that*
24 *was used to cover the costs incurred by the Secretary*
25 *in carrying out the conveyance. Amounts so credited*

1 *shall be merged with amounts in such fund or account*
2 *and shall be available for the same purposes, and sub-*
3 *ject to the same conditions and limitations, as*
4 *amounts in such fund or account.*

5 *(e) ADDITIONAL TERM AND CONDITIONS.—The Sec-*
6 *retary may require such additional terms and conditions*
7 *in connection with the conveyance under subsection (a) as*
8 *the Secretary considers appropriate to protect the interests*
9 *of the United States.*

10 **SEC. 2845. LAND CONVEYANCE, JOHN SEVIER RANGE, KNOX**
11 **COUNTY, TENNESSEE.**

12 *(a) CONVEYANCE AUTHORIZATION.—The Secretary of*
13 *the Army may convey, without consideration, to the State*
14 *of Tennessee all right, title, and interest of the United States*
15 *in and to a parcel of real property, including any improve-*
16 *ments thereon and appurtenant easements thereto, con-*
17 *sisting of approximately 124 acres known as the John*
18 *Sevier Range in Knox County, Tennessee, for the purpose*
19 *of using such real property as a public firing range and*
20 *for other public recreational activities.*

21 *(b) REVERSIONARY INTEREST.—If the Secretary deter-*
22 *mines at any time that the real property conveyed under*
23 *subsection (a) is not being used in accordance with the*
24 *terms of the conveyance, all right, title, and interest in and*
25 *to such real property, including any improvements and ap-*

1 *purtenant easements thereto, shall, at the option of the Sec-*
2 *retary, revert to and become the property of the United*
3 *States, and the United States shall have the right of imme-*
4 *diat entry onto such real property. A determination by the*
5 *Secretary under this subsection shall be made on the record*
6 *after an opportunity for a hearing.*

7 (c) *ADMINISTRATIVE EXPENSES.*—*In accordance with*
8 *section 2695 of title 10, United State Code, the Secretary*
9 *may accept amounts provided by the State to cover admin-*
10 *istrative expenses incurred by the Secretary with respect to*
11 *the conveyance authorized under subsection (a), including*
12 *survey expenses, expenses related to environmental docu-*
13 *mentation, and other administrative expenses related to*
14 *such conveyance. Such amounts shall be credited, pursuant*
15 *to subsection (c) of section 2695 of such title, to the appro-*
16 *priation, fund, or account from which such expenses were*
17 *paid. If amounts are collected from the State in advance*
18 *of the Secretary incurring such expenses, and the amount*
19 *collected exceeds the expenses actually incurred by the Sec-*
20 *retary, the Secretary shall refund the excess amount to the*
21 *State.*

22 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
23 *and legal description of the real property authorized to be*
24 *conveyed under subsection (a) shall be determined by a sur-*
25 *vey satisfactory to the Secretary and the State.*

1 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
2 *retary may require such additional terms and conditions*
3 *in connection with the conveyance authorized under sub-*
4 *section (a) as the Secretary considers appropriate to protect*
5 *the interests of the United States.*

6 **SEC. 2846. LAND CONVEYANCE, ARMY PROPERTY, CAMP**
7 **WILLIAMS, UTAH.**

8 (a) *CONVEYANCE AUTHORIZED.*—*If the Secretary of*
9 *the Army determines that it is the national security interest*
10 *of the United States, the Secretary may convey, without*
11 *consideration, to the State of Utah (in this section, the*
12 *“State”) on behalf of the Utah National Guard all right,*
13 *title, and interest of the United States in and to two parcels*
14 *of real property, including improvements thereon, that are*
15 *located within the boundaries of Camp Williams, Utah,*
16 *consisting of approximately 608 acres and 308 acres, re-*
17 *spectively, and are identified in the Utah National Guard*
18 *master plan.*

19 (b) *CONDITION.*—*As a condition of the conveyance, the*
20 *Secretary shall, not later than 21 days before carrying out*
21 *the conveyance, submit a report to Congress certifying that*
22 *the purpose of the conveyance is to further the interest of*
23 *national security and the property conveyed will be used*
24 *for military purposes only.*

1 (c) *REVERSIONARY INTEREST.*—*If the Secretary deter-*
2 *mines at any time that the real property conveyed under*
3 *subsection (a), or any portion thereof, has been sold or is*
4 *not being used in a manner consistent with subsection (b),*
5 *the property shall revert, at the option of the Secretary, to*
6 *the United States, and the United States shall have the*
7 *right of immediate entry onto the property. Any determina-*
8 *tion of the Secretary under this subsection shall be made*
9 *on the record after consultation with the Governor of the*
10 *State of Utah and an opportunity for a hearing.*

11 (d) *PAYMENT OF COSTS OF CONVEYANCE.*—

12 (1) *PAYMENT REQUIRED.*—*The Secretary shall*
13 *require the State to cover costs to be incurred by the*
14 *Secretary, or to reimburse the Secretary for costs in-*
15 *curring by the Secretary, to carry out the conveyance*
16 *under subsection (a), including survey costs, costs re-*
17 *lated to environmental documentation, and other ad-*
18 *ministrative costs related to the conveyance. If*
19 *amounts are collected from the State in advance of the*
20 *Secretary incurring the actual costs, and the amount*
21 *collected exceeds the costs actually incurred by the*
22 *Secretary to carry out the conveyance, the Secretary*
23 *shall refund the excess amount to the State.*

24 (2) *TREATMENT OF AMOUNTS RECEIVED.*—

25 *Amounts received as reimbursements under para-*

1 *graph (1) shall be credited to the fund or account that*
2 *was used to cover the costs incurred by the Secretary*
3 *in carrying out the conveyance. Amounts so credited*
4 *shall be merged with amounts in such fund or account*
5 *and shall be available for the same purposes, and sub-*
6 *ject to the same conditions and limitations, as*
7 *amounts in such fund or account.*

8 *(e) DESCRIPTION OF REAL PROPERTY.—The exact*
9 *acreage and legal description of the real property to be con-*
10 *veyed under subsection (a) shall be determined by a survey*
11 *satisfactory to the Secretary.*

12 *(f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
13 *retary may require such additional terms and conditions*
14 *in connection with the conveyance under subsection (a) as*
15 *the Secretary considers appropriate to protect the interests*
16 *of the United States.*

17 **SEC. 2847. EXTENSION OF POTOMAC HERITAGE NATIONAL**
18 **SCENIC TRAIL THROUGH FORT BELVOIR, VIR-**
19 **GINIA.**

20 *(a) AGREEMENT AUTHORITY.—The Secretary of the*
21 *Army may enter into a revocable at will easement with the*
22 *Secretary of the Interior to provide land along the perimeter*
23 *of Fort Belvoir, Virginia, to be used as a segment of the*
24 *Potomac Heritage National Scenic Trail.*

1 **(b) SELECTION CRITERIA.**—*In determining the extent*
2 *of the easement, the Secretary of the Army shall provide*
3 *for a single trail, and select alignments of the trail, along*
4 *the perimeter of Fort Belvoir. In making that determina-*
5 *tion, the Secretary shall consider—*

6 (1) *the perimeter security requirements to protect*
7 *the assets, people, and agency missions located at Fort*
8 *Belvoir;*

9 (2) *the appropriate setback from adjacent road-*
10 *ways to provide for a safe and enjoyable experience*
11 *for users of the trail; and*

12 (3) *any planned future expansion of roadways,*
13 *including United States Route 1, so that the trail will*
14 *not be adversely impacted by roadway construction.*

15 **(c) TRAIL ADMINISTRATION AND MANAGEMENT.**—*A*
16 *written agreement confirming an administration and man-*
17 *agement arrangement of any segment of the Potomac Herit-*
18 *age National Scenic Trail along the perimeter of Fort*
19 *Belvoir shall be co-signed by the parties to the easement*
20 *agreement.*

1 ***Subtitle F—Other Matters***

2 ***SEC. 2851. REVISED DEADLINE FOR TRANSFER OF ARLING-***
3 ***TON NAVAL ANNEX TO ARLINGTON NATIONAL***
4 ***CEMETERY.***

5 *Section 2881(h)(1) of the Military Construction Au-*
6 *thorization Act for Fiscal Year 2000 (division B of Public*
7 *Law 106–65; 113 Stat. 879), as amended by section 2871*
8 *of the Military Construction Authorization Act for Fiscal*
9 *Year 2008 (division B of Public Law 110–181; 122 Stat.*
10 *561), is further amended by striking “January 1, 2011”*
11 *and inserting “January 1, 2012”.*

12 ***SEC. 2852. ACCEPTANCE AND USE OF GIFTS FOR CON-***
13 ***STRUCTION OF ADDITIONAL BUILDING AT***
14 ***NATIONAL MUSEUM OF THE UNITED STATES***
15 ***AIR FORCE, WRIGHT-PATTERSON AIR FORCE***
16 ***BASE.***

17 *(a) ACCEPTANCE AUTHORIZED.—The Secretary of the*
18 *Air Force may accept from the Air Force Museum Founda-*
19 *tion, a private nonprofit corporation, gifts in the form of*
20 *cash, treasury instruments, or comparable United States se-*
21 *curities for the purpose of paying the costs of design and*
22 *construction of a fourth building for the National Museum*
23 *of the United States Air Force at Wright-Patterson Air*
24 *Force Base, Ohio. In making a gift, the Air Force Museum*
25 *Foundation may specify that all or part of the amount of*

1 *the gift be utilized solely for the purpose of the design and*
2 *construction of a particular portion of the building and for*
3 *contract management related to such design and construc-*
4 *tion.*

5 (b) *ESCROW ACCOUNT.*—

6 (1) *DEPOSIT OF GIFTS.*—*The Secretary of the*
7 *Air Force, acting through the Director of Financial*
8 *Management of the Air Force Materiel Command (in*
9 *this section referred to as the “Director”), shall de-*
10 *posit the amount of any gift accepted under sub-*
11 *section (a) in an escrow account established for that*
12 *purpose.*

13 (2) *INVESTMENT.*—*Amounts in the escrow ac-*
14 *count not required to meet current requirements of the*
15 *account shall be invested in public debt securities*
16 *with maturities suitable to the needs of the account,*
17 *as determined by the Director, and bearing interest at*
18 *rates that take into consideration current market*
19 *yields on outstanding marketable obligations of the*
20 *United States of comparable securities. The income on*
21 *such investments shall be credited to and form a part*
22 *of the account.*

23 (3) *LIQUIDATION.*—*Upon final payment of all*
24 *invoices and claims associated with the design and*
25 *construction of the building described in subsection*

1 (a), the Secretary shall terminate the escrow account.
2 Any amounts remaining in the account upon termi-
3 nation shall be available to the Secretary, in such
4 amounts as are provided in advance in appropria-
5 tions Acts, for such purposes as the Secretary con-
6 siders appropriate.

7 (c) *USE OF GIFTS.*—

8 (1) *DESIGN, CONSTRUCTION, AND CONTRACT*
9 *MANAGEMENT.*—Subject to any conditions imposed by
10 the Air Force Museum Foundation under subsection
11 (a), the Director shall use amounts in the escrow ac-
12 count, including income on investments, to pay all
13 costs for the design and construction of a fourth build-
14 ing for the National Museum of the United States Air
15 Force and all costs for contract management related
16 to such design and construction. The requirement im-
17 posed by this paragraph includes making progress
18 payments for such design and construction.

19 (2) *SOLE SOURCE OF FUNDS.*—Gifts received
20 under subsection (a) and income on investments made
21 under subsection (b)(2) shall be the sole source of
22 funds used to pay all costs for the design and con-
23 struction of a fourth building for the National Mu-
24 seum of the United States Air Force and all costs for

1 *contract management related to such design and con-*
2 *struction.*

3 (3) *TIME FOR PAYMENT.*—*Amounts shall be pay-*
4 *able under paragraph (1) upon receipt by the Direc-*
5 *tor of a notification from the technical representative*
6 *of the contracting officer that construction activities*
7 *for which such amounts are payable under paragraph*
8 *(1) have been undertaken. To the maximum extent*
9 *practicable consistent with good business practice, the*
10 *Director shall limit payment of amounts from the ac-*
11 *count in order to maximize the return on investment*
12 *of amounts in the account.*

13 (d) *LIMITATION ON CONTRACTS.*—*The Secretary of the*
14 *Air Force may not initiate a contract for the design or con-*
15 *struction of a particular portion of the building described*
16 *in subsection (a) until amounts in the escrow account are*
17 *sufficient to cover the amount of the contract.*

18 **SEC. 2853. LEASE INVOLVING PIER ON FORD ISLAND, PEARL**

19 **HARBOR NAVAL BASE, HAWAII.**

20 (a) *LEASE.*—*The Secretary of the Navy shall enter*
21 *into a lease with the USS Missouri Memorial Association*
22 *to authorize the USS Missouri Memorial Association to use*
23 *the pier Foxtrot Five and related real property on Ford*
24 *Island, Pearl Harbor Naval Base, Hawaii, during calendar*
25 *years 2009 and 2010.*

1 (b) *CONSIDERATION.*—*The lease required by subsection*
2 *(a) shall be made without consideration.*

3 (c) *CONDITIONS ON USE OF LEASED PROPERTY.*—*As*
4 *conditions on the lease under subsection (a), the USS Mis-*
5 *souri Memorial Association shall agree—*

6 (1) *to preserve and maintain the ex-USS Mis-*
7 *souri for education purposes, historic preservation,*
8 *and community outreach;*

9 (2) *that the Navy may use the leased property*
10 *without charge for purposes that do not interfere with*
11 *the use of such property by the USS Missouri Memo-*
12 *rial Association; and*

13 (3) *that the Navy may use the ex-USS Missouri*
14 *for official functions at no cost.*

15 (d) *EFFECT OF VIOLATION.*—*If the Secretary deter-*
16 *mines at any time that the USS Missouri Memorial Asso-*
17 *ciation is not in compliance with the conditions imposed*
18 *by subsection (c), the Secretary may terminate the lease re-*
19 *ferred to in subsection (a). Any determination of the Sec-*
20 *retary under this subsection shall be made on the record*
21 *after an opportunity for a hearing.*

22 **SEC. 2854. USE OF RUNWAY AT NASJRB WILLOW GROVE,**
23 **PENNSYLVANIA.**

24 (a) *CONDITIONS ON CONVEYANCE, GRANT, LEASE, OR*
25 *LICENSE.*—*Any conveyance, grant, lease, or license from the*

1 *United States to the Commonwealth of Pennsylvania or*
2 *other legal entity that includes the airfield property located*
3 *at NASJRB Willow Grove and designated for operation as*
4 *a Joint Interagency Installation pursuant to section 3703*
5 *of the U.S. Troop Readiness, Veterans' Care, Katrina Re-*
6 *covery, and Iraq Accountability Appropriations Act, 2007*
7 *(Public Law 110-28; 121 Stat. 145) shall be subject to the*
8 *restrictions on the use of the airfield set forth in subsection*
9 *(b).*

10 *(b) RESTRICTIONS ON USE.—The airfield at the instal-*
11 *lation shall not be used for any of the following purposes:*

12 *(1) Commercial passenger operations.*

13 *(2) Commercial cargo operations.*

14 *(3) Commercial, business, or nongovernment air-*
15 *craft operations for purposes not related to the mis-*
16 *sions of the installation, except that this paragraph*
17 *shall not apply in exigent circumstances or prohibit*
18 *use of the airfield by or on behalf of any associated*
19 *user which is a tenant of the installation.*

20 *(4) As a reliever airport to relieve congestion at*
21 *other airports or to provide improved general avia-*
22 *tion access to the overall community, except that this*
23 *paragraph shall not apply in exigent circumstances.*

24 *(c) LIMITATION ON STATUTORY CONSTRUCTION.—*

25 *Nothing in this section shall be construed to diminish or*

1 *alter authorized uses of the installation, including the mili-*
2 *tary enclave that is part thereof, by the United States or*
3 *its agencies or instrumentalities or to limit use of the prop-*
4 *erty in exigent circumstances.*

5 (d) *DEFINITIONS.—In this section:*

6 (1) *AIRFIELD.—The term “airfield” means the*
7 *airfield referred to in subsection (a).*

8 (2) *ASSOCIATED USERS.—The term “associated*
9 *users” means nongovernmental organizations and*
10 *private entities that use the airfield for purposes re-*
11 *lated to the national defense, homeland security, and*
12 *emergency preparedness missions of the installation.*

13 (3) *EXIGENT CIRCUMSTANCES.—The term “exi-*
14 *gent circumstances” means unusual conditions, in-*
15 *cluding adverse or unusual weather conditions, alerts,*
16 *and actual or threatened emergencies that are deter-*
17 *mined by the installation to require limited-duration*
18 *use of the installation or its airfield for operations,*
19 *including flying operations, for uses otherwise re-*
20 *stricted under subsection (b).*

21 (4) *COMMERCIAL CARGO OPERATIONS.—The term*
22 *“commercial cargo operations” means aircraft oper-*
23 *ations by a commercial cargo or freight carrier in*
24 *cases in which cargo is delivered to or flown from the*
25 *installation under established schedules, except that*

1 *the United States to such facility shall be deemed to be a*
 2 *reference to the Lyster Army/VA Health Clinic.*

3 **TITLE XXIX—WAR-RELATED MILI-**
 4 **TARY CONSTRUCTION AU-**
 5 **THORIZATIONS**

Subtitle A—Fiscal Year 2008 Projects

- 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.*

Subtitle B—Fiscal Year 2009 Projects

- Sec. 2911. Authorized Army construction and land acquisition projects.*
- Sec. 2912. Authorized Navy construction and land acquisition projects.*

6 **Subtitle A—Fiscal Year 2008**
 7 **Projects**

8 **SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 9 **ACQUISITION PROJECTS.**

10 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*
 11 *propriated pursuant to the authorization of appropriations*
 12 *in subsection (c)(1), the Secretary of the Army may acquire*
 13 *real property and carry out military construction projects*
 14 *for the installations or locations inside the United States,*
 15 *and in the amounts, set forth in the following table:*

Army: Inside the United States

State	Installation or Location	Amount
<i>Alaska</i>	<i>Fort Wainwright</i>	<i>\$17,000,000</i>
<i>California</i>	<i>Fort Irwin</i>	<i>\$11,800,000</i>
<i>Colorado</i>	<i>Fort Carson</i>	<i>\$8,400,000</i>
<i>Georgia</i>	<i>Fort Gordon</i>	<i>\$39,800,000</i>
<i>Hawaii</i>	<i>Schofield Barracks</i>	<i>\$12,500,000</i>
<i>Kentucky</i>	<i>Fort Campbell</i>	<i>\$9,900,000</i>
	<i>Fort Knox</i>	<i>\$7,400,000</i>

Army: Inside the United States—Continued

State	Installation or Location	Amount
North Carolina	Fort Bragg	\$8,500,000
Oklahoma	Fort Sill	\$9,000,000
Texas	Fort Bliss	\$17,300,000
	Fort Hood	\$7,200,000
	Fort Sam Houston	\$54,000,000
Virginia	Fort Lee	\$7,400,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations 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 United
6 States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Iraq	Camp Adder	\$13,200,000
	Camp Ramadi	\$6,200,000
	Falujah	\$5,500,000

7 (c) *AUTHORIZATION OF APPROPRIATIONS.*—In addi-
8 tion to funds authorized to be appropriated under 2901(c)
9 of the Military Construction Authorization Act for Fiscal
10 Year 2008 (division B of Public Law 110–181; 122 Stat.
11 571), funds are hereby authorized to be appropriated for
12 fiscal years beginning after September 30, 2007, for mili-
13 tary construction, land acquisition, and military family
14 housing functions of the Department of the Army in the
15 total amount of \$241,100,000 as follows:

1 (1) *For military construction projects inside the*
 2 *United States authorized by subsection (a),*
 3 *\$210,200,000.*

4 (2) *For military construction projects outside the*
 5 *United States authorized by subsection (b),*
 6 *\$24,900,000.*

7 (3) *For architectural and engineering services*
 8 *and construction design under section 2807 of title*
 9 *10, United States Code, \$6,000,000.*

10 **SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 11 **ACQUISITION PROJECTS.**

12 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*
 13 *propriated pursuant to the authorization of appropriations*
 14 *in subsection (b)(1), the Secretary of the Navy may acquire*
 15 *real property and carry out military construction projects*
 16 *for the installations or locations inside the United States,*
 17 *and in the amounts, set forth in the following table:*

Navy: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>California</i>	<i>Camp Pendleton</i>	<i>\$9,270,000</i>
	<i>China Lake</i>	<i>\$7,210,000</i>
	<i>Point Mugu</i>	<i>\$7,250,000</i>
	<i>San Diego</i>	<i>\$12,299,000</i>
	<i>San Diego Marine Corps Recruit Depot (MCRD)</i>	<i>\$43,200,000</i>
	<i>Twentynine Palms</i>	<i>\$11,250,000</i>
<i>Florida</i>	<i>Eglin Air Force Base</i>	<i>\$780,000</i>
<i>Mississippi</i>	<i>Gulfport</i>	<i>\$6,570,000</i>
<i>North Carolina</i>	<i>Camp Lejeune</i>	<i>\$27,980,000</i>
<i>Virginia</i>	<i>Yorktown</i>	<i>\$8,070,000</i>

18 (b) *AUTHORIZATION OF APPROPRIATIONS.—In addi-*
 19 *tion to funds authorized to be appropriated under 2902(d)*

1 of the Military Construction Authorization Act for Fiscal
 2 Year 2008 (division B of Public Law 110–181; 122 Stat.
 3 572), funds are hereby authorized to be appropriated for
 4 fiscal years beginning after September 30, 2007, for mili-
 5 tary construction, land acquisition, and military family
 6 housing functions of the Department of the Navy in the total
 7 amount of \$137,931,000 as follows:

8 (1) For military construction projects inside the
 9 United States authorized by subsection (a),
 10 \$133,879,000.

11 (2) For architectural and engineering services
 12 and construction design under section 2807 of title
 13 10, United States Code, \$4,052,000.

14 **SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 15 **LAND ACQUISITION PROJECTS.**

16 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 17 propriated pursuant to the authorization of appropriations
 18 in subsection (c)(1), the Secretary of the Air Force may ac-
 19 quire 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 table:

Air Force: Inside the United States

Country	Installation or Location	Amount
<i>California</i>	<i>Beale Air Force Base</i>	<i>\$17,600,000</i>
<i>Florida</i>	<i>Eglin Air Force Base</i>	<i>\$11,000,000</i>
<i>New Mexico</i>	<i>Cannon Air Force Base</i>	<i>\$8,000,000</i>

1 **(b) OUTSIDE THE UNITED STATES.**—Using amounts
 2 appropriated pursuant to the authorization of appropri-
 3 ations in subsection (c)(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 following
 7 table:

Air Force: Outside the United States

<i>Country</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Qatar</i>	<i>Al Udeid</i>	<i>\$60,400,000</i>

8 **(c) AUTHORIZATION OF APPROPRIATIONS.**—In addi-
 9 tion to funds authorized to be appropriated under 2903(b)
 10 of the Military Construction Authorization Act for Fiscal
 11 Year 2008 (division B of Public Law 110–181; 122 Stat.
 12 573), funds are hereby authorized to be appropriated for
 13 fiscal years beginning after September 30, 2007, for mili-
 14 tary construction, land acquisition, and military family
 15 housing functions of the Department of the Air Force in
 16 the total amount of \$98,427,000, as follows:

17 (1) For military construction projects inside the
 18 United States authorized by subsection (a),
 19 \$36,600,000.

20 (2) For military construction projects outside the
 21 United States authorized by subsection (b),
 22 \$60,400,000.

1 (3) *For architectural and engineering services*
 2 *and construction design under section 2807 of title*
 3 *10, United States Code, \$1,427,000.*

4 **SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRU-**
 5 **CTION AND LAND ACQUISITION PROJECTS.**

6 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 7 *propriated pursuant to the authorization of appropriations*
 8 *in subsection (b)(1), the Secretary of Defense may acquire*
 9 *real property and carry out the military construction*
 10 *project for the installations or locations inside the United*
 11 *States, and in the amounts, set forth in the following table:*

Defense Agencies: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>North Carolina</i>	<i>Camp Lejeune</i>	<i>\$57,900,000</i>

12 (b) *AUTHORIZATION OF APPROPRIATIONS.*—In addi-
 13 *tion to funds authorized to be appropriated under 2904(c)*
 14 *of the Military Construction Authorization Act for Fiscal*
 15 *Year 2008 (division B of Public Law 110–181; 122 Stat.*
 16 *573), funds are hereby authorized to be appropriated for*
 17 *fiscal years beginning after September 30, 2007, for mili-*
 18 *tary construction, land acquisition, and military family*
 19 *housing functions of the Department of Defense (other than*
 20 *the military departments) in the total amount of*
 21 *\$110,735,000, as follows:*

1 (1) *For military construction projects inside the*
2 *United States authorized by subsection (a),*
3 *\$57,900,000.*

4 (2) *For architectural and engineering services*
5 *and construction design under section 2807 of title*
6 *10, United States Code, \$52,835,000.*

7 **SEC. 2905. TERMINATION OF AUTHORITY TO CARRY OUT**
8 **FISCAL YEAR 2008 ARMY PROJECTS.**

9 (a) *TERMINATION OF AUTHORITY.*—*The table in sec-*
10 *tion 2901(b) of the Military Construction Authorization Act*
11 *for Fiscal Year 2008 (division B of Public Law 110–181;*
12 *122 Stat. 570), is amended—*

13 (1) *in the item relating to Camp Adder, Iraq, by*
14 *striking “\$80,650,000” in the amount column and in-*
15 *serting “\$75,800,000”;*

16 (2) *in the item relating to Camp Anaconda,*
17 *Iraq, by striking “\$53,500,000” in the amount col-*
18 *umn and inserting “\$10,500,000”;*

19 (3) *in the item relating to Camp Victory, Iraq,*
20 *by striking “\$65,400,000” in the amount column and*
21 *inserting “\$60,400,000”;*

22 (4) *by striking the item relating to Tikrit, Iraq;*
23 *and*

1 (5) *in the item relating to Camp Speicher, Iraq,*
 2 *by striking “\$83,900,000” in the amount column and*
 3 *inserting “\$74,100,000”.*

4 (b) *CONFORMING AMENDMENTS.—Section 2901(c) of*
 5 *the Military Construction Authorization Act for Fiscal Year*
 6 *2008 (division B of Public Law 110–181; 122 Stat. 571)*
 7 *is amended—*

8 (1) *by striking “\$1,257,750,000” and inserting*
 9 *“\$1,152,100,000”; and*

10 (2) *in paragraph (2), by striking*
 11 *“\$1,055,450,000” and inserting “\$949,800,000”.*

12 ***Subtitle B—Fiscal Year 2009***
 13 ***Projects***

14 ***SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND***
 15 ***ACQUISITION PROJECTS.***

16 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*
 17 *propriated pursuant to the authorization of appropriations*
 18 *in subsection (b)(1), the Secretary of the Army may acquire*
 19 *real property and carry out military construction projects*
 20 *to construct or renovate warrior transition unit facilities*
 21 *at the installations or locations inside the United States*
 22 *set forth in the following table:*

Army: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Various</i>	<i>Various locations</i>	<i>\$400,000,000</i>

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*Funds are*
2 *hereby authorized to be appropriated for fiscal years begin-*
3 *ning after September 30, 2008, for military construction,*
4 *land acquisition, and military family housing functions of*
5 *the Department of the Army in the total amount of*
6 *\$450,000,000, as follows:*

7 (1) *For military construction projects inside the*
8 *United States authorized by subsection (a),*
9 *\$400,000,000.*

10 (2) *For architectural and engineering services*
11 *and construction design under section 2807 of title*
12 *10, United States Code, \$50,000,000.*

13 (c) *REPORT REQUIRED BEFORE COMMENCING CER-*
14 *TAIN PROJECTS.*—*Funds may not be obligated for the*
15 *projects authorized by this section until 14 days after the*
16 *date on which the Secretary of Defense submits to the con-*
17 *gressional defense committees a report containing a detailed*
18 *justification for the projects.*

19 **SEC. 2912. AUTHORIZED NAVY CONSTRUCTION AND LAND**
20 **ACQUISITION PROJECTS.**

21 (a) *INSIDE THE UNITED STATES.*—*Using amounts ap-*
22 *propriated pursuant to the authorization of appropriations*
23 *in subsection (b)(1), the Secretary of the Navy may acquire*
24 *real property and carry out military construction projects*
25 *to construct or renovate warrior transition unit facilities*

1 *at the installations or locations inside the United States*
 2 *set forth in the following table:*

Navy: Inside the United States

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Various</i>	<i>Various locations</i>	<i>\$40,000,000</i>

3 ***(b) AUTHORIZATION OF APPROPRIATIONS.***—*Subject to*
 4 *section 2825 of title 10, United States Code, funds are here-*
 5 *by authorized to be appropriated for fiscal years beginning*
 6 *after September 30, 2008, for military construction, land*
 7 *acquisition, and military family housing functions of the*
 8 *Department of the Navy in the total amount of \$50,000,000,*
 9 *as follows:*

10 ***(1) For military construction projects inside the***
 11 *United States authorized by subsection (a),*
 12 *\$40,000,000.*

13 ***(2) For architectural and engineering services***
 14 *and construction design under section 2807 of title*
 15 *10, United States Code, \$10,000,000.*

16 ***(c) REPORT REQUIRED BEFORE COMMENCING CER-***
 17 *TAIN PROJECTS.*—*Funds may not be obligated for the*
 18 *projects authorized by this section until 14 days after the*
 19 *date on which the Secretary of Defense submits to the con-*
 20 *gressional defense committees a report containing a detailed*
 21 *justification for the projects.*

1 **DIVISION C—DEPARTMENT OF**
 2 **ENERGY NATIONAL SECURITY**
 3 **AUTHORIZATIONS AND**
 4 **OTHER AUTHORIZATIONS**
 5 **TITLE XXXI—DEPARTMENT OF**
 6 **ENERGY NATIONAL SECURITY**
 7 **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. Modification of functions of Administrator for Nuclear Security to include elimination of surplus fissile materials usable for nuclear weapons.*
Sec. 3112. Limitation on Funding for Project 04-D-125 Chemistry and Metallurgy Research Replacement facility project, Los Alamos National Laboratory, Los Alamos, New Mexico.
Sec. 3113. Nonproliferation and national security scholarship and fellowship program.
Sec. 3114. Enhancing nuclear forensics capabilities.
Sec. 3115. Utilization of contributions to International Nuclear Materials Protection and Cooperation program and Russian plutonium disposition program.
Sec. 3116. Review of and reports on Global Initiatives for Proliferation Prevention program.
Sec. 3117. Limitation on availability of funds for Global Nuclear Energy Partnership.

Subtitle C—Reports

- Sec. 3121. Extension of deadline for Comptroller General report on Department of Energy protective force management.*
Sec. 3122. Report on compliance with Design Basis Threat issued by the Department of Energy in 2005.
Sec. 3123. Modification of submittal of reports on inadvertent releases of restricted data.

1 ***Subtitle A—National Security***
2 ***Programs Authorizations***

3 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
4 **TION.**

5 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*
6 *hereby authorized to be appropriated to the Department of*
7 *Energy for fiscal year 2009 for the activities of the National*
8 *Nuclear Security Administration in carrying out programs*
9 *necessary for national security in the amount of*
10 *\$9,752,507,000, to be allocated as follows:*

11 (1) *For weapons activities, \$6,625,111,000.*

12 (2) *For defense nuclear nonproliferation activi-*
13 *ties, including \$528,782,000 for fissile materials dis-*
14 *position, \$1,895,261,000.*

15 (3) *For naval reactors, \$828,054,000.*

16 (4) *For the Office of the Administrator for Nu-*
17 *clear Security, \$404,081,000.*

18 (b) *AUTHORIZATION OF NEW PLANT PROJECTS.—*
19 *From funds referred to in subsection (a) that are available*
20 *for carrying out plant projects, the Secretary of Energy*
21 *may carry out new plant projects for the National Nuclear*
22 *Security Administration as follows:*

23 (1) *For readiness in technical base and facilities,*
24 *the following new plant projects:*

1 *Project 09–D–404, Test Capabilities Revi-*
2 *talization Phase 2, Sandia National Laboratory,*
3 *Albuquerque, New Mexico, \$3,200,000.*

4 *Project 08–D–806, Ion Beam Laboratory*
5 *Project, Sandia National Laboratory, Albu-*
6 *querque, New Mexico, \$10,014,000.*

7 *(2) For naval reactors, the following new plant*
8 *projects:*

9 *Project 09–D–902, Naval Reactors Facility*
10 *Production Support Complex, Naval Reactors*
11 *Facility, Idaho Falls, Idaho, \$8,300,000.*

12 *Project 09–D–190, Project engineering and*
13 *design, Knolls Atomic Power Laboratory infra-*
14 *structure upgrades, Knolls Atomic Power Lab-*
15 *oratory, Kesselring Site, Schenectady, New York,*
16 *\$1,000,000.*

17 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

18 *Funds are hereby authorized to be appropriated to the*
19 *Department of Energy for fiscal year 2009 for defense envi-*
20 *ronmental cleanup activities in carrying out programs nec-*
21 *essary for national security in the amount of*
22 *\$5,297,256,000.*

23 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

24 *Funds are hereby authorized to be appropriated to the*
25 *Department of Energy for fiscal year 2009 for other defense*

1 *activities in carrying out programs necessary for national*
 2 *security in the amount of \$826,453,000.*

3 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

4 *Funds are hereby authorized to be appropriated to the*
 5 *Department of Energy for fiscal year 2009 for defense nu-*
 6 *clear waste disposal for payment to the Nuclear Waste Fund*
 7 *established in section 302(c) of the Nuclear Waste Policy*
 8 *Act of 1982 (42 U.S.C. 10222(c)) in the amount of*
 9 *\$222,371,000.*

10 **SEC. 3105. ENERGY SECURITY AND ASSURANCE.**

11 *Funds are hereby authorized to be appropriated to the*
 12 *Department of Energy for fiscal year 2009 for energy secu-*
 13 *rity and assurance programs necessary for national secu-*
 14 *rity in the amount of \$7,622,000.*

15 **Subtitle B—Program Authoriza-**
 16 **tions, Restrictions, and Limita-**
 17 **tions**

18 **SEC. 3111. MODIFICATION OF FUNCTIONS OF ADMINIS-**
 19 **TRATOR FOR NUCLEAR SECURITY TO IN-**
 20 **CLUDE ELIMINATION OF SURPLUS FISSILE**
 21 **MATERIALS USABLE FOR NUCLEAR WEAPONS.**

22 *Section 3212(b) of the National Nuclear Security Ad-*
 23 *ministration Act (50 U.S.C. 2402(b)) is amended—*

24 *(1) by redesignating paragraph (18) as para-*
 25 *graph (19); and*

1 (2) by inserting after paragraph (17) the fol-
2 lowing new paragraph (18):

3 “(18) *Eliminating inventories of surplus fissile*
4 *materials usable for nuclear weapons.*”.

5 **SEC. 3112. LIMITATION ON FUNDING FOR PROJECT 04-D-125**

6 **CHEMISTRY AND METALLURGY RESEARCH**
7 **REPLACEMENT FACILITY PROJECT, LOS ALA-**
8 **MOS NATIONAL LABORATORY, LOS ALAMOS,**
9 **NEW MEXICO.**

10 *Of the amounts appropriated pursuant to an author-*
11 *ization of appropriations in this Act or otherwise made*
12 *available for fiscal year 2009 for Project 04-D-125 Chem-*
13 *istry and Metallurgy Research Replacement (in this section*
14 *referred to as “CMRR”) facility project, Los Alamos Na-*
15 *tional Laboratory, Los Alamos, New Mexico, not more than*
16 *\$50,200,000 may be made available until—*

17 (1) *the Administrator for Nuclear Security and*
18 *the Defense Nuclear Facilities Safety Board have each*
19 *submitted a certification to the congressional defense*
20 *committees stating that the concerns raised by the De-*
21 *fense Nuclear Facilities Safety Board regarding the*
22 *design of CMRR safety class systems (including ven-*
23 *tilation systems) and seismic issues have been re-*
24 *solved; and*

1 (4) enters into an agreement described in sub-
2 section (c); and

3 (5) meets such other requirements as the Admin-
4 istrator prescribes.

5 (c) AGREEMENT.—An individual seeking a scholarship
6 or fellowship under the program established under this sec-
7 tion shall enter into an agreement, in writing, with the Ad-
8 ministrator that includes the following:

9 (1) The agreement of the Administrator to pro-
10 vide such individual with a scholarship or fellowship
11 in the form of educational assistance for a specified
12 number of school years (not to exceed five school
13 years) during which such individual is pursuing a
14 program of education in a qualifying field of study,
15 which educational assistance may include payment of
16 tuition, fees, books, laboratory expenses, and a sti-
17 pend.

18 (2) The agreement of such individual—

19 (A) to accept such educational assistance;

20 (B) to maintain enrollment and attendance
21 in a program of education described in sub-
22 section (b)(2) until such individual completes
23 such program;

24 (C) while enrolled in such program, to
25 maintain satisfactory academic progress in such

1 *program, as determined by the institution of*
2 *higher education in which such individual is en-*
3 *rolled; and*

4 (D) *after completion of such program, to*
5 *serve as a full-time employee in a nonprolifera-*
6 *tion or national security position in the Depart-*
7 *ment of Energy or at a laboratory of the Depart-*
8 *ment for a period of not less than 12 months for*
9 *each school year or part of a school year for*
10 *which such individual receives a scholarship or*
11 *fellowship under the program established under*
12 *this section.*

13 (3) *The agreement of such individual with re-*
14 *spect to the repayment requirements specified in sub-*
15 *section (d).*

16 (d) *REPAYMENT.—*

17 (1) *IN GENERAL.—An individual receiving a*
18 *scholarship or fellowship under the program estab-*
19 *lished under this section shall agree to pay to the*
20 *United States the total amount of educational assist-*
21 *ance provided to such individual under such pro-*
22 *gram, plus interest at the rate prescribed by para-*
23 *graph (4), if such individual—*

1 (A) does not complete the program of edu-
2 cation agreed to pursuant to subsection
3 (c)(2)(B);

4 (B) completes such program of education
5 but declines to serve in a position in the Depart-
6 ment of Energy or at a laboratory of the Depart-
7 ment as agreed to pursuant to subsection
8 (c)(2)(D); or

9 (C) is voluntarily separated from service or
10 involuntarily separated for cause from the De-
11 partment of Energy or a laboratory of the De-
12 partment before the end of the period for which
13 such individual agreed to continue in the service
14 of the Department pursuant to subsection
15 (c)(2)(D).

16 (2) *FAILURE TO REPAY.*—If an individual who
17 received a scholarship or fellowship under the pro-
18 gram established under this section is required to
19 repay, pursuant to an agreement under paragraph
20 (1), the total amount of educational assistance pro-
21 vided to such individual under such program, plus
22 interest at the rate prescribed by paragraph (4), and
23 fails repay such amount, a sum equal to such amount
24 (plus such interest) is recoverable by the United

1 *States Government from such individual or the estate*
2 *of such individual by—*

3 *(A) in the case of an individual who is an*
4 *employee of the United States Government, setoff*
5 *against accrued pay, compensation, amount of*
6 *retirement credit, or other amount due the em-*
7 *ployee from the Government; or*

8 *(B) such other method as is provided by law*
9 *for the recovery of amounts owed to the Govern-*
10 *ment.*

11 *(3) WAIVER OF REPAYMENT.—The Administrator*
12 *may waive, in whole or in part, repayment by an in-*
13 *dividual under this subsection if the Administrator*
14 *determines that seeking recovery under paragraph (2)*
15 *would be against equity and good conscience or would*
16 *be contrary to the best interests of the United States.*

17 *(4) RATE OF INTEREST.—For purposes of repay-*
18 *ment under this subsection, the total amount of edu-*
19 *cational assistance provided to an individual under*
20 *the program established under this section shall bear*
21 *interest at the applicable rate of interest under section*
22 *427A(c) of the Higher Education Act of 1965 (20*
23 *U.S.C. 1077a(c)).*

24 *(e) PREFERENCE FOR COOPERATIVE EDUCATION STU-*
25 *DENTS.—In evaluating individuals for the award of a*

1 *scholarship or fellowship under the program established*
2 *under this section, the Administrator may give a preference*
3 *to an individual who is enrolled in, or accepted for enroll-*
4 *ment in, an institution of higher education that has a coop-*
5 *erative education program with the Department of Energy.*

6 (f) *COORDINATION OF BENEFITS.—A scholarship or*
7 *fellowship awarded under the program established under*
8 *this section shall be taken into account in determining the*
9 *eligibility of an individual receiving such scholarship or fel-*
10 *lowship for Federal student financial assistance provided*
11 *under title IV of the Higher Education Act of 1965 (20*
12 *U.S.C. 1070 et seq.).*

13 (g) *REPORT TO CONGRESS.—Not later than January*
14 *1, 2010, the Administrator shall submit to the congressional*
15 *defense committees a report on the activities carried out*
16 *under the program established under this section, including*
17 *any recommendations for future activities under such pro-*
18 *gram.*

19 (h) *FUNDING.—Of the amounts authorized to be appro-*
20 *priated by section 3101(a)(2) for defense nuclear non-*
21 *proliferation activities, \$3,000,000 shall be available to*
22 *carry out the program established under this section.*

1 **SEC. 3114. ENHANCING NUCLEAR FORENSICS CAPABILI-**
2 **TIES.**

3 (a) *RESEARCH AND DEVELOPMENT PLAN FOR NU-*
4 *CLEAR FORENSICS AND ATTRIBUTION.*—

5 (1) *RESEARCH AND DEVELOPMENT.*—*The Sec-*
6 *retary of Energy shall prepare and implement a re-*
7 *search and development plan to improve nuclear*
8 *forensics capabilities in the Department of Energy*
9 *and at the national laboratories overseen by the De-*
10 *partment of Energy. The plan shall focus on improv-*
11 *ing the technical capabilities required—*

12 (A) *to enable a robust and timely nuclear*
13 *forensic response to a nuclear explosion or to the*
14 *interdiction of nuclear material or a nuclear*
15 *weapon anywhere in the world; and*

16 (B) *to develop an international database*
17 *that can attribute nuclear material or a nuclear*
18 *weapon to its source.*

19 (2) *REPORTS.*—

20 (A) *The Secretary of Energy shall submit to*
21 *the congressional defense committees—*

22 (i) *not later than 6 months after the*
23 *date of the enactment of this Act, a report*
24 *on the contents of the research and develop-*
25 *ment plan described in paragraph (1), and*

1 any legislative changes required to imple-
2 ment the plan; and

3 (ii) not later than 18 months after the
4 date of the enactment of this Act, a report
5 on the status of implementing the plan.

6 (B) The Secretary shall submit each report
7 required by this subsection in unclassified form,
8 but may include a classified annex with such re-
9 port.

10 (b) *ADDITIONAL INFORMATION IN THE REPORT ON NU-*
11 *CLEAR FORENSICS CAPABILITIES.*—Section 3129(b) of the
12 *National Defense Authorization Act for Fiscal Year 2008*
13 *(Public Law 110–181; 122 Stat. 585) is amended—*

14 (1) in paragraph (2), by striking “and” at the
15 end;

16 (2) in paragraph (3), by striking the period at
17 the end and inserting “; and”; and

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

19 “(4) any legislative, regulatory, or treaty actions
20 necessary to facilitate international cooperation in
21 enhancement of international nuclear-material data-
22 bases and the linking of those databases to enable
23 prompt access to data.”.

24 (c) *PRESIDENTIAL REPORT.*—

1 (1) *IN GENERAL.*—Not later than 90 days after
2 the date of the enactment of this Act, the President
3 shall submit to the appropriate committees of Con-
4 gress a report on the involvement of senior-level execu-
5 tive branch leadership in nuclear terrorism prepared-
6 ness exercises that include nuclear forensics analysis.

7 (2) *APPROPRIATE COMMITTEES OF CONGRESS.*—
8 In this subsection, the term “appropriate committees
9 of Congress” means—

10 (A) the Committee on Appropriations, the
11 Committee on Armed Services, and the Com-
12 mittee on Homeland Security of the House of
13 Representatives; and

14 (B) the Committee on Appropriations, the
15 Committee on Armed Services, and the Com-
16 mittee on Homeland Security and Governmental
17 Affairs of the Senate.

18 **SEC. 3115. UTILIZATION OF CONTRIBUTIONS TO INTER-**
19 **NATIONAL NUCLEAR MATERIALS PROTEC-**
20 **TION AND COOPERATION PROGRAM AND RUS-**
21 **SIAN PLUTONIUM DISPOSITION PROGRAM.**

22 Section 3114 of the National Defense Authorization
23 Act for Fiscal Year 2007 (50 U.S.C. 2301 note) is amend-
24 ed—

1 (1) *in the heading, by striking “**SECOND LINE***
2 *OF DEFENSE PROGRAM” and inserting “**INTER-***
3 *NATIONAL NUCLEAR MATERIALS PROTECTION*
4 *AND COOPERATION PROGRAM AND RUSSIAN*
5 *PLUTONIUM DISPOSITION PROGRAM”;*

6 (2) *by striking “Second Line of Defense pro-*
7 *gram” each place it appears and inserting “Inter-*
8 *national Nuclear Materials Protection and Coopera-*
9 *tion program or Russian Plutonium Disposition pro-*
10 *gram”;* and

11 (3) *in subsection (f), by striking “2013” and in-*
12 *serting “2015”.*

13 **SEC. 3116. REVIEW OF AND REPORTS ON GLOBAL INITIA-**
14 **TIVES FOR PROLIFERATION PREVENTION**
15 **PROGRAM.**

16 (a) *REVIEW OF PROGRAM.—*

17 (1) *IN GENERAL.—The Administrator for Nu-*
18 *clear Security shall conduct a review of the Global*
19 *Initiatives for Proliferation Prevention program.*

20 (2) *REPORT REQUIRED.—Not later than October*
21 *1, 2009, the Administrator shall submit to the con-*
22 *gressional defense committees a report setting forth*
23 *the results of the review required under paragraph*
24 *(1). The report shall include each of the following:*

1 (A) *A description of the goals of the Global*
2 *Initiatives for Proliferation Prevention program*
3 *and the criteria for partnership projects under*
4 *the program.*

5 (B) *Recommendations regarding the fol-*
6 *lowing:*

7 (i) *Whether to continue or bring to a*
8 *close each of the partnership projects under*
9 *the program in existence on the date of the*
10 *enactment of this Act, and, if any such*
11 *project is recommended to be continued, a*
12 *description of how that project will meet the*
13 *criteria under subparagraph (A).*

14 (ii) *Whether to enter into new partner-*
15 *ship projects under the program with Rus-*
16 *sia or other countries of the former Soviet*
17 *Union.*

18 (iii) *Whether to enter into new part-*
19 *nership projects under the program in coun-*
20 *tries other than countries of the former So-*
21 *viet Union.*

22 (C) *A plan and criteria for completing*
23 *partnership projects under the program.*

24 (b) *REPORT ON FUNDING FOR PROJECTS UNDER PRO-*
25 *GRAM.—*

1 (1) *IN GENERAL.*—*The Administrator shall submit to the congressional defense committees a report*
2 *on—*

3
4 (A) *the purposes for which amounts made*
5 *available for the Global Initiatives for Proliferation Prevention program for fiscal year 2009*
6 *will be obligated or expended; and*

7
8 (B) *the amount to be obligated or expended*
9 *for each partnership project under the program*
10 *in fiscal year 2009.*

11 (2) *LIMITATION ON FUNDING BEFORE SUBMITTAL*
12 *OF REPORT.*—*None of the amounts authorized to be*
13 *appropriated for fiscal year 2009 by section*
14 *3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Pro-*
15 *liferation Prevention program may be obligated or ex-*
16 *pended until the date that is 30 days after the date*
17 *on which the Administrator submits to the congressional defense committees the report required under*
18 *paragraph (1).*

19
20
21 **SEC. 3117. LIMITATION ON AVAILABILITY OF FUNDS FOR**
22 **GLOBAL NUCLEAR ENERGY PARTNERSHIP.**

23 (a) *LIMITATION.*—*Of the amounts authorized to be ap-*
24 *propriated for fiscal year 2009 by section 3101(a)(2) for*
25 *defense nuclear nonproliferation activities, not more than*

1 \$3,000,000 may be used for projects that are specifically
2 designed for the Global Nuclear Energy Partnership. Any
3 amount so used may not be expended until 30 days after
4 the date on which the Administrator of the National Nu-
5 clear Security Administration submits to Congress a report
6 that describes in detail the full amount of funding that the
7 Administrator plans to expend for any effort related to the
8 Global Nuclear Energy Partnership.

9 (b) *USE OF FUNDS.*—Any amount made available
10 pursuant to an authorization of appropriations under sec-
11 tion 3101(a)(2) that is covered by the limitation under sub-
12 section (a) shall only be available for nonproliferation risk
13 assessments relating to the Global Nuclear Energy Partner-
14 ship and related work on export control reviews and deter-
15 minations.

16 **Subtitle C—Reports**

17 **SEC. 3121. EXTENSION OF DEADLINE FOR COMPTROLLER**
18 **GENERAL REPORT ON DEPARTMENT OF EN-**
19 **ERGY PROTECTIVE FORCE MANAGEMENT.**

20 Section 3124(a)(1) of the National Defense Authoriza-
21 tion Act for Fiscal Year 2008 (Public Law 110–181; 122
22 Stat. 580) is amended by striking “Not later than 180 days
23 after the date of the enactment of this Act,” and inserting
24 “Not later than March 1, 2009,”.

1 **SEC. 3122. REPORT ON COMPLIANCE WITH DESIGN BASIS**
2 **THREAT ISSUED BY THE DEPARTMENT OF EN-**
3 **ERGY IN 2005.**

4 (a) *IN GENERAL.*—Not later than January 2, 2009,
5 the Secretary of Energy shall submit to the congressional
6 defense committees a report setting forth the status of the
7 compliance of Department of Energy sites with the Design
8 Basis Threat issued by the Department in November 2005
9 (in this section referred to as the “2005 Design Basis
10 Threat”).

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

13 (1) *For each Department of Energy site subject*
14 *to the 2005 Design Basis Threat, an assessment of*
15 *whether the site has achieved compliance with the*
16 *2005 Design Basis Threat.*

17 (2) *For each such site that has not achieved com-*
18 *pliance with the 2005 Design Basis Threat—*

19 (A) *a description of the reasons for the fail-*
20 *ure to achieve compliance;*

21 (B) *a plan to achieve compliance;*

22 (C) *a description of the actions that will be*
23 *taken to mitigate any security shortfalls until*
24 *compliance is achieved; and*

25 (D) *an estimate of the annual funding re-*
26 *quirements to achieve compliance.*

1 (3) *A list of such sites with Category I nuclear*
2 *materials that the Secretary determines will not*
3 *achieve compliance with the 2005 Design Basis*
4 *Threat.*

5 (4) *For each site identified under paragraph (3),*
6 *a plan to remove all Category I nuclear materials*
7 *from such site, including—*

8 (A) *a schedule for the removal of such nu-*
9 *clear materials from such site;*

10 (B) *a clear description of the actions that*
11 *will be taken to ensure the security of such nu-*
12 *clear materials; and*

13 (C) *an estimate of the annual funding re-*
14 *quirements to remove such nuclear materials*
15 *from such site.*

16 (5) *An assessment of the adequacy of the 2005*
17 *Design Basis Threat in addressing security threats at*
18 *Department of Energy sites, and a description of any*
19 *plans for updating, modifying, or otherwise revising*
20 *the approach taken by the 2005 Design Basis Threat*
21 *to establish enhanced security requirements for De-*
22 *partment of Energy sites.*

1 **SEC. 3123. MODIFICATION OF SUBMITTAL OF REPORTS ON**
 2 **INADVERTENT RELEASES OF RESTRICTED**
 3 **DATA.**

4 (a) *IN GENERAL.*—Section 4522 of the Atomic Energy
 5 Defense Act (50 U.S.C. 2672) is amended—

6 (1) in subsection (e), by striking “on a periodic
 7 basis” and inserting “in each even-numbered year”;
 8 and

9 (2) in subsection (f), by striking paragraph (2)
 10 and inserting the following new paragraph (2):

11 “(2) The Secretary of Energy shall, in each even-num-
 12 bered year beginning in 2010, submit to the committees and
 13 Assistant to the President specified in subsection (d) a re-
 14 port identifying any inadvertent releases of Restricted Data
 15 or Formerly Restricted Data under Executive Order No.
 16 12958 discovered in the two-year period preceding the sub-
 17 mittal of the report.”.

18 (b) *TECHNICAL CORRECTION.*—Subsection (e) of such
 19 section, as amended by subsection (a)(1) of this section, is
 20 further amended by striking “subsection (b)(4)” and insert-
 21 ing “subsection (b)(5)”.

22 **TITLE XXXII—DEFENSE NU-**
 23 **CLEAR FACILITIES SAFETY**
 24 **BOARD**

Sec. 3201. Authorization.

1 **SEC. 3201. AUTHORIZATION.**

2 *There are authorized to be appropriated for fiscal year*
 3 *2009, \$25,499,000 for the operation of the Defense Nuclear*
 4 *Facilities Safety Board under chapter 21 of the Atomic En-*
 5 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

6 **TITLE XXXIV—NAVAL**
 7 **PETROLEUM RESERVE**

Sec. 3401. Authorization of appropriations.

8 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

9 *(a) AMOUNT.—There is hereby authorized to be appro-*
 10 *priated to the Secretary of Energy \$19,099,000 for fiscal*
 11 *year 2009 for the purpose of carrying out activities under*
 12 *chapter 641 of title 10, United States Code, relating to the*
 13 *naval petroleum reserves.*

14 *(b) PERIOD OF AVAILABILITY.—Funds appropriated*
 15 *pursuant to the authorization of appropriations in sub-*
 16 *section (a) shall remain available until expended.*

17 **TITLE XXXV—MARITIME**
 18 **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 and for other purposes.

Sec. 3507. Actions to address sexual harassment and violence at the United States Merchant Marine Academy.

Sec. 3508. Assistance for small shipyards and maritime communities.

Sec. 3509. Marine war risk insurance.

Sec. 3510. MarAd consultation on Jones Act Waivers.

Sec. 3511. Transportation in American vessels of government personnel and certain cargoes.

Sec. 3512. Port of Guam Improvement Enterprise Program.

1 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
 2 **CAL YEAR 2009.**

3 *Funds are hereby authorized to be appropriated for fis-*
 4 *cal year 2009, to be available without fiscal year limitation*
 5 *if so provided in appropriations Acts, for the use of the De-*
 6 *partment of Transportation for the Maritime Administra-*
 7 *tion as follows:*

8 (1) *For expenses necessary for operations and*
 9 *training activities, \$142,803,000, of which—*

10 (A) *\$79,858,000 shall remain available*
 11 *until expended for expenses at the United States*
 12 *Merchant Marine Academy,*

13 (B) *\$26,640,000 shall remain available*
 14 *until expended for capital improvements at the*
 15 *United States Merchant Marine Academy, and*

16 (C) *\$10,987,000 shall remain available*
 17 *until expended for maintenance and repair of*
 18 *school ships of the State Maritime Academies.*

19 (2) *For expenses to maintain and preserve a*
 20 *United States-flag merchant fleet to serve the national*
 21 *security needs of the United States under chapter 531*
 22 *of title 46, United States Code, \$193,500,000, of which*
 23 *\$19,500,000 will be available for costs associated with*

1 *the maintenance reimbursement pilot program under*
2 *section 3517 of the Maritime Security Act of 2003 (46*
3 *U.S.C. 53101 note).*

4 (3) *For expenses to dispose of obsolete vessels in*
5 *the National Defense Reserve Fleet, \$18,000,000.*

6 (4) *For the cost (as defined in section 502(5) of*
7 *the Federal Credit Reform Act of 1990 (2 U.S.C.*
8 *661a(5)) of loan guarantees under the program au-*
9 *thorized by chapter 537 of title 46, United States*
10 *Code, \$30,000,000.*

11 (5) *For administrative expenses related to the*
12 *implementation of the loan guarantee program under*
13 *chapter 537 of title 46, United States Code, adminis-*
14 *trative expenses related to implementation of the re-*
15 *imbursement program under section 3517 of the Mar-*
16 *itime Security Act of 2003 (46 U.S.C. 53101 note),*
17 *and administrative expenses related to the implemen-*
18 *tation of the small shipyards and maritime commu-*
19 *nities assistance program under section 54101 of title*
20 *46, United States Code, \$6,000,000.*

1 **SEC. 3502. LIMITATION ON EXPORT OF VESSELS OWNED BY**
2 **THE GOVERNMENT OF THE UNITED STATES**
3 **FOR THE PURPOSE OF DISMANTLING, RECY-**
4 **CLING, OR SCRAPPING.**

5 (a) *IN GENERAL.*—*Except as provided in subsection*
6 *(b), no vessel that is owned by the Government of the United*
7 *States shall be approved for export to a foreign country for*
8 *purposes of dismantling, recycling, or scrapping.*

9 (b) *EXCEPTION.*—*Subsection (a) shall not apply with*
10 *respect to a vessel if the Administrator of the Maritime Ad-*
11 *ministration certifies to the Committee on Armed Services*
12 *of the House of Representatives and the Committee on Com-*
13 *merce, Science, and Transportation of the Senate that—*

14 (1) *a compelling need for dismantling, recycling,*
15 *or scrapping the vessel exists;*

16 (2) *there is no available capacity in the United*
17 *States to conduct the dismantling, recycling, or scrap-*
18 *ping of the vessel;*

19 (3) *any dismantling, recycling, or scrapping of*
20 *the vessel in a foreign country will be conducted in*
21 *full compliance with environmental, safety, labor, and*
22 *health requirements for ship dismantling, recycling,*
23 *or scrapping that are equivalent to the laws of the*
24 *United States; and*

1 (4) *the export of the vessel under this section will*
2 *only be for dismantling, recycling, or scrapping of the*
3 *vessel.*

4 (c) *UNITED STATES DEFINED.*—*In this section the*
5 *term “United States” means the States of the United States,*
6 *Puerto Rico, and Guam.*

7 **SEC. 3503. STUDENT INCENTIVE PAYMENT AGREEMENTS.**

8 *Section 51509(b) of title 46, United States Code, is*
9 *amended—*

10 (1) *by striking “\$4,000” and inserting “\$8,000”;*

11 (2) *by inserting “tuition,” after “uniforms,”;*

12 *and*

13 (3) *by inserting “before the start of each aca-*
14 *demie year” after “and be paid”.*

15 **SEC. 3504. RIDING GANG MEMBER REQUIREMENTS.**

16 *Section 1018 of the John Warner National Defense Au-*
17 *thorization Act for Fiscal Year 2007 (Public Law 109-364;*
18 *120 Stat. 2380) is amended to read as follows:*

19 **“SEC. 1018. RIDING GANG MEMBER REQUIREMENTS.**

20 **“(a) IN GENERAL.**—*The Secretary of Defense may not*
21 *award, renew, extend, or exercise an option to extend any*
22 *charter of a vessel documented under chapter 121 of title*
23 *46, United States Code, for the Department of Defense, or*
24 *any contract for the carriage of cargo by a vessel docu-*
25 *mented under that chapter for the Department of Defense,*

1 *unless the charter or contract, respectively, includes provi-*
2 *sions that—*

3 “(1) *subject to paragraph (2), allow riding gang*
4 *members to perform work on the vessel during the ef-*
5 *fective period of the charter or contract only under*
6 *terms, conditions, restrictions, and requirements as*
7 *provided in section 8106 of title 46, United States*
8 *Code; and*

9 “(2) *require that riding gang members hold a*
10 *merchant mariner’s document issued under chapter*
11 *73 of title 46, United States Code, or a transportation*
12 *security card issued under section 70105 of such title.*

13 “(b) *EXEMPTION.—*

14 “(1) *IN GENERAL.—In accordance with regula-*
15 *tions issued by the Secretary of Defense, an indi-*
16 *vidual shall not be treated as a riding gang member*
17 *for the purposes of section 8106 of title 46, United*
18 *States Code, and this section if—*

19 “(A) *the individual is aboard a vessel that*
20 *is under charter or contract for the carriage of*
21 *cargo for the Department of Defense, for purposes*
22 *other than engaging in the operation or mainte-*
23 *nance of the vessel; and*

24 “(B) *the individual—*

1 “(i) accompanies, supervises, guards,
2 or maintains unit equipment aboard a ship,
3 commonly referred to as supercargo per-
4 sonnel;

5 “(ii) is one of the force protection per-
6 sonnel of the vessel;

7 “(iii) is a specialized repair techni-
8 cian; or

9 “(iv) is otherwise required by the Sec-
10 retary of Defense to be aboard the vessel.

11 “(2) *BACKGROUND CHECK.*—

12 “(A) *IN GENERAL.*—*This section shall not*
13 *apply to an individual unless—*

14 “(i) *the name and other necessary*
15 *identifying information for the individual*
16 *is submitted to the Secretary for a back-*
17 *ground check; and*

18 “(ii) *except as provided in subpara-*
19 *graph (B), the individual successfully passes*
20 *a background check by the Secretary prior*
21 *to going aboard the vessel.*

22 “(B) *WAIVER.*—*The Secretary may waive*
23 *the application of subparagraph (A)(ii) for an*
24 *individual who holds a merchant mariner’s doc-*
25 *ument issued under chapter 73 of title 46,*

1 *United States Code, or a transportation security*
2 *card issued under section 70105 of such title.*

3 “(3) *EXEMPTED INDIVIDUAL NOT TREATED AS IN*
4 *ADDITION TO THE CREW.—An individual who, under*
5 *paragraph (1), is not treated as a riding gang mem-*
6 *ber shall not be counted as an individual in addition*
7 *to the crew for the purposes of section 3304 of title*
8 *46, United States Code.”.*

9 **SEC. 3505. MAINTENANCE AND REPAIR REIMBURSEMENT**
10 **PROGRAM FOR THE MARITIME SECURITY**
11 **FLEET.**

12 *Section 3517(a) of the Maritime Security Act of 2003*
13 *(46 U.S.C. 53101 note; as amended by section 3503 of the*
14 *National Defense Authorization Act for Fiscal Year 2006*
15 *(119 Stat. 3548)) is amended by adding at the end the fol-*
16 *lowing:*

17 “(3) *EXISTING OPERATING AGREEMENTS.—The*
18 *Secretary of Transportation shall, subject to the avail-*
19 *ability of appropriations, seek to enter into an agree-*
20 *ment under this section with one or more contractors*
21 *under an operating agreement under that chapter*
22 *that is in effect on the date of the enactment of this*
23 *paragraph, regarding maintenance and repair of all*
24 *vessels that are subject to the operating agreement.”.*

1 **SEC. 3506. TEMPORARY PROGRAM AUTHORIZING CON-**
2 **TRACTS WITH ADJUNCT PROFESSORS AT THE**
3 **UNITED STATES MERCHANT MARINE ACAD-**
4 **EMY AND FOR OTHER PURPOSES.**

5 (a) *IN GENERAL.*—*The Maritime Administrator may*
6 *establish a temporary program for the purpose of, subject*
7 *to the availability of appropriations, contracting with indi-*
8 *viduals as personal services contractors to provide services*
9 *as adjunct professors at the Academy, if the Maritime Ad-*
10 *ministrator determines that there is a need for adjunct pro-*
11 *fessors and the need is not of permanent duration.*

12 (b) *CONTRACT REQUIREMENTS.*—*Each contract under*
13 *the program—*

14 (1) *must be approved by the Maritime Adminis-*
15 *trator;*

16 (2) *subject to paragraph (3), shall be for a dura-*
17 *tion, including options, of not to exceed one year un-*
18 *less the Maritime Administrator finds that excep-*
19 *tional circumstances justify an extension of up to one*
20 *additional year; and*

21 (3) *shall terminate not later than 6 months after*
22 *the termination of contract authority under sub-*
23 *section (d).*

24 (c) *LIMITATION ON NUMBER OF CONTRACTORS.*—*In*
25 *awarding contacts under the program, the Maritime Ad-*
26 *ministrator shall ensure that not more than 25 individuals*

1 *actively provide services in any one academic trimester, or*
2 *equivalent, as contractors under the program.*

3 (d) *TERMINATION OF CONTRACTING AUTHORITY.—The*
4 *authority to award contracts under the program shall ter-*
5 *minate upon the end of the academic year 2008–2009.*

6 (e) *EXISTING CONTRACTS.—Any contract entered into*
7 *before the effective date of this section for the services of an*
8 *adjunct professor at the Academy shall remain in effect for*
9 *the trimester (or trimesters) for which the services were con-*
10 *tracted.*

11 (f) *DEFINITIONS.—In this section:*

12 (1) *ACADEMY.—The term “Academy” means the*
13 *United States Merchant Marine Academy.*

14 (2) *MARITIME ADMINISTRATOR.—The term*
15 *“Maritime Administrator” means the Administrator*
16 *of the Maritime Administration, or a designee of the*
17 *Administrator.*

18 (3) *PROGRAM.—The term “program” means the*
19 *program established under subsection (a).*

20 (g) *GIFTS TO THE ACADEMY.—*

21 (1) *IN GENERAL.—Chapter 513 of title 46,*
22 *United States Code, is amended by adding at the end*
23 *thereof the following:*

1 **“§ 51315. Gifts to the Merchant Marine Academy**

2 “(a) *IN GENERAL.*—*The Maritime Administrator may*
3 *accept and use conditional or unconditional gifts of money*
4 *or property for the benefit of the United States Merchant*
5 *Marine Academy, including acceptance and use for non-*
6 *appropriated fund instrumentalities of the Merchant Ma-*
7 *rine Academy. The Maritime Administrator may accept a*
8 *gift of services in carrying out the Administrator’s duties*
9 *and powers. Property accepted under this section and pro-*
10 *ceeds from that property must be used, as nearly as possible,*
11 *in accordance with the terms of the gift.*

12 “(b) *ESTABLISHMENT OF ACADEMY GIFT FUND.*—
13 *There is established in the Treasury a fund, to be known*
14 *as the ‘Academy Gift Fund’. Disbursements from the Fund*
15 *shall be made on order of the Maritime Administrator. Un-*
16 *less otherwise specified by the terms of the gift, the Maritime*
17 *Administrator may use monies in the Fund for appro-*
18 *priated or non-appropriated purposes at the Academy. The*
19 *Fund consists of—*

20 “(1) *gifts of money;*

21 “(2) *income from donated property accepted*
22 *under this section;*

23 “(3) *proceeds from the sale of donated property;*
24 *and*

25 “(4) *income from securities under subsection (c)*
26 *of this section.*

1 “(c) *INVESTMENT OF FUND BALANCES.*—On request of
 2 *the Maritime Administrator, the Secretary of the Treasury*
 3 *may invest and reinvest amounts in the Fund in securities*
 4 *of, or in securities the principal and interest of which is*
 5 *guaranteed by, the United States Government.*

6 “(d) *DISBURSEMENT AUTHORITY.*—There are hereby
 7 *authorized to be disbursed from the Fund such sums as may*
 8 *be on deposit, to remain available until expended.*

9 “(e) *DEDUCTIBILITY OF GIFTS.*—Gifts accepted under
 10 *this section are a gift to or for the use of the Government*
 11 *under the Internal Revenue Code of 1986.”.*

12 (2) *CONFORMING AMENDMENT.*—The chapter
 13 *analysis for chapter 513 of title 46, United States*
 14 *Code, is amended by adding at the end the following:*
 “51315. *Gifts to the Merchant Marine Academy.*”.

15 (h) *TEMPORARY APPOINTMENTS TO THE ACADEMY.*—

16 (1) *IN GENERAL.*—Chapter 513 of title 46,
 17 *United States Code, as amended by section 3513 of*
 18 *this Act, is further amended by adding at the end*
 19 *thereof the following:*

20 **“§51316. *Temporary appointments to the Academy***

21 “Notwithstanding any other provision of law, the Mar-
 22 *itime Administrator may appoint any present employee of*
 23 *the United States Merchant Marine Academy non-appro-*
 24 *propriated fund instrumentality to a position on the General*
 25 *Schedule of comparable pay. Eligible personnel shall be en-*

1 gaged in work permissibly funded by annual appropria-
 2 tions, and such appointments to the Civil Service shall be
 3 without regard to competition, for a term not to exceed 2
 4 years.”.

5 (2) *CONFORMING AMENDMENT.*—*The chapter*
 6 *analysis for chapter 513 of title 46, United States*
 7 *Code, as amended by section 3513 of this Act, is fur-*
 8 *ther amended by adding at the end the following:*

“51316. *Temporary appointments to the Academy.*”.

9 **SEC. 3507. ACTIONS TO ADDRESS SEXUAL HARASSMENT**
 10 **AND VIOLENCE AT THE UNITED STATES MER-**
 11 **CHANT MARINE ACADEMY.**

12 (a) *REQUIRED POLICY.*—*The Secretary of Transpor-*
 13 *tation shall direct the Superintendent of the United States*
 14 *Merchant Marine Academy to prescribe a policy on sexual*
 15 *harassment and sexual violence applicable to the cadets and*
 16 *other personnel of the Academy.*

17 (b) *MATTERS TO BE SPECIFIED IN POLICY.*—*The pol-*
 18 *icy on sexual harassment and sexual violence prescribed*
 19 *under this section shall include—*

20 (1) *a program to promote awareness of the inci-*
 21 *dence of rape, acquaintance rape, and other sexual of-*
 22 *fenses of a criminal nature that involve cadets or*
 23 *other Academy personnel;*

1 (2) *procedures that a cadet should follow in the*
2 *case of an occurrence of sexual harassment or sexual*
3 *violence, including—*

4 (A) *a specification of the person or persons*
5 *to whom an alleged occurrence of sexual harass-*
6 *ment or sexual violence should be reported by a*
7 *cadet and the options for confidential reporting;*

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

10 (C) *procedures on the preservation of evi-*
11 *dence potentially necessary for proof of criminal*
12 *sexual assault;*

13 (3) *a procedure for disciplinary action in cases*
14 *of alleged criminal sexual assault involving a cadet or*
15 *other Academy personnel;*

16 (4) *any other sanction authorized to be imposed*
17 *in a substantiated case of sexual harassment or sexual*
18 *violence involving a cadet or other Academy personnel*
19 *in rape, acquaintance rape, or any other criminal*
20 *sexual offense, whether forcible or nonforcible; and*

21 (5) *required training on the policy for all cadets*
22 *and other Academy personnel, including the specific*
23 *training required for personnel who process allega-*
24 *tions of sexual harassment or sexual violence involv-*
25 *ing Academy personnel.*

1 (c) *ANNUAL ASSESSMENT.*—

2 (1) *The Secretary shall direct the Superintendent*
3 *to conduct an assessment at the Academy during each*
4 *Academy program year, to be administered by the*
5 *Department of Transportation, to determine the effec-*
6 *tiveness of the policies, training, and procedures of*
7 *the Academy with respect to sexual harassment and*
8 *sexual violence involving Academy personnel.*

9 (2) *For the assessment at the Academy under*
10 *paragraph (1) with respect to an Academy program*
11 *year that begins in an odd-numbered calendar year,*
12 *the Superintendent shall conduct a survey, to be ad-*
13 *ministered by the Department, of Academy per-*
14 *sonnel—*

15 (A) *to measure—*

16 (i) *the incidence, during that program*
17 *year, of sexual harassment and sexual vio-*
18 *lence events, on or off the Academy reserva-*
19 *tion, that have been reported to officials of*
20 *the Academy; and*

21 (ii) *the incidence, during that program*
22 *year, of sexual harassment and sexual vio-*
23 *lence events, on or off the Academy reserva-*
24 *tion, that have not been reported to officials*
25 *of the Academy; and*

1 (B) to assess the perceptions of Academy
2 personnel of—

3 (i) the policies, training, and proce-
4 dures on sexual harassment and sexual vio-
5 lence involving Academy personnel;

6 (ii) the enforcement of such policies;

7 (iii) the incidence of sexual harassment
8 and sexual violence involving Academy per-
9 sonnel; and

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

13 (d) ANNUAL REPORT.—

14 (1) The Secretary shall direct the Superintendent
15 of the Academy to submit to the Secretary a report
16 on sexual harassment and sexual violence involving
17 cadets or other personnel at the Academy for each
18 Academy program year.

19 (2) Each report under paragraph (1) shall in-
20 clude, for the Academy program year covered by the
21 report, the following:

22 (A) The number of sexual assaults, rapes,
23 and other sexual offenses involving cadets or
24 other Academy personnel that have been reported
25 to Academy officials during the program year

1 *and, of those reported cases, the number that*
2 *have been substantiated.*

3 *(B) The policies, procedures, and processes*
4 *implemented by the Superintendent and the*
5 *leadership of the Academy in response to sexual*
6 *harassment and sexual violence involving cadets*
7 *or other Academy personnel during the program*
8 *year.*

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

14 *(3) Each report under paragraph (1) for an*
15 *Academy program year that begins in an odd-num-*
16 *bered calendar year shall include the results of the*
17 *survey conducted in that program year under sub-*
18 *section (c)(2).*

19 *(4)(A) The Superintendent shall transmit to the*
20 *Secretary, and to the Board of Visitors of the Acad-*
21 *emy, each report received by the Superintendent*
22 *under this subsection, together with the Superintend-*
23 *ent's comments on the report.*

24 *(B) The Secretary shall transmit each such re-*
25 *port, together with the Secretary's comments on the*

1 *report, to the Senate Committee on Commerce,*
 2 *Science, and Transportation and the House of Rep-*
 3 *resentatives Committee on Transportation and Infra-*
 4 *structure.*

5 **SEC. 3508. ASSISTANCE FOR SMALL SHIPYARDS AND MARI-**
 6 **TIME COMMUNITIES.**

7 *(a) IN GENERAL.—Title 46, United States Code, is*
 8 *amended by inserting the following new chapter after chap-*
 9 *ter 539:*

10 **“CHAPTER 541—MISCELLANEOUS**

“Sec

“54101. Assistance for small shipyards and maritime communities

11 **“§ 54101. Assistance for small shipyards and maritime**
 12 **communities**

13 *“(a) ESTABLISHMENT OF PROGRAM.—Subject to the*
 14 *availability of appropriations, the Administrator of the*
 15 *Maritime Administration shall execute agreements with*
 16 *shipyards to provide assistance—*

17 *“(1) in the form of grants, loans, and loan guar-*
 18 *antees to small shipyards for capital improvements;*
 19 *and*

20 *“(2) for maritime training programs to foster*
 21 *technical skills and operational productivity in com-*
 22 *munities whose economies are related to or dependent*
 23 *upon the maritime industry.*

1 “(b) *AWARDS.—In providing assistance under the pro-*
2 *gram, the Administrator shall—*

3 “(1) *take into account—*

4 “(A) *the economic circumstances and condi-*
5 *tions of maritime communities;*

6 “(B) *projects that would be effective in fos-*
7 *tering efficiency, competitive operations, and*
8 *quality ship construction, repair, and reconfig-*
9 *uration; and*

10 “(C) *projects that would be effective in fos-*
11 *tering employee skills and enhancing produc-*
12 *tivity; and*

13 “(2) *make grants within 120 days after the date*
14 *of enactment of the appropriations Act for the fiscal*
15 *year concerned.*

16 “(c) *USE OF FUNDS.—*

17 “(1) *IN GENERAL.—Assistance provided under*
18 *this section may be used—*

19 “(A) *to make capital and related improve-*
20 *ments in small shipyards located in or near*
21 *maritime communities;*

22 “(B) *to provide training for workers in*
23 *communities whose economies are related to the*
24 *maritime industry; and*

1 “(C) for such other purposes as the Admin-
2 istrator determines to be consistent with and
3 supplemental to such activities.

4 “(2) ADMINISTRATIVE COSTS.—Not more than 2
5 percent of amounts made available to carry out the
6 program may be used for the necessary costs of grant
7 administration.

8 “(d) PROHIBITED USES.—Grants awarded under this
9 section may not be used to construct buildings or other
10 physical facilities or to acquire land unless such use is spe-
11 cifically approved by the Administrator in support of sub-
12 section (c)(1)(C).

13 “(e) MATCHING REQUIREMENTS; ALLOCATION.—

14 “(1) FEDERAL FUNDING.—Except as provided in
15 paragraph (2), Federal funds for any eligible project
16 under this section shall not exceed 75 percent of the
17 total cost of such project.

18 “(2) EXCEPTION.—If the Administrator deter-
19 mines that a proposed project merits support and
20 cannot be undertaken without a higher percentage of
21 Federal financial assistance, the Administrator may
22 award a grant for such project with a lesser matching
23 requirement than is described in paragraph (1).

24 “(3) ALLOCATION OF FUNDS.—The Adminis-
25 trator may not award more than 25 percent of the

1 *funds appropriated to carry out this section for any*
2 *fiscal year to any small shipyard in one geographic*
3 *location that has more than 600 employees.*

4 “(f) *APPLICATIONS.—*

5 “(1) *IN GENERAL.—To be eligible for assistance*
6 *under this section, an applicant shall submit an ap-*
7 *plication, in such form, and containing such informa-*
8 *tion and assurances as the Administrator may re-*
9 *quire, within 60 days after the date of enactment of*
10 *the appropriations Act for the fiscal year concerned.*

11 “(2) *MINIMUM STANDARDS FOR PAYMENT OR RE-*
12 *IMBURSEMENT.—Each application submitted under*
13 *paragraph (1) shall include—*

14 “(A) *a comprehensive description of—*

15 “(i) *the need for the project;*

16 “(ii) *the methodology for implementing*
17 *the project; and*

18 “(iii) *any existing programs or ar-*
19 *rangements that can be used to supplement*
20 *or leverage assistance under the program.*

21 “(3) *PROCEDURAL SAFEGUARDS.—The Adminis-*
22 *trator, in consultation with the Office of the Inspector*
23 *General, shall issue guidelines to establish appro-*
24 *priate accounting, reporting, and review procedures*
25 *to ensure that—*

1 “(A) grant funds are used for the purposes
2 for which they were made available;

3 “(B) grantees have properly accounted for
4 all expenditures of grant funds; and

5 “(C) grant funds not used for such purposes
6 and amounts not obligated or expended are re-
7 turned.

8 “(4) *PROJECT APPROVAL REQUIRED.*—The Ad-
9 ministrators may not award a grant under this sec-
10 tion unless the Administrator determines that—

11 “(A) sufficient funding is available to meet
12 the matching requirements of subsection (e);

13 “(B) the project will be completed without
14 unreasonable delay; and

15 “(C) the recipient has authority to carry
16 out the proposed project.

17 “(g) *AUDITS AND EXAMINATIONS.*—All grantees under
18 this section shall maintain such records as the Adminis-
19 trator may require and make such records available for re-
20 view and audit by the Administrator.

21 “(h) *SMALL SHIPYARD DEFINED.*—In this section, the
22 term ‘small shipyard’ means a shipyard facility in one geo-
23 graphic location that does not have more than 1,200 em-
24 ployees.

1 “(i) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated to the Administrator of the*
3 *Maritime Administration for each of fiscal years 2009*
4 *through 2013 to carry out this section—*

5 “(1) \$5,000,000 for training grants; and

6 “(2) \$25,000,000 for capital and related im-
7 *provements.*”.

8 “(b) *CONFORMING AMENDMENT.*—*Section 3506 of the*
9 *National Defense Authorization Act for Fiscal Year 2006*
10 *(46 U.S.C. 53101 note) is repealed.*

11 **SEC. 3509. MARINE WAR RISK INSURANCE.**

12 *Section 53912 of title 46, United States Code, is*
13 *amended by striking “December 31, 2010.” and inserting*
14 *“December 31, 2015.”.*

15 **SEC. 3510. MARAD CONSULTATION ON JONES ACT WAIVERS.**

16 *Section 501(b) of title 46, United States Code, is*
17 *amended to read as follows:*

18 “(b) *BY HEAD OF AGENCY.*—*When the head of an*
19 *agency responsible for the administration of the navigation*
20 *or vessel-inspection laws considers it necessary in the inter-*
21 *est of national defense, the individual, following a deter-*
22 *mination by the Maritime Administrator, acting in the Ad-*
23 *ministrators’ capacity as Director, National Shipping Au-*
24 *thority, of the non-availability of qualified United States*
25 *flag capacity to meet national defense requirements, may*

1 *waive compliance with those laws to the extent, in the man-*
 2 *ner, and on the terms the individual, in consultation with*
 3 *the Administrator, acting in that capacity, prescribes.”.*

4 **SEC. 3511. TRANSPORTATION IN AMERICAN VESSELS OF**
 5 **GOVERNMENT PERSONNEL AND CERTAIN**
 6 **CARGOES.**

7 *(a) IN GENERAL.—Section 55305(b) of title 46, United*
 8 *States Code, is amended—*

9 *(1) by striking “country” and inserting “coun-*
 10 *try, organization, or persons”;*

11 *(2) by inserting “or obtaining” after “fur-*
 12 *nishing”; and*

13 *(3) by striking “commodities,” the first place it*
 14 *appears and inserting “commodities, or provides fi-*
 15 *nancing in any way with Federal funds for the ac-*
 16 *count of any persons unless otherwise exempted,”.*

17 *(b) OTHER AGENCIES.—Section 55305(d) of title 46,*
 18 *United States Code, is amended to read as follows:*

19 *“(d) PROGRAMS OF OTHER AGENCIES.—*

20 *“(1) Each department or agency that has respon-*
 21 *sibility for a program under this section shall admin-*
 22 *ister that program with respect to this section under*
 23 *regulations and guidance issued by the Secretary of*
 24 *Transportation. The Secretary, after consulting with*
 25 *the department or agency or organization or person*

1 *involved, shall have the sole responsibility for deter-*
2 *mining if a program is subject to the requirements of*
3 *this section.*

4 “(2) *The Secretary—*

5 “(A) *shall conduct an annual review of the*
6 *administration of programs determined pursu-*
7 *ant to paragraph (1) as subject to the require-*
8 *ments of this section;*

9 “(B) *may direct agencies to require the*
10 *transportation on United States-flagged vessels of*
11 *cargo shipments not otherwise subject to this sec-*
12 *tion in equivalent amounts to cargo determined*
13 *to have been shipped on foreign carriers in viola-*
14 *tion of this section;*

15 “(C) *may impose on any person that vio-*
16 *lates this section, or a regulation prescribed*
17 *under this section, a civil penalty of not more*
18 *than \$25,000 for each violation willfully and*
19 *knowingly committed, with each day of a con-*
20 *tinuing violation following the date of shipment*
21 *to be a separate violation; and*

22 “(D) *may take other measures as appro-*
23 *priate under the Federal Acquisition Regulations*
24 *issued pursuant to section 25(c)(1) of the Office*
25 *of Federal Procurement Policy Act (41 U.S.C.*

1 421(c)(1) or contract with respect to each viola-
2 tion.”.

3 (c) *REGULATIONS.*—*The Secretary of Transportation*
4 *shall prescribe such rules as are necessary to carry out sec-*
5 *tion 55305(d) of title 46, United States Code. The Secretary*
6 *may prescribe interim rules necessary to carry out section*
7 *55305(d) of such title. An interim rule prescribed under this*
8 *subsection shall remain in effect until superseded by a final*
9 *rule.*

10 (d) *CHANGE OF YEAR.*—*Section 55314(a) of title 46,*
11 *United States Code, is amended by striking “calendar” each*
12 *place it appears and inserting “fiscal”.*

13 **SEC. 3512. PORT OF GUAM IMPROVEMENT ENTERPRISE**
14 **PROGRAM.**

15 (a) *IN GENERAL.*—*The Secretary of Transportation,*
16 *acting through the Administrator of the Maritime Adminis-*
17 *tration (in this section referred to as the “Administrator”),*
18 *may establish a Port of Guam Improvement Enterprise*
19 *Program (in this section referred to as the “Program”) to*
20 *provide for the planning, design, and construction of*
21 *projects for the Port of Guam to improve facilities, relieve*
22 *port congestion, and provide greater access to port facilities.*

23 (b) *AUTHORITIES OF THE ADMINISTRATOR.*—*In car-*
24 *rying out the Program, the Administrator may—*

1 (1) *receive funds provided for the Program from*
 2 *Federal and non-Federal entities, including private*
 3 *entities;*

4 (2) *provide for coordination among appropriate*
 5 *governmental agencies to expedite the review process*
 6 *under the National Environmental Policy Act of 1969*
 7 *(42 U.S.C. 4321 et seq.) for projects carried out under*
 8 *the Program;*

9 (3) *provide for coordination among appropriate*
 10 *governmental agencies in connection with other re-*
 11 *views and requirements applicable to projects carried*
 12 *out under the Program; and*

13 (4) *provide technical assistance to the Port Au-*
 14 *thority of Guam (and its agents) as needed for*
 15 *projects carried out under the Program.*

16 (c) *PORT OF GUAM IMPROVEMENT ENTERPRISE*
 17 *FUND.—*

18 (1) *ESTABLISHMENT.—There is established in*
 19 *the Treasury of the United States a separate account*
 20 *to be known as the “Port of Guam Improvement En-*
 21 *terprise Fund” (in this section referred to as the*
 22 *“Fund”).*

23 (2) *DEPOSITS.—There shall be deposited into the*
 24 *Fund—*

1 (A) amounts received by the Administrator
2 from Federal and non-Federal sources under sub-
3 section (b)(1);

4 (B) amounts transferred to the Adminis-
5 trator under subsection (d); and

6 (C) amounts appropriated to carry out this
7 section under subsection (f).

8 (3) *USE OF AMOUNTS.*—Amounts in the Fund
9 shall be available to the Administrator to carry out
10 the Program.

11 (4) *ADMINISTRATIVE EXPENSES.*—Not to exceed
12 3 percent of the amounts appropriated to the Fund
13 for a fiscal year may be used for administrative ex-
14 penses of the Administrator.

15 (5) *AVAILABILITY OF AMOUNTS.*—Amounts in the
16 Fund shall remain available until expended.

17 (d) *TRANSFERS OF AMOUNTS.*—Amounts appro-
18 priated or otherwise made available for any fiscal year for
19 an intermodal or marine facility comprising a component
20 of the Program shall be transferred to and administered by
21 the Administrator.

22 (e) *LIMITATION.*—Nothing in this section shall be con-
23 strued to authorize amounts made available under section
24 215 of title 23, United States Code, or any other amounts
25 made available for the construction of highways or amounts

1 *otherwise not eligible for making port improvements to be*
2 *deposited into the Fund.*

3 *(f) AUTHORIZATION OF APPROPRIATIONS.—There are*
4 *authorized to be appropriated to the Fund such sums as*
5 *may be necessary to carry out this section.*

Attest:

Clerk.

110TH CONGRESS
2^D SESSION

S. 3001

AMENDMENT