

110TH CONGRESS  
2D SESSION

# H. R. 5658

To authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2008

Mr. SKELTON (for himself and Mr. HUNTER) (both by request) introduced the following bill; which was referred to the Committee on Armed Services

---

## A BILL

To authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes.

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Defense Au-  
5       thorization Act for Fiscal Year 2009”.

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

8       (a) DIVISIONS.—

1           (1) DIVISION A.—This Department of Defense  
2           Authorizations.

3           (2) DIVISION B.—Military Construction Author-  
4           izations.

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

- Sec. 1. Short title.
- Sec. 2. Organization of act into divisions; table of contents.
- Sec. 3. Congressional defense committees.

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. Rapid Acquisition Fund.
- Sec. 106. Joint Improvised Explosive Device Defeat Fund.
- Sec. 107. Defense Production Act purchases.

Subtitle B—Air Force Programs

- Sec. 111. Performance based logistics contracts for the F-35 Joint Strike Fighter.

Subtitle C—Navy Programs

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

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Authorization of Appropriations

- Sec. 201. Authorization of appropriations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Other Department of Defense programs.

Subtitle B—Workplace and Depot Issues

- Sec. 321. Exception from prohibition on contractor performance of firefighting functions.

- Sec. 322. Exception to prohibition on contracts for performance of security guard functions.
- Sec. 323. Authority to consider depot level maintenance and repair using contractor furnished equipment or leased facilities as core logistics.

#### TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

##### Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Increase in Marine Corps Reserve general officers in an active status.
- Sec. 403. Exclusion of certain personnel from counting for active-duty end strengths.

##### 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. Increase in authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet new force structure requirements.

##### Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.
- Sec. 422. Armed Forces Retirement Home.

#### TITLE V—MILITARY PERSONNEL POLICY

##### Subtitle A—Officer Personnel Policy

- Sec. 501. Amendment of limited exclusion of joint duty requirements.
- Sec. 502. Changes to promotion policy objectives for joint officers.
- Sec. 503. Length of joint duty assignments.
- Sec. 504. Streamlining language of joint duty requirements for promotion to general or flag officer.
- Sec. 505. Technical changes to “joint specialty” terminology.
- Sec. 506. Conforming changes to “joint specialty” terminology.
- Sec. 507. Increased tenure for lieutenant generals.

##### Subtitle B—Reserve Component Matters

- Sec. 511. Extension of retention on the Reserve active status list of military technicians (dual status) until age 60.
- Sec. 512. Increase age limitation of Reserve component chaplains and medical officers beyond age 64.
- Sec. 513. Conforming amendments to increase the mandatory retirement age for Reserve officers.
- Sec. 514. Authority to require the uniform by military technicians (dual status).
- Sec. 515. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty during a contingency operation.

Subtitle C—Education and Training

- Sec. 521. Awarding of Master of Arts in Strategic Security Studies.
- Sec. 522. Tuition reimbursement and use of funds at the United States Air Force Institute of Technology.
- Sec. 523. Expanded authority to award degrees.
- Sec. 524. Authority to prescribe authorized strength for the United States Naval Academy.
- Sec. 525. Enhancing education partnerships.

Subtitle D—General Service Authorities

- Sec. 531. Change in requirement for posthumous certification.
- Sec. 532. Raise maximum reenlistment term.

Subtitle E—Other Matters

- Sec. 541. Career intermission pilot program.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Bonuses and Special and Incentive Pays

- Sec. 601. One-year extension of certain bonus and special pays for Reserve forces.
- Sec. 602. One-year extension of certain bonus and special pay authorities for certain health care professionals.
- Sec. 603. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 604. Direct accession bonus for psychology officers.
- Sec. 605. Extending maximum length of nuclear officer incentive pay agreements for service.

Subtitle B—Travel and Transportation Allowances

- Sec. 611. Travel and transportation allowances for certain family members and the person designated to direct the disposition of the deceased's remains to attend the burial ceremony or memorial service of members who die on duty.

Subtitle C—Retired Pay and Survivor Benefits

- Sec. 621. Waiver of recoupment of overpayments of retired pay to spouse or former spouse as a result of retroactive disability determination.
- Sec. 622. Survivor Benefit Plan; extension of period for election deemed to have been made.
- Sec. 623. Survivor Benefit Plan; multiple beneficiaries.
- Sec. 624. Survivor Benefit Plan; financial responsibility for Survivor Benefit Plan participation.
- Sec. 625. Survivor Benefit Plan; presumptive proportionate share.
- Sec. 626. Revocation of ten-year rule for direct payment of retired pay.
- Sec. 627. Allowing member to submit application for direct payment.
- Sec. 628. Disregard periods of confinement for dependent victims of abuse.
- Sec. 629. Clarifying amendment regarding jurisdiction for purposes of allocation of retired pay under the Uniformed Services Former Spouse Protection Act.

- Sec. 630. Division of retired pay to be based on member's length of service and pay grade at time of divorce.
- Sec. 631. Increases for divisions of retired pay expressed as a dollar amount.
- Sec. 632. Allow member to waive notice and provide court order upon request.

Subtitle D—Other Matters

- Sec. 641. Family pet shipment during evacuation of non-essential personnel.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program Improvements

- Sec. 701. Revising TRICARE program cost sharing amounts.
- Sec. 702. Changes in payment options for TRICARE Prime.
- Sec. 703. Obstetrical travel for command-sponsored dependents of uniformed members assigned to very remote areas outside the continental United States.

Subtitle B—Other Matters

- Sec. 711. Mental health evaluations of members of the Armed Forces by masters-level clinical social workers with an independent license.

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

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

- Sec. 811. Unmanned systems.
- Sec. 812. Addition of designated major subprograms to major defense acquisition programs.

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

- Sec. 821. Modification of authority to accept financial and other incentives related to energy savings and similar new authority related to energy systems.

Subtitle C—Other Matters

- Sec. 831. Applicability of the restriction on specialty metals.
- Sec. 832. Repeal of the military system breakout list.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND  
MANAGEMENT

Subtitle A—Department of Defense Management

- Sec. 901. Permanent authority to accept gifts to benefit members of the Armed Forces and Department of Defense employees injured or killed in line of duty and their dependents.
- Sec. 902. Modification of procedures to preserve the search and rescue capabilities of the Federal Government consistent with military requirements.
- Sec. 903. Repeal of personnel limitations on office of the Secretary of Defense, defense agencies, DOD field activities, and military department headquarters.

Subtitle B—Chemical Demilitarization Program

- Sec. 911. Chemical Demilitarization Citizens' Advisory Commission in Colorado and Kentucky.
- Sec. 912. Modify the termination requirements for assistance to State and local governments under the Chemical Stockpile Emergency Preparedness Program.
- Sec. 913. Qualifications change for the director of the U.S. Army Chemical Materials Agency.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Increase limitation on advance billing of working capital fund customers.
- Sec. 1002. Crediting of admiralty claim receipts for damage to DOD working capital fund account property.
- Sec. 1003. Refined petroleum products, marginal expense transfer account.

Subtitle B—Policy Relating to Vessels and Shipyards

- Sec. 1011. Temporary waiver of the minimum aircraft carrier requirement.
- Sec. 1012. Clarification of status of government rights in the designs of Department of Defense vessels, boats, craft, and components thereof.
- Sec. 1013. Riding gang member requirements.
- Sec. 1014. Navy vessel mess operation: reimbursement of expenses.

Subtitle C—Counter-Drug Activities

- Sec. 1021. Use of funds for counter-drug and counter-terrorism.

Subtitle D—Matters Related to Homeland Security

- Sec. 1031. Reserve support for responses to certain emergencies.
- Sec. 1032. Reserve support to major public emergencies.
- Sec. 1033. Reserve support to enforcement of Federal authority.
- Sec. 1034. Reserve support to Federal aid for State governments.
- Sec. 1035. Procurement of equipment by State and local governments.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Minimum annual purchase amounts for airlift from carriers participating in the Civil Reserve Air Fleet.

Subtitle F—Other Matters

- Sec. 1051. Presentation of burial flag to spouses.
- Sec. 1052. Amendment to annual submission of information regarding information technology capital assets.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Increase in authorized number of Defense intelligence Senior Executive Service employees.

Sec. 1102. Technical change to the definition of a professional accounting position.

TITLE XII—MATTERS RELATING TO BUILDING PARTNER CAPABILITIES TO COMBAT TERRORISM AND ENHANCE STABILITY

Subtitle A—Enhancing Partners’ Capacity for Effective Operations

Sec. 1201. Enhanced authority to pay incremental expenses for participation of developing countries in combined exercises.

Subtitle B—Setting Conditions Through Support for Local Populations

Sec. 1211. Amendments of authority for humanitarian assistance.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

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.

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 inside the United States.

Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects inside the United States.

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.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.

Sec. 2403. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Sec. 2404. Authorization of appropriations, Defense Agencies.

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—CHEMICAL DEMILITARIZATION PROGRAM

- Sec. 2601. Authorized Chemical Demilitarization Program construction and land acquisition projects.
- Sec. 2602. Authorization of appropriations, Chemical Demilitarization Construction, Defense-wide.
- Sec. 2603. Modification of authority to carry out certain fiscal year 1997 project.
- Sec. 2604. Modification of authority to carry out certain fiscal year 2000 project.
- Sec. 2605. Modification of authority to carry out certain fiscal year 2007 project.

## TITLE XXVII—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2701. Authorized Guard and Reserve construction and land acquisition projects.

## TITLE XXVIII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

- Sec. 2801. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2802. Extension of authorizations of certain fiscal year 2006 projects.
- Sec. 2803. Extension of authorizations of certain fiscal year 2005 projects.

## TITLE XXIX—GENERAL PROVISIONS

## Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2901. Modification of long-term leasing authority for military family housing.
- Sec. 2902. Unspecified minor construction.
- Sec. 2903. Flexibility in determining domestic family housing lease maximums.
- Sec. 2904. Transfer of proceeds from property conveyance, Marine Corps Logistics Base, Albany, Georgia.

## Subtitle B—Real Property and Facilities Administration

- Sec. 2911. Modification of utility system conveyance authority.
- Sec. 2912. Permanent authority to purchase municipal services for military installations in the United States.
- Sec. 2913. Clarification of congressional reporting requirements for certain real property transactions of the military departments.

## Subtitle C—Base Closure and Realignment

- Sec. 2921. Annual base closure and realignment report.

## Subtitle D—Other Matters

- Sec. 2931. Expand cooperative agreement authority for management of cultural resources to include off-installation mitigation.
- Sec. 2932. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
- Sec. 2933. Lease of military family housing to the Secretary of Defense.

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

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

5 **DIVISION A—DEPARTMENT OF**  
6 **DEFENSE AUTHORIZATIONS**  
7 **TITLE I—PROCUREMENT**  
8 **Subtitle A—Authorization of**  
9 **Appropriations**

10 **SEC. 101. ARMY.**

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

13 (1) For aircraft, \$5,009,835,000.

14 (2) For missiles, \$2,211,460,000.

15 (3) For weapons and tracked combat vehicles,  
16 \$3,687,077,000.

17 (4) For ammunition, \$2,275,791,000.

18 (5) For other procurement, \$11,367,926,000.

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

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

23 (1) For aircraft, \$14,716,774,000.

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

1           (3) For shipbuilding and conversion,  
2           \$12,732,918,000.

3           (4) For other procurement, \$5,482,856,000.

4           (b) MARINE CORPS.—Funds are hereby authorized to  
5 be appropriated for fiscal year 2009 for procurement for  
6 the Marine Corps in the amount of \$1,512,765,000.

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

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

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

15           (1) For aircraft, \$12,676,496,000.

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

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

18           (4) For other procurement, \$16,128,396,000.

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

20           Funds are hereby authorized to be appropriated for  
21 fiscal year 2009 for Defense-wide procurement in the  
22 amount of \$3,164,228,000.

1 **SEC. 105. RAPID ACQUISITION FUND.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2009 for Rapid Acquisition Fund in the  
4 amount of \$102,045,000.

5 **SEC. 106. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
6 **FUND.**

7 Funds are hereby authorized to be appropriated for  
8 fiscal year 2009 for Joint Improvised Explosive Device  
9 Defeat Fund in the amount of \$496,300,000.

10 **SEC. 107. DEFENSE PRODUCTION ACT PURCHASES.**

11 Funds are hereby authorized to be appropriated for  
12 fiscal year 2009 for Defense Production Act purchases in  
13 the amount of \$36,365,000.

14 **Subtitle B—Air Force Programs**

15 **SEC. 111. PERFORMANCE BASED LOGISTICS CONTRACTS**  
16 **FOR THE F-35 JOINT STRIKE FIGHTER.**

17 (a) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—Funds available to the Department of  
18 Air Force and the Department of Navy for operation and  
19 maintenance may be used to fund both expense and invest-  
20 ment costs under Performance Based Logistics contracts  
21 for the Joint Strike Fighter (JSF) F-35.

22 (b) DEFINITION.—In this section, the term “Per-  
23 formance Based Logistics contract” means a contract for  
24 the acquisition of sustainment support as an integrated,  
25 affordable, performance package designed to optimize sys-  
26

1 tem readiness and availability, while achieving perform-  
2 ance goals for the JSF with clear lines of authority and  
3 responsibility and with cost insight.

4 (c) SUNSET.—The authority provided by this section  
5 shall terminate on September 30, 2015.

## 6 **Subtitle C—Navy Programs**

### 7 **SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE** 8 **U.S.S. THEODORE ROOSEVELT.**

9 (a) AMOUNT AUTHORIZED FROM THE SCN AC-  
10 COUNT.—Of the amount authorized to be appropriated by  
11 section 102(a)(3) for Shipbuilding, Conversion and Re-  
12 pair, Navy for fiscal year 2009, \$124,500,000 is available  
13 for the commencement of the nuclear refueling and com-  
14 plex overhaul of the U.S.S. Theodore Roosevelt (CVN 71)  
15 during fiscal year 2009. The amount made available in  
16 the preceding sentence is the first increment in the three-  
17 year funding planned for the nuclear refueling and com-  
18 plex overhaul of that vessel.

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

23 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-  
24 MENTS.—A contract entered into under subsection (b)  
25 shall provide that any obligation of the United States to

1 make a payment under the contract for a fiscal year after  
2 fiscal year 2009 is subject to the availability of appropria-  
3 tions for that purpose for that later fiscal year.

4 **TITLE II—RESEARCH, DEVELOP-**  
5 **MENT, TEST, AND EVALUA-**  
6 **TION**

7 **Authorization of Appropriations**

8 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

12 (1) For the Army, \$10,524,085,000.

13 (2) For the Navy, \$19,337,238,000.

14 (3) For the Air Force, \$28,066,617,000.

15 (4) For Defense-wide activities,  
16 \$21,688,001,000, of which \$188,772,000 is author-  
17 ized for the Director of Operational Test and Eval-  
18 uation.

19 **TITLE III—OPERATION AND**  
20 **MAINTENANCE**

21 **Subtitle A—Authorization of**  
22 **Appropriations**

23 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

24 Funds are hereby authorized to be appropriated for  
25 fiscal year 2009 for the use of the Armed Forces and other

1 activities and agencies of the Department of Defense, for  
2 expenses, not otherwise provided for, for operation and  
3 maintenance, in amounts as follows:

4 (1) For the Army, \$31,243,092,000.

5 (2) For the Navy, \$34,922,398,000.

6 (3) For the Marine Corps, \$5,597,254,000.

7 (4) For the Air Force, \$35,902,487,000.

8 (5) For the Defense-wide activities,  
9 \$26,091,864,000.

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

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

12 (8) For the Marine Corps Reserve,  
13 \$213,131,000.

14 (9) For the Air Force Reserve, \$3,142,892,000.

15 (10) For the Army National Guard,  
16 \$5,875,546,000.

17 (11) For the Air National Guard,  
18 \$5,879,576,000.

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

21 (13) For Environmental Restoration, Army,  
22 \$447,776,000.

23 (14) For Environmental Restoration, Navy,  
24 \$290,819,000.

1           (15) For Environmental Restoration, Air Force,  
2     \$496,227,000.

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

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

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

9           (19) For Former Soviet Union Threat Reduc-  
10    tion programs, \$414,135,000.

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

13 **SEC. 302. WORKING CAPITAL FUNDS.**

14        Funds are hereby authorized to be appropriated for  
15    fiscal year 2009 for the use of the Armed Forces and other  
16    activities and agencies of the Department of Defense for  
17    providing capital for working capital and revolving funds  
18    in amounts as follows:

19           (1) For the Defense Working Capital Funds,  
20     \$1,489,234,000.

21           (2) For the National Defense Sealift Fund,  
22     \$1,962,253,000.

23           (3) For the Defense Coalition Support Fund,  
24     \$22,000,000.

1 **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

2 (a) DEFENSE HEALTH PROGRAM.—Funds are here-  
3 by authorized to be appropriated for the Department of  
4 Defense for fiscal year 2009 for expenses, not otherwise  
5 provided for, for the Defense Health Program, in the  
6 amount of \$23,615,202,000, of which—

7 (1) \$23,117,359,000 is for Operation and  
8 Maintenance;

9 (2) \$193,938,000 is for Research, Development,  
10 Test, and Evaluation; and

11 (3) \$303,905,000 is for Procurement.

12 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-  
13 TION, ARMY.—

14 (1) AUTHORIZATION OF APPROPRIATIONS.—  
15 Funds are hereby authorized to be appropriated for  
16 the Department of Defense for fiscal year 2009 for  
17 expenses, not otherwise provided for, for Chemical  
18 Agents and Munitions Destruction, in the amount of  
19 \$1,485,634,000, of which—

20 (A) \$1,152,668,000 is for Operation and  
21 Maintenance;

22 (B) \$268,881,000 is for Research, Devel-  
23 opment, Test, and Evaluation; and

24 (C) \$64,085,000 is for Procurement.

25 (2) USE.—Amounts authorized to be appro-  
26 priated under paragraph (1) are authorized for—

1           (A) the destruction of lethal chemical  
2 agents and munitions in accordance with sec-  
3 tion 1412 of the Department of Defense Au-  
4 thorization Act, 1986 (50 U.S.C. 1521); and

5           (B) the destruction of chemical warfare  
6 materiel of the United States that is not cov-  
7 ered by section 1412 of such Act.

8           (c) DRUG INTERDICTION AND COUNTER-DRUG AC-  
9 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized  
10 to be appropriated for the Department of Defense for fis-  
11 cal year 2009 for expenses, not otherwise provided for, for  
12 Drug Interdiction and Counter-Drug Activities, Defense-  
13 wide, in the amount of \$1,060,463,000.

14           (d) DEFENSE INSPECTOR GENERAL.—Funds are  
15 hereby authorized to be appropriated for the Department  
16 of Defense for fiscal year 2009 for expenses, not otherwise  
17 provided for, for the Office of the Inspector General of  
18 the Department of Defense, in the amount of  
19 \$247,845,000, of which—

20           (1) \$246,445,000 is for Operation and Mainte-  
21 nance; and

22           (2) \$1,400,000 is for Procurement.

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

3     **SEC. 321. EXCEPTION FROM PROHIBITION ON CON-**  
4                     **TRACTOR PERFORMANCE OF FIREFIGHTING**  
5                     **FUNCTIONS.**

6             Section 2465(b) of title 10, United States Code, is  
7 amended by adding at the end the following new para-  
8 graph:

9                     “(5) A contract for the performance of fire-  
10 fighting functions to—

11                     “(A) fight wildland fires such as range or  
12 forest fires, and

13                     “(B) perform wildland fire management  
14 such as prescribed burning.”.

15     **SEC. 322. EXCEPTION TO PROHIBITION ON CONTRACTS**  
16                     **FOR PERFORMANCE OF SECURITY GUARD**  
17                     **FUNCTIONS.**

18             Section 2465(b) of title 10, United States Code, is  
19 amended by adding at the end the following new para-  
20 graph:

21                     “(5) A contract for security guard functions at  
22 any military installation or facility for the duration  
23 of a Force Protection Condition higher than Alpha;  
24 provided that such contract shall not result in the  
25 displacement of any Federal employee, and shall

1 continue in effect no more than 90 days following  
2 the termination of such a higher Force Protection  
3 Condition.”.

4 **SEC. 323. AUTHORITY TO CONSIDER DEPOT LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.**

8 Section 2474 of title 10, United States Code, is  
9 amended by adding at the end the following new sub-  
10 section:

11 “(h) EXCEPTION FOR CORE LOGISTICS.—Depot-level  
12 maintenance and repair workload performed at a Center  
13 of Industrial and Technical Excellence by Federal Govern-  
14 ment employees using contractor-furnished equipment or  
15 by government employees utilizing government-leased fa-  
16 cilities may be considered as workload necessary to main-  
17 tain core logistics capability identified in section 2464 of  
18 this title if the depot-level maintenance and repair work-  
19 load is the subject of a public-private partnership entered  
20 into pursuant to subsection (b).”.

1                   **TITLE IV—MILITARY**  
2           **PERSONNEL AUTHORIZATIONS**  
3                   **Subtitle A—Active Forces**

4   **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

5           The Armed Forces are authorized strengths for active  
6 duty personnel as of September 30, 2009, as follows:

7                   (1) The Army, 532,400.

8                   (2) The Navy, 325,300.

9                   (3) The Marine Corps, 194,000.

10                   (4) The Air Force, 316,600.

11   **SEC. 402. INCREASE IN MARINE CORPS RESERVE GENERAL**  
12                   **OFFICERS IN AN ACTIVE STATUS.**

13           The table in section 12004(a) of title 10, United  
14 States Code, is amended by striking “10” in the item re-  
15 lating to the Marine Corps and inserting “12”.

16   **SEC. 403. EXCLUSION OF CERTAIN PERSONNEL FROM**  
17                   **COUNTING FOR ACTIVE-DUTY END**  
18                   **STRENGTHS.**

19           (a) IN GENERAL.—Section 115(i) of title 10, United  
20 States Code, is amended by adding at the end the fol-  
21 lowing new paragraph:

22                   “(14) Members of a Reserve component ordered  
23 to active duty under section 12301(d) of this title or  
24 full-time National Guard duty under section  
25 502(f)(2) of title 32 for the purpose of responding

1 to a serious domestic manmade or natural disaster,  
2 accident, or catastrophe.”.

3 (b) CONFORMING AMENDMENT.—Such section is fur-  
4 ther amended by inserting “and (14)” in subsection  
5 (b)(3)(B) after “(8)”.

## 6 **Subtitle B—Reserve Forces**

### 7 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

8 (a) IN GENERAL.—The Armed Forces are authorized  
9 strengths for Selected Reserve personnel of the Reserve  
10 components as of September 30, 2009, as follows:

11 (1) The Army National Guard of the United  
12 States, 352,600.

13 (2) The Army Reserve, 205,000.

14 (3) The Navy Reserve, 66,700.

15 (4) The Marine Corps Reserve, 39,600.

16 (5) The Air National Guard of the United  
17 States, 106,700.

18 (6) The Air Force Reserve, 67,400.

19 (7) The Coast Guard Reserve, 10,000.

20 (b) ADJUSTMENTS.—The end strengths prescribed by  
21 subsection (a) for the Selected Reserve of any Reserve  
22 component shall be proportionately reduced by—

23 (1) the total authorized strength of units orga-  
24 nized to serve as units of the Selected Reserve of

1 such component which are on active duty (other  
2 than for training) at the end of the fiscal year; and

3 (2) the total number of individual members not  
4 in units organized to serve as units of the Selected  
5 Reserve of such component who are on active duty  
6 (other than for training or for unsatisfactory partici-  
7 pation in training) without their consent at the end  
8 of the fiscal year.

9 Whenever such units or such individual members are re-  
10 leased from active duty during any fiscal year, the end  
11 strength prescribed for such fiscal year for the Selected  
12 Reserve of such Reserve component shall be increased pro-  
13 portionately by the total authorized strengths of such  
14 units and by the total number of such individual members.

15 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
16 **DUTY IN SUPPORT OF THE RESERVES.**

17 Within the end strengths prescribed in section  
18 411(a), the Reserve components of the Armed Forces are  
19 authorized, as of September 30, 2009, the following num-  
20 ber of Reserves to be serving on full-time active duty or  
21 full-time duty, in the case of members of the National  
22 Guard, for the purpose of organizing, administering, re-  
23 cruiting, instructing, or training the Reserve components:

24 (1) The Army National Guard of the United  
25 States, 29,950.

1 (2) The Army Reserve, 16,170.

2 (3) The Navy Reserve, 11,099.

3 (4) The Marine Corps Reserve, 2,261.

4 (5) The Air National Guard of the United  
5 States, 14,337.

6 (6) The Air Force Reserve, 2,733.

7 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
8 **(DUAL STATUS).**

9 The minimum number of military technicians (dual  
10 status) as of the last day of fiscal year 2009 for the Re-  
11 serve components of the Army and the Air Force (notwith-  
12 standing section 129 of title 10, United States Code) shall  
13 be the following:

14 (1) For the Army Reserve, 8,395.

15 (2) For the Army National Guard of the United  
16 States, 27,210.

17 (3) For the Air Force Reserve, 10,003.

18 (4) For the Air National Guard of the United  
19 States, 22,452.

20 **SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF**  
21 **NON-DUAL STATUS TECHNICIANS.**

22 (a) LIMITATIONS.—

23 (1) NATIONAL GUARD.—Within the limitation  
24 provided in section 10217(c)(2) of title 10, United  
25 States Code, the number of non-dual status techni-

1       cians employed by the National Guard as of Sep-  
2       tember 30, 2009, may not exceed the following:

3               (A) For the Army National Guard of the  
4               United States, 1,600.

5               (B) For the Air National Guard of the  
6               United States, 350.

7               (2) ARMY RESERVE.—The number of non-dual  
8       status technicians employed by the Army Reserve as  
9       of September 30, 2009, may not exceed 595.

10              (3) AIR FORCE RESERVE.—The number of non-  
11      dual status technicians employed by the Air Force  
12      Reserve as of September 30, 2009, may not exceed  
13      90.

14              (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
15      this section, the term “non-dual status technician” has the  
16      meaning given that term in section 10217(a) of title 10,  
17      United States Code.

18      **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
19                              **THORIZED TO BE ON ACTIVE DUTY FOR**  
20                              **OPERATIONAL SUPPORT.**

21              During fiscal year 2009, the maximum number of  
22      members of the Reserve components of the Armed Forces  
23      who may be serving at any time on full-time operational  
24      support duty under section 115(b) of title 10, United  
25      States Code, is the following:

1           (1) The Army National Guard of the United  
2 States, 17,000.

3           (2) The Army Reserve, 13,000.

4           (3) The Navy Reserve, 6,200.

5           (4) The Marine Corps Reserve, 3,000.

6           (5) The Air National Guard of the United  
7 States, 16,000.

8           (6) The Air Force Reserve, 14,000.

9 **SEC. 416. INCREASE IN AUTHORIZED STRENGTHS FOR MA-**  
10 **RINE CORPS RESERVE OFFICERS ON ACTIVE**  
11 **DUTY IN THE GRADES OF MAJOR AND LIEU-**  
12 **TENANT COLONEL TO MEET NEW FORCE**  
13 **STRUCTURE REQUIREMENTS.**

14           The table in section 12011(a) of title 10, United  
15 States Code, is amended—

16           (1) by striking the figures under the heading  
17 “Major” in the items relating to the Marine Corps  
18 Reserve and inserting the following new items:

“99  
103  
107  
111  
114  
117  
120  
123  
126  
129  
132  
134  
136  
138  
140  
142”; and

1           (2) by striking the figures under the heading  
2           “Lieutenant Colonel” in the items relating to the  
3           Marine Corps Reserve and inserting the following  
4           new items:

“63  
67  
70  
73  
76  
79  
82  
85  
88  
91  
94  
97  
100  
103  
106  
109”.

5           **Subtitle C—Authorization of**  
6           **Appropriations**

7           **SEC. 421. MILITARY PERSONNEL.**

8           There is hereby authorized to be appropriated to the  
9           Department of Defense for military personnel for fiscal  
10          year 2009 a total of \$114,896,340,000.

11          **SEC. 422. ARMED FORCES RETIREMENT HOME.**

12          There is hereby authorized to be appropriated for fis-  
13          cal year 2009 from the Armed Forces Retirement Home  
14          Trust Fund the sum of \$63,010,000 for the operation of  
15          the Armed Forces Retirement Home.

1 **TITLE V—MILITARY PERSONNEL**  
2 **POLICY**  
3 **Subtitle A—Officer Personnel**  
4 **Policy**

5 **SEC. 501. AMENDMENT OF LIMITED EXCLUSION OF JOINT**  
6 **DUTY REQUIREMENTS.**

7 Section 526(b)(2)(A) of title 10, United States Code,  
8 is amended by striking “and a general and flag officer po-  
9 sition” and inserting “three general and flag officer posi-  
10 tions”.

11 **SEC. 502. CHANGES TO PROMOTION POLICY OBJECTIVES**  
12 **FOR JOINT OFFICERS.**

13 Section 662 of title 10, United States Code, is  
14 amended—

15 (1) in subsection (a), by striking “that—(1)”  
16 and all that follows through the period at the end  
17 and inserting “that officers in the grade of major  
18 (or in the case of the Navy, lieutenant commander)  
19 or above who have been designated as a Joint Quali-  
20 fied Officer are expected as a group to be promoted  
21 to the next higher grade at a rate not less than the  
22 rate for officers of the same armed force in the same  
23 grade and competitive category.”; and

24 (2) in subsection (b), by striking “officers who  
25 are serving in, or have served in, joint duty assign-

1       ments, especially with respect to the record of officer  
2       selection boards in meeting the objectives of para-  
3       graphs (1), (2), and (3) of subsection (a)” and in-  
4       serting “Joint Qualified Officers in the grades of  
5       major (or in the case of the Navy, lieutenant com-  
6       mander) through colonel (or in the case of the Navy,  
7       captain), especially with respect to the record of offi-  
8       cer selection boards in meeting the objective of sub-  
9       section (a)”.

10 **SEC. 503. LENGTH OF JOINT DUTY ASSIGNMENTS.**

11       Section 664 of title 10, United States Code, is  
12 amended—

13             (1) in subsection (d)—

14                     (A) in paragraph (1), by amending sub-  
15             paragraph (D) to read as follows:

16                             “(D) a qualifying reassignment from a  
17             joint duty assignment—

18                                     “(i) for unusual personal reasons (in-  
19                             cluding extreme hardship and medical con-  
20                             ditions) beyond the control of the officer or  
21                             the Armed Forces; or

22                                     “(ii) to another joint duty assignment  
23                             immediately after—

24   “(I) the officer was promoted to  
25                             a higher grade, if the reassignment

1 was made because no joint duty as-  
2 signment was available within the  
3 same organization that was commensurate with the officer's new grade; or  
4  
5 “(II) the officer's position was  
6 eliminated in a reorganization.”; and

7 (B) by amending paragraph (3) to read as  
8 follows:

9 “(3) Service in a joint duty assignment in a  
10 case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).”;

14 (2) in subsection (e), by amending paragraph  
15 (2) to read as follows:

16 “(2) In computing the average length of joint  
17 duty assignments for purposes of paragraph (1), the  
18 Secretary may exclude the following service:

19 “(A) Service described in subsection (c).

20 “(B) Service described in subsection (d).

21 “(C) Service described in subsection  
22 (f)(6).”;

23 (3) in subsection (f)—

24 (A) by amending paragraphs (3) and (4)

25 to read as follows:

1           “(3) Accrued joint experience in joint duty as-  
2           signments as described in subsection (g).

3           “(4) A joint duty assignment outside the  
4           United States or in Alaska or Hawaii for which the  
5           normal accompanied-by-dependents tour of duty is  
6           prescribed by regulation to be at least two years in  
7           length, if the officer serves in the assignment for a  
8           period equivalent to the accompanied-by-dependents  
9           tour length.”; and

10                   (B) by amending paragraph (6) to read as  
11           follows:

12           “(6) A second and subsequent joint duty as-  
13           signment that is less than the period required under  
14           subsection (a), but not less than two years.”;

15           (4) by striking subsection (g) and inserting the  
16           following:

17           “(g) ACCRUED JOINT EXPERIENCE.—For the pur-  
18           poses of subsection (f)(3), joint experience (e.g., tem-  
19           porary duty in joint assignments, joint individual training,  
20           and participation in joint exercises) as prescribed in regu-  
21           lations by the Secretary of Defense, with the advice of the  
22           Chairman of the Joint Chiefs of Staff, may be aggregated  
23           to equal a full tour of duty.”;

24           (5) in subsection (h)—

1 (A) by amending paragraph (1) to read as  
2 follows:

3 “(1) The Secretary of Defense may award con-  
4 structive credit in the case of an officer (other than  
5 a general or flag officer) who, for reasons of military  
6 necessity, is reassigned from a joint duty assignment  
7 within 60 days of meeting the tour length criteria  
8 prescribed in subsection (f)(1), (f)(2), or (f)(4). The  
9 amount of constructive service that may be credited  
10 to such officer shall be the amount sufficient for the  
11 completion of the applicable tour of duty require-  
12 ment, but in no case more than 60 days.”; and

13 (B) by striking paragraph (3); and

14 (6) by striking subsection (i).

15 **SEC. 504. STREAMLINING LANGUAGE OF JOINT DUTY RE-**  
16 **QUIREMENTS FOR PROMOTION TO GENERAL**  
17 **OR FLAG OFFICER.**

18 (a) IN GENERAL.—Section 619a of title 10, United  
19 States Code, is amended—

20 (1) in the heading, by striking “**joint duty**  
21 **assignment**” and inserting “**Joint Qualified**  
22 **Office designation**”;

23 (2) by amending subsection (a) to read as fol-  
24 lows:

1       “(a) GENERAL RULE.—An officer on the active-duty  
2 list of the Army, Navy, Air Force, or Marine Corps may  
3 not be appointed to the grade of brigadier general or rear  
4 admiral (lower half) unless the officer has been designated  
5 as a Joint Qualified Officer in accordance with section 661  
6 of this title.”;

7               (3) in subsection (b)—

8                       (A) by striking “paragraph (1) or para-  
9 graph (2) of subsection (a), or both paragraphs  
10 (1) and (2) of subsection (a),” in the matter  
11 preceding paragraph (1) and inserting “sub-  
12 section (a)”;

13                       (B) in paragraph (4), by striking “within  
14 that immediate organization is not less than  
15 two years” and inserting “is not less than two  
16 years, and if the officer has successfully com-  
17 pleted a program of education as described in  
18 subsections (b) and (c) of section 2155 of this  
19 title”;

20               (4) by striking subsection (h).

21       (b) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of subchapter II of chapter 36 of such  
23 title is amended by striking the item relating to section  
24 619a and inserting the following new item:

“619a. Eligibility for consideration for promotion: Joint Qualified Officer des-  
ignation required before promotion to general or flag grade; ex-  
ceptions.”.

1 **SEC. 505. TECHNICAL CHANGES TO “JOINT SPECIALTY”**

2 **TERMINOLOGY.**

3 (a) **JOINT DUTY ASSIGNMENTS AFTER COMPLETION**  
4 **OF JOINT PROFESSIONAL MILITARY EDUCATION.**—Sec-  
5 tion 663 of title 10, United States Code, is amended—

6 (1) in subsection (a)—

7 (A) in the heading, by striking “**JOINT**  
8 **SPECIALTY OFFICERS.**—” and inserting  
9 “**JOINT QUALIFIED OFFICERS.**—”; and

10 (B) by striking “officer with the joint spe-  
11 cialty” and inserting “**Joint Qualified Officer**”;  
12 and

13 (2) in subsection (b)(1), by striking “do not  
14 have the joint specialty” and inserting “are not des-  
15 ignated as **Joint Qualified Officers**”.

16 (b) **PROCEDURES FOR MONITORING CAREERS OF**  
17 **JOINT OFFICERS.**—Section 665 of such title is amended—

18 (1) in subsection (a)(1)(A), by striking “officers  
19 with the joint specialty” and inserting “**Joint Quali-**  
20 **fied Officers**”; and

21 (2) in subsection (b)(1), by striking “officers  
22 with the joint specialty” and inserting “**Joint Quali-**  
23 **fied Officers**”.

1 **SEC. 506. CONFORMING CHANGES TO “JOINT SPECIALTY”**

2 **TERMINOLOGY.**

3 Section 667 of title 10, United States Code, is  
4 amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (A), by striking “se-  
7 lected for the joint specialty” and inserting  
8 “designated as a Joint Qualified Officer”; and

9 (B) in subparagraph (B), by striking “se-  
10 lection for the joint specialty” and inserting  
11 “designation as a Joint Qualified Officer”;

12 (2) in paragraph (2), by striking “officers with  
13 the joint specialty” and inserting “Joint Qualified  
14 Officers”;

15 (3) in paragraph (3), by striking “selected for  
16 the joint specialty” each place it appears and insert-  
17 ing “designated as Joint Qualified Officers”;

18 (4) in paragraph (4)—

19 (A) in subparagraph (A), by striking “se-  
20 lected for the joint specialty” and inserting  
21 “designated as Joint Qualified Officers”; and

22 (B) by amending subparagraph (B) to read  
23 as follows:

24 “(B) a comparison of the number of offi-  
25 cers who were designated as a Joint Qualified  
26 Officer who had served in a Joint Duty Assign-

1           ment List billet and completed Joint Profes-  
2           sional Military Education Phase II, with the  
3           number designated as a Joint Qualified Officer  
4           based on their aggregated joint experiences and  
5           completion of Joint Professional Military Edu-  
6           cation Phase II.”;

7           (5) by striking paragraph (5);

8           (6) by amending paragraph (6) to read as fol-  
9           lows:

10           “(6) The promotion rate for Joint Qualified Of-  
11           ficers, compared with the promotion for other offi-  
12           cers considered for promotion from within the pro-  
13           motion zone in the same pay grade and the same  
14           competitive category. A similar comparison will be  
15           made for officers both below the promotion zone and  
16           above the promotion zone.”;

17           (7) by striking paragraphs (7), (8), and (9);

18           (8) in paragraph (10), by striking “selection for  
19           the joint specialty” and inserting “designation as a  
20           Joint Qualified Officer”;

21           (9) by striking paragraph (13); and

22           (10) by amending paragraph (16) to read as  
23           follows:

24           “(16) The number of officers, captain (or in the  
25           case of the Navy, lieutenant) and above, certified at

1 each level of joint qualification as established in reg-  
2 ulation and policy by the Secretary of Defense with  
3 the advice of the Chairman of the Joint Chiefs of  
4 Staff. Such numbers shall be reported by service and  
5 grade of the officer.”.

6 **SEC. 507. INCREASED TENURE FOR LIEUTENANT GEN-**  
7 **ERALS.**

8 Section 14508 of title 10, United States Code, is  
9 amended—

10 (1) by redesignating subsections (c), (d), and  
11 (e) as subsections (d), (e) and (g), respectively; and

12 (2) by inserting after subsection (b) the fol-  
13 lowing new subsection (c):

14 “(c) **THIRTY-EIGHT YEARS OF SERVICE FOR LIEU-**  
15 **TENANT GENERALS AND VICE ADMIRALS.**—Unless re-  
16 tired, Retired Reserve, or discharged at an earlier date,  
17 each Reserve officer of the Army, Air Force, or Marine  
18 Corps in the grade of lieutenant general, and each Reserve  
19 officer of the Navy in the grade of vice admiral shall be  
20 separated in accordance with section 14514 of this title  
21 on the later of the following:

22 “(1) 30 days after completion of 38 years of  
23 commissioned service; or

1           “(2) the fifth anniversary of the date of the of-  
2           ficer’s appointment in the grade of lieutenant gen-  
3           eral or vice admiral.”; and

4           (3) by inserting after subsection (e) the fol-  
5           lowing new subsection (f):

6           “(f) RETENTION OF LIEUTENANT GENERALS.—A  
7           Reserve officer of the Army or Air Force in the grade of  
8           lieutenant general who would otherwise be removed from  
9           an active status under subsection (b) may in the discretion  
10          of the Secretary of the Army or the Secretary of the Air  
11          Force, as the case may be, be retained in an active status,  
12          but not later than the date on which the officer becomes  
13          66 years of age.”.

14           **Subtitle B—Reserve Component**  
15   **Matters**

16           **SEC. 511. EXTENSION OF RETENTION ON THE RESERVE AC-**  
17   **TIVE STATUS LIST OF MILITARY TECHNI-**  
18   **CIANS (DUAL STATUS) UNTIL AGE 60.**

19           Section 10216(f) of title 10, United States Code, is  
20           amended by striking “of the Army” and inserting “con-  
21           cerned”.

1 **SEC. 512. INCREASE AGE LIMITATION OF RESERVE COMPO-**  
2 **NENT CHAPLAINS AND MEDICAL OFFICERS**  
3 **BEYOND AGE 64.**

4 (a) RESERVE CHAPLAINS AND MEDICAL OFFI-  
5 CERS.—Section 14703(b) of title 10, United States Code,  
6 is amended by striking “67 years” and inserting “68  
7 years”.

8 (b) NATIONAL GUARD CHAPLAINS AND MEDICAL OF-  
9 FICERS.—Section 324(a) of title 32, United States Code,  
10 is amended—

11 (1) by striking “or” at the end of paragraph

12 (1);

13 (2) by redesignating paragraph (2) as para-  
14 graph (3); and

15 (3) by inserting after paragraph (1) the fol-  
16 lowing new paragraph (2):

17 “(2) in the case of a chaplain or medical officer,  
18 he becomes 68 years of age; or,”.

19 **SEC. 513. CONFORMING AMENDMENTS TO INCREASE THE**  
20 **MANDATORY RETIREMENT AGE FOR RE-**  
21 **SERVE OFFICERS.**

22 (a) SELECTIVE SERVICE AND UNITED STATES PROP-  
23 erty AND FISCAL OFFICERS.—Section 12647 of title 10,  
24 United States Code, is amended by striking “60 years”  
25 and inserting “62 years”.

26 (b) RETENTION OF RESERVE OFFICERS.—

1           (1) INCREASED AGE.—Section 14702(b) of such  
2 title is amended by striking “60 years” and insert-  
3 ing “62 years”.

4           (2) CONFORMING AMENDMENTS.—

5                 (A) The heading for such section is amend-  
6 ed by striking “60” and inserting “62”.

7                 (B) The heading for subsection (b) of such  
8 section is amended by striking “60” and insert-  
9 ing “62”.

10           (3) CLERICAL AMENDMENT.—The table of sec-  
11 tions at the beginning of chapter 1409 of such title  
12 is amended by striking the item relating to section  
13 14702 and inserting the following new item:

“14702. Retention on Reserve active-status list of certain officers until age 62.”.

14 **SEC. 514. AUTHORITY TO REQUIRE THE UNIFORM BY MILI-**  
15 **TARY TECHNICIANS (DUAL STATUS).**

16           Section 10216(a) of title 10, United States Code, is  
17 amended by adding at the end the following new para-  
18 graph:

19                 “(4) Under regulations prescribed by the Sec-  
20 retary concerned, the Secretary may require a mili-  
21 tary technician (dual status), while performing du-  
22 ties as a military technician (dual status), to wear  
23 the uniform appropriate for the member’s grade and  
24 component of the Armed Forces.”.

1 **SEC. 515. CLARIFICATION OF AUTHORITY TO CONSIDER**  
2 **FOR A VACANCY PROMOTION NATIONAL**  
3 **GUARD OFFICERS ORDERED TO ACTIVE DUTY**  
4 **DURING A CONTINGENCY OPERATION.**

5 Section 14317 of title 10, United States Code, is  
6 amended—

7 (1) in subsection (d), by inserting before the pe-  
8 riod at the end of the first sentence the following:  
9 “, or the officer has been ordered to or is serving on  
10 active duty in support of a contingency operation”;  
11 and

12 (2) in subsection (e)(1)(B), by inserting “, or  
13 by examination for Federal recognition under title  
14 32” after “title”.

15 **Subtitle C—Education and**  
16 **Training**

17 **SEC. 521. AWARDING OF MASTER OF ARTS IN STRATEGIC**  
18 **SECURITY STUDIES.**

19 (a) IN GENERAL.—Section 2163 of title 10, United  
20 States Code, is amended—

21 (1) by striking the heading and inserting the  
22 following:

23 **“§ 2163. National Defense University: master’s degree**  
24 **programs”;**

25 (2) in subsection (a), by inserting “or master of  
26 arts” after “science”; and

1           (3) in subsection (b), by adding at the end the  
2 following new paragraph:

3           “(4) MASTER OF ARTS IN STRATEGIC SECURITY  
4 STUDIES.—The degree of master of arts in strategic  
5 security studies, to graduates of the University who  
6 fulfill the requirements of the program at the School  
7 for National Security Executive Education.”.

8           (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of chapter 108 of such title is amended  
10 by striking the item relating to section 2163 and inserting  
11 the following new item:

“2163. National Defense University: master’s degree programs.”.

12           (c) APPLICABILITY TO 2006–2008 GRADUATES.—  
13 Paragraph (4) of section 2163(b) of title 10, United  
14 States Code, as added by subsection (a) of this section,  
15 shall apply to any person who becomes a graduate on or  
16 after September 6, 2006.

17 **SEC. 522. TUITION REIMBURSEMENT AND USE OF FUNDS**  
18                           **AT THE UNITED STATES AIR FORCE INSTI-**  
19                           **TUTE OF TECHNOLOGY.**

20           Section 9314(c) of title 10, United States Code, is  
21 amended by adding at the end the following new para-  
22 graphs:

23           “(4)(A) To cover the costs of their attendance,  
24 the Air Force Institute of Technology shall charge  
25 tuition for students who are not—

1           “(i) members of the armed forces under  
2           paragraphs (1) through (3); nor

3           “(ii) attending the Institute under Depart-  
4           ment of the Air Force sponsorship.

5           The organization sending such a student shall bear  
6           the costs of tuition for that student.

7           “(B) The students covered by subparagraph (A)  
8           include civilian employees from military departments  
9           other than the Air Force, other Department of De-  
10          fense agencies, other Federal agencies, and private  
11          (non-governmental) entities.

12          “(5) Amounts received by the Institute for in-  
13          struction of students enrolled under this section  
14          shall be retained by the Institute to defray the costs  
15          of such instruction. The source and disposition of  
16          such funds shall be specifically identified in the  
17          records of the Institute.”.

18 **SEC. 523. EXPANDED AUTHORITY TO AWARD DEGREES.**

19          (a) UNITED STATES ARMY WAR COLLEGE.—(1) The  
20          text of section 4321 of title 10, United States Code, is  
21          amended to read as follows:

22          “Under regulations prescribed by the Secretary of the  
23          Army, the Commandant of the United States Army War  
24          College may, upon recommendation of the faculty of the  
25          college, confer appropriate degrees upon graduates of the

1 college who meet the degree requirements consistent with  
2 the recommendations of the United States Department of  
3 Education and principles of the regional accrediting  
4 body.”.

5 (2) The heading for such section is amended by strik-  
6 ing “**: master of strategic studies degree**”.

7 (3) The table of sections at the beginning of chapter  
8 401 of such title is amended by striking the item relating  
9 to section 4321 and inserting the following new item:

“4321. United States Army War College.”.

10 (b) UNITED STATES ARMY COMMAND AND GENERAL  
11 STAFF COLLEGE.—The text of section 4314 of such title  
12 is amended to read as follows:

13 “Under regulations prescribed by the Secretary of the  
14 Army, the Commandant of the United States Army Com-  
15 mand and General Staff College may, upon recommenda-  
16 tion of the faculty of the college, confer appropriate de-  
17 grees upon graduates of the college who meet the degree  
18 requirements consistent with the recommendations of the  
19 United States Department of Education and principles of  
20 the regional accrediting body.”.

21 (c) MARINE CORPS UNIVERSITY.—(1) Section 7102  
22 of such title is amended—

23 (A) by striking subsections (a), (b), (c), and (d)  
24 and inserting the following new subsection (a):

1       “(a) AUTHORITY.—Under regulations prescribed by  
2 the Secretary of the Navy, the President of the Marine  
3 Corps University may, upon recommendation of the fac-  
4 ulty of a school or college of Marine Corps University, con-  
5 fer appropriate degrees upon graduates of the school or  
6 college who meet the degree requirements consistent with  
7 the recommendations of the United States Department of  
8 Education and principles of the regional accrediting  
9 body.”;

10           (B) by redesignating subsection (e) as sub-  
11 section (b); and

12           (C) by striking “**masters degrees**” in the  
13 heading and inserting “**authority**”.

14       (2) The table of sections at the beginning of chapter  
15 401 of such title is amended by striking the item relating  
16 to section 7102 and inserting the following new title:

“7102. Marine Corps University: authority; board of advisors.”.

17       (d) UNITED STATES AIR FORCE INSTITUTE OF  
18 TECHNOLOGY.—Section 9314(a) of such title is amended  
19 to read as follows:

20       “(a) AUTHORITY.—Under regulations prescribed by  
21 the Secretary of the Air Force, the Commander of Air  
22 University may, upon recommendation of the faculty of  
23 the United States Air Force Institute of Technology, con-  
24 fer appropriate degrees upon graduates of those programs  
25 who meet the degree requirements consistent with the rec-

1 ommendations of the United States Department of Edu-  
2 cation and principles of the regional accrediting body.”.

3 (e) AIR UNIVERSITY.—The text of section 9317 of  
4 such title is amended to read as follows:

5 “Under regulations prescribed by the Secretary of the  
6 Air Force, the Commander of Air University may, upon  
7 recommendation of the faculty of the Air Force programs,  
8 confer appropriate degrees upon graduates of those pro-  
9 grams who meet the degree requirements consistent with  
10 the recommendations of the United States Department of  
11 Education and principles of the regional accrediting  
12 body.”.

13 **SEC. 524. AUTHORITY TO PRESCRIBE AUTHORIZED**  
14 **STRENGTH FOR THE UNITED STATES NAVAL**  
15 **ACADEMY.**

16 Section 6954 of title 10, United States Code, is  
17 amended—

18 (1) in subsection (a)—

19 (A) by striking “4,000 or such higher  
20 number” and inserting “4,400 or such lower  
21 number”;

22 (B) by striking “under subsection (h)”;

23 and

24 (C) by striking “limitation” and inserting  
25 “prescription”; and

1 (2) by striking subsection (h).

2 **SEC. 525. ENHANCING EDUCATION PARTNERSHIPS.**

3 (a) IN GENERAL.—Chapter 111 of title 10, United  
4 States Code, is amended by inserting after section 2194  
5 the following new section:

6 **“§ 2194a. Education partnerships: operational sup-  
7 port in the social and applied sciences  
8 and humanities**

9 “(a) AUTHORITY.—The Secretary of Defense may  
10 authorize any operational command under the jurisdiction  
11 of the Department of Defense to enter into one or more  
12 education partnership agreements with educational insti-  
13 tutions in the United States for the purpose of—

14 “(1) obtaining timely information and advice  
15 relevant to the operational command’s mission and  
16 area of responsibility from subject matter experts in  
17 the social and applied sciences;

18 “(2) encouraging and enhancing study of the  
19 operational command’s mission, geographic or func-  
20 tional areas of responsibility, and their environment;  
21 and

22 “(3) encouraging and enhancing study in the  
23 associated social and applied scientific and humani-  
24 tarian disciplines.

1       “(b) COST.—Except as provided in this section, exe-  
2       cution of these partnership agreements shall be at no cost  
3       to the government.

4       “(c) PARTNERSHIP AGREEMENT PROVISIONS.—  
5       Under a partnership agreement entered into with an edu-  
6       cational institution under this section, the operational  
7       command—

8               “(1) may provide office space and associated  
9               administrative, technical and overhead support;

10              “(2) may reimburse educational institution per-  
11              sonnel for travel and incidental expenses performed  
12              in fulfillment of the partnership agreement; and

13              “(3) may loan equipment to the institution for  
14              the purposes stated in subsection (a) and for up to  
15              five years duration in support of such agreement.

16       “(d) TREATMENT OF PERSONS.—Persons performing  
17       services under the terms of a partnership agreement  
18       shall—

19              “(1) not be entitled to any compensation from  
20              the United States except as provided for in sub-  
21              section (c);

22              “(2) not be considered a government employee  
23              under the National Security Personnel System or  
24              any other Federal employment system; and

1           “(3) serve at the mutual convenience of the  
2           command and the educational institution.

3           “(e) DEFINITIONS.—For the purposes of this section:

4           “(1) The term ‘educational institution’ means  
5           colleges, universities, and any other nonprofit insti-  
6           tutions dedicated to the advancement of the social  
7           and applied sciences or humanities.

8           “(2) The term ‘social and applied sciences and  
9           humanities’ includes anthropology, business, commu-  
10          nications, economics, education, history, languages,  
11          political science, psychology, and sociology.”.

12          (b) CLERICAL AMENDMENT.—The table of sections  
13          at the beginning of such chapter is amended by inserting  
14          after the item relating to section 2194 the following new  
15          item:

          “2194a. Education partnerships: operational support in the social and applied  
          sciences and humanities.”.

16                   **Subtitle D—General Service**  
17                   **Authorities**

18          **SEC. 531. CHANGE IN REQUIREMENT FOR POSTHUMOUS**  
19                   **CERTIFICATION.**

20          (a) POSTHUMOUS COMMISSIONS.—Section 1521 of  
21          title 10, United States Code, is amended—

22                  (1) in subsection (a), by striking “in line of  
23          duty” each place it appears; and

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

3           “(c) A commission issued under subsection (a) shall  
4           require certification by the Secretary of the military de-  
5           partment concerned that at the time of death the member  
6           was qualified for appointment to the next higher grade.”.

7           (b) POSTHUMOUS WARRANTS.—Section 1522(a) of  
8           such title is amended—

9           (1) by striking “in line of duty”; and

10          (2) by adding at the end the following new sen-  
11          tence: “Warrants issued under this subsection shall  
12          require a finding by the Secretary of the military de-  
13          partment concerned that at the time of death the  
14          member was qualified for appointment to the next  
15          higher grade.”.

16 **SEC. 532. RAISE MAXIMUM REENLISTMENT TERM.**

17          (a) IN GENERAL.—Section 505(d) of title 10, United  
18          States Code, is amended—

19          (1) in paragraph (2), by striking “six” and in-  
20          serting “eight”; and

21          (2) in paragraph (3)(A), by striking “six” and  
22          inserting “eight”.

23          (b) CONFORMING AMENDMENT.—Section  
24          308(a)(2)(ii) of title 37, United States Code, is amended  
25          by striking “six” and inserting “eight”.

## 1                   **Subtitle E—Other Matters**

### 2   **SEC. 541. CAREER INTERMISSION PILOT PROGRAM.**

3           (a) AUTHORITY TO ESTABLISH CAREER INTER-  
4 MISSION PILOT PROGRAM.—The Secretary concerned may  
5 establish a pilot program under which officers and enlisted  
6 members may be released from active duty for periods of  
7 no more than three years, to meet personal or professional  
8 needs, and be returned to active duty at the end of the  
9 period of inactive duty. The program shall be known as  
10 the Career Intermission Pilot Program.

11           (b) REQUIREMENTS OF THE PROGRAM.—

12               (1) No more than 20 officers and 20 enlisted  
13 members of each armed force within the military de-  
14 partments serving on active duty (other than for  
15 training) per year may be selected for participation  
16 in the program established under this section.

17               (2) The period during which a program partici-  
18 pant is away from active duty may not exceed three  
19 years from the date of release from active duty. All  
20 program participants will return to active duty at  
21 the end of their period of participation in the pro-  
22 gram.

23               (3) Before being released from active duty, each  
24 program participant will be appointed in or enlisted  
25 in the military department's Ready Reserve and will

1 enter into an agreement with the Secretary con-  
2 cerned or his designee under which the participant  
3 agrees to serve on active duty in the regular or Re-  
4 serve component as determined by the needs of the  
5 military department for a period of not less than two  
6 months for every month of program participation  
7 following the participant's return to active duty.

8 (4) After release from active duty, each pro-  
9 gram participant will remain in their respective mili-  
10 tary department's Ready Reserve and will report  
11 once per month to a location as directed by each  
12 military department.

13 (5) Time spent in the program shall not count  
14 toward—

15 (A) eligibility for retirement or transfer to  
16 the Ready Reserve under either chapter 571 or  
17 chapter 1223 of title 10, United States Code;

18 (B) computation of retired or retainer pay  
19 under chapter 71 or chapter 1223 of title 10,  
20 United States Code; or

21 (C) computation of total years of commis-  
22 sioned service under section 14706 of title 10,  
23 United States Code.

1 (c) MEDICAL AND DENTAL CARE.—Notwithstanding  
2 any other provision of law, a member of the Ready Reserve  
3 in the Career Intermission Pilot Program is entitled to—

4 (1) the same medical and dental care under  
5 chapter 55 of title 10, United States Code, as is pro-  
6 vided to members of the Armed Forces and their de-  
7 pendants at military treatment facilities; and

8 (2) the same coverage under the TRICARE  
9 program as is provided to members of the Armed  
10 Forces on active duty for a period of more than 30  
11 days and the dependents of such members.

12 (d) PROMOTION ELIGIBILITY.—(1) OFFICERS.—Not-  
13 withstanding any other provision of law, an officer partici-  
14 pating in the Career Intermission Pilot Program shall not  
15 be eligible for consideration for promotion under either  
16 chapter 36 or chapter 1405 of title 10, United States  
17 Code. Upon return to active duty—

18 (A) an officer's date of rank shall be adjusted  
19 to a later date under regulations prescribed by the  
20 Secretary of Defense; and

21 (B) the officer shall be eligible for consideration  
22 for promotion when officers of the same competitive  
23 category, grade and seniority are eligible for consid-  
24 eration.

1           (2) ENLISTED MEMBERS.—An enlisted participant in  
2 the Career Intermission Pilot Program is ineligible for  
3 consideration for promotion from the date of his release  
4 from active duty through the period of his participation  
5 in the program, until such time after his return to active  
6 duty as he becomes eligible by reason of his time in grade  
7 and such other requirements as may be specified in mili-  
8 tary department regulations.

9           (e) PAY.—(1) Each month during participation in the  
10 program, participants will be paid two times one thirtieth  
11 of the basic pay to which the participant would be other-  
12 wise entitled based on grade and years of service if the  
13 participant were on active duty.

14           (2) Notwithstanding any other provision of law, a  
15 participant is entitled to the travel and transportation al-  
16 lowances under section 404 of title 37, United States  
17 Code, for travel performed from the member's residence,  
18 at the time of release from active duty to participate in  
19 the Program, to the location in the United States des-  
20 ignated by the member as his residence during the period  
21 of participation in the Program, and for the member's  
22 travel to his residence upon return to active duty at the  
23 end of the member's participation in the Program. An al-  
24 lowance will be paid under this subsection for travel to  
25 and from only one residence.

1           (3) While away from active duty as a participant in  
2 the Career Intermission Pilot Program under this section,  
3 a member may not receive any special or incentive pay  
4 or bonus under chapter five of title 37, United States  
5 Code, to which the member would otherwise be entitled  
6 for such period. When the member returns to active duty  
7 after the period of participation in the Career Intermission  
8 Pilot Program, the member will be entitled to receive, in  
9 addition to basic pay, all of the special and incentive pays  
10 which the member was receiving before being released  
11 from active duty to participate in the Career Intermission  
12 Pilot Program and for which the member is qualified at  
13 the time of return to active duty.

14           (f) COMPUTATION OF TOTAL YEARS OF SERVICE.—  
15 Section 14706(a) of title 10, United States Code, is  
16 amended by adding at the end the following new para-  
17 graph:

18                   “(4) Service while participating in the Career  
19 Intermission Pilot Program.”.

20           (g) DURATION OF PROGRAM AUTHORITY.—The au-  
21 thority to conduct the Program authorized by this section  
22 shall commence on January 1, 2009 and expire on Decem-  
23 ber 31, 2014.

1 **TITLE VI—COMPENSATION AND**  
2 **OTHER PERSONNEL BENEFITS**  
3 **Subtitle A—Bonuses and Special**  
4 **and Incentive Pays**

5 **SEC. 601. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
6 **SPECIAL PAYS FOR RESERVE FORCES.**

7 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN  
8 CRITICALLY SHORT WARTIME SPECIALTIES.—Section  
9 302g(e) of title 37, United States Code, is amended by  
10 striking “December 31, 2008” and inserting “December  
11 31, 2009”.

12 (b) SELECTED RESERVE REENLISTMENT BONUS.—  
13 Section 308b(g) of such title is amended by striking “De-  
14 cember 31, 2008” and inserting “December 31, 2009”.

15 (c) SELECTED RESERVE AFFILIATION OR ENLIST-  
16 MENT BONUS.—Section 308c(i) of such title is amended  
17 by striking “December 31, 2008” and inserting “Decem-  
18 ber 31, 2009”.

19 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
20 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
21 308d(c) of such title is amended by striking “December  
22 31, 2008” and inserting “December 31, 2009”.

23 (e) READY RESERVE NON-PRIOR SERVICE ENLIST-  
24 MENT BONUS.—Section 308g(f)(2) of such title is amend-

1 ed by striking “December 31, 2008” and inserting “De-  
2 cember 31, 2009”.

3 (f) READY RESERVE ENLISTMENT AND REENLIST-  
4 MENT BONUS.—Section 308h(e) of such title is amended  
5 by striking “December 31, 2008” and inserting “Decem-  
6 ber 31, 2009”.

7 (g) PRIOR SERVICE REENLISTMENT BONUS.—Sec-  
8 tion 308i(f) of such title is amended by striking “Decem-  
9 ber 31, 2008” and inserting “December 31, 2009”.

10 (h) REPAYMENT OF EDUCATION LOANS FOR CER-  
11 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
12 LECTED RESERVE.—Section 16302(d) of title 10, United  
13 States Code, is amended by striking “January 1, 2009”  
14 and inserting “January 1, 2010”.

15 **SEC. 602. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
16 **SPECIAL PAY AUTHORITIES FOR CERTAIN**  
17 **HEALTH CARE PROFESSIONALS.**

18 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
19 GRAM.—Section 2130a(a)(1) of title 10, United States  
20 Code, is amended by striking “December 31, 2008” and  
21 inserting “December 31, 2009”.

22 (b) ACCESSION BONUS FOR REGISTERED NURSES.—  
23 Section 302d(a)(1) of title 37, United States Code, is  
24 amended by striking “December 31, 2008” and inserting  
25 “December 31, 2009”.

1 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
2 THETISTS.—Section 302e(a)(1) of such title is amended  
3 by striking “December 31, 2008” and inserting “Decem-  
4 ber 31, 2009”.

5 (d) ACCESSION BONUS FOR DENTAL OFFICERS.—  
6 Section 302h(a)(1) of such title is amended by striking  
7 “December 31, 2008” and inserting “December 31,  
8 2009”.

9 (e) ACCESSION BONUS FOR PHARMACY OFFICERS.—  
10 Section 302j(a) of such title is amended by striking “De-  
11 cember 31, 2008” and inserting “December 31, 2009”.

12 (f) ACCESSION BONUS FOR MEDICAL OFFICERS IN  
13 CRITICALLY SHORT WARTIME SPECIALTIES.—Section  
14 302k(f) of such title is amended by striking “December  
15 31, 2008” and inserting “December 31, 2009”.

16 (g) ACCESSION BONUS FOR DENTAL SPECIALIST OF-  
17 FICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—  
18 Section 302l(g) of such title is amended by striking “De-  
19 cember 31, 2008” and inserting “December 31, 2009”.

20 **SEC. 603. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
21 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
22 **CERS.**

23 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
24 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
25 312(f) of title 37, United States Code, is amended by

1 striking “December 31, 2008” and inserting “December  
2 31, 2009”.

3 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
4 312b(c) of such title is amended by striking “December  
5 31, 2008” and inserting “December 31, 2009”.

6 (c) NUCLEAR CAREER ANNUAL INCENTIVE  
7 BONUS.—Section 312c(d) of such title is amended by  
8 striking “December 31, 2008” and inserting “December  
9 31, 2009”.

10 **SEC. 604. DIRECT ACCESSION BONUS FOR PSYCHOLOGY OF-**  
11 **FICERS.**

12 (a) IN GENERAL.—Chapter 5 of title 37, United  
13 States Code, is amended by inserting after section 302l  
14 the following new section:

15 **“§ 302m. Special pay: accession bonus for psychology**  
16 **officers**

17 “(a) ACCESSION BONUS AUTHORIZED.—A person  
18 who is a fully licensed psychologist and who executes a  
19 written agreement described in subsection (d) to accept  
20 a commission as an officer of the Armed Forces and re-  
21 main on active duty for a period of not less than four con-  
22 secutive years may, upon the acceptance of the agreement  
23 by the Secretary concerned, be paid an accession bonus  
24 in the amount determined by the Secretary concerned.

1       “(b) AMOUNT OF BONUS.—The amount of an acces-  
2 sion bonus under subsection (a) may not exceed \$70,000.

3       “(c) LIMITATION ON ELIGIBILITY FOR BONUS.—A  
4 person may not be paid a bonus under subsection (a) if—

5           “(1) the person, in exchange for an agreement  
6 to accept an appointment as an officer, received fi-  
7 nancial assistance from the Department of Defense  
8 to pursue a course of study in psychology; or

9           “(2) the Secretary concerned determines that  
10 the person is not qualified to become and remain  
11 certified as a psychologist.

12       “(d) AGREEMENT.—The agreement referred to in  
13 subsection (a) shall provide that, consistent with the needs  
14 of the armed force concerned, the person executing the  
15 agreement will be assigned to duty, for the period of obli-  
16 gated service covered by the agreement, as an officer of  
17 the Medical Service Corps of the Army or the Navy or  
18 as an officer of the Air Force designated as a biomedical  
19 sciences officer.

20       “(e) REPAYMENT.—A person who, after executing an  
21 agreement under subsection (a), is not commissioned as  
22 an officer of the Armed Forces, does not become licensed  
23 as a psychologist, or does not complete the period of active  
24 duty in a specialty specified in the agreement shall be sub-

1 ject to the repayment provisions of section 303a(e) of this  
2 title.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
4 at the beginning of such chapter is amended by inserting  
5 after the item relating to section 302l the following new  
6 item:

“302m. Special pay: accession bonus for psychology officers.”.

7 **SEC. 605. EXTENDING MAXIMUM LENGTH OF NUCLEAR OF-**  
8 **FICER INCENTIVE PAY AGREEMENTS FOR**  
9 **SERVICE.**

10 Section 312(a)(3) of title 37, United States Code, is  
11 amended by striking “three, four, or five” and inserting  
12 “not less than three”.

13 **Subtitle B—Travel and**  
14 **Transportation Allowances**

15 **SEC. 611. TRAVEL AND TRANSPORTATION ALLOWANCES**  
16 **FOR CERTAIN FAMILY MEMBERS AND THE**  
17 **PERSON DESIGNATED TO DIRECT THE DIS-**  
18 **POSITION OF THE DECEASED’S REMAINS TO**  
19 **ATTEND THE BURIAL CEREMONY OR MEMO-**  
20 **RIAL SERVICE OF MEMBERS WHO DIE ON**  
21 **DUTY.**

22 (a) UNCONDITIONAL ELIGIBILITY OF MINOR SIB-  
23 LINGS.—Section 411f(c)(1) of title 37, United States  
24 Code, is amended by adding at the end the following new  
25 subparagraph:

1           “(D) Any unmarried brother or sister of  
2           the deceased member who is under 21 years of  
3           age, or if age 21 or more a dependent child of  
4           the parent or parents of the deceased member,  
5           as determined under regulations prescribed  
6           under subsection (f).”.

7           (b) UNCONDITIONAL ELIGIBILITY OF PERSON DI-  
8           RECTING DISPOSITION OF REMAINS.—Subsection (a) of  
9           such section is amended by adding at the end the following  
10          new paragraph:

11           “(3) The person who directs the disposition of  
12          the remains of the deceased member under section  
13          1482(e) of title 10, or, in the case of a deceased  
14          member whose remains are commingled and buried  
15          in a common grave in a national cemetery, the per-  
16          son who would have been designated under such sec-  
17          tion to direct the disposition of the remains if indi-  
18          vidual identification had been made.”; and

19          (c) CONFORMING AMENDMENT.—Subsection (e)(2)  
20          of such section is amended by striking “to—” and all that  
21          follows through “(B)” and inserting “to up to two addi-  
22          tional persons closely related to the deceased member who  
23          are selected by the person referred to under subsection  
24          (a)(3)”.

1           **Subtitle C—Retired Pay and**  
2                           **Survivor Benefits**

3   **SEC. 621. WAIVER OF RECOUPMENT OF OVERPAYMENTS OF**  
4                           **RETIRED PAY TO SPOUSE OR FORMER**  
5                           **SPOUSE AS A RESULT OF RETROACTIVE DIS-**  
6                           **ABILITY DETERMINATION.**

7           Section 2774 of title 10, United States Code, is  
8 amended by adding at the end the following new sub-  
9 section:

10           “(g)(1) The Director of the Office of Management  
11 and Budget or the Secretary concerned, as the case may  
12 be, shall waive any claim for overpayment against a spouse  
13 or former spouse of a member if—

14                           “(A) the payment was disposable retired  
15 pay that, pursuant to section 1408 of this title,  
16 a court treated as property for the purpose of  
17 issuing a final decree of divorce, dissolution, an-  
18 nulment, or legal separation, including a court  
19 ordered, ratified, or approved property settle-  
20 ment incident to such decree; and

21                           “(B) the claim for overpayment is attrib-  
22 utable to a determination of entitlement to dis-  
23 ability compensation under title 38.

24           “(2) In this section:

1           “(A) The term ‘court’ has the meaning  
2           given such term in section 1408(a)(1) of this  
3           title.

4           “(B) The term ‘disposable retired pay’ has  
5           the meaning given such term in section  
6           1408(a)(4) of this title.

7           “(C) The term ‘final decree’ has the mean-  
8           ing given such term in section 1408(a)(3) of  
9           this title.

10           “(D) The term ‘member’ has the meaning  
11           given such term in section 1408(a)(5) of this  
12           title.

13           “(E) The term ‘spouse or former spouse’  
14           has the meaning given such term in section  
15           1408(a)(6) of this title.”.

16 **SEC. 622. SURVIVOR BENEFIT PLAN: EXTENSION OF PE-**  
17 **RIOD FOR ELECTION DEEMED TO HAVE BEEN**  
18 **MADE.**

19           (a) **IN GENERAL.**—Section 1450(f)(3)(C) of title 10,  
20 United States Code, is amended by striking “one year”  
21 and inserting “five years”.

22           (b) **EFFECTIVE DATE.**—The amendment made by  
23 this section shall apply with respect to divorces, dissolu-  
24 tions, annulments, or legal separations that become effec-

1 tive after the end of the 90-day period beginning on the  
2 date of enactment of this Act.

3 **SEC. 623. SURVIVOR BENEFIT PLAN: MULTIPLE BENE-**  
4 **FICIARIES.**

5 (a) PERMIT SPOUSE AND FORMER SPOUSE COV-  
6 ERAGE.—Section 1448(b)(2) of title 10, United States  
7 Code, is amended—

8 (1) in subparagraph (B)—

9 (A) by striking “prevents payment” and  
10 inserting “reduces the amount”; and

11 (B) by striking “including payment” and  
12 inserting “including the amount of an annuity”;

13 and

14 (2) in subparagraph (C), by striking “which  
15 former spouse is to be provided the annuity” and in-  
16 serting “the base amount applicable in determining  
17 the amount of the annuity of each former spouse”.

18 (b) PERMIT SPOUSE AND FORMER SPOUSE ANNU-  
19 ITIES.—Section 1450(a)(1) of such title is amended to  
20 read as follows:

21 “(1) SURVIVING SPOUSE AND FORMER  
22 SPOUSE(S).—The eligible surviving spouse and every  
23 eligible former spouse.”.

24 (c) PERMIT REDUCTIONS IN RETIRED PAY IN THE  
25 CASE OF MULTIPLE BENEFICIARIES.—Section 1452 of

1 such title is amended by adding at the end the following  
2 new subsection:

3       “(k) REDUCTIONS IN RETIRED PAY IN THE CASE OF  
4 MULTIPLE BENEFICIARIES.—When a participant in the  
5 Plan has elected to provide an annuity to a spouse and  
6 to one or more former spouses, reductions in retired pay  
7 required by subsection (a) shall be made for each annuity  
8 elected, in an amount based on the base amount applicable  
9 to each annuity. In the case of a reduction in retired pay  
10 to provide an annuity to a former spouse to whom pay-  
11 ment of a portion of a member’s retired pay is being made  
12 pursuant to a court order under section 1408 of this title,  
13 such reduction in retired pay shall be deducted from the  
14 amounts paid to such member, to such former spouse, or  
15 both, as provided by court order or by agreement of the  
16 parties.”.

17       (d) EFFECTIVE DATE.—The amendments made by  
18 subsections (a), (b), and (c) apply with respect to elections  
19 made on or after the date of enactment of this Act. Any  
20 election to provide an annuity to a spouse or former  
21 spouse who was prevented from being a beneficiary under  
22 the laws in effect before the date of enactment of this Act  
23 shall be made within 180 days following the date of enact-  
24 ment of this Act.

1 (e) COVERAGE FOR SURVIVORS OF RETIREMENT-EL-  
2 IGIBLE MEMBERS WHO DIE ON ACTIVE DUTY.—(1) Sec-  
3 tion 1448(d) of such title is amended—

4 (A) in paragraph (3), by striking “the sec-  
5 retary—(A) may not pay an annuity under para-  
6 graph (1) or (2); but (B)” and inserting “the Sec-  
7 retary”; and

8 (B) by amending paragraph (5) to read as fol-  
9 lows:

10 “(5) COMPUTATION.—(A) The amount of an  
11 annuity payable to a former spouse pursuant to  
12 paragraph (3) shall be computed on the basis of a  
13 base amount equal to the amount of retired pay  
14 that, under the authority of section 1408(c) of this  
15 title, is treated under a court order or spousal agree-  
16 ment as the property of such former spouse.

17 “(B) The amount of an annuity payable under  
18 paragraph (1) or (2) shall be computed under sec-  
19 tion 1451(c) of this title; however, the retired pay  
20 otherwise applicable with respect to such computa-  
21 tion shall be reduced by an amount equal to the base  
22 amount that provides the basis for computing the  
23 amount of an annuity payable to a former spouse  
24 under paragraph (3) of this subsection.”.

1           (2) EFFECTIVE DATE.—The amendments made by  
2 paragraph (1) shall apply with respect to survivors of re-  
3 tirement-eligible members who die on active duty on or  
4 after the date of enactment of this Act.

5           (f) COVERAGE FOR SURVIVORS OF PERSONS DYING  
6 WHEN ELIGIBLE TO ELECT RESERVE COMPONENT AN-  
7 NUITY.—(1) Section 1448(f) of such title is amended—

8                   (A) by striking “the Secretary—(A) may not  
9 pay an annuity under paragraph (1) or (2); but  
10 (B)” and inserting “the Secretary”; and

11                   (B) by amending paragraph (4) to read as fol-  
12 lows:

13                   “(4) COMPUTATION.—(A) The amount of an  
14 annuity payable to a former spouse pursuant to  
15 paragraph (3) shall be computed on the basis of a  
16 base amount equal to the amount of retired pay  
17 that, under the authority of section 1408(c) of this  
18 title, is treated under a court order or spousal agree-  
19 ment as the property of such former spouse.

20                   “(B) The amount of an annuity payable under  
21 paragraph (1) or (2) shall be computed under sec-  
22 tion 1451(c) of this title; however, the retired pay  
23 otherwise applicable with respect to such computa-  
24 tion shall be reduced by an amount equal to the base  
25 amount that provides the basis for computing the

1 amount of an annuity payable to a former spouse  
2 under paragraph (3) of this subsection.”.

3 (2) EFFECTIVE DATE.—The amendments made by  
4 paragraph (1) shall apply with respect to survivors of per-  
5 sons eligible to elect Reserve component annuity retire-  
6 ment-eligible members who die on or after the date of en-  
7 actment of this Act.

8 **SEC. 624. SURVIVOR BENEFIT PLAN: FINANCIAL RESPONSI-**  
9 **BILITY FOR SURVIVOR BENEFIT PLAN PAR-**  
10 **TICIPATION.**

11 (a) SPOUSE AND FORMER SPOUSE ANNUITIES.—Sec-  
12 tion 1452(a) of title 10, United States Code, is amended—

13 (1) in paragraph (1), by inserting “paragraph  
14 (6) of this subsection or” after “Except as provided  
15 in”; and

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

18 “(6) COURT ORDER.—If a court order requires  
19 the former spouse to pay all or a part of the costs  
20 associated with providing an annuity to the former  
21 spouse, the participant’s retired pay shall not be re-  
22 duced by the portion that the former spouse is re-  
23 quired to pay. The portion of Plan costs that a  
24 former spouse is required to pay pursuant to a  
25 Court order under this paragraph must either be

1       paid by direct remittance or as a deduction from the  
2       former spouse's share of the member's retired pay  
3       that is received by direct payment pursuant to sec-  
4       tion 1408 of this title.”.

5       (b) EFFECTIVE DATE.—The amendment made by  
6       this section shall apply with respect to divorces, dissolu-  
7       tions, annulments, or legal separations that become effec-  
8       tive after the end of the 90-day period beginning on the  
9       date of enactment of this Act.

10   **SEC. 625. SURVIVOR BENEFIT PLAN: PRESUMPTIVE PRO-**  
11                           **PORTIONATE SHARE.**

12       (a) PRESUMPTIVE BASE AMOUNT FOR FORMER  
13       SPOUSE.—Section 1447(6) of title 10, United States  
14       Code, is amended by adding at the end the following new  
15       subparagraph:

16                   “(D) PRESUMPTIVE PROPORTIONATE  
17                   AMOUNT FOR FORMER SPOUSE.—In the case of  
18                   an annuity provided under the Plan for a  
19                   former spouse, unless otherwise agreed to by  
20                   the member and former spouse or ordered by a  
21                   court, such term means any amount of monthly  
22                   retired pay, which is not less than \$300, pay-  
23                   able to such former spouse as a result of a  
24                   court treating disposable retired pay of a mem-



1 Code, is amended in the first sentence of paragraph (1)  
2 by inserting “by a member or former member or the  
3 spouse or former spouse of such member” after “the Sec-  
4 retary concerned”.

5 (b) CONDITIONS FOR DIRECT PAYMENT.—Section  
6 1408(d) of such title is further amended by adding at the  
7 end the following new paragraph:

8 “(8) A former spouse who accepts payment  
9 shall be deemed—

10 “(A) to have consented and agreed to the  
11 recovery of any future overpayments, including  
12 recovery by involuntary collection from the  
13 former spouse or his or her estate; and

14 “(B) to have agreed to give prompt notice  
15 in writing to the Secretary if—

16 “(i) the operative court order upon  
17 which payment is based is vacated, modi-  
18 fied, or set aside;

19 “(ii) the former spouse remarries, if  
20 all or a part of the payment is for alimony;  
21 or

22 “(iii) the former spouse is ineligible  
23 for child support payments due to the  
24 death, emancipation, adoption, or attain-  
25 ment of majority of a child whose support

1                   is provided through direct payment to a  
2                   former spouse from retired pay.”.

3           (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to applications for direct payment  
5 of retired pay submitted to the Secretary concerned after  
6 the end of the 90-day period beginning on the date of en-  
7 actment of this Act.

8 **SEC. 628. DISREGARD PERIODS OF CONFINEMENT FOR DE-**  
9                   **PENDENT VICTIMS OF ABUSE.**

10           (a) DISREGARD PERIODS OF CONFINEMENT FOR DE-  
11 PENDENT VICTIMS OF ABUSE.—Paragraph (2)(A) of sec-  
12 tion 1408(h) of title 10, United States Code, is amended  
13 by inserting “(including any periods of confinement served  
14 prior to convening authority action on the record of trial  
15 related to the misconduct that resulted in the termination  
16 of eligibility to receive retired pay)” after “on the basis  
17 of years of service”.

18           (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall be effective as of October 23, 1992,  
20 as if included in section 1408(h) of title 10, United States  
21 Code, as enacted by section 653(a)(2) of the National De-  
22 fense Authorization Act for Fiscal Year 1993 (Public Law  
23 102–484).

1 **SEC. 629. CLARIFYING AMENDMENT REGARDING JURISDIC-**  
2 **TION FOR PURPOSES OF ALLOCATION OF RE-**  
3 **TIRED PAY UNDER THE UNIFORMED SERV-**  
4 **ICES FORMER SPOUSE PROTECTION ACT.**

5 Section 1408(c) of title 10, United States Code, is  
6 amended by striking paragraph (4).

7 **SEC. 630. DIVISION OF RETIRED PAY TO BE BASED ON MEM-**  
8 **BER'S LENGTH OF SERVICE AND PAY GRADE**  
9 **AT TIME OF DIVORCE.**

10 (a) IN GENERAL.—Section 1408(c) of title 10,  
11 United States Code, is amended by adding at the end the  
12 following new paragraph:

13 “(5) In the case of a member as to whom a de-  
14 cree of divorce, dissolution, annulment, or legal sepa-  
15 ration becomes final before the date on which the  
16 member begins to receive retired pay, the total  
17 monthly retired pay to which a member is entitled,  
18 for purposes of determining ‘disposable retired pay’,  
19 as defined in paragraph (4) of subsection (a), that  
20 a court may treat in the manner described in para-  
21 graph (1), shall be limited to retired pay computed  
22 based on the pay grade, and the length of service of  
23 the member while married, that are creditable to-  
24 ward entitlement to basic pay and to retired pay as  
25 of the date a marital property interest in retired pay  
26 terminates. Amounts so calculated shall be increased

1 by the cumulative percentage of increases in basic  
2 pay and retired pay between the date a marital  
3 property interest in retired pay terminates and the  
4 effective date of the member's retirement. Upon re-  
5 quest and pursuant to regulations, the Secretary  
6 concerned shall calculate disposable retired pay de-  
7 scribed in this paragraph.”.

8 (b) EFFECTIVE DATE.—The amendment made by  
9 subsection (a) shall apply with respect to divorcees, dissolu-  
10 tions, annulments, and legal separations that become ef-  
11 fective after the end of the 90-day period beginning on  
12 the date of enactment of this Act.

13 **SEC. 631. INCREASES FOR DIVISIONS OF RETIRED PAY EX-**  
14 **RESSED AS A DOLLAR AMOUNT.**

15 (a) MONETARY AMOUNT ADJUSTMENT.—Section  
16 1408(a)(2)(C) of title 10, United States Code, is amended  
17 by striking “expressed in dollars” and inserting “ex-  
18 pressed as a specific dollar amount, with such amount,  
19 if so ordered, being adjusted in the same manner and at  
20 the same time as retired pay is adjusted to reflect changes  
21 in the Consumer Price Index under section 1401a of this  
22 title,”.

23 (b) EFFECTIVE DATE.—The amendment made by  
24 subsection (a) shall apply with respect to court orders that

1 become effective after the end of the 90-day period begin-  
2 ning on the date of enactment of this Act.

3 **SEC. 632. ALLOW MEMBER TO WAIVE NOTICE AND PROVIDE**  
4 **COURT ORDER UPON REQUEST.**

5 (a) ALLOW MEMBER TO WAIVE NOTICE AND PRO-  
6 VIDE COURT ORDER UPON REQUEST.—Section 1408(g)  
7 of title 10, United States Code, is amended—

8 (1) by striking “A person” and inserting “Un-  
9 less notice is waived by the member, a person”; and

10 (2) by striking “(together with a copy of such  
11 order)” and inserting “and, upon request, a copy of  
12 such order”.

13 (b) EFFECTIVE DATE.—The amendments made by  
14 this section shall apply to court orders received by the Sec-  
15 retary concerned after the end of the 90-day period begin-  
16 ning on the date of enactment of this Act.

17 **Subtitle D—Other Matters**

18 **SEC. 641. FAMILY PET SHIPMENT DURING EVACUATION OF**  
19 **NON-ESSENTIAL PERSONNEL.**

20 Section 406(b)(1) of title 37, United States Code, is  
21 amended by adding at the end the following new subpara-  
22 graph:

23 “(H) Except as provided in paragraph (2),  
24 in connection with an evacuation from a perma-  
25 nent station located in a foreign area, a mem-

1           ber is entitled to transportation of no more  
2           than two family household pets (to include ship-  
3           ment and the payment of quarantine costs, if  
4           any). Alternatively, the member may be paid re-  
5           imbursement or a monetary allowance under  
6           subparagraph (F) if other commercial transpor-  
7           tation means have been used. Exotic pets, en-  
8           dangered species, horses or livestock, or large  
9           pets weighing in excess of 150 pounds are not  
10          authorized.”.

11           **TITLE VII—HEALTH CARE**  
12           **PROVISIONS**  
13           **Subtitle A—TRICARE Program**  
14           **Improvements**

15   **SEC. 701. REVISING TRICARE PROGRAM COST SHARING**  
16           **AMOUNTS.**

17           (a) **AUTHORITY.**—Section 1086(b) of title 10, United  
18   States Code, is amended by adding at the end the fol-  
19   lowing new paragraph:

20           “(5) Notwithstanding paragraphs (1) through  
21           (4), the Secretary of Defense shall promulgate regu-  
22           lations to revise the requirements for payments by  
23           beneficiaries under this subsection in order to reflect  
24           increases in health care costs. Such requirements,  
25           which may include a revised deductible amount, an

1 enrollment fee, and future indexing, need not be uni-  
2 form for all such beneficiaries. Any such enrollment  
3 fee may be a condition of eligibility for health care  
4 benefits under chapter 55 of this title.”.

5 (b) IMPLEMENTATION.—The Secretary of Defense  
6 shall promulgate the regulations required by section  
7 1086(b)(5) of title 10, United States Code, as added by  
8 subsection (a), after first considering the recommenda-  
9 tions of the Task Force on the Future of Military Health  
10 Care regarding the beneficiary and Government cost shar-  
11 ing structure required to sustain military health benefits  
12 over the long term, as required by subsection (c)(3)(H)  
13 of section 711 of the John Warner National Defense Au-  
14 thorization Act for Fiscal Year 2007 (Public Law 109–  
15 364; 120 Stat. 2083). The regulations shall become effec-  
16 tive not later than 90 days after the date of enactment  
17 of this Act. The Secretary shall submit the regulations,  
18 and a report describing the rationale for the changes pro-  
19 mulgated, to the Committees on Armed Services of the  
20 Senate and House of Representatives at least 30 days be-  
21 fore such regulations become effective.

1 **SEC. 702. CHANGES IN PAYMENT OPTIONS FOR TRICARE**  
2 **PRIME.**

3 (a) MONTHLY DEDUCTIONS.—Section 1097a(c) of  
4 title 10, United States Code, is amended to read as fol-  
5 lows:

6 “(c) ENROLLMENT FEE PAYMENTS.—The Secretary  
7 of Defense shall establish procedures for the collection of  
8 enrollment fees charged for an enrollment in TRICARE  
9 Prime to a member or former member of the uniformed  
10 services eligible for medical care under section 1074(b) of  
11 this title from the member’s retired pay, retainer pay, or  
12 equivalent pay, as the case may be. To the maximum ex-  
13 tent practicable, the enrollment fee payable by a member  
14 entitled to such pay shall be deducted and withheld from  
15 the retired pay of the member (if pay is available to the  
16 member).”.

17 (b) CHARGES FOR HEALTH CARE.—Section 1097(e)  
18 of such title is amended by striking “shall permit such  
19 covered beneficiaries to pay, on a quarterly basis,” and  
20 inserting “may permit such covered beneficiaries whose re-  
21 tired pay, retainer pay, or equivalent pay, as the case may  
22 be, is insufficient for them to pay enrollment fees by de-  
23 duction from such pay as specified in section 1097a of  
24 this title to pay, in full at the beginning of the enrollment  
25 period or on a quarterly basis, by check, money order,  
26 credit card, or electronic funds transfer”.

1 **SEC. 703. OBSTETRICAL TRAVEL FOR COMMAND-SPON-**  
2 **SORED DEPENDENTS OF UNIFORMED MEM-**  
3 **BERS ASSIGNED TO VERY REMOTE AREAS**  
4 **OUTSIDE THE CONTINENTAL UNITED STATES.**

5 Section 1040 of title 10, United States Code, is  
6 amended—

7 (1) in subsection (a), by inserting “, and sub-  
8 ject to subsection (e)” after “subsection (b)”; and

9 (2) by adding at the end the following new sub-  
10 section:

11 “(e) With respect to the provision of obstetrical care,  
12 appropriate medical attention includes the availability or  
13 provision of obstetrical anesthesia equal to the services  
14 available in a Military Treatment Facility located in the  
15 United States. If these services are not available in remote  
16 areas outside the continental United States and air trans-  
17 portation would be needed to travel to the nearest appro-  
18 priate medical facility in which adequate medical care is  
19 available, then the Secretary may authorize the beneficiary  
20 to choose to receive transportation to the continental  
21 United States and be treated at a Military Treatment Fa-  
22 cility, that can provide appropriate obstetrical services,  
23 nearest to the closest port of entry into the continental  
24 United States. All other benefits of subsection (a) shall  
25 apply, provided that the United States shall incur no  
26 greater cost than would be incurred in connection with

1 transportation (including per diem) to the nearest appro-  
 2 priate medical facility in which adequate medical care is  
 3 available outside the continental United States.”.

## 4 **Subtitle B—Other Matters**

### 5 **SEC. 711. MENTAL HEALTH EVALUATIONS OF MEMBERS OF** 6 **THE ARMED FORCES BY MASTERS-LEVEL** 7 **CLINICAL SOCIAL WORKERS WITH AN INDE-** 8 **PENDENT LICENSE.**

9 Section 546(g)(3) of the National Defense Authoriza-  
 10 tion Act for Fiscal Year 1993 (Public Law 102–484; 106  
 11 Stat. 2419), is amended by striking “doctorate” and in-  
 12 serting “license”.

## 13 **TITLE VIII—ACQUISITION POL-** 14 **ICY, ACQUISITION MANAGE-** 15 **MENT, AND RELATED MAT-** 16 **TERS**

### 17 **Subtitle A—Provisions Relating to** 18 **Major Defense Acquisition Pro-** 19 **grams**

#### 20 **SEC. 811. UNMANNED SYSTEMS.**

21 Section 941 of the John Warner National Defense  
 22 Authorization Act for Fiscal Year 2007 (Public Law 109–  
 23 364; 120 Stat. 2083) is amended—

24 (1) by amending subsection (a) to read as fol-  
 25 lows:

1       “(a) The Department of Defense shall develop a pol-  
2     icy, to be applicable throughout the Department of De-  
3     fense on research, development, test and evaluation, and  
4     procurement, of unmanned systems in a manner that is  
5     fiscally responsible and enhances war fighter capability.”;

6               (2) in subsection (b)—

7                       (A) by amending paragraph (1) to read as  
8     follows:

9               “(1) An identification of Joint Capability Areas  
10     in which unmanned systems can potentially provide  
11     the means to address potential capability gaps.”;

12                      (B) by amending paragraph (2) to read as  
13     follows:

14               “(2) Deliberate consideration of unmanned sys-  
15     tems as potential candidates for acquisition when a  
16     materiel solution has been deemed appropriate for  
17     satisfying a capability requirement.”; and

18                      (C) in paragraph (5), by striking “, includ-  
19     ing” and all that follows through “systems”;  
20     and

21               (3) by amending subsection (d) to read as fol-  
22     lows:

23               “(d) ROADMAP.—The Department of Defense shall  
24     develop and implement a roadmap that includes—

1           “(1) goals for the development of unmanned  
2           system technologies to address capabilities identified  
3           pursuant to subsection (b)(1); and

4           “(2) the establishment of programs to address  
5           technical, operational, and production challenges,  
6           and gaps in capabilities, with respect to unmanned  
7           systems.”.

8 **SEC. 812. ADDITION OF DESIGNATED MAJOR SUBPRO-**  
9                                   **GRAMS TO MAJOR DEFENSE ACQUISITION**  
10                                  **PROGRAMS.**

11           Title 10, United States Code, is amended—

12                   (1) in section 2430—

13                           (A) by redesignating subsection (b) as sub-  
14                           section (c); and

15                           (B) by inserting after subsection (a) the  
16                           following new subsection (b):

17           “(b) The Secretary of Defense may further designate  
18           a major subprogram of a major defense acquisition pro-  
19           gram whenever such further designation is deemed appro-  
20           priate for the purposes of acquisition reporting.”;

21                   (2) in section 2432—

22                           (A) in subsection (a)—

23                                   (i) in paragraph (1)—

24   (I) by inserting “or designated  
25   major subprogram of a major defense

1 acquisition program” after “with re-  
2 spect to a major defense acquisition  
3 program”; and

4 (II) by inserting “or designated  
5 major subprogram” after “the acqui-  
6 sition program” each place it appears;  
7 and

8 (ii) in paragraph (2), by inserting “or  
9 designated major subprogram” after  
10 “major defense acquisition program” each  
11 place it appears;

12 (B) in subsection (c)(1), by inserting “or  
13 designated major subprogram” after “major de-  
14 fense acquisition program” each places it ap-  
15 pears; and

16 (C) in subsection (e), by inserting “or des-  
17 igned major subprogram” after “major de-  
18 fense acquisition program”;

19 (3) in section 2433—

20 (A) in subsection (a)—

21 (i) in paragraph (2), by striking “in-  
22 cluded in the baseline description of the  
23 program” and inserting “included in the  
24 baseline description of the program or de-  
25 signed major subprogram”;

1           (ii) in paragraph (4), by striking  
2           “major defense acquisition program” and  
3           inserting “major defense acquisition pro-  
4           gram or designated major subprogram”;  
5           and

6           (iii) in paragraph (5), by striking  
7           “major defense acquisition program” and  
8           inserting “major defense acquisition pro-  
9           gram or designated major subprogram”;

10          (B) in subsection (c), by striking “program  
11          acquisition unit cost for the program or the  
12          procurement unit cost for the program” and in-  
13          serting “program acquisition unit cost for the  
14          program or designated major subprogram or  
15          the procurement unit cost for the program or  
16          designated subprogram,”;

17          (C) in subsection (d)—

18               (i) in paragraph (1), by striking “with  
19               respect to a program” and inserting “with  
20               respect to a major defense acquisition pro-  
21               gram or designated major subprogram,”;

22               (ii) in paragraph (2), by striking  
23               “with respect to a program” and inserting  
24               “with respect to a major defense acquisi-

1           tion program or designated major subpro-  
2           gram,”; and

3           (iii) in paragraph (3), by striking  
4           “with respect to such program” and insert-  
5           ing “with respect to such major defense  
6           acquisition program or designated major  
7           subprogram”;

8           (D) in subsection (e)—

9           (i) in paragraph (1), by striking  
10          “major defense acquisition program” and  
11          inserting “major defense acquisition pro-  
12          gram or designated major subprogram”;  
13          and

14          (ii) in paragraph (2), by striking  
15          “major defense acquisition program” and  
16          inserting “major defense acquisition pro-  
17          gram or designated major subprogram”;  
18          and

19          (E) in subsection (g)(1)—

20          (i) in subparagraph (F), by inserting  
21          before the period at the end the following:  
22          “for each program and designated major  
23          subprogram”; and

24          (ii) in subparagraph (K), by inserting  
25          before the period at the end the following:

1 “for each program and designated major  
2 subprogram”; and

3 (4) in section 2435—

4 (A) in subsection (a)(1), by striking  
5 “major defense acquisition program under the  
6 jurisdiction of such Secretary” and inserting  
7 “major defense acquisition program or des-  
8 ignated major subprogram of a major defense  
9 acquisition program under the jurisdiction of  
10 such Secretary, heretofore referred to as the  
11 program”;

12 (B) in subsection (c)—

13 (i) by inserting “(1)” before “A base-  
14 line”;

15 (ii) by redesignating paragraphs (1),  
16 (2), and (3) as subparagraphs (A), (B),  
17 and (C), respectively; and

18 (iii) in paragraph (1), as redesignated  
19 by clause (ii), by striking “major defense  
20 acquisition program” and inserting “major  
21 defense acquisition program or major des-  
22 ignated subprogram”;

23 (C) in subsection (d)—

24 (i) in paragraph (1), by striking  
25 “major defense acquisition program” and

1 inserting “major defense acquisition pro-  
2 gram or major subprogram of a major de-  
3 fense acquisition program”;

4 (ii) in paragraph (2), by striking  
5 “major defense acquisition program” and  
6 inserting “major defense acquisition pro-  
7 gram or designated major subprogram”;  
8 and

9 (iii) in paragraph (3), by striking  
10 “major defense acquisition program” and  
11 inserting “major defense acquisition pro-  
12 gram or designated major subprogram”;  
13 and

14 (D) in subsection (e)(2)—

15 (i) by striking “program manager for  
16 a program” and inserting “or program  
17 manager for a program or designated  
18 major subprogram”; and

19 (ii) by striking “any other factor of  
20 the program” and inserting “any other  
21 factor of the program or designed major  
22 subprogram”.

1 **Subtitle B—Amendments to Gen-**  
2 **eral Contracting Authorities,**  
3 **Procedures, and Limitations**

4 **SEC. 821. MODIFICATION OF AUTHORITY TO ACCEPT FI-**  
5 **NANCIAL AND OTHER INCENTIVES RELATED**  
6 **TO ENERGY SAVINGS AND SIMILAR NEW AU-**  
7 **THORITY RELATED TO ENERGY SYSTEMS.**

8 (a) ENERGY SAVINGS.—Section 2913(c) of title 10,  
9 United States Code, is amended by inserting “, State or  
10 local government” after “gas or electric utility”.

11 (b) ENERGY SYSTEMS.—Section 2915 of such title  
12 is amended by adding at the end the following new sub-  
13 section:

14 “(f) ACCEPTANCE OF FINANCIAL INCENTIVE, FINAN-  
15 CIAL ASSISTANCE, OR SERVICES.—The Secretary of De-  
16 fense may authorize any military installation to accept any  
17 financial incentive, financial assistance, or services gen-  
18 erally available from a State or local government, gas or  
19 electric utility, to use or construct an energy system using  
20 solar energy or other renewable form of energy if the use  
21 or construction of the system is consistent with the energy  
22 performance goals and energy performance plan for the  
23 Department of Defense developed under section 2911 of  
24 this title.”.

1           **Subtitle C—Other Matters**

2   **SEC. 831. APPLICABILITY OF THE RESTRICTION ON SPE-**  
3                           **CIALTY METALS.**

4           (a) IN GENERAL.—Section 2533b(k) of title 10,  
5 United States Code, is amended to read as follows:

6           “(k) NATIONAL SECURITY EXCEPTION.—Subsection  
7 (a) does not apply to procurements for which the Sec-  
8 retary of Defense or the Secretary of the military depart-  
9 ment concerned determines in writing that an exception  
10 is in the national security interest of the United States.”.

11          (b) CONFORMING AMENDMENT.—Subsection (a) of  
12 such section is amended by striking “(j)” and inserting  
13 “(k)”.

14   **SEC. 832. REPEAL OF THE MILITARY SYSTEM BREAKOUT**  
15                           **LIST.**

16          Section 813 of the National Defense Authorization  
17 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
18 1543) is repealed.

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

4 **Subtitle A—Department of Defense**  
5 **Management**

6 **SEC. 901. PERMANENT AUTHORITY TO ACCEPT GIFTS TO**  
7 **BENEFIT MEMBERS OF THE ARMED FORCES**  
8 **AND DEPARTMENT OF DEFENSE EMPLOYEES**  
9 **INJURED OR KILLED IN LINE OF DUTY AND**  
10 **THEIR DEPENDENTS.**

11 Section 2601(b) of title 10, United States Code, is  
12 amended by striking paragraph (4).

13 **SEC. 902. MODIFICATION OF PROCEDURES TO PRESERVE**  
14 **THE SEARCH AND RESCUE CAPABILITIES OF**  
15 **THE FEDERAL GOVERNMENT CONSISTENT**  
16 **WITH MILITARY REQUIREMENTS.**

17 Section 1085 of the Ronald W. Reagan National De-  
18 fense Authorization Act for Fiscal Year 2005 (Public Law  
19 108–375; 118 Stat. 2065) is amended—

20 (1) in the matter before paragraph (1)—

21 (A) by striking “capabilities at any mili-  
22 tary installation” and inserting “units at any  
23 military installation”;

24 (B) by striking “equivalent” and inserting  
25 “adequate”; and

1 (C) By striking “by—” and inserting “by  
2 one or a combination of—”;

3 (2) by striking “or” at the end of paragraph  
4 (1);

5 (3) in paragraph (2)—

6 (A) by inserting “, through active-duty,  
7 Reserve component, or National Guard assets,”  
8 after “directly”; and

9 (B) by striking the period at the end and  
10 inserting “; or”; and

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

13 “(3) State and local government agencies in the  
14 relevant area.”.

15 **SEC. 903. REPEAL OF PERSONNEL LIMITATIONS ON OFFICE**  
16 **OF THE SECRETARY OF DEFENSE, DEFENSE**  
17 **AGENCIES, DOD FIELD ACTIVITIES, AND MILI-**  
18 **TARY DEPARTMENT HEADQUARTERS.**

19 (a) REPEAL.—(1) Sections 143 and 194 of title 10,  
20 United States Code, are repealed.

21 (2) The table of sections at the beginning of  
22 chapter 4 of such title is amended by striking the  
23 item relating to section 143.

1           (3) The table of sections at the beginning of  
2           subchapter I of chapter 8 of such title is amended  
3           by striking the item relating to section 194.

4           (b) REMOVAL OF PERSONNEL LIMITATIONS FROM  
5           MILITARY DEPARTMENT HEADQUARTERS ACTIVITIES.—  
6           Sections 3014, 5014, and 8014 of such title are amended  
7           by striking subsection (f).

8           (c) CONSTRUCTION.—Nothing in this section is in-  
9           tended to diminish the authorities of the Secretary of De-  
10          fense and the Director of National Intelligence as set out  
11          in section 102A of the National Security Act of 1947 (50  
12          U.S.C. 403–1) with respect to—

13           (1) the development, determination, and man-  
14          agement of the annual budgets of the Joint Military  
15          Intelligence Program and the National Intelligence  
16          Program; and

17           (2) the role of the Director of National Intel-  
18          ligence in the transfer and reprogramming of funds  
19          or personnel.

1                   **Subtitle B—Chemical**  
2                   **Demilitarization Program**

3   **SEC. 911. CHEMICAL DEMILITARIZATION CITIZENS' ADVI-**  
4                   **SORY COMMISSION IN COLORADO AND KEN-**  
5                   **TUCKY.**

6           Section 172 of the National Defense Authorization  
7 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.  
8 2341) is amended by adding at the end the following new  
9 subsection:

10           “(i) COLORADO AND KENTUCKY CHEMICAL DEMILI-  
11 TARIZATION CITIZENS ADVISORY COMMISSIONS.—Not-  
12 withstanding subsections (b), (f), and (g), and consistent  
13 with the Strom Thurmond National Defense Authoriza-  
14 tion Act for Fiscal Year 1999 (Public Law 105–261; 112  
15 Stat. 1920) and the Department of Defense Appropria-  
16 tions Act, 2003 (Public Law 107–248; 116 Stat. 1519),  
17 responsibilities for the Chemical Demilitarization Citizens  
18 Advisory Commissions in Colorado and Kentucky will be  
19 transferred from the Secretary of the Army to the Pro-  
20 gram Manager for Assembled Chemical Weapons Alter-  
21 natives. The Program Manager for Assembled Chemical  
22 Weapons Alternatives will ensure the ability to receive cit-  
23 izen and State concerns regarding the ongoing chemical  
24 destruction program in these States. A representative  
25 from the Office of the Assistant to the Secretary of De-

1 fense for Nuclear, Chemical, and Biological Defense Pro-  
2 grams will meet with these commissions not less often  
3 than twice a year. Funds appropriated for the Assembled  
4 Chemical Weapons Alternatives Program will be used for  
5 travel and associated travel cost for these Citizens' Advi-  
6 sory Commissioners, when such travel is conducted at the  
7 invitation of the Department of Defense Special Assistant  
8 for Chemical and Biological Defense and Chemical Demili-  
9 tarization Programs.”.

10 **SEC. 912. MODIFY THE TERMINATION REQUIREMENTS FOR**  
11 **ASSISTANCE TO STATE AND LOCAL GOVERN-**  
12 **MENTS UNDER THE CHEMICAL STOCKPILE**  
13 **EMERGENCY PREPAREDNESS PROGRAM.**

14 Subparagraph (B) of section 1412(c)(5) of the De-  
15 partment of Defense Authorization Act, 1986 (Public Law  
16 99–145; 99 Stat. 748; 50 U.S.C. 1521), as amended, is  
17 further amended to read as follows:

18 “(B) Assistance may be provided under  
19 this paragraph until all activities associated  
20 with the close-out of grants and cooperative  
21 agreements provided pursuant to subparagraph  
22 (A) between the Federal Emergency Manage-  
23 ment Agency and State and local governments  
24 are complete, but such assistance may not be  
25 provided after 6 months from the date agent

1           destruction operations have been completed in  
2           such jurisdiction.”.

3 **SEC. 913. QUALIFICATIONS CHANGE FOR THE DIRECTOR**  
4                   **OF THE U.S. ARMY CHEMICAL MATERIALS**  
5                   **AGENCY.**

6           Section 1412(e)(3) of the Department of Defense Au-  
7 thORIZATION Act, 1986 (Public Law 99–145; 50 U.S.C.  
8 1521(e)(3)), as amended by section 153(c) of the National  
9 Defense Authorization Act for Fiscal Year 1996 (Public  
10 Law 104–106; 110 Stat. 216), is amended—

11           (1) by inserting “and shall prescribe qualifica-  
12 tions” before the period at the end of the first sen-  
13 tence; and

14           (2) by striking the second sentence.

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

17 **SEC. 1001. INCREASE LIMITATION ON ADVANCE BILLING OF**  
18                   **WORKING CAPITAL FUND CUSTOMERS.**

19           Section 2208(l)(3) of title 10, United States Code,  
20 is amended by striking “\$1,000,000,000” and inserting  
21 “\$2,000,000,000”.

1 **SEC. 1002. CREDITING OF ADMIRALTY CLAIM RECEIPTS**  
2 **FOR DAMAGE TO DOD WORKING CAPITAL**  
3 **FUND ACCOUNT PROPERTY.**

4 Section 7623(b) of title 10, United States Code, is  
5 amended by striking the last sentence and inserting the  
6 following new sentence: “Amounts received under this sec-  
7 tion shall be covered into the Treasury as miscellaneous  
8 receipts, except that amounts received for damage or loss  
9 to property operated and maintained with funds from a  
10 Department of Defense working capital fund account shall  
11 be credited to that account.”.

12 **SEC. 1003. REFINED PETROLEUM PRODUCTS, MARGINAL**  
13 **EXPENSE TRANSFER ACCOUNT.**

14 (a) IN GENERAL.—Chapter 131 of title 10, United  
15 States Code, is amended by inserting after section 2228  
16 the following new section:

17 **“§ 2228a. Refined petroleum products, marginal ex-**  
18 **pense transfer account**

19 “(a) ACCOUNT.—There is established in the Treasury  
20 the ‘Refined Petroleum Products, Marginal Expense  
21 Transfer Account’ (‘Transfer Account’). During any fiscal  
22 year, amounts in the Transfer Account shall be available  
23 without further appropriation to pay the marginal costs  
24 needed to purchase up to the quantity of refined petroleum  
25 products specified in the fiscal year budget request for use  
26 by Department of Defense entities for such year.

1           “(b) CALCULATION OF MARGINAL COSTS.—Marginal  
2 costs shall be calculated as the difference between the ac-  
3 tual market prices paid by the Department of Defense for  
4 the refined petroleum products in a fiscal year and the  
5 prices specified for the purchase of such products in the  
6 President’s budget for that year.

7           “(c) TRANSFER OF FUNDS.—(1) During the course  
8 of any fiscal year, amounts sufficient to pay the marginal  
9 costs under subsection (a) shall be transferred from the  
10 Transfer Account to the Defense-Wide Working Capital  
11 Fund.

12           “(2) To the extent that the price specified for the  
13 purchase of refined petroleum products in the President’s  
14 budget submission for a fiscal year exceed the actual mar-  
15 ket prices paid by the Department for such products pur-  
16 chased in that year, the difference in price shall be trans-  
17 ferred from the Defense-Wide Working Capital Fund to  
18 the Transfer Fund and such amounts shall be cancelled.

19           “(3) The transfer of such additional amount needed,  
20 amounts not needed through August, and an estimate for  
21 September should be transferred before the end of the fis-  
22 cal year, with a final accounting and transfer within 60  
23 days after the end of the fiscal year.

1       “(4) The transfer authority provided by this section  
2 is in addition to any other transfer authority available to  
3 the Department of Defense.

4       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
5 is appropriated to the Transfer Account such sums as may  
6 be necessary to carry out this section.”.

7       (b) CLERICAL AMENDMENT.—The table of sections  
8 at the beginning of such chapter is amended by inserting  
9 after the item relating to section 2228 the following new  
10 item:

“2228a. Refined petroleum products, marginal expense transfer account.”.

11       **Subtitle B—Policy Relating to**  
12               **Vessels and Shipyards**

13       **SEC. 1011. TEMPORARY WAIVER OF THE MINIMUM AIR-**  
14               **CRAFT CARRIER REQUIREMENT.**

15       Section 5062(b) of title 10, United States Code, is  
16 amended by inserting after the first sentence the following  
17 new sentence: “Notwithstanding the preceding sentence or  
18 any other provision of law, the naval combat forces of the  
19 Navy may include less than 11 operational aircraft car-  
20 riers for the period of time between the decommissioning  
21 of the USS ENTERPRISE (CVN 65) and the commis-  
22 sioning of the CVN 78.”.

1 **SEC. 1012. CLARIFICATION OF STATUS OF GOVERNMENT**  
2 **RIGHTS IN THE DESIGNS OF DEPARTMENT**  
3 **OF DEFENSE VESSELS, BOATS, CRAFT, AND**  
4 **COMPONENTS THEREOF.**

5 (a) IN GENERAL.—Chapter 633 of title 10, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 7317. Status of Government rights in the designs of**  
9 **vessels, boats, craft, and components**  
10 **thereof**

11 “Notwithstanding any other provision of law, Govern-  
12 ment rights in the design of a vessel, boat, or craft, and  
13 its components, including the hull, decks, superstructure,  
14 and all shipboard equipment and systems, shall be deter-  
15 mined solely by operation of section 2320 of this title or  
16 by the instrument under which the design was developed  
17 for the Government.”.

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

“7317. Status of Government rights in the designs of vessels, boats, craft, and  
components thereof.”.

21 **SEC. 1013. RIDING GANG MEMBER REQUIREMENTS.**

22 (a) IN GENERAL.—Section 1018 of the John Warner  
23 National Defense Authorization Act for Fiscal Year 2007  
24 (Public Law 109–364; 120 Stat. 2381) is amended—

1 (1) in subsection (a)—

2 (A) by amending paragraph (1) to read as  
3 follows:

4 “(1) IN GENERAL.—The Secretary of Defense  
5 may not award, renew, extend, or exercise an option  
6 to extend any charter of a vessel documented under  
7 chapter 121 of title 46, United States Code, for the  
8 Department of Defense, or any contract for the car-  
9 riage of cargo by a vessel documented under that  
10 chapter for the Department of Defense, unless the  
11 charter or contract, respectively, includes provisions  
12 that allow riding gang members to perform work on  
13 the vessel during the effective period of the charter  
14 or contract only under terms, conditions, restric-  
15 tions, and requirements as provided in section 8106  
16 of title 46, United States Code.”;

17 (B) by striking paragraphs (2) and (3);

18 and

19 (C) by redesignating paragraph (4) as  
20 paragraph (2); and

21 (2) in subsection (b), by amending paragraph  
22 (1) to read as follows:

23 “(1) IN GENERAL.—Pursuant to regulations  
24 issued by the Secretary of Defense, an individual—

1           “(A) who is aboard a vessel, which is  
2           under charter or contract for the carriage of  
3           cargo for the Department of Defense, for pur-  
4           poses other than engaging in the operation or  
5           maintenance of the vessel; and

6           “(B) who—

7                   “(i) accompanies, supervises, guards,  
8                   or maintains unit equipment aboard a  
9                   ship, commonly referred to as supercargo  
10                  personnel;

11                  “(ii) is one of the force protection per-  
12                  sonnel of the vessel;

13                  “(iii) is a specialized repair techni-  
14                  cian; or

15                  “(iv) is otherwise required by the Sec-  
16                  retary of Defense to be aboard the vessel,  
17                  shall not be deemed a riding gang member for  
18                  the purposes of title 46, United States Code.”.

19           (b) **TECHNICAL AMENDMENTS.**—Section 1018(a)(2),  
20 as redesignated in subsection (a), is amended by striking  
21 “8106” and inserting “2101”.

22 **SEC. 1014. NAVY VESSEL MESS OPERATION: REIMBURSE-**  
23 **MENT OF EXPENSES.**

24           (a) **IN GENERAL.**—The charge made pursuant to sec-  
25 tion 1011 of title 37, United States Code, for meals sold

1 by messes for United States Naval and Naval Auxiliary  
2 vessels may be paid for out of amounts appropriated for  
3 operation and maintenance when meals are provided to—

4 (1) members of nongovernmental organizations  
5 and officers or employees of host and foreign nations  
6 when participating in or providing support to United  
7 States civil-military operations; or

8 (2) foreign national patients treated during  
9 United States conduct of civil-military operations  
10 and their escorts.

11 (b) EXPIRATION OF AUTHORITY.—The authority to  
12 pay for meals under subsection (a) shall expire on Sep-  
13 tember 30, 2010.

## 14 **Subtitle C—Counter-Drug** 15 **Activities**

### 16 **SEC. 1021. USE OF FUNDS FOR COUNTER-DRUG AND** 17 **COUNTER-TERRORISM.**

18 Section 1022(b) of the National Defense Authoriza-  
19 tion Act for Fiscal Year 2004 (Public Law 108–136; 117  
20 Stat. 1594), as amended by section 1021 of the National  
21 Defense Authorization Act for Fiscal Year 2008 (Public  
22 Law 110–181; 122 Stat. \_\_\_\_), is amended by striking  
23 “through 2008” and inserting “through 2009”.

1           **Subtitle D—Matters Related to**  
2                           **Homeland Security**

3   **SEC. 1031. RESERVE SUPPORT FOR RESPONSES TO CER-**  
4                           **TAIN EMERGENCIES.**

5           Section 12304(b) of title 10, United States Code, is  
6 amended—

7           (1) by striking “or” at the end of paragraph  
8           (1);

9           (2) by striking the period at the end of para-  
10          graph (2) and inserting “; or”; and

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

13                 “(3) in the case of the Army Reserve, Navy Re-  
14          serve, Air Force Reserve, Marine Corps Reserve, and  
15          the Coast Guard Reserve, a major disaster or emer-  
16          gency as those terms are defined in section 5122 of  
17          title 42.”.

18   **SEC. 1032. RESERVE SUPPORT TO MAJOR PUBLIC EMER-**  
19                           **GENCIES.**

20          Section 333 of title 10, United States Code, is  
21 amended by inserting “and order to active duty units or  
22 members of the Army Reserve, Navy Reserve, Air Force  
23 Reserve, Marine Corps Reserve, and Coast Guard Re-  
24 serve,” after “Federal service,”.

1 **SEC. 1033. RESERVE SUPPORT TO ENFORCEMENT OF FED-**  
2 **ERAL AUTHORITY.**

3 Section 332 of title 10, United States Code, is  
4 amended by inserting “order to active duty units or mem-  
5 bers of the Army Reserve, Navy Reserve, Air Force Re-  
6 serve, Marine Corps Reserve, and Coast Guard Reserve,”  
7 after “militia of any State,”.

8 **SEC. 1034. RESERVE SUPPORT TO FEDERAL AID FOR STATE**  
9 **GOVERNMENTS.**

10 Section 331 of title 10, United States Code, is  
11 amended by inserting “order to active duty units or mem-  
12 bers of the Army Reserve, Navy Reserve, Air Force Re-  
13 serve, Marine Corps Reserve, and Coast Guard Reserve,”  
14 after “requested by that State,”.

15 **SEC. 1035. PROCUREMENT OF EQUIPMENT BY STATE AND**  
16 **LOCAL GOVERNMENTS.**

17 (a) IN GENERAL.—Section 381 of title 10, United  
18 States Code, is amended—

19 (1) in subsection (a)(1)—

20 (A) in the matter preceding subparagraph

21 (A)—

22 (i) by striking “law enforcement”; and

23 (ii) by inserting “, homeland security,  
24 counter-terrorism, and emergency re-  
25 sponse” after “counter-drug”;

26 (B) in subparagraph (A)—

1 (i) in the matter preceding clause (i),  
2 by inserting “, homeland security, counter-  
3 terrorism, and emergency response” after  
4 “counter-drug”; and

5 (ii) in clause (i), by striking “law en-  
6 forcement”;

7 (C) in subparagraph (C), by striking “law  
8 enforcement” each place it appears; and

9 (D) in subparagraph (D), by striking “law  
10 enforcement”;

11 (2) in subsection (c)—

12 (A) by striking “law enforcement”; and

13 (B) by inserting “, homeland security,  
14 counter-terrorism, and emergency response”  
15 after “counter-drug”; and

16 (3) in subsection (d)—

17 (A) in paragraph (2), by inserting “or  
18 emergency response” after “law enforcement”  
19 both places it appears; and

20 (B) in paragraph (3)—

21 (i) by striking “law enforcement”;

22 (ii) by inserting “, homeland security,  
23 counter-terrorism, and emergency re-  
24 sponse” after “counter-drug”; and

1 (iii) by inserting “and, in the case of  
 2 homeland security, may not include any  
 3 equipment that is not found on the Au-  
 4 thorized Equipment List as published by  
 5 the Department of Homeland Security”  
 6 after “purposes”.

7 (b) CLERICAL AMENDMENTS.—(1) The heading of  
 8 such section is amended to read as follows:

9 **“§ 381. Procurement by State and local governments**  
 10 **of equipment suitable for counter-drug,**  
 11 **homeland security, counter-terrorism,**  
 12 **and emergency response activities**  
 13 **through the Department of Defense”.**

14 (2) The table of sections at the beginning of chapter  
 15 18 of such title is amended by striking the item relating  
 16 to section 381 and inserting the following new item:

“381. Procurement by State and local governments of equipment suitable for  
 counter-drug, homeland security, counter-terrorism, and emer-  
 gency response activities through the Department of Defense.”.

17 **Subtitle E—Miscellaneous**  
 18 **Authorities and Limitations**

19 **SEC. 1041. MINIMUM ANNUAL PURCHASE AMOUNTS FOR**  
 20 **AIRLIFT FROM CARRIERS PARTICIPATING IN**  
 21 **THE CIVIL RESERVE AIR FLEET.**

22 (a) IN GENERAL.—Chapter 931 of title 10, United  
 23 States Code, is amended by adding at the end the fol-  
 24 lowing new section:

1 **“§ 9515. Airlift services: minimum annual purchase**  
2 **amount for carriers participating in Civil**  
3 **Reserve Air Fleet**

4 “(a) IN GENERAL.—The Secretary of Defense may  
5 award to air carriers or air carrier contractor team ar-  
6 rangements (carriers) participating in the Civil Reserve  
7 Air Fleet on a fiscal year basis a one-year contract for  
8 airlift services with a minimum purchase amount deter-  
9 mined in accordance with this section.

10 “(b) MINIMUM PURCHASE AMOUNT.—(1) The aggre-  
11 gate amount of the minimum purchase amount for all con-  
12 tracts awarded under subsection (a) for a fiscal year shall  
13 be based on forecast needs, but may not exceed the  
14 amount equal to 80 percent of the annual average expendi-  
15 ture of the Department of Defense for commercial airlift  
16 during the five-fiscal year period ending in the fiscal year  
17 before the fiscal year for which such contracts are award-  
18 ed.

19 “(2) In calculating the annual average expenditure  
20 of the Department of Defense for airlift for purposes of  
21 paragraph (1), the Secretary of Defense shall omit from  
22 the calculation any fiscal year exhibiting unusually high  
23 demand for commercial airlift if the Secretary determines  
24 that the omission of such fiscal year from the calculation  
25 will result in a more accurate forecast of anticipated com-  
26 mercial airlift for purposes of that paragraph.

1           “(3) The aggregate amount of the minimum purchase  
2 amount for all contracts awarded under subsection (a) for  
3 a fiscal year, as determined under paragraph (1), shall  
4 be allocated among all carriers awarded contracts under  
5 that subsection for such fiscal year in proportion to the  
6 commitments of such carriers to the Civil Reserve Air  
7 Fleet for such fiscal year.

8           “(c) ADJUSTMENT TO MINIMUM PURCHASE AMOUNT  
9 FOR PERIODS OF UNAVAILABILITY OF AIRLIFT.—In de-  
10 termining the minimum purchase amount payable under  
11 a contract under subsection (a) for airlift provided by a  
12 carrier during the fiscal year covered by such contract,  
13 the Secretary of Defense may adjust the amount allocated  
14 to the carrier under subsection (b)(3) to take into account  
15 periods during such fiscal year when services of the carrier  
16 are unavailable for usage by the Department of Defense,  
17 including during periods of refused business or suspended  
18 operations or when the carrier is placed in nonuse status  
19 pursuant to section 2640 of this title for safety issues.

20           “(d) DISTRIBUTION OF AMOUNTS.—If any amount  
21 available under this section for the minimum purchase of  
22 airlift from a carrier for a fiscal year under a contract  
23 under subsection (a) is not utilized to purchase airlift from  
24 the carrier in such fiscal year, such amount shall be pro-

1 vided to the carrier before the first day of the following  
2 fiscal year.

3       “(e) COMMITMENT OF FUNDS.—The Secretary of  
4 each military department shall transfer to the transpor-  
5 tation working capital fund a percentage of the total  
6 amount anticipated to be required in such fiscal year for  
7 payment of minimum purchase amounts under all con-  
8 tracts awarded under subsection (a) for such fiscal year  
9 equivalent to the percentage of the anticipated use of air-  
10 lift by such military department during such fiscal year  
11 from all carriers under contracts awarded under sub-  
12 section (a) for such fiscal year. All such amounts will be  
13 transferred by the last day of the fiscal year to meet the  
14 requirements of (d) above unless minimum purchase  
15 amounts have already been met by the Department.

16       “(f) AVAILABILITY OF AIRLIFT.—(1) From the total  
17 amount of airlift available for a fiscal year under all con-  
18 tracts awarded under subsection (a) for such fiscal year,  
19 a military department shall be entitled to obtain a percent-  
20 age of such airlift equivalent to the percentage of the con-  
21 tribution of the military department to the transportation  
22 working capital fund for such fiscal year under subsection  
23 (e).

24       “(2) A military department may transfer any entitle-  
25 ment to airlift under paragraph (1) to any other military

1 department or to any other agency, element, or component  
2 of the Department of Defense.

3 “(g) ELIGIBILITY.—In order to be eligible for the  
4 higher minimal business guarantees authorized by this  
5 section, carriers must—

6 “(1) have an average on-time pickup rate,  
7 based on factors within the air carrier’s control, of  
8 at least 90 percent if under contract with the De-  
9 partment in the prior year;

10 “(2) offer some amount of commitment to the  
11 Civil Reserve Air Fleet in excess of the minimum re-  
12 quired for participation; and

13 “(3) not have refused a DOD request to act as  
14 a host for other CRAF carriers at intermediate stag-  
15 ing bases during the prior year.

16 “(h) SUNSET.—The authorities in this section shall  
17 expire on December 31, 2015.”.

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

“9515. Airlift services: minimum annual purchase amount for carriers partici-  
pating in Civil Reserve Air Fleet.”.

1           **Subtitle F—Other Matters**

2   **SEC. 1051. PRESENTATION OF BURIAL FLAG TO SPOUSES.**

3           Section 1482(a) of title 10, United States Code, is  
4 amended by adding at the end the following new para-  
5 graph:

6                   “(12) Presentation of a flag of equal size to the  
7 flag presented under paragraph (10) to the surviving  
8 spouse (including a remarried surviving spouse) of  
9 the deceased member if the person to be presented  
10 a flag under paragraph (10) is other than the  
11 spouse.”.

12   **SEC. 1052. AMENDMENT TO ANNUAL SUBMISSION OF IN-**  
13                   **FORMATION REGARDING INFORMATION**  
14                   **TECHNOLOGY CAPITAL ASSETS.**

15           Section 351(a)(2) of the Bob Stump National De-  
16 fense Authorization Act for Fiscal Year 2003 (Public Law  
17 107–314; 116 Stat. 2516), is amended to read as follows:

18                   “(2) Information technology capital assets that  
19 have an estimated total cost for the fiscal year for  
20 which the budget is submitted in excess of  
21 \$30,000,000 and been determined by the Depart-  
22 ment of Defense Chief Information Officer and the  
23 Office of Management and Budget to be significant  
24 investments and are required to submit a Capital

1       Asset Plan (Exhibit 300) to OMB in accordance  
2       with OMB Circular A-11, Section 300.”.

3       **TITLE XI—CIVILIAN PERSONNEL**  
4                                   **MATTERS**

5       **SEC. 1101. INCREASE IN AUTHORIZED NUMBER OF DE-**  
6                                   **FENSE INTELLIGENCE SENIOR EXECUTIVE**  
7                                   **SERVICE EMPLOYEES.**

8       Section 1606(a) of title 10, United States Code, is  
9       amended by striking “594” and inserting “694”.

10       **SEC. 1102. TECHNICAL CHANGE TO THE DEFINITION OF A**  
11                                   **PROFESSIONAL ACCOUNTING POSITION.**

12       Section 1599d(e) of title 10, United States Code, is  
13       amended by striking “GS-510, GS-511, and GS-505”  
14       and inserting “0505, 0510, 0511, or equivalent”.

1 **TITLE XII—MATTERS RELATING**  
2 **TO BUILDING PARTNER CA-**  
3 **PABILITIES TO COMBAT TER-**  
4 **RORISM AND ENHANCE STA-**  
5 **BILITY**

6 **Subtitle A—Enhancing Partners’**  
7 **Capacity for Effective Operations**

8 **SEC. 1201. ENHANCED AUTHORITY TO PAY INCREMENTAL**  
9 **EXPENSES FOR PARTICIPATION OF DEVEL-**  
10 **OPING COUNTRIES IN COMBINED EXERCISES.**

11 Section 2010 of title 10, United States Code, is  
12 amended by adding at the end the following new sub-  
13 section:

14 “(e) Funds available under this section for any fiscal  
15 year are available for use for programs that begin in such  
16 fiscal year but end in the next fiscal year.”.

17 **Subtitle B—Setting Conditions**  
18 **Through Support for Local Pop-**  
19 **ulations**

20 **SEC. 1211. AMENDMENTS OF AUTHORITY FOR HUMANI-**  
21 **TARIAN ASSISTANCE.**

22 Section 2561(a)(1) of title 10, United States Code,  
23 is amended by inserting “and, with the concurrence of the  
24 relevant Chief of Mission, for stabilization purposes” after  
25 “other humanitarian purposes”.

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 **TITLE XXI—ARMY**

8 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 9 **ACQUISITION PROJECTS.**

10 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 11 appropriated pursuant to the authorization of appropria-  
 12 tions in section 2104(a)(1), the Secretary of the Army  
 13 may acquire real property and carry out military construc-  
 14 tion projects for the installations or locations inside the  
 15 United States, and in the amounts, set forth in the fol-  
 16 lowing table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Alabama .....	Anniston Army Depot .....	45,000,000
Alaska .....	Fort Richardson .....	15,000,000
	Fort Wainwright .....	110,400,000
Arizona .....	Fort Huachuca .....	11,200,000
	Yuma Proving Ground .....	3,800,000
California .....	Fort Irwin .....	39,600,000
	Presidio, Monterey .....	15,000,000
	Sierra Army Depot .....	12,400,000
Colorado .....	Fort Carson .....	534,000,000
Georgia .....	Fort Benning .....	267,800,000
	Fort Stewart/Hunter Army Air Field .....	432,300,000
Hawaii .....	Schofield Barracks .....	279,000,000
	Wahiawa .....	40,000,000
Kansas .....	Fort Riley .....	155,000,000
Kentucky .....	Fort Campbell .....	108,113,000
Louisiana .....	Fort Polk .....	29,000,000
Missouri .....	Fort Leonard Wood .....	20,850,000
New York .....	Fort Drum .....	90,000,000
	United States Military Academy, West Point.	67,000,000

**Army: Inside the United States**—Continued

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
North Carolina .....	Fort Bragg .....	36,900,000
Oklahoma .....	Fort Sill .....	63,000,000
Pennsylvania .....	Carlisle Barracks .....	13,400,000
	Tobyhanna Army Depot .....	15,000,000
South Carolina .....	Fort Jackson .....	30,000,000
Texas .....	Corpus Christi Storage Complex .....	39,000,000
	Fort Bliss .....	1,031,800,000
	Fort Hood .....	32,000,000
	Fort Sam Houston .....	96,000,000
	Red River Army Depot .....	6,900,000
Virginia .....	Fort Belvoir .....	7,200,000
	Fort Eustis .....	14,400,000
	Fort Lee .....	100,600,000
	Fort Myer .....	14,000,000
Washington .....	Fort Lewis .....	158,000,000
	Total .....	3,933,663,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(2), the Secretary of the Army  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Army: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Afghanistan .....	Bagram Air Base .....	67,000,000
Germany .....	Katterbach .....	19,000,000
	Wiesbaden Air Base .....	119,000,000
Japan .....	Camp Zama .....	2,350,000
	Sagamihara .....	17,500,000
Korea .....	Camp Humphreys .....	20,000,000
	Total .....	244,850,000

**8 SEC. 2102. FAMILY HOUSING.**

9 (a) CONSTRUCTION AND ACQUISITION.—Using  
10 amounts appropriated pursuant to the authorization of ap-  
11 propriations in section 2104(a)(5)(A), the Secretary of the

1 Army may construct or acquire family housing units (in-  
 2 cluding land acquisition and supporting facilities) at the  
 3 installations or locations, in the number of units, and in  
 4 the amounts set forth in the following table:

**Army: Family Housing**

Country	Installation or Location	Purpose	Amount
Germany .....	Wiesbaden Air Base .....	326 Units	133,000,000
Korea .....	Camp Humphreys .....	216 Units	125,000,000
	Total .....	.....	258,000,000

5 (b) PLANNING AND DESIGN.—Using amounts appro-  
 6 priated pursuant to the authorization of appropriations in  
 7 section 2104(a)(5)(A), the Secretary of the Army may  
 8 carry out architectural and engineering services and con-  
 9 struction design activities with respect to the construction  
 10 or improvement of family housing units in an amount not  
 11 to exceed \$579,000.

12 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 13 **UNITS.**

14 Subject to section 2825 of title 10, United States  
 15 Code, and using amounts appropriated pursuant to the  
 16 authorization of appropriations in section 2104(a)(5)(A),  
 17 the Secretary of the Army may improve existing military  
 18 family housing units in an amount not to exceed  
 19 \$420,001,000.

20 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

21 Funds are hereby authorized to be appropriated for  
 22 fiscal years beginning after September 30, 2008, for mili-

1 tary construction, land acquisition, and military family  
2 housing functions of the Department of the Army in the  
3 total amount of \$6,010,610,000 as follows:

4 (1) For military construction projects inside the  
5 United States authorized by section 2101(a),  
6 \$3,933,663,000.

7 (2) For military construction projects outside  
8 the United States authorized by section 2101(b),  
9 \$244,850,000.

10 (3) For unspecified minor military construction  
11 projects authorized by section 2805 of title 10,  
12 United States Code, \$23,000,000.

13 (4) For architectural and engineering services  
14 and construction design under section 2807 of title  
15 10, United States Code, \$200,807,000.

16 (5) 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, \$678,580,000.

20 (B) For support of military family housing  
21 (including the functions described in section  
22 2833 of title 10, United States Code),  
23 \$716,110,000.

24 (6) For the construction of increment 3 of a  
25 barracks complex at Fort Lewis, Washington, au-

1       thorized by section 2101(a) of the Military Construc-  
2       tion Authorization Act for Fiscal Year 2007 (divi-  
3       sion B of Public Law 109–364; 120 Stat. 2445),  
4       \$102,000,000.

5               (7) For the construction of increment 2 of the  
6       SOUTHCOM Headquarters at Miami Doral, Flor-  
7       ida, authorized by section 2101(a) of the Military  
8       Construction Authorization Act for Fiscal Year 2008  
9       (division B of Public Law 110–181; 122 Stat. xxxxx),  
10       \$81,600,000.

11              (8) For the construction of increment 2 of the  
12       BDE Complex—Barracks/Community at Vicenza,  
13       Italy, authorized by section 2101(b) of the Military  
14       Construction Authorization Act for Fiscal Year 2008  
15       (division B of Public Law 110–181; 122 Stat. xxxxx),  
16       \$15,000,000.

17              (9) For the construction of increment 2 of the  
18       BDE Complex—Operations Support Facility, at  
19       Vicenza, Italy, authorized by section 2101(b) of the  
20       Military Construction Authorization Act for Fiscal  
21       Year 2008 (division B of Public Law 110–181; 122  
22       Stat. xxxxx), \$15,000,000.

**TITLE XXII—NAVY**

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	19,490,000
California .....	Marine Corps Base, Camp Pendleton .....	799,870,000
	Marine Corps Logistics Base, Barstow .....	7,830,000
	Marine Corps Air Station, Miramar .....	48,770,000
	Naval Air Facility, El Centro .....	8,900,000
	Naval Facility, San Clemente Island .....	34,020,000
	Naval Air Station, North Island .....	53,262,000
	Marine Corps Recruit Depot, San Diego .....	51,220,000
	Marine Corps Base, Twentynine Palms .....	145,550,000
Connecticut .....	Naval Submarine Base, Groton .....	46,060,000
District of Columbia.	Naval Support Activity, Washington .....	24,220,000
Florida .....	Naval Air Station, Jacksonville .....	12,890,000
	Naval Station, Mayport .....	14,900,000
	Naval Support Activity, Tampa .....	29,000,000
Georgia .....	Marine Corps Logistics Base, Albany .....	15,320,000
Hawaii .....	Marine Corps Base, Hawaii .....	28,200,000
	Pacific Missile Range, Barking Sands .....	28,900,000
	Naval Station, Pearl Harbor .....	80,290,000
Illinois .....	Recruit Training Command, Great Lakes .....	62,940,000
Maryland .....	Naval Surface Warfare Center, Indian Head ..	13,930,000
Mississippi .....	Naval Construction Battalion Center, Gulfport	6,900,000
New Jersey .....	Naval Air Warfare Center, Lakehurst .....	15,440,000
North Carolina .....	Marine Corps Air Station, Cherry Point .....	77,420,000
	Marine Corps Air Station, New River .....	86,280,000
	Marine Corps Base, Camp Lejeune .....	353,090,000
Pennsylvania .....	Naval Support Activity, Philadelphia .....	22,020,000
Rhode Island .....	Naval Station, Newport .....	29,900,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	5,940,000
	Marine Corps Recruit Depot, Parris Island .....	64,750,000
Virginia .....	Marine Corps Base, Quantico .....	144,310,000
	Naval Station, Norfolk .....	53,330,000
	Total .....	2,384,942,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2204(a)(2), the Secretary of the Navy may  
 4 acquire real property and carry out military construction  
 5 projects for the installation or location outside the United  
 6 States, and in the amounts, set forth in the following  
 7 table:

**Navy: Outside the United States**

Country	Installation or Location	Amount
Cuba .....	Naval Air Station, Guantanamo Bay .....	20,600,000
Diego Garcia .....	Diego Garcia .....	35,060,000
Djibouti .....	Camp Lemonier .....	31,410,000
Guam .....	Naval Activities, Guam .....	88,430,000
	Total .....	175,500,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
 9 appropriated pursuant to the authorization of appropria-  
 10 tions in section 2204(a)(3), the Secretary of the Navy may  
 11 acquire real property and carry out military construction  
 12 projects for unspecified installations or locations in the  
 13 amounts set forth in the following table:

**Navy: Unspecified Worldwide**

Location	Installation or Location	Amount
Worldwide Unspecified ..	Unspecified Worldwide .....	94,020,000
	Total .....	94,020,000

14 **SEC. 2202. FAMILY HOUSING.**

15 (a) CONSTRUCTION AND ACQUISITION.—Using  
 16 amounts appropriated pursuant to the authorization of ap-  
 17 propriations in section 2204(a)(6)(A), the Secretary of the  
 18 Navy may construct or acquire family housing units (in-

1 cluding land acquisition and supporting facilities) at the  
 2 installations or locations, in the number of units, and in  
 3 the amount set forth in the following table:

**Navy: Family Housing**

Location	Installation or Location	Purpose	Amount
Guantanamo Bay ....	Naval Air Station, Guantanamo Bay.	146 Units	62,598,000
	Total .....	.....	62,598,000

4 (b) PLANNING AND DESIGN.—Using amounts appro-  
 5 priated pursuant to the authorization of appropriations in  
 6 section 2204(a)(6)(A), the Secretary of the Navy may  
 7 carry out architectural and engineering services and con-  
 8 struction design activities with respect to the construction  
 9 or improvement of family housing units in an amount not  
 10 to exceed \$2,169,000.

11 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 12 **UNITS.**

13 Subject to section 2825 of title 10, United States  
 14 Code, and using amounts appropriated pursuant to the  
 15 authorization of appropriations in section 2204(a)(6)(A),  
 16 the Secretary of the Navy may improve existing military  
 17 family housing units in an amount not to exceed  
 18 \$318,011,000.

19 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

20 Funds are hereby authorized to be appropriated for  
 21 fiscal years beginning after September 30, 2008, for mili-  
 22 tary construction, land acquisition, and military family

1 housing functions of the Department of the Navy in the  
2 total amount of \$3,855,239,000, as follows:

3 (1) For military construction projects inside the  
4 United States authorized by section 2201(a),  
5 \$2,384,942,000.

6 (2) For military construction projects outside  
7 the United States authorized by section 2201(b),  
8 \$175,500,000.

9 (3) For military construction projects at un-  
10 specified worldwide locations authorized by section  
11 2201(c), \$94,020,000.

12 (4) For unspecified minor military construction  
13 projects authorized by section 2805 of title 10,  
14 United States Code, \$13,670,000.

15 (5) For architectural and engineering services  
16 and construction design under section 2807 of title  
17 10, United States Code, \$239,128,000.

18 (6) For military family housing functions:

19 (A) For construction and acquisition, plan-  
20 ning and design, and improvement of military  
21 family housing and facilities, \$382,778,000.

22 (B) For support of military family housing  
23 (including functions described in section 2833  
24 of title 10, United States Code), \$376,062,000.

1           (7) For the construction of increment 2 of kilo  
2 wharf extension at Naval Forces Marianas Islands,  
3 Guam, authorized by section 2201(b) of the Military  
4 Construction Authorization Act for Fiscal Year 2008  
5 (division B of Public Law 110–181; 122 Stat. xxxx),  
6 \$50,912,000.

7           (8) For the construction of increment 2 of the  
8 sub drive-in magnetic silencing facility at Naval Sub-  
9 marine Base, Pearl Harbor, Hawaii, authorized in  
10 section 2201(a) of the Military Construction Author-  
11 ization Act for Fiscal Year 2008 (division B of Pub-  
12 lic Law 110–181; 122 Stat. xxxx), \$41,088,000.

13           (9) For the construction of increment 3 of the  
14 National Maritime Intelligence Center, Suitland,  
15 Maryland, authorized by section 2201(a) of the Mili-  
16 tary Construction Authorization Act for Fiscal Year  
17 2007 (division B of Public Law 109–364; 120 Stat.  
18 2448), \$12,439,000.

19           (10) For the construction of increment 2 of  
20 hangar 5 recapitalizations Naval Air Station,  
21 Whidbey Island, Washington, authorized by section  
22 2201(a) of the Military Construction Authorization  
23 Act of Fiscal Year 2007 (division B of Public Law  
24 109–364; 120 Stat. 2448), \$34,000,000.

1           (11) For the construction of increment 5 of the  
2           limited area production and storage complex at  
3           Naval Submarine Base, Kitsap, Bangor, Wash-  
4           ington, authorized by section 2201(a) of the Military  
5           Construction Authorization Act of Fiscal Year 2005  
6           (division B of Public Law 108–375; 118 Stat.  
7           2106), \$50,700,000.

8   **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
9                           **CERTAIN FISCAL YEAR 2005 PROJECT INSIDE**  
10                          **THE UNITED STATES.**

11           The table in section 2201(a) of the Military Construc-  
12           tion Authorization Act for Fiscal Year 2005 (division B  
13           of Public Law 108–375; 118 Stat. 2105), as amended by  
14           section 2206 of the Military Construction Authorization  
15           Act for Fiscal Year 2006 (division B of Public Law 109–  
16           163; 119 Stat. 3493) and section 2206 of the Military  
17           Construction Authorization Act for Fiscal Year 2008 (di-  
18           vision B of Public Law 110–181; 122 Stat. xxxx), is fur-  
19           ther amended—

20           (1) in the item relating to Strategic Weapons  
21           Facility Pacific, Bangor, Washington, by striking  
22           “\$295,000,000” in the amount column and inserting  
23           “\$311,670,000”; and



1 (b) CONFORMING AMENDMENTS.—Section 2204(b)  
 2 of the Military Construction Authorization Act for Fiscal  
 3 Year 2007 (division B of Public Law 109–364; 120 Stat.  
 4 2452), is amended—

5 (1) in paragraph (1), by striking  
 6 “\$56,159,000” and inserting “\$64,508,000”; and

7 (2) in paragraph (2), by striking  
 8 “\$31,153,000” and inserting “\$34,000,000”.

## 9 **TITLE XXIII—AIR FORCE**

### 10 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 11 **LAND ACQUISITION PROJECTS.**

12 (a) INSIDE THE UNITED STATES.—Using amounts  
 13 appropriated pursuant to the authorization of appropria-  
 14 tions in section 2304(1), the Secretary of the Air Force  
 15 may acquire real property and carry out military construc-  
 16 tion projects for the installations or locations inside the  
 17 United States, and in the amounts, set forth in the fol-  
 18 lowing table:

**Air Force: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Alabama .....	Maxwell Air Force Base .....	15,556,000
Alaska .....	Elmendorf Air Force Base .....	138,300,000
California .....	Edwards Air Force Base .....	3,100,000
Colorado .....	United States Air Force Academy .....	18,000,000
Delaware .....	Dover Air Force Base .....	19,000,000
Florida .....	Eglin Air Force Base .....	19,000,000
	MacDill Air Force Base .....	21,000,000
Georgia .....	Robins Air Force Base .....	24,100,000
Maryland .....	Andrews Air Force Base .....	77,648,000
Mississippi .....	Columbus Air Force Base .....	8,100,000
Nevada .....	Creech Air Force Base .....	48,500,000
	Nellis Air Force Base .....	53,300,000
New Mexico .....	Holloman Air Force Base .....	25,450,000
Oklahoma .....	Tinker Air Force Base .....	48,600,000
South Carolina .....	Charleston Air Force Base .....	4,500,000
Texas .....	Fort Hood .....	10,800,000

**Air Force: Inside the United States**—Continued

State	Installation or Location	Amount	
Utah .....	Lackland Air Force Base .....	75,515,000	
	Hill Air Force Base .....	36,000,000	
	Washington .....	McChord Air Force Base .....	5,500,000
	Wyoming .....	Francis E. Warren Air Force Base .....	8,600,000
	Total .....	660,569,000	

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2304(2), the Secretary of the Air Force  
 4 may acquire real property and carry out military construc-  
 5 tion projects for the installations or locations outside the  
 6 United States, and in the amounts, set forth in the fol-  
 7 lowing table:

**Air Force: Outside the United States**

Country	Installation or Location	Amount
Afghanistan .....	Bagram Airfield .....	57,200,000
Guam .....	Andersen Air Force Base .....	5,200,000
Kyrgyzstan .....	Manas Air Base .....	6,000,000
Qatar .....	Qatar .....	59,638,000
United Kingdom .....	Royal Air Force Lakenheath .....	7,400,000
	Total .....	135,438,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
 9 appropriated pursuant to the authorization of appropria-  
 10 tions in section 2304(3), the Secretary of the Air Force  
 11 may acquire real property and carry out military construc-  
 12 tion projects for unspecified installations or locations in  
 13 the amounts set forth in the following table:

**Air Force: Unspecified Worldwide**

Location	Installation or Location	Amount
Worldwide Classified ...	Classified Location .....	891,000
Worldwide Unspecified	Unspecified Worldwide Locations .....	52,500,000

**Air Force: Unspecified Worldwide**—Continued

<b>Location</b>	<b>Installation or Location</b>	<b>Amount</b>
	Total .....	53,391,000

1 **SEC. 2302. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using  
3 amounts appropriated pursuant to the authorization of ap-  
4 propriations in section 2304(6)(A), the Secretary of the  
5 Air Force may construct or acquire family housing units  
6 (including land acquisition and supporting facilities) at the  
7 installations, in the number of units, and in the amounts  
8 set forth in the following table:

**Air Force: Family Housing**

<b>State</b>	<b>Installation or Location</b>	<b>Purpose</b>	<b>Amount</b>
United Kingdom ....	Royal Air Force Lakenheath .....	182 Units	71,828,000
	Total .....	.....	71,828,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-  
10 priated pursuant to the authorization of appropriations in  
11 section 2304(6)(A), the Secretary of the Air Force may  
12 carry out architectural and engineering services and con-  
13 struction design activities with respect to the construction  
14 or improvement of family housing units in an amount not  
15 to exceed \$7,708,000.

16 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
17 **UNITS.**

18 Subject to section 2825 of title 10, United States  
19 Code, and using amounts appropriated pursuant to the

1 authorization of appropriations in section 2304(6)(A), the  
2 Secretary of the Air Force may improve existing military  
3 family housing units in an amount not to exceed  
4 \$316,343,000.

5 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
6 **FORCE.**

7 Funds are hereby authorized to be appropriated for  
8 fiscal years beginning after September 30, 2008, for mili-  
9 tary construction, land acquisition, and military family  
10 housing functions of the Department of the Air Force in  
11 the total amount of \$1,930,236,000, as follows:

12 (1) For military construction projects inside the  
13 United States authorized by section 2301(a),  
14 \$660,569,000.

15 (2) For military construction projects outside  
16 the United States authorized by section 2301(b),  
17 \$135,438,000.

18 (3) For the military construction projects at  
19 unspecified worldwide locations authorized by section  
20 2301(c), \$53,391,000.

21 (4) For unspecified minor military construction  
22 projects authorized by section 2805 of title 10,  
23 United States Code, \$15,000,000.

1 (5) For architectural and engineering services  
 2 and construction design under section 2807 of title  
 3 10, United States Code, \$70,494,000.

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, \$395,879,000.

8 (B) For support of military family housing  
 9 (including functions described in section 2833  
 10 of title 10, United States Code), \$599,465,000.

11 **TITLE XXIV—DEFENSE**  
 12 **AGENCIES**

13 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
 14 **TION AND LAND ACQUISITION PROJECTS.**

15 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 16 appropriated pursuant to the authorization of appropria-  
 17 tions in section 2404(1), the Secretary of Defense may  
 18 acquire real property and carry out military construction  
 19 projects for the installations or locations inside the United  
 20 States, and in the amounts, set forth in the following  
 21 table:

**Defense Agencies: Inside the United States**

<b>Agency</b>	<b>Installation or Location</b>	<b>Amount</b>
Defense Education Activity.	Fort Campbell, Kentucky .....	21,400,000
Defense Intelligence Agency.	Fort Bragg, North Carolina .....	78,471,000
	Scott Air Force Base, Illinois .....	13,977,000
Defense Logistics Agency.	Defense Distribution Depot, Tracy, California.	50,300,000

**Defense Agencies: Inside the United States**—Continued

Agency	Installation or Location	Amount
National Security Agency.	Defense Fuel Supply Center, Dover Air Force Base, Delaware.	3,373,000
	Defense Fuel Support Point, Jacksonville, Florida.	34,000,000
	Hunter Army Air Field, Georgia .....	3,500,000
	Pearl Harbor, Hawaii .....	27,700,000
	Kirtland Air Force Base, New Mexico .....	14,400,000
	Altus Air Force Base, Oklahoma .....	2,850,000
	Philadelphia, Pennsylvania .....	1,200,000
	Hill Air Force Base, Utah .....	20,400,000
	Craney Island, Virginia .....	39,900,000
	Fort Meade, Maryland .....	31,000,000
Special Operations Command.	Naval Amphibious Base, Coronado, California.	9,800,000
TRICARE Management Activity.	Eglin Air Force Base, Florida .....	40,000,000
	Hurlburt Field, Florida .....	8,900,000
	MacDill Air Force Base, Florida .....	10,500,000
	Fort Campbell, Kentucky .....	15,000,000
	Cannon Air Force Base, New Mexico .....	18,100,000
	Fort Bragg, North Carolina .....	38,250,000
	Fort Story, Virginia .....	11,600,000
	Fort Lewis, Washington .....	38,000,000
	Fort Richardson, Alaska .....	6,300,000
	Washington Headquarters Services.	Buckley Air Force Base, Colorado .....
Fort Benning, Georgia .....		3,900,000
Fort Riley, Kansas .....		52,000,000
Fort Campbell, Kentucky .....		24,000,000
Aberdeen Proving Ground, Maryland .....		430,000,000
Fort Leonard Wood, Missouri .....		22,000,000
Tinker Air Force Base, Oklahoma .....		65,000,000
Fort Sam Houston, Texas .....		13,000,000
Pentagon Reservation, Virginia .....		38,940,000
		Total .....

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2404(2), the Secretary of Defense may  
 4 acquire real property and carry out military construction  
 5 projects for the installations or locations outside the  
 6 United States, and in the amounts, set forth in the fol-  
 7 lowing table:

**Defense Agencies: Outside the United States**

Agency	Installation or Location	Amount
Defense Logistics Agency .....	Germersheim, Germany .....	48,000,000

**Defense Agencies: Outside the United States**—Continued

<b>Agency</b>	<b>Installation or Location</b>	<b>Amount</b>
Special Operations Command .....	Souda Bay, Greece .....	27,761,000
	Al Udeid, Qatar .....	9,200,000
	Naval Activities, Guam .....	30,000,000
	TRICARE Management Activity .....	
	Total .....	114,961,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2404(3), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for unspecified installations or locations in the  
6 amount set forth in the following table:

**Defense Agencies: Unspecified Worldwide**

<b>Location</b>	<b>Installation or Location</b>	<b>Amount</b>
Worldwide Unspecified ..	Unspecified Locations .....	862,980,000
	Total .....	862,980,000

7 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

8 Using amounts appropriated pursuant to the author-  
9 ization of appropriations in section 2404(7), the Secretary  
10 of Defense may carry out energy conservation projects  
11 under chapter 173 of title 10, United States Code, in the  
12 amount of \$80,000,000.

13 **SEC. 2403. AUTHORIZED BASE CLOSURE AND REALIGN-**  
14 **MENT ACTIVITIES FUNDED THROUGH DE-**  
15 **PARTMENT OF DEFENSE BASE CLOSURE AC-**  
16 **COUNT 2005.**

17 Using amounts appropriated pursuant to the author-  
18 ization of appropriations in section 2404(9), the Secretary

1 of Defense may carry out base closure and realignment  
2 activities, including real property acquisition and military  
3 construction projects, as authorized by the Defense Base  
4 Closure and Realignment Act of 1990 (part A of title  
5 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and  
6 funded through the Department of Defense Base Closure  
7 Account 2005 established by section 2906A of such Act,  
8 in the amount of \$7,138,021,000.

9 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**  
10 **FENSE AGENCIES.**

11 Funds are hereby authorized to be appropriated for  
12 fiscal years beginning after September 30, 2008, for mili-  
13 tary construction, land acquisition, and military family  
14 housing functions of the Department of Defense (other  
15 than the military departments) in the total amount of  
16 \$11,297,342,000, as follows:

17 (1) For military construction projects inside the  
18 United States authorized by section 2401(a),  
19 \$784,511,000.

20 (2) For military construction projects outside  
21 the United States authorized by section 2401(b),  
22 \$114,961,000.

23 (3) For the military construction projects at  
24 unspecified worldwide locations authorized by section  
25 2401(c), \$266,660,000.

1           (4) For unspecified minor military construction  
2 projects under section 2805 of title 10, United  
3 States Code, \$31,853,000.

4           (5) For contingency construction projects of the  
5 Secretary of Defense under section 2804 of title 10,  
6 United States Code, \$10,000,000.

7           (6) For architectural and engineering services  
8 and construction design under section 2807 of title  
9 10, United States Code, \$155,793,000.

10           (7) For energy conservation projects authorized  
11 by section 2402 of this Act, \$80,000,000.

12           (8) For base closure and realignment activities  
13 as authorized by the Defense Base Closure and Re-  
14 alignment Act of 1990 (part A of title XXIX of  
15 Public Law 101–510; 10 U.S.C. 2687 note) and  
16 funded through the Department of Defense Base  
17 Closure Account 1990 established by section 2906 of  
18 such Act, \$393,377,000.

19           (9) For base closure and realignment activities  
20 authorized by section 2403 of this Act and funded  
21 through the Department of Defense Base Closure  
22 Account 2005 established by section 2906A of the  
23 Defense Base Closure and Realignment Act of 1990  
24 (part A of title XXIX of Public Law 101–510; 10  
25 U.S.C. 2687 note), \$9,065,386,000.

1           (10) For support of military family housing (in-  
2           cluding functions described in section 2833 of title  
3           10, United States Code), \$54,581,000.

4           (11) For the construction of increment 4 of the  
5           National Security Agency/Central Security Service  
6           replacement at Augusta, Georgia, authorized by sec-  
7           tion 2401(a) of the Military Construction Authoriza-  
8           tion Act of Fiscal Year 2006 (division B of Public  
9           Law 109–163; 119 Stat. 3497), as amended by sec-  
10          tion 7016 of the Emergency Supplemental Appro-  
11          priation Act for Defense, Global War on Terrorism  
12          and Hurricane Relief (Public Law 109–234; 120  
13          Stat. 485), \$100,220,000.

14          (12) For the construction of increment 2 of the  
15          U.S. Army Medical Research Institute for Infectious  
16          Diseases Stage 1 at Fort Detrick, Maryland, author-  
17          ized by section 2401(a) of the Military Construction  
18          Authorization Act of Fiscal Year 2007 (division B of  
19          Public Law 109–364; 120 Stat. 2457),  
20          \$209,000,000.

21          (13) For the construction of increment 2 of the  
22          SOF Operational Facility at Dam Neck, Virginia,  
23          authorized by section 2401(a) of the Military Con-  
24          struction Authorization Act of Fiscal Year 2008 (di-

1 vision B of Public Law 110–181; 122 Stat. xxxx),  
2 \$150,000,000.

3 **TITLE XXV—NORTH ATLANTIC**  
4 **TREATY ORGANIZATION SE-**  
5 **CURITY INVESTMENT PRO-**  
6 **GRAM**

7 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
8 **ACQUISITION PROJECTS.**

9 The Secretary of Defense may make contributions for  
10 the North Atlantic Treaty Organization Security Invest-  
11 ment Program as provided in section 2806 of title 10,  
12 United States Code, in an amount not to exceed the sum  
13 of the amount authorized to be appropriated for this pur-  
14 pose in section 2502 and the amount collected from the  
15 North Atlantic Treaty Organization as a result of con-  
16 struction previously financed by the United States.

17 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

18 Funds are hereby authorized to be appropriated for  
19 fiscal years beginning after September 30, 2008, for con-  
20 tributions by the Secretary of Defense under section 2806  
21 of title 10, United States Code, for the share of the United  
22 States of the cost of projects for the North Atlantic Treaty  
23 Organization Security Investment Program authorized by  
24 section 2501, in the amount of \$240,867,000.

1 **TITLE XXVI—CHEMICAL**  
 2 **DEMILITARIZATION PROGRAM**

3 **SEC. 2601. 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 2602(1), the Secretary  
 8 of Defense may acquire real property and carry out mili-  
 9 tary construction projects for the installations or locations  
 10 inside the United States, and in the amounts, set forth  
 11 in the following table:

**Chemical Demilitarization Program: Inside the United States**

Agency	Installation or Location	Amount
Army .....	Blue Grass Army Depot, Kentucky .....	12,000,000
	Total .....	12,000,000

12 **SEC. 2602. AUTHORIZATION OF APPROPRIATIONS, CHEM-**  
 13 **ICAL DEMILITARIZATION CONSTRUCTION,**  
 14 **DEFENSE-WIDE.**

15 Funds are hereby authorized to be appropriated for  
 16 fiscal years beginning after September 30, 2008, for mili-  
 17 tary construction and land acquisition for Chemical De-  
 18 militarization in the total amount of \$134,278,000, as fol-  
 19 lows:

- 20 (1) For military construction projects inside the  
 21 United States authorized by section 2601(a),  
 22 \$12,000,000.

1           (2) For the construction of phase 10 of a muni-  
2           tions demilitarization facility at Pueblo Chemical Ac-  
3           tivity, Colorado, authorized by section 2401(a) of the  
4           Military Construction Authorization Act for Fiscal  
5           Year 1997 (division B of Public Law 104–201; 110  
6           Stat. 2775), as amended by section 2406 of the Mili-  
7           tary Construction Authorization Act for Fiscal Year  
8           2000 (division B of Public Law 106–65; 113 Stat.  
9           839), and section 2407 of the Military Construction  
10          Authorization Act for Fiscal Year 2003 (division B  
11          of Public Law 107–314; 116 Stat. 2698),  
12          \$65,060,000.

13          (3) For the construction of phase 9 of a muni-  
14          tions demilitarization facility at Blue Grass Army  
15          Depot, Kentucky, authorized by section 2401(a) of  
16          the Military Construction Authorization Act for Fis-  
17          cal Year 2000 (division B of Public Law 106–65;  
18          113 Stat. 835), as amended by section 2405 of the  
19          Military Construction Authorization Act for Fiscal  
20          Year 2002 (division B of Public Law 107–107; 115  
21          Stat. 1298), and section 2405 of the Military Con-  
22          struction Authorization Act for Fiscal Year 2003  
23          (division B of Public Law 107–314; 116 Stat.  
24          2698), \$57,218,000.

1 **SEC. 2603. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 1997 PROJECT.**

3 (a) MODIFICATIONS.—The table in section 2401(a)  
4 of the Military Construction Authorization Act for Fiscal  
5 Year 1997 (division B of Public Law 104–201; 110 Stat.  
6 2775), as amended by section 2406 of the Military Con-  
7 struction Authorization Act for Fiscal Year 2000 (division  
8 B of Public Law 106–65; 113 Stat. 839) and section 2407  
9 of the Military Construction Authorization Act for Fiscal  
10 Year 2003 (division B of Public Law 107–314; 116 Stat.  
11 2699), is amended—

12 (1) under the agency heading relating to Chem-  
13 ical Demilitarization Program, in the item relating  
14 to Pueblo Army Depot, Colorado, by striking  
15 “\$261,000,000” in the amount column and inserting  
16 “\$484,000,000”; and

17 (2) by striking the amount identified as the  
18 total in the amount column and inserting  
19 “\$830,454,000”.

20 (b) CONFORMING AMENDMENT.—Section 2406(b)(2)  
21 of the Military Construction Authorization Act for Fiscal  
22 Year 1997 (110 Stat. 2779), as so amended, is further  
23 amended by striking “\$261,000,000” and inserting  
24 “\$484,000,000”.

1 **SEC. 2604. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2000 PROJECT.**

3 (a) MODIFICATIONS.—The table in section 2401(a)  
4 of the Military Construction Authorization Act for Fiscal  
5 Year 2000 (division B of Public Law 106–65; 113 Stat.  
6 835), as amended by section 2405 of the Military Con-  
7 struction Authorization Act for Fiscal Year 2002 (division  
8 B of Public Law 107–107; 115 Stat. 1298) and section  
9 2405 of the Military Construction Authorization Act for  
10 Fiscal Year 2003 (division B of Public Law 107–314; 116  
11 Stat. 2698), is amended—

12 (1) under the agency heading relating to Chem-  
13 ical Demilitarization, in the item relating to Blue  
14 Grass Army Depot, Kentucky, by striking  
15 “\$290,325,000” in the amount column and inserting  
16 “\$492,000,000”; and

17 (2) by striking the amount identified as the  
18 total in the amount column and inserting  
19 “\$949,920,000”.

20 (b) CONFORMING AMENDMENT.—Section 2405(b)(3)  
21 of the Military Construction Authorization Act for Fiscal  
22 Year 2000 (113 Stat. 839), as so amended, is further  
23 amended by striking “\$267,525,000” and inserting  
24 “\$469,200,000”.

1 **SEC. 2605. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2007 PROJECT.**

3 (a) MODIFICATION.—The table in section 2401 of the  
4 Military Construction Authorization Act for Fiscal Year  
5 2007 (division B of Public Law 109–364; 120 Stat. 2457),  
6 is amended under the agency heading relating to the  
7 TRICARE Management Activity, in the item relating to  
8 Fort Detrick, Maryland, by striking “\$550,000,000” in  
9 the amount column and inserting “\$683,000,000”.

10 (b) CONFORMING AMENDMENT.—Section 2405(b)(3)  
11 of the Military Construction Authorization Act of Fiscal  
12 Year 2007 (120 Stat. 2461) is amended by striking  
13 “\$521,000,000” and inserting “\$654,000,000”.

14 **TITLE XXVII—GUARD AND**  
15 **RESERVE FORCES FACILITIES**

16 **SEC. 2701. AUTHORIZED GUARD AND RESERVE CONSTRUC-**  
17 **TION AND LAND ACQUISITION PROJECTS.**

18 Funds are hereby authorized to be appropriated for  
19 fiscal years beginning after September 30, 2008, for the  
20 costs of acquisition, architectural and engineering services,  
21 and construction of facilities for the Reserve components,  
22 and for contributions therefore, under chapter 1803 of  
23 title 10, United States Code (including the cost of acqui-  
24 sition of land for those facilities), in the following amounts:

25 (1) For the Department of the Army—

1 (A) for the Army National Guard of the  
2 United States, \$539,296,000; and

3 (B) for the Army Reserve, \$281,687,000.

4 (2) For the Department of the Navy, for the  
5 Navy Reserve and Marine Corps Reserve,  
6 \$57,045,000.

7 (3) For the Department of the Air Force—

8 (A) for the Air National Guard of the  
9 United States, \$34,374,000; and

10 (B) for the Air Force Reserve,  
11 \$19,265,000.

12 **TITLE XXVIII—EXPIRATION AND**  
13 **EXTENSION OF AUTHORIZA-**  
14 **TIONS**

15 **SEC. 2801. EXPIRATION OF AUTHORIZATIONS AND**  
16 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
17 **LAW.**

18 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
19 YEARS.—Except as provided in subsection (b), all author-  
20 izations contained in titles XXI through XXVII for mili-  
21 tary construction projects, land acquisition, family housing  
22 projects and facilities, and contributions to the North At-  
23 lantic Treaty Organization Security Investment Program  
24 (and authorizations of appropriations therefore) shall ex-  
25 pire on the later of—

1 (1) October 1, 2011; or

2 (2) the date of the enactment of an Act author-  
3 izing funds for military construction for fiscal year  
4 2012.

5 (b) EXCEPTION.—Subsection (a) shall not apply to  
6 authorizations for military construction projects, land ac-  
7 quisition, family housing projects and facilities, and con-  
8 tributions to the North Atlantic Treaty Organization Se-  
9 curity Investment Program (and authorizations of appro-  
10 priations therefore), for which appropriated funds have  
11 been obligated before the later of—

12 (1) October 1, 2011; or

13 (2) the date of the enactment of an Act author-  
14 izing funds for fiscal year 2012 for military con-  
15 struction projects, land acquisition, family housing  
16 projects and facilities, or contributions to the North  
17 Atlantic Treaty Organization Security Investment  
18 Program.

19 **SEC. 2802. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
20 **FISCAL YEAR 2006 PROJECTS.**

21 (a) EXTENSION.—Notwithstanding section 2701 of  
22 the Military Construction Authorization Act for Fiscal  
23 Year 2006 (division B of Public Law 109–163; 119 Stat.  
24 3501), authorizations set forth in the tables in subsection  
25 (b), as provided in sections 2101, 2302, and 2601 of that

1 Act, shall remain in effect until October 1, 2009, or the  
 2 date of the enactment of an Act authorizing funds for mili-  
 3 tary construction for fiscal year 2010, whichever is later.

4 (b) TABLES.—The tables referred to in subsection (a)  
 5 are as follows:

**Army: Extension of 2006 Project Authorizations**

State	Installation or Location	Project	Amount
Hawaii .....	Pohakuloa .....	Tactical Vehicle Wash Facility.	9,207,000
Virginia .....	Fort Belvoir .....	Battle Area Complex Defense Access Road	33,660,000 18,000,000

**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

**Army National Guard: Extension of 2006 Project Authorizations**

State	Installation or Location	Project	Amount
California .....	Camp Roberts .....	Urban Assault Course.	1,485,000
Idaho .....	Gowen Field .....	Railhead, Phase 1 ....	8,331,000
Mississippi .....	Biloxi .....	Readiness Center .....	16,987,000
	Camp Shelby .....	Modified Record Fire Range.	2,970,000
Montana .....	Townsend .....	Automated Qualification Training Range.	2,532,000
Pennsylvania .....	Philadelphia .....	Stryker Brigade Combat Team Readiness Center.	11,806,000

**Army National Guard: Extension of 2006 Project Authorizations**—Continued

State	Installation or Location	Project	Amount
		Organizational Maintenance Shop #7.	6,144,930

**Defense Agencies: Extension of 2006 Project Authorizations**

Agency	Installation or Location	Project	Amount
Defense Logistics Agency.	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania.	Replace Physical Fitness Facility.	6,500,000

**1 SEC. 2803. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
**2 FISCAL YEAR 2005 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of  
 4 the Military Construction Authorization Act for Fiscal  
 5 Year 2005 (division B of Public Law 108–375; 118 Stat.  
 6 2116), authorizations set forth in the tables in subsection  
 7 (b), as provided in sections 2101, 2301, 2302, and 2601  
 8 of that Act, shall remain in effect until October 1, 2009,  
 9 or the date of the enactment of an Act authorizing funds  
 10 for military construction for fiscal year 2010, whichever  
 11 is later.

12 (b) TABLES.—The tables referred to in subsection (a)  
 13 are as follows:

**Army: Extension of 2005 Project Authorizations**

State	Installation or Location	Project	Amount
Hawaii .....	Schofield Barracks ...	Combined Arms Collective Training Facility.	32,542,000

**Air Force: Extension of 2005 Project Authorizations**

<b>State/Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Arizona .....	Davis-Monthan Air Force Base.	Replace Family Housing (250 units).	48,500,000
California .....	Vandenberg Air Force Base.	Replace Family Housing (120 units).	30,906,000
Florida .....	MacDill Air Force Base.	Construct Housing Maintenance Facility.	1,250,000
Missouri .....	Whiteman Air Force Base.	Replace Family Housing (160 units).	37,087,000
North Carolina .....	Seymour Johnson Air Force Base.	Replace Family Housing (167 units).	32,693,000
Germany .....	Ramstein Air Base ...	USAFE Theater Aerospace Operations Support Center.	24,204,000

**Army National Guard: Extension of 2005 Project Authorizations**

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
California .....	Dublin .....	Readiness Center, Add/Alt (ADRS).	11,318,000

1                   **TITLE XXIX—GENERAL**  
2                   **PROVISIONS**  
3 **Subtitle A—Military Construction**  
4                   **Program and Military Family**  
5                   **Housing Changes**

6 **SEC. 2901. MODIFICATION OF LONG-TERM LEASING AU-**  
7                   **THORITY FOR MILITARY FAMILY HOUSING.**

8           (a) **AUTHORITY.**—Section 2835 of title 10, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing new subsections:

11           “(i) **HOUSING OF OTHER PERSONNEL.**—(1) At any  
12 point in the lease term, to the extent that housing con-

1   structed and leased under this section is not required by  
2   military families, the Secretary of a military department  
3   may assign military members, without dependents, to such  
4   housing without rental charge to the member so assigned.

5       “(2) A member, without dependents, who is assigned  
6   to housing pursuant to this section shall be considered to  
7   be assigned to quarters pursuant to section 403(e) of title  
8   37.

9       “(j) CONVERSION TO LONG-TERM LEASING OF MILI-  
10   TARY UNACCOMPANIED HOUSING.—(1) During the period  
11   of the lease term, if the Secretary concerned determines  
12   that the housing constructed and leased under this section  
13   is excess to the long-term needs of the Family Housing  
14   Program of the Department of Defense, the Secretary  
15   concerned may convert the lease to a long-term lease of  
16   military unaccompanied housing.

17       “(2) The term of the conversion to military unaccom-  
18   panied housing under paragraph (1) may not exceed the  
19   remaining term of the existing long-term lease of family  
20   housing being converted.

21       “(k) ADVANCE NOTICE OF INTENT TO CONVERT.—  
22   The Secretary concerned may not convert the long-term  
23   family housing lease to unaccompanied housing under sub-  
24   section (j) until—

1           “(1) the Secretary concerned submits to the  
2 congressional defense committees, in writing, a no-  
3 tice of the intent to accomplish such conversion to  
4 unaccompanied housing, including—

5                   “(A) a justification for the conversion;

6                   “(B) a description of the long-term lease  
7 to be converted;

8                   “(C) the lease amount; and

9                   “(D) the lease expiration date; and

10           “(2) a period of 21 days has expired following  
11 the date on which the justification is received by the  
12 committees or, if over sooner, a period of 14 days  
13 has expired following the date on which a copy of  
14 the justification is provided in an electronic medium  
15 pursuant to section 480 of this title.

16           “(l) SECTION 801 HOUSING.—Subsections (i), (j),  
17 and (k) also shall apply to housing leased by a military  
18 department pursuant to authority contained in section 801  
19 of the Military Construction Authorization Act, 1984  
20 (Public Law 98–115; 97 Stat 782).”.

21 **SEC. 2902. UNSPECIFIED MINOR CONSTRUCTION.**

22           Section 2805 of title 10, United States Code, is  
23 amended—

24           (1) In subsection (a)(1)—

1 (A) by striking “\$1,500,000” and inserting  
2 “\$2,500,000”; and

3 (B) by striking “\$3,000,000” in the last  
4 sentence and inserting “\$4,250,000”;

5 (2) in subsection (b)(1), by striking “\$750,000”  
6 and inserting “\$1,000,000”; and

7 (3) In subsection (c)(1)—

8 (A) in subparagraph (A), by striking  
9 “\$1,500,000” and inserting “\$2,000,000”; and

10 (B) in subparagraph (B), by striking  
11 “\$750,000” and inserting “\$1,000,000”.

12 **SEC. 2903. FLEXIBILITY IN DETERMINING DOMESTIC FAM-**  
13 **ILY HOUSING LEASE MAXIMUMS.**

14 Section 2828(b) of title 10, United States Code, is  
15 amended—

16 (1) in paragraph (2), by striking “paragraphs  
17 (3) and (4)” and inserting “paragraphs (3), (4), and  
18 (7)”; and

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

21 “(7) The Secretary of the Army may lease not  
22 more than 600 of the 10,000 family housing units  
23 provided in paragraph (1) at an amount not greater  
24 than 33 percent above the maximum lease amount  
25 under paragraph (3), as adjusted under paragraph

1 (5) for the fiscal year in which a unit is leased under  
2 this paragraph. The maximum lease amount pro-  
3 vided in this paragraph shall apply only to Army  
4 family housing in areas designated by the Secretary  
5 of the Army and for leases not to exceed a term of  
6 2 years.”.

7 **SEC. 2904. TRANSFER OF PROCEEDS FROM PROPERTY CON-**  
8 **VEYANCE, MARINE CORPS LOGISTICS BASE,**  
9 **ALBANY, GEORGIA.**

10 (a) **TRANSFER AUTHORIZED.**—The Secretary of De-  
11 fense may transfer any proceeds from the sale of approxi-  
12 mately 120.375 acres of improved land located at the  
13 former Boyett Village Family Housing Complex at the  
14 Marine Corps Logistics Base, Albany, Georgia, into the  
15 Department of Defense Family Housing Improvement  
16 Fund established under section 2883(a) of title 10, United  
17 States Code, for carrying out activities under subchapter  
18 IV of chapter 169 of that title with respect to military  
19 family housing.

20 (b) **NOTIFICATION REQUIREMENT.**—A transfer of  
21 proceeds under subsection (a) may be made only after the  
22 end of the 30-day period beginning on the date the Sec-  
23 retary of Defense submits written notice of the transfer  
24 to the appropriate committees of Congress.

1           **Subtitle B—Real Property and**  
2           **Facilities Administration**

3   **SEC. 2911. MODIFICATION OF UTILITY SYSTEM CONVEY-**  
4           **ANCE AUTHORITY.**

5           Section 2688 of title 10, United States Code, is  
6 amended—

7           (1) by redesignating subsection (j) as sub-  
8           section (k); and

9           (2) by inserting after subsection (i) the fol-  
10          lowing new subsection (j):

11          “(j) CONVEYANCE OR CONSTRUCTION OF UTILITY  
12 INFRASTRUCTURE AFTER PRIVATIZATION OF A UTILITY  
13 SYSTEM.—(1) The Secretary of a military department  
14 may convey, using other than competitive procedures, util-  
15 ity infrastructure under the jurisdiction of the Secretary  
16 on a military installation to a utility or entity to which  
17 a utility system for the installation has been conveyed  
18 under subsection (a) if the Secretary determines the infra-  
19 structure will be part of the utility system and the military  
20 department receives as consideration an amount equal to  
21 the fair market value of the utility infrastructure deter-  
22 mined in the same manner as the consideration the Sec-  
23 retary could require under subsection (c) for a conveyance  
24 under subsection (a). The conveyance may consist of all  
25 right, title, and interest of the United States or such lesser

1 estate as the Secretary considers appropriate to serve the  
2 interests of the United States.

3 “(2) In lieu of carrying out a military construction  
4 project to construct, repair, or replace utility infrastruc-  
5 ture to be used with a utility system that has been con-  
6 veyed to a utility or entity under subsection (a), the Sec-  
7 retary concerned may provide funds authorized and appro-  
8 priated for the project to such utility or entity for use by  
9 the utility or entity to construct, repair, or replace the util-  
10 ity infrastructure if the Secretary determines the infra-  
11 structure will be part of the utility system. As consider-  
12 ation for the provision of such funds, the Secretary may  
13 require a reduction in charges for utility services in the  
14 same manner as a reduction in charges may be required  
15 under subsection (c) for a conveyance under subsection  
16 (a).”.

17 **SEC. 2912. PERMANENT AUTHORITY TO PURCHASE MUNIC-**  
18 **IPAL SERVICES FOR MILITARY INSTALLA-**  
19 **TIONS IN THE UNITED STATES.**

20 (a) PERMANENT AUTHORITY.—Chapter 141 of title  
21 10, United States Code, is amended by adding at the end  
22 the following new section:

1 **“§ 2410q. Procurement of municipal services for mili-**  
2 **tary installations in the United States**

3 “(a) **AUTHORITY.**—(1) The Secretary of a Military  
4 Department may procure municipal services (to include  
5 public works and utility services) for any Military installa-  
6 tion under the jurisdiction of the Secretary in the United  
7 States from a county or municipal government for the geo-  
8 graphic area in which the installation is located.

9 “(2) The Secretary may acquire such services using  
10 procedures other than competitive procedures if the Sec-  
11 retary determines the price for such services is fair and  
12 reasonable and—

13 “(A) The business case supporting the deter-  
14 mination—

15 “(i) describes the availability, benefits, and  
16 drawbacks of alternative sources; and

17 “(ii) establishes that performance by the  
18 county or municipal government will not in-  
19 crease costs to the Federal Government when  
20 compared to the cost of continued performance  
21 by the current provider and represents the best  
22 value to the Federal Government; and

23 “(B) at least 14 days prior to entering into a  
24 contract with the county or municipal government,  
25 written notification is provided to the congressional  
26 defense committees that includes a summary of the

1 business case and explains how the adverse impact,  
2 if any, on the Federal workforce is being minimized.

3 “(3) The determination described in subparagraph  
4 (A) shall not be delegated to a level lower than a Deputy  
5 Assistant Secretary for Installations and Environment or  
6 another official at an equivalent level.

7 “(b) GUIDANCE.—The Secretary of Defense shall  
8 issue guidance to address the implementation of this sec-  
9 tion.”.

10 (b) CONFORMING AMENDMENT.—The table of sec-  
11 tions at the beginning of such chapter is amended by add-  
12 ing at the end the following new item:

“2410q. Procurement of municipal services for military installations in the  
United States.”.

13 **SEC. 2913. CLARIFICATION OF CONGRESSIONAL REPORT-**  
14 **ING REQUIREMENTS FOR CERTAIN REAL**  
15 **PROPERTY TRANSACTIONS OF THE MILITARY**  
16 **DEPARTMENTS.**

17 Section 2662(c) of title 10, United States Code, is  
18 amended—

19 (1) by striking “river and harbor projects or  
20 flood control projects” and inserting “Army civil  
21 works water resource development projects”; and

22 (2) by striking “acquisition specifically author-  
23 ized in a Military Construction Authorization Act”  
24 and inserting “transaction specifically authorized in

1 a Military Construction Authorization Act or other  
2 Act authorizing or directing the activities of the De-  
3 partment of Defense”.

## 4 **Subtitle C—Base Closure and** 5 **Realignment**

### 6 **SEC. 2921. ANNUAL BASE CLOSURE AND REALIGNMENT RE-** 7 **PORT.**

8 Section 2907 of the Defense Base Closure and Re-  
9 alignment Act of 1990 (part A of title XXIX of Public  
10 Law 101–510; 10 U.S.C. 2687 note), as amended, is  
11 amended—

12 (1) in paragraph (1), by striking “and realign-  
13 ment” each place it appears;

14 (2) in paragraph (2), by striking “and realign-  
15 ments” each place it appears; and

16 (3) in paragraphs (3), (4), (5), (6), and (7), by  
17 striking “or realignment” each place it appears.

## 18 **Subtitle D—Other Matters**

### 19 **SEC. 2931. EXPAND COOPERATIVE AGREEMENT AUTHORITY** 20 **FOR MANAGEMENT OF CULTURAL RE-** 21 **SOURCES TO INCLUDE OFF-INSTALLATION** 22 **MITIGATION.**

23 (a) EXPANDED AUTHORITY.—Section 2684(a) of  
24 title 10, United States Code, is amended to read as fol-  
25 lows:

1       “(a) AUTHORITY.—(1) The Secretary of Defense or  
2 the secretary of a military department, to the extent per-  
3 mitted by the establishment clause, may enter into a coop-  
4 erative agreement with a State, local or tribal government  
5 or other entity—

6               “(A) for the preservation, management, mainte-  
7 nance, and improvement of cultural resources; and

8               “(B) for the conduct of research regarding cul-  
9 tural resources.

10       “(2) Such cultural resources must be located—

11               “(A) on a military installation; or

12               “(B) off a military installation, but only if the  
13 cooperative agreement directly relieves or eliminates  
14 current or anticipated restrictions that would or  
15 might restrict, impede, or otherwise interfere, wheth-  
16 er directly or indirectly, with current or anticipated  
17 military training, testing, or operations on the in-  
18 stallation.

19       “(3) Activities under the cooperative agreement shall  
20 be subject to the availability of funds to carry out the co-  
21 operative agreement.”.

22       (b) CULTURAL RESOURCES.—Subsection (c) of such  
23 section is amended by adding at the end the following new  
24 paragraph:

1           “(5) An Indian sacred site, as that term is de-  
2           fined in section 1(b)(iii) of Executive Order 13007.”.

3   **SEC. 2932. REVISED DEADLINE FOR TRANSFER OF ARLING-**  
4                   **TON NAVAL ANNEX TO ARLINGTON NA-**  
5                   **TIONAL CEMETERY.**

6           Subsection (h) of section 2881 of the Military Con-  
7           struction Authorization Act for Fiscal Year 2000 (division  
8           B of Public Law 106–65; 113 Stat. 879), as amended by  
9           section 2863 of the Military Construction Authorization  
10          Act for Fiscal Year 2002 (division B of Public Law 107–  
11          107; 115 Stat. 1330), section 2851 of the Military Con-  
12          struction Authorization Act for Fiscal Year 2003 (division  
13          B of Public Law 107–314; 116 Stat. 2726), section 2881  
14          of the Military Construction Authorization Act for Fiscal  
15          Year 2005 (division B of Public Law 108–375; 115 Stat.  
16          2153), and section 2871 of the Military Construction Au-  
17          thorization Act for Fiscal Year 2008 (division B of Public  
18          Law 110–181; 122 Stat. \_\_\_\_ ) is further amended by  
19          striking “2011” in paragraph (1) and inserting “2012”.

20   **SEC. 2933. LEASE OF MILITARY FAMILY HOUSING TO THE**  
21                   **SECRETARY OF DEFENSE.**

22          (a) LEASE OF HOUSING.—Subchapter II of chapter  
23          169 of title 10, United States Code, is amended by insert-  
24          ing after section 2837 the following new section:

1 **“§ 2838. Lease of military family housing to the Sec-**  
2 **retary of Defense**

3 “(a) **AUTHORITY.**—The Secretary of a military de-  
4 partment may lease military family housing in the Na-  
5 tional Capital Region (as defined in section 2674 of this  
6 title) to the Secretary of Defense. In determining the mili-  
7 tary housing unit to lease under this section, the Secretary  
8 of Defense should first consider any military housing units  
9 then available that are already substantially equipped for  
10 executive communications and security.

11 “(b) **RENTAL RATE.**—A lease under subsection (a)  
12 shall provide for the payment by the lessee of consider-  
13 ation in an amount equal to 105 percent of the monthly  
14 rate for basic allowance for housing prescribed under sec-  
15 tion 403(b) of title 37 for a military member in the pay  
16 grade of O–10 with dependents assigned to duty at the  
17 military installation on which the leased housing unit is  
18 located. A rate so established shall be considered the fair  
19 market value of the lease interest.

20 “(c) **TREATMENT OF PROCEEDS.**—(1) The Secretary  
21 of a military department shall deposit all money rentals  
22 received pursuant to leases entered into by that Secretary  
23 under this section into a special account in the Treasury  
24 established for such military department.

25 “(2) The proceeds deposited into the special ac-  
26 count of a military department pursuant to para-

1 graph (1) shall be available to the Secretary of that  
2 military department, without further appropriation,  
3 for maintenance, protection, alteration, repair, im-  
4 provement, or restoration of military housing on the  
5 installation at which the housing leased pursuant to  
6 subsection (a) is located.”.

7 (b) CLERICAL AMENDMENT.—The table of sections  
8 at the beginning of such subchapter is amended by insert-  
9 ing after the item relating to section 2837 the following  
10 new item:

“2838. Lease of military family housing to the Secretary of Defense.”.

