

110TH CONGRESS
2^D SESSION

S. 3002

AN ACT

To authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Defense
3 Authorization Act for Fiscal Year 2009”.

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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, \$4,957,435,000.
14 (2) For missiles, \$2,211,460,000.
15 (3) For weapons and tracked combat vehicles,
16 \$3,689,277,000.
17 (4) For ammunition, \$2,303,791,000.
18 (5) For other procurement, \$11,861,704,000.

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, \$14,729,274,000.

1 (2) For weapons, including missiles and tor-
2 pedoes, \$3,605,482,000.

3 (3) For shipbuilding and conversion,
4 \$13,037,218,000.

5 (4) For other procurement, \$5,516,506,000.

6 (b) MARINE CORPS.—Funds are hereby authorized to
7 be appropriated for fiscal year 2009 for procurement for
8 the Marine Corps in the amount of \$1,495,665,000.

9 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
10 are hereby authorized to be appropriated for fiscal year
11 2009 for procurement of ammunition for the Navy and
12 the Marine Corps in the amount of \$1,131,712,000.

13 **SEC. 103. AIR FORCE.**

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

17 (1) For aircraft, \$13,235,286,000.

18 (2) For missiles, \$5,556,728,000.

19 (3) For ammunition, \$895,478,000.

20 (4) For other procurement, \$16,115,496,000.

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

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2009 for Defense-wide procurement as follows:

24 (1) For Defense-wide procurement,
25 \$3,466,928,000.

1 (2) For the Rapid Acquisition Fund,
2 \$102,045,000.

3 **Subtitle B—Army Programs**

4 **SEC. 111. STRYKER MOBILE GUN SYSTEM.**

5 (a) TESTING OF SYSTEM.—If the Secretary of the
6 Army makes the certification described by subsection (a)
7 of section 117 of the National Defense Authorization Act
8 for Fiscal Year 2008 (Public Law 110–18; 122 Stat. 26)
9 with respect to the Stryker Mobile Gun System, or the
10 Secretary of Defense waives pursuant to subsection (b) of
11 such section the limitations under subsection (a) of such
12 section with respect to the Stryker Mobile Gun System,
13 the Secretary of Defense shall, through the Director of
14 Operational Test and Evaluation, ensure that the Stryker
15 Mobile Gun System is subject to testing to confirm the
16 efficacy of any actions necessary to mitigate operational
17 effectiveness, suitability, and survivability deficiencies
18 identified in Initial Operational Test and Evaluation and
19 Live Fire Test and Evaluation.

20 (b) QUARTERLY REPORTS.—

21 (1) REPORTS REQUIRED.—The Secretary of the
22 Army shall submit to the congressional defense com-
23 mittees on a quarterly basis a report setting forth
24 the following:

1 (A) The status of any necessary mitigating
2 actions taken by the Army to address defi-
3 ciencies in the Stryker Mobile Gun System that
4 are identified by the Director of Operational
5 Test and Evaluation.

6 (B) An assessment of the efficacy of the
7 actions described by subparagraph (A).

8 (C) A statement of additional actions need-
9 ed to be taken, if any, to mitigate operational
10 deficiencies in the Stryker Mobile Gun System.

11 (D) A compilation of all hostile fire en-
12 gagements resulting in damage to the vehicle,
13 resulting in a non-mission capable status of the
14 Stryker Mobile Gun System.

15 (2) CONSULTATION.—The Secretary shall sub-
16 mit each report required by paragraph (1) in con-
17 sultation with the Director of Operational Test and
18 Evaluation.

19 (3) FORM.—Each report required by paragraph
20 (1) may be submitted in unclassified or classified
21 form.

22 (c) EXPANSION OF LIMITATION ON AVAILABILITY OF
23 FUNDS FOR PROCUREMENT OF SYSTEM.—Section 117(a)
24 of the National Defense Authorization Act for Fiscal Year

1 2008 is amended by striking “by sections 101(3) and
2 1501(3)” and inserting “by this Act or any other Act.”.

3 **SEC. 112. PROCUREMENT OF SMALL ARMS.**

4 (a) REPORT ON CAPABILITIES BASED ASSESS-
5 MENT.—

6 (1) IN GENERAL.—Not later than 90 days after
7 the date of the enactment of this Act, the Secretary
8 of the Army shall submit to the congressional de-
9 fense committees a report on the Capabilities Based
10 Assessment of small arms by the Army Training and
11 Doctrine Command.

12 (2) LIMITATION ON USE OF CERTAIN FUNDS
13 PENDING REPORT.—Not more than 75 percent of
14 the aggregate amount authorized to be appropriated
15 for the Department of Defense for fiscal year 2009
16 and available for the Guardrail Common Sensor pro-
17 gram may be obligated for that program until after
18 the Secretary of the Army submits to the congress-
19 sional defense committees a report required under
20 paragraph (1).

21 (b) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

22 (1) COMPETITION REQUIRED.—In the event the
23 Capabilities Based Assessment identifies gaps in the
24 current capabilities of the small arms of the Army
25 and the Secretary of the Army determines that a

1 new individual weapon is required to address such
2 gaps, the Secretary shall procure the new individual
3 weapon through one or more contracts entered into
4 after full and open competition described in para-
5 graph (2).

6 (2) FULL AND OPEN COMPETITION.—The full
7 and open competition described in this paragraph is
8 full and open competition among all responsible
9 manufacturers that—

10 (A) is open to all developmental item solu-
11 tions and nondevelopmental item (NDI) solu-
12 tions; and

13 (B) provides for the award of the contract
14 or contracts concerned based on selection cri-
15 teria that reflect the key performance param-
16 eters and attributes identified in an Army-ap-
17 proved service requirements document.

18 (c) REPORT ON PROCUREMENT OF CARBINE-TYPE
19 RIFLES.—Not later than 120 days after the date of the
20 enactment of this Act, Secretary of Defense shall submit
21 to the congressional defense committees a report on the
22 feasibility and advisability of each of the following:

23 (1) The certification of a carbine-type rifle re-
24 quirement that does not require commonality with
25 existing technical data.

1 (2) A full and open competition leading to the
2 award of contracts for carbine-type rifles in lieu of
3 a developmental program intended to meet the pro-
4 posed carbine-type rifle requirement.

5 (3) The reprogramming of funds for the pro-
6 curement of small arms from the procurement of M4
7 Carbines to the procurement of carbine-type rifles
8 authorized only as the result of competition.

9 (4) The use of rapid equipping authority to pro-
10 cure carbine-type rifles under \$2,000 per unit that
11 meet service-approved requirements, which weapons
12 may be nondevelopmental items selected through full
13 and open competition.

14 **Subtitle C—Navy Programs**

15 **SEC. 131. AUTHORITY FOR ADVANCED PROCUREMENT AND** 16 **CONSTRUCTION OF COMPONENTS FOR THE** 17 **VIRGINIA-CLASS SUBMARINE PROGRAM.**

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

21 (1) by redesignating subsection (b) as sub-
22 section (c); and

23 (2) by inserting after subsection (a) the fol-
24 lowing new subsection (b):

1 “(b) ADVANCE PROCUREMENT AND CONSTRUCTION
2 OF COMPONENTS.—The Secretary may enter into one or
3 more contracts for advance procurement and advance con-
4 struction of those components for the Virginia-class sub-
5 marine program for which authorization to enter into a
6 multiyear procurement contract is granted under sub-
7 section (a) if the Secretary determines that cost savings
8 or construction efficiencies may be achieved for Virginia-
9 class submarines through the use of such contracts.”.

10 **SEC. 132. REFUELING AND COMPLEX OVERHAUL OF THE**
11 **U.S.S. THEODORE ROOSEVELT.**

12 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—

13 (1) IN GENERAL.—Of the amount authorized to
14 be appropriated for fiscal year 2009 by section
15 102(a)(3) for shipbuilding and conversion, Navy,
16 \$124,500,000 is available for the commencement of
17 the nuclear refueling and complex overhaul of the
18 U.S.S. Theodore Roosevelt (CVN-71) during fiscal
19 year 2009.

20 (2) FIRST INCREMENT.—The amount made
21 available under paragraph (1) is the first increment
22 of the three increments of funding planned to be
23 available for the nuclear refueling and complex over-
24 haul of the U.S.S. Theodore Roosevelt.

25 (b) CONTRACT AUTHORITY.—

1 (1) IN GENERAL.—The Secretary of the Navy
2 may enter into a contract during fiscal year 2009
3 for the nuclear refueling and complex overhaul of
4 the U.S.S. Theodore Roosevelt.

5 (2) CONDITION ON OUT-YEAR CONTRACT PAY-
6 MENTS.—The contract entered into under paragraph
7 (1) shall provide that any obligation of the United
8 States to make a payment under the contract for a
9 fiscal year after fiscal year 2009 is subject to the
10 availability of appropriations for that purpose for
11 such fiscal year.

12 **Subtitle D—Air Force Programs**

13 **SEC. 151. F-22A FIGHTER AIRCRAFT.**

14 (a) AVAILABILITY OF FUNDS.—Subject to subsection
15 (b), of the amount authorized to be appropriated by sec-
16 tion 103(1) for procurement of aircraft for the Air Force,
17 \$497,000,000 shall be available, at the election of the
18 President, for either, but not both, of the following:

19 (1) Advance procurement of F-22A fighter air-
20 craft in fiscal year 2010.

21 (2) Winding down of the production line for F-
22 22A fighter aircraft.

23 (b) CERTIFICATION.—

24 (1) IN GENERAL.—The amount referred to in
25 subsection (a) shall not be available for the purpose

1 elected by the President under that subsection until
2 the President certifies to the congressional defense
3 committees the following (as applicable):

4 (A) That procurement of F-22A fighter
5 aircraft is in the national interests of the
6 United States.

7 (B) That the winding down of the produc-
8 tion line for F-22A fighter aircraft is in the na-
9 tional interests of the United States.

10 (2) DATE OF SUBMITTAL.—Any certification
11 submitted under this subsection may not be sub-
12 mitted before January 21, 2009.

13 **Subtitle E—Joint and Multiservice**
14 **Matters**

15 **SEC. 171. ANNUAL LONG-TERM PLAN FOR THE PROCURE-**
16 **MENT OF AIRCRAFT FOR THE NAVY AND THE**
17 **AIR FORCE.**

18 (a) IN GENERAL.—Chapter 9 of title 10, United
19 States Code, is amended by inserting after section 231 the
20 following new section:

1 **“§ 231a. Budgeting for procurement of aircraft for the**
2 **Navy and Air Force: annual plan and cer-**
3 **tification**

4 “(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND
5 CERTIFICATION.—The Secretary of Defense shall include
6 with the defense budget materials for each fiscal year—

7 “(1) a plan for the procurement of the aircraft
8 specified in subsection (b) for the Department of the
9 Navy and the Department of the Air Force devel-
10 oped in accordance with this section; and

11 “(2) a certification by the Secretary that both
12 the budget for such fiscal year and the future-years
13 defense program submitted to Congress in relation
14 to such budget under section 221 of this title pro-
15 vide for funding of the procurement of aircraft at a
16 level that is sufficient for the procurement of the
17 aircraft provided for in the plan under paragraph
18 (1) on the schedule provided in the plan.

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

21 “(1) Fighter aircraft.

22 “(2) Attack aircraft.

23 “(3) Bomber aircraft.

24 “(4) Strategic lift aircraft.

25 “(5) Intratheater lift aircraft.

1 “(6) Intelligence, surveillance, and reconnais-
2 sance aircraft.

3 “(7) Tanker aircraft.

4 “(8) Any other major support aircraft des-
5 ignated by the Secretary of Defense for purposes of
6 this section.

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

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

3 “(A) A detailed program for the procurement of
4 the aircraft specified in subsection (b) for each of
5 the Department of the Navy and the Department of
6 the Air Force over the next 30 fiscal years.

7 “(B) A description of the necessary aviation
8 force structure to meet the requirements of the na-
9 tional security strategy of the United States or the
10 most recent Quadrennial Defense Review, whichever
11 is applicable under paragraph (1).

12 “(C) The estimated levels of annual funding
13 necessary to carry out the program, together with a
14 discussion of the procurement strategies on which
15 such estimated levels of annual funding are based.

16 “(D) An assessment by the Secretary of De-
17 fense of the extent to which the combined aircraft
18 forces of the Department of the Navy and the De-
19 partment of the Air Force meet the national security
20 requirements of the United States.

21 “(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT
22 BUDGET IS INSUFFICIENT TO MEET APPLICABLE RE-
23 QUIREMENTS.—If the budget for a fiscal year provides for
24 funding of the procurement of aircraft for either the De-
25 partment of the Navy or the Department of the Air Force

1 at a level that is not sufficient to sustain the aviation force
2 structure specified in the aircraft procurement plan for
3 such Department for that fiscal year under subsection (a),
4 the Secretary shall include with the defense budget mate-
5 rials for that fiscal year an assessment that describes and
6 discusses the risks associated with the reduced force struc-
7 ture of aircraft that will result from funding aircraft pro-
8 curement at such level. Such assessment shall be coordi-
9 nated in advance with the commanders of the combatant
10 commands.

11 “(e) DEFINITIONS.—In this section:

12 “(1) The term ‘budget’, with respect to a fiscal
13 year, means the budget for that fiscal year that is
14 submitted to Congress by the President under sec-
15 tion 1105(a) of title 31.

16 “(2) The term ‘defense budget materials’, with
17 respect to a fiscal year, means the materials sub-
18 mitted to Congress by the Secretary of Defense in
19 support of the budget for that fiscal year.

20 “(3) The term ‘Quadrennial Defense Review’
21 means the review of the defense programs and poli-
22 cies of the United States that is carried out every
23 4 years under section 118 of this title.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of chapter 9 of such title is amended by

1 inserting after the item relating to section 231 the fol-
 2 lowing new item:

“231a. Budgeting for procurement of aircraft for the Navy and Air Force: an-
 nual plan and certification.”.

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

6 **Subtitle A—Authorization of**
 7 **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, \$10,855,210,000.

13 (2) For the Navy, \$19,442,192,000.

14 (3) For the Air Force, \$28,322,477,000.

15 (4) For Defense-wide activities,
 16 \$21,113,501,000, of which \$188,772,000 is author-
 17 ized for the Director of Operational Test and Eval-
 18 uation.

19 **SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECH-**
 20 **NOLOGY.**

21 (a) FISCAL YEAR 2009.—Of the amounts authorized
 22 to be appropriated by section 201, \$11,895,180,000 shall
 23 be available for the Defense Science and Technology Pro-

1 gram, including basic research, applied research, and ad-
2 vanced technology development projects.

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

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

13 **SEC. 211. REQUIREMENT FOR PLAN ON OVERHEAD NON-**
14 **IMAGING INFRARED SYSTEMS.**

15 (a) IN GENERAL.—The Secretary of the Air Force
16 shall develop a comprehensive plan to conduct and support
17 research, development, and demonstration of technologies
18 that could evolve into the next generation of overhead non-
19 imaging infrared systems.

20 (b) ELEMENTS.—The plan required by subsection (a)
21 shall include the following:

22 (1) The research objectives to be achieved
23 under the plan.

1 (2) An estimate of the duration of the research,
2 development, and demonstration of technologies
3 under the plan.

4 (3) The cost and duration of any flight or on-
5 orbit demonstrations of the technologies being devel-
6 oped.

7 (4) A plan for implementing an acquisition pro-
8 gram with respect to technologies determined to be
9 successful under the plan.

10 (5) An identification of the date by which a de-
11 cision must be made to begin a follow-on program
12 and a justification for the date identified.

13 (6) A schedule for completion of a full analysis
14 of the on-orbit performance characteristics of the
15 Space-Based Infrared System and the Space Track-
16 ing and Surveillance System, and an assessment of
17 how the performance characteristics of such systems
18 will inform the decision to proceed to a next genera-
19 tion overhead nonimaging infrared system.

20 (c) LIMITATION ON OBLIGATION AND EXPENDITURE
21 OF FUNDS FOR THIRD GENERATION INFRARED SURVEIL-
22 LANCE PROGRAM.—Not more than 50 percent of the
23 amounts authorized to be appropriated for fiscal year
24 2009 by section 201(3) for research, development, test,
25 and evaluation for the Air Force and available for the

1 Third Generation Infrared Surveillance program may be
2 obligated or expended until the date that is 30 days after
3 the date on which the Secretary submits to the congress-
4 sional defense committees the plan required by subsection
5 (a).

6 **SEC. 212. ADVANCED BATTERY MANUFACTURING AND**
7 **TECHNOLOGY ROADMAP.**

8 (a) ROADMAP REQUIRED.—The Secretary of Defense
9 shall, in coordination with the Secretary of Energy, de-
10 velop a multi-year roadmap to develop advanced battery
11 technologies and sustain domestic advanced battery manu-
12 facturing capabilities and an assured supply chain nec-
13 essary to ensure that the Department of Defense has as-
14 sured access to advanced battery technologies to support
15 current military requirements and emerging military
16 needs.

17 (b) ELEMENTS.—The roadmap required by sub-
18 section (a) shall include, but not be limited to, the fol-
19 lowing:

20 (1) An identification of current and future ca-
21 pability gaps, performance enhancements, cost sav-
22 ings goals, and assured technology access goals that
23 require advances in battery technology and manufac-
24 turing capabilities.

1 (2) Specific research, technology, and manufac-
2 turing goals and milestones, and timelines and esti-
3 mates of funding necessary for achieving such goals
4 and milestones.

5 (3) Specific mechanisms for coordinating the
6 activities of Federal agencies, State and local gov-
7 ernments, coalition partners, private industry, and
8 academia covered by the roadmap.

9 (4) Such other matters as the Secretary of De-
10 fense and the Secretary of Energy consider appro-
11 priate for purposes of the roadmap.

12 (c) COORDINATION.—

13 (1) IN GENERAL.—The roadmap required by
14 subsection (a) shall be developed in coordination
15 with the military departments, appropriate Defense
16 Agencies and other elements and organizations of
17 the Department of Defense, other appropriate Fed-
18 eral, State, and local government organizations, and
19 appropriate representatives of private industry and
20 academia.

21 (2) DEPARTMENT OF DEFENSE SUPPORT.—The
22 Secretary of Defense shall ensure that appropriate
23 elements and organizations of the Department of
24 Defense provide such information and other support
25 as is required for the development of the roadmap.

1 (d) SUBMITTAL TO CONGRESS.—The Secretary of
2 Defense shall submit to the congressional defense commit-
3 tees the roadmap required by subsection (a) not later than
4 one year after the date of the enactment of this Act.

5 **SEC. 213. AVAILABILITY OF FUNDS FOR DEFENSE LABORA-**
6 **TORIES FOR RESEARCH AND DEVELOPMENT**
7 **OF TECHNOLOGIES FOR MILITARY MISSIONS.**

8 (a) AVAILABILITY OF FUNDS.—

9 (1) IN GENERAL.—The Secretary of Defense
10 shall, in consultation with the Secretaries of the
11 military departments, establish mechanisms under
12 which the director of a defense laboratory may uti-
13 lize an amount equal to not more than three percent
14 of all funds available to the defense laboratory for
15 the following purposes:

16 (A) To fund innovative basic and applied
17 research at the defense laboratory in support of
18 military missions.

19 (B) To fund development programs that
20 support the transition of technologies developed
21 by the defense laboratory into operational use.

22 (C) To fund workforce development activi-
23 ties that improve the capacity of the defense
24 laboratory to recruit and retain personnel with

1 scientific and engineering expertise required by
2 the defense laboratory.

3 (2) CONSULTATION REQUIRED.—The mecha-
4 nisms established under paragraph (1) shall provide
5 that funding shall be utilized under paragraph (1) at
6 the discretion of the director of a defense laboratory
7 in consultation with the science and technology exec-
8 utive of the military department concerned.

9 (b) ANNUAL REPORT ON USE OF AUTHORITY.—

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

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

18 (A) A current description of the mecha-
19 nisms under subsection (a).

20 (B) A statement of the amount of funding
21 made available by each defense laboratory for
22 research and development described in sub-
23 section (a)(1).

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

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

8 (E) A description and assessment of the
9 contributions of the research and development
10 conducted by the defense laboratories utilizing
11 funds under subsection (a) to the development
12 of needed military capabilities.

13 (F) A description of any modification to
14 the mechanisms under subsection (a) that are
15 required or proposed to be taken to enhance the
16 efficacy of the authority under subsection (a) to
17 support military missions.

18 **SEC. 214. ASSURED FUNDING FOR CERTAIN INFORMATION**
19 **SECURITY AND INFORMATION ASSURANCE**
20 **PROGRAMS OF THE DEPARTMENT OF DE-**
21 **FENSE.**

22 (a) IN GENERAL.—Of the amount authorized to be
23 appropriated for each fiscal year after fiscal year 2008 for
24 a program specified in subsection (b), not less than the
25 amount equal to one percent of such amount shall be avail-

1 able in such fiscal year for the establishment or conduct
2 under such program of a program or activities to—

3 (1) anticipate advances in information tech-
4 nology that will create information security chal-
5 lenges for the Department of Defense when fielded;
6 and

7 (2) identify and develop solutions to such chal-
8 lenges.

9 (b) COVERED PROGRAMS.—The programs specified
10 in this subsection are the programs described in the budg-
11 et justification documents submitted to Congress in sup-
12 port of the budget of the President for fiscal year 2009
13 (as submitted pursuant to section 1105(a) of title 31,
14 United States Code) as follows:

15 (1) The Information Systems Security Program
16 of the Department of Defense.

17 (2) Each other Department of Defense informa-
18 tion assurance program.

19 (3) Any program of the Department of Defense
20 under the Comprehensive National Cybersecurity
21 Initiative that is not funded by the National Intel-
22 ligence Program.

23 (c) SUPPLEMENT NOT SUPPLANT.—Amounts avail-
24 able under subsection (a) for a fiscal year for the pro-
25 grams and activities described in that subsection are in

1 addition to any other amounts available for such fiscal
2 year for the programs specified in subsection (b) for re-
3 search and development relating to new information assur-
4 ance technologies.

5 **SEC. 215. REQUIREMENTS FOR CERTAIN AIRBORNE INTEL-**
6 **LIGENCE COLLECTION SYSTEMS.**

7 (a) IN GENERAL.—Except as provided pursuant to
8 subsection (b), effective as of October 1, 2012, each air-
9 borne intelligence collection system of the Department of
10 Defense that is connected to the Distributed Common
11 Ground/Surface System shall have the capability to oper-
12 ate with the Network-Centric Collaborative Targeting Sys-
13 tem.

14 (b) EXCEPTIONS.—The requirement in subsection (a)
15 with respect to a particular airborne intelligence collection
16 system may be waived by the Chairman of the Joint Re-
17 quirements Oversight Council under section 181 of title
18 10, United States Code. Waivers under this subsection
19 shall be made on a case-by-case basis.

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

3 **SEC. 231. REVIEW OF THE BALLISTIC MISSILE DEFENSE**
4 **POLICY AND STRATEGY OF THE UNITED**
5 **STATES.**

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

9 (b) **ELEMENTS.**—The matters addressed by the re-
10 view required by subsection (a) shall include, but not be
11 limited to, the following:

12 (1) The ballistic missile defense policy of the
13 United States in relation to the overall national se-
14 curity policy of the United States.

15 (2) The ballistic missile defense strategy and
16 objectives of the United States in relation to the na-
17 tional security strategy of the United States and the
18 military strategy of the United States.

19 (3) The organization, discharge, and oversight
20 of acquisition for the ballistic missile defense pro-
21 grams of the United States.

22 (4) The roles and responsibilities of the military
23 departments in the ballistic missile defense programs
24 of the United States.

1 (5) The process for determining requirements
2 for missile defense capabilities under the ballistic
3 missile defense programs of the United States, in-
4 cluding input from the joint military requirements
5 process.

6 (6) The process for determining the force struc-
7 ture and inventory objectives for the ballistic missile
8 defense programs of the United States.

9 (7) Standards for the military utility, oper-
10 ational effectiveness, suitability, and survivability of
11 the ballistic missile defense systems of the United
12 States.

13 (8) The affordability and cost-effectiveness of
14 particular capabilities under the ballistic missile de-
15 fense programs of the United States.

16 (9) The objectives, requirements, and standards
17 for test and evaluation with respect to the ballistic
18 missile defense programs of the United States.

19 (10) Accountability, transparency, and over-
20 sight with respect to the ballistic missile defense pro-
21 grams of the United States.

22 (11) The role of international cooperation on
23 missile defense in the ballistic missile defense policy
24 and strategy of the United States.

25 (c) REPORT.—

1 (1) IN GENERAL.—Not later than January 31,
2 2010, the Secretary shall submit to Congress a re-
3 port setting forth the results of the review required
4 by subsection (a).

5 (2) FORM.—The report required by this sub-
6 section shall be in unclassified form, but may include
7 a classified annex.

8 **SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR**
9 **PROCUREMENT, CONSTRUCTION, AND DE-**
10 **PLOYMENT OF MISSILE DEFENSES IN EU-**
11 **ROPE.**

12 (a) IN GENERAL.—No funds authorized to be appro-
13 priated by this Act may be obligated or expended for pro-
14 curement, site activation, construction, preparation of
15 equipment for, or deployment of major components of a
16 long-range missile defense system in a European country
17 until each of the following conditions have been met:

18 (1) The government of the country in which
19 such major components of such missile defense sys-
20 tem (including interceptors and associated radars)
21 are proposed to be deployed has given final approval
22 (including parliamentary ratification) to any missile
23 defense agreements negotiated between such govern-
24 ment and the United States Government concerning

1 the proposed deployment of such components in such
2 country.

3 (2) 45 days have elapsed following the receipt
4 by Congress of the report required by section 226(c)
5 of the National Defense Authorization Act for Fiscal
6 Year 2008 (Public Law 110–181; 122 Stat. 42).

7 (b) ADDITIONAL LIMITATION.—In addition to the
8 limitation in subsection (a), no funds authorized to be ap-
9 propriated by this Act may be obligated or expended for
10 the acquisition (other than initial long-lead procurement)
11 or deployment of operational missiles of a long-range mis-
12 sile defense system in Europe until the Secretary of De-
13 fense, after receiving the views of the Director of Oper-
14 ational Test and Evaluation, submits to Congress a report
15 certifying that the proposed interceptor to be deployed as
16 part of such missile defense system has demonstrated,
17 through successful, operationally realistic flight testing, a
18 high probability of accomplishing its mission in an oper-
19 ationally effective manner.

20 (c) CONSTRUCTION.—Nothing in this section shall be
21 construed to limit continuing obligation and expenditure
22 of funds for missile defense, including for research and
23 development and for other activities not otherwise limited
24 by subsection (a) or (b), including, but not limited to, site

1 surveys, studies, analysis, and planning and design for the
2 proposed missile defense deployment in Europe.

3 **SEC. 233. AIRBORNE LASER SYSTEM.**

4 (a) REPORT ON DIRECTOR OF OPERATIONAL TEST
5 AND EVALUATION ASSESSMENT OF TESTING.—Not later
6 than January 15, 2010, the Director of Operational Test
7 and Evaluation shall—

8 (1) review and evaluate the testing conducted
9 on the first Airborne Laser system aircraft, includ-
10 ing the planned shutdown demonstration testing;
11 and

12 (2) submit to the Secretary of Defense and to
13 Congress an assessment by the Director of the oper-
14 ational effectiveness, suitability, and survivability of
15 the Airborne Laser system.

16 (b) LIMITATION ON AVAILABILITY OF FUNDS FOR
17 LATER AIRBORNE LASER SYSTEM AIRCRAFT.—No funds
18 authorized to be appropriated for the Department of De-
19 fense may be obligated or expended for the procurement
20 of a second or subsequent aircraft for the Airborne Laser
21 system program until the Secretary of Defense, after re-
22 ceiving the assessment of the Director of Operational Test
23 and Evaluation under subsection (a)(2), submits to Con-
24 gress a certification that the Airborne Laser system has
25 demonstrated, through successful testing and operational

1 and cost analysis, a high probability of being operationally
2 effective, suitable, survivable, and affordable.

3 **SEC. 234. ANNUAL DIRECTOR OF OPERATIONAL TEST AND**
4 **EVALUATION CHARACTERIZATION OF OPER-**
5 **ATIONAL EFFECTIVENESS, SUITABILITY, AND**
6 **SURVIVABILITY OF THE BALLISTIC MISSILE**
7 **DEFENSE SYSTEM.**

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

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

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

15 “(2) The Director of Operational Test and Evalua-
16 tion shall also each year characterize the operational effec-
17 tiveness, suitability, and survivability of the ballistic mis-
18 sile defense system, and its elements, that have been field-
19 ed or tested before the end of the preceding fiscal year.”;
20 and

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

1 (b) CONFORMING AMENDMENT.—The heading of
2 such section is amended to read as follows: “ANNUAL
3 OT&E ASSESSMENT AND CHARACTERIZATION OF CER-
4 TAIN BALLISTIC MISSILE DEFENSE MATTERS.—”.

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

9 **SEC. 235. INDEPENDENT ASSESSMENT OF BOOST-PHASE**
10 **MISSILE DEFENSE PROGRAMS.**

11 (a) INDEPENDENT ASSESSMENT REQUIRED.—Not
12 later than 60 days after the date of the enactment of this
13 Act, the Secretary of Defense shall enter into a contract
14 with the National Academy of Sciences under which the
15 Academy shall conduct an independent assessment of the
16 boost-phase ballistic missile defense programs of the
17 United States.

18 (b) ELEMENTS.—The assessment required by sub-
19 section (a) shall consider the following:

20 (1) The extent to which boost-phase missile de-
21 fense is feasible, practical, and affordable.

22 (2) Whether any of the existing boost-phase
23 missile defense technology demonstration efforts of
24 the Department of Defense (particularly the Air-
25 borne Laser and the Kinetic Energy Interceptor)

1 have a high probability of performing a boost-phase
2 missile defense mission in an operationally effective,
3 suitable, survivable, and affordable manner.

4 (c) FACTORS TO BE CONSIDERED.—In conducting
5 the assessment required by subsection (a), the factors con-
6 sidered by the National Academy of Sciences shall include,
7 but not be limited to, the following:

8 (1) Operational considerations, including the
9 need and ability to be deployed in a particular oper-
10 ational position at a particular time to be effective.

11 (2) Geographic considerations, including limita-
12 tions on the ability to deploy systems within oper-
13 ational range of potential targets.

14 (3) Command and control considerations, in-
15 cluding short timelines for detection, decision-mak-
16 ing, and engagement.

17 (4) Concepts of operations.

18 (5) Whether there is a potential for an engaged
19 threat missile or warhead to land on an unintended
20 target outside of the launching nation.

21 (6) Effectiveness against countermeasures, and
22 mission effectiveness in destroying threat missiles
23 and their warheads.

24 (7) Reliability, availability, and maintainability.

25 (8) Cost and cost-effectiveness.

1 (9) Force structure requirements.

2 (d) REPORT.—

3 (1) IN GENERAL.—Upon the completion of the
4 assessment required by subsection (a), the National
5 Academy of Sciences shall submit to the Secretary
6 of Defense and the congressional defense committees
7 a report on the results of the assessment. The report
8 shall include such recommendations regarding the
9 future direction of the boost-phase ballistic missile
10 defense programs of the United States as the Acad-
11 emy considers appropriate.

12 (2) FORM.—The report under paragraph (1)
13 shall be submitted to the congressional defense com-
14 mittees in unclassified form, but may include a clas-
15 sified annex.

16 (e) FUNDING.—Of the amount authorized to be ap-
17 propriated for fiscal year 2009 by section 201(4) for re-
18 search, development, test, and evaluation for Defense-wide
19 activities and available for the Missile Defense Agency,
20 \$3,500,000 is available for the assessment required by
21 subsection (a).

22 **SEC. 236. STUDY ON SPACE-BASED INTERCEPTOR ELEMENT**
23 **OF BALLISTIC MISSILE DEFENSE SYSTEM.**

24 (a) IN GENERAL.—Not later than 75 days after the
25 date of the enactment of this Act, the Secretary of Defense

1 shall, after consultation with the chair and ranking mem-
2 ber of the Committee on Armed Services of the Senate
3 and of the Committee on Armed Services of the House
4 of Representatives, enter into a contract with one or more
5 independent entities under which the entity or entities
6 shall conduct an independent assessment of the feasibility
7 and advisability of developing a space-based interceptor
8 element to the ballistic missile defense system.

9 (b) ELEMENTS.—The study required under sub-
10 section (a) shall include the following:

11 (1) An assessment of the need for a space-
12 based interceptor element to the ballistic missile de-
13 fense system, including an assessment of—

14 (A) the extent to which there is a ballistic
15 missile threat that—

16 (i) such a space-based interceptor ele-
17 ment would address; and

18 (ii) other elements of the ballistic mis-
19 sile defense system would not address;

20 (B) whether other elements of the ballistic
21 missile defense system could be modified to
22 meet the threat described in subparagraph (A)
23 and the modifications necessary for such ele-
24 ments to meet that threat; and

1 (C) any other alternatives to the develop-
2 ment of such a space-based interceptor element.

3 (2) An assessment of the components and capa-
4 bilities and the maturity of critical technologies nec-
5 essary to make such a space-based interceptor ele-
6 ment operational.

7 (3) An estimate of the total cost for the life
8 cycle of such a space-based interceptor element, in-
9 cluding the costs of research, development, dem-
10 onstration, procurement, deployment, and launching
11 of the element.

12 (4) An assessment of the effectiveness of such
13 a space-based interceptor element in intercepting
14 ballistic missiles and the survivability of the element
15 in case of attack.

16 (5) An assessment of possible debris generated
17 from the use or testing of such a space-based inter-
18 ceptor element and any effects of such use or testing
19 on other space systems.

20 (6) An assessment of any treaty or policy impli-
21 cations of the development or deployment of such a
22 space-based interceptor element.

23 (7) An assessment of any command, control, or
24 battle management considerations of using such a
25 space-based interceptor element, including estimated

1 timelines for the detection of ballistic missiles, deci-
2 sionmaking with respect to the use of the element,
3 and interception of the missile by the element.

4 (c) REPORT.—

5 (1) SUBMITTAL.—Upon completion of the inde-
6 pendent assessment required under subsection (a),
7 the entity or entities conducting the assessment shall
8 submit contemporaneously to the Secretary of De-
9 fense, the Committee on Armed Services of the Sen-
10 ate, and the Committee on Armed Services of the
11 House of Representatives a report setting forth the
12 results of the assessment.

13 (2) COMMENTS.—Not later than 60 days after
14 the date on which the Secretary of Defense receives
15 the report required under paragraph (1), the Sec-
16 retary may submit to the Committee on Armed Serv-
17 ices of the Senate and the Committee on Armed
18 Services of the House of Representatives any com-
19 ments on the report or any recommendations of the
20 Secretary resulting from the report.

21 (3) FORM.—The report required under para-
22 graph (1) and any comments and recommendations
23 submitted under paragraph (2) shall be submitted in
24 unclassified form, but may include a classified
25 annex.

1 (d) FUNDING.—Of the amount authorized to be ap-
2 propriated for fiscal year 2009 by section 201(4) for re-
3 search, development, test, and evaluation for Defense-wide
4 activities and available for the Missile Defense Agency,
5 \$5,000,000 shall be available to carry out the study re-
6 quired under subsection (a).

7 **SEC. 237. ACTIVATION AND DEPLOYMENT OF AN/TPY-2 FOR-**
8 **WARD-BASED X-BAND RADAR.**

9 (a) AVAILABILITY OF FUNDS.—Subject to subsection
10 (b), of the amount authorized to be appropriated by sec-
11 tion 201(4) for research, development, test, and evalua-
12 tion, Defense-wide activities, up to \$89,000,000 may be
13 available for Ballistic Missile Defense Sensors for the acti-
14 vation and deployment of the AN/TPY-2 forward-based
15 X-band radar to a classified location.

16 (b) LIMITATION.—

17 (1) IN GENERAL.—Funds may not be available
18 under subsection (a) for the purpose specified in
19 that subsection until the Secretary of Defense sub-
20 mits to the Committees on Armed Services of the
21 Senate and the House of Representatives a report on
22 the deployment of the AN/TPY-2 forward-based X-
23 band radar as described in that subsection, includ-
24 ing:

1 (A) The location of deployment of the
2 radar.

3 (B) A description of the operational pa-
4 rameters of the deployment of the radar, in-
5 cluding planning for force protection.

6 (C) A description of any recurring and
7 non-recurring expenses associated with the de-
8 ployment of the radar.

9 (D) A description of the cost-sharing ar-
10 rangements between the United States and the
11 country in which the radar will be deployed re-
12 garding the expenses described in subparagraph
13 (C).

14 (E) A description of the other terms and
15 conditions of the agreement between the United
16 States and such country regarding the deploy-
17 ment of the radar.

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

1 **Subtitle D—Other Matters**

2 **SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIV-** 3 **ABILITY TESTING BY THE DIRECTOR OF** 4 **OPERATIONAL TEST AND EVALUATION.**

5 (a) **AUTHORITY TO DESIGNATE ADDITIONAL SYS-**
 6 **TEMS AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO**
 7 **TESTING.**—Section 2366(e)(1) of title 10, United States
 8 Code, is amended by striking “or conventional weapon sys-

9 tem” and inserting “conventional weapon system, or other
 10 system or program designated by the Director of Oper-

11 ational Test and Evaluation for purposes of this section”.

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

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

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

17 **SEC. 252. BIENNIAL REPORTS ON JOINT AND SERVICE CON-** 18 **CEPT DEVELOPMENT AND EXPERIMEN-** 19 **TATION.**

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

22 **“§ 485. Joint and service concept development and**
 23 **experimentation**

24 “(a) **BIENNIAL REPORTS REQUIRED.**—Not later
 25 than January 1 of each even numbered-year, the Com-

1 mander of the United States Joint Forces Command shall
2 submit to the congressional defense committees a report
3 on the conduct and outcomes of joint and service concept
4 development and experimentation.

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

7 “(1) A description of any changes since the lat-
8 est report submitted under this section to each of
9 the following:

10 “(A) The authority and responsibilities of
11 the Commander of the United States Joint
12 Forces Command with respect to joint concept
13 development and experimentation.

14 “(B) The organization of the Department
15 of Defense responsible for executing the mission
16 of joint concept development and experimen-
17 tation.

18 “(C) The process for tasking forces (in-
19 cluding forces designated as joint experimen-
20 tation forces) to participate in joint concept de-
21 velopment and experimentation and the specific
22 authority of the Commander over those forces.

23 “(D) The resources provided for initial im-
24 plementation of joint concept development and
25 experimentation, the process for providing such

1 resources to the Commander, the categories of
2 funding for joint concept development and ex-
3 perimentation, and the authority of the Com-
4 mander for budget execution for joint concept
5 development and experimentation activities.

6 “(E) The process for the development and
7 acquisition of materiel, supplies, services, and
8 equipment necessary for the conduct of joint
9 concept development and experimentation.

10 “(F) The process for designing, preparing,
11 and conducting joint concept development and
12 experimentation.

13 “(G) The assigned role of the Commander
14 for—

15 “(i) integrating and testing in joint
16 concept development and experimentation
17 the systems that emerge from warfighting
18 experimentation by the armed forces and
19 the Defense Agencies;

20 “(ii) assessing the effectiveness of or-
21 ganizational structures, operational con-
22 cepts, and technologies relating to joint
23 concept development and experimentation;
24 and

1 “(iii) assisting the Secretary of De-
2 fense and the Chairman of the Joint
3 Chiefs of Staff in setting priorities for re-
4 quirements or acquisition programs in light
5 of joint concept development and experi-
6 mentation.

7 “(2) A description of the conduct of joint con-
8 cept development and experimentation activities dur-
9 ing the two-year period ending on the date of such
10 report, including—

11 “(A) the funding involved;

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

13 “(C) the forces involved;

14 “(D) the national and homeland security
15 challenges addressed;

16 “(E) the operational concepts assessed;

17 “(F) the technologies assessed;

18 “(G) the scenarios and measures of effec-
19 tiveness utilized; and

20 “(H) specific interactions under such ac-
21 tivities with commanders of other combatant
22 commands and with other organizations and en-
23 tities inside and outside the Department.

24 “(3) A description of the conduct of concept de-
25 velopment and experimentation activities of the mili-

1 tary departments during the two-year period ending
2 on the date of such report, including—

3 “(A) the funding involved;

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

5 “(C) the forces involved;

6 “(D) the national and homeland security
7 challenges addressed;

8 “(E) the operational concepts assessed;

9 “(F) the technologies assessed;

10 “(G) the scenarios and measures of effec-
11 tiveness utilized; and

12 “(H) specific interactions under such ac-
13 tivities with commanders of the combatant com-
14 mands and with other organizations and enti-
15 ties inside and outside the Department.

16 “(4) A description of the conduct of joint con-
17 cept development and experimentation, and of con-
18 cept development and experimentation of the mili-
19 tary departments, during the two-year period ending
20 on the date of such report with respect to the devel-
21 opment of warfighting concepts for operational sce-
22 narios more than 10 years in the future, including—

23 “(A) the funding involved;

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

25 “(C) the forces involved;

1 “(D) the challenges addressed;

2 “(E) the operational concepts assessed;

3 “(F) the technologies assessed;

4 “(G) the scenarios and measures of effec-
5 tiveness utilized; and

6 “(H) specific interactions with com-
7 manders of other combatant commands and
8 with other organizations and entities inside and
9 outside the Department.

10 “(5) A description of the mechanisms used to
11 coordinate joint, service, interagency, Coalition, and
12 other appropriate concept development and experi-
13 mentation activities.

14 “(6) An assessment of the return on investment
15 in concept development and experimentation activi-
16 ties, including a description of the following:

17 “(A) Specific outcomes and impacts within
18 the Department of the results of past joint and
19 service concept development and experimen-
20 tation in terms of new doctrine, operational
21 concepts, organization, training, materiel, lead-
22 ership, personnel, or the allocation of resources,
23 or in activities that terminated support for leg-
24 acy concepts, programs, or systems.

1 “(B) Specific actions taken by the Sec-
2 retary of Defense to implement the rec-
3 ommendations of the Commander based on con-
4 cept development and experimentation activi-
5 ties.

6 “(7) Such recommendations (based primarily
7 based on the results of joint and service concept de-
8 velopment and experimentation) as the Commander
9 considers appropriate for enhancing the development
10 of joint warfighting capabilities by modifying activi-
11 ties throughout the Department relating to—

12 “(A) the development or acquisition of spe-
13 cific advanced technologies, systems, or weap-
14 ons or systems platforms;

15 “(B) key systems attributes and key per-
16 formance parameters for the development or ac-
17 quisition of advanced technologies and systems;

18 “(C) joint or service doctrine, organization,
19 training, materiel, leadership development, per-
20 sonnel, or facilities;

21 “(D) the reduction or elimination of redun-
22 dant equipment and forces, including the syn-
23 chronization of the development and fielding of
24 advanced technologies among the armed forces

1 to enable the development and execution of
2 joint operational concepts; and

3 “(E) the development or modification of
4 initial capabilities documents, operational re-
5 quirements, and relative priorities for acquisi-
6 tion programs to meet joint requirements.

7 “(8) With respect to improving the effectiveness
8 of joint concept development and experimentation
9 capabilities, such recommendations (based primarily
10 on the results of joint warfighting experimentation)
11 as the Commander considers appropriate regard-
12 ing—

13 “(A) the conduct of, adequacy of resources
14 for, or development of technologies to support
15 such capabilities; and

16 “(B) changes in authority for acquisition
17 of materiel, supplies, services, equipment, and
18 support from other elements of the Department
19 of Defense for concept development and experi-
20 mentation by joint or service organizations.

21 “(9) The coordination of the concept develop-
22 ment and experimentation activities of the Com-
23 mander of the United States Joint Forces Command
24 with the activities of the Commander of the North

1 Atlantic Treaty Organization Supreme Allied Com-
2 mand Transformation.

3 “(10) Any other matters that the Commander
4 consider appropriate.

5 “(c) COORDINATION AND SUPPORT.—The Secretary
6 of Defense shall ensure that the Secretaries of the military
7 departments and the heads of other appropriate elements
8 of the Department of Defense provide the Commander of
9 the United States Joint Forces Command such informa-
10 tion and support as is required to enable the Commander
11 to prepare the reports required by subsection (a).”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 23 of such title is amended
14 by striking the item relating to section 485 and inserting
15 the following new item:

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

16 **SEC. 253. REPEAL OF ANNUAL REPORTING REQUIREMENT**
17 **RELATING TO THE TECHNOLOGY TRANSI-**
18 **TION INITIATIVE.**

19 Section 2359a of title 10, United States Code, is
20 amended—

21 (1) by striking subsection (h); and

22 (2) by redesignating subsection (i) as subsection

23 (h).

1 **SEC. 254. EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD**
2 **TECHNOLOGY.**

3 (a) EXECUTIVE AGENT.—Not later than 90 days
4 after the date of the enactment of this Act, the Secretary
5 of Defense shall designate a senior official of the Depart-
6 ment of Defense to act as the Executive Agent of the De-
7 partment of Defense for printed circuit board technology.

8 (b) SPECIFICATION OF ROLES, RESPONSIBILITIES,
9 AND AUTHORITIES.—The roles, responsibilities, and au-
10 thorities of the Executive Agent designated under sub-
11 section (a) shall be as described in a directive issued by
12 the Secretary of Defense for purposes of this section not
13 later than one year after the date of the enactment of this
14 Act.

15 (c) PARTICULAR ROLES AND RESPONSIBILITIES.—
16 The roles and responsibilities described under subsection
17 (b) for the Executive Agent designated under subsection
18 (a) shall include the following:

19 (1) To develop and maintain a printed circuit
20 board and interconnect technology roadmap that
21 assures that the Department of Defense has access
22 to manufacturing capabilities and expertise and
23 technological capabilities necessary to meet future
24 military requirements.

25 (2) To develop and recommend to the Secretary
26 of Defense funding strategies that meet the recap-

1 talization and investment requirements of the De-
2 partment for printed circuit board and interconnect
3 technology, which strategies shall be consistent with
4 the roadmap developed under paragraph (1).

5 (3) To assure that continuing expertise in
6 printed circuit board technical is available to the De-
7 partment.

8 (4) To assess the vulnerabilities, trust-
9 worthiness, and diversity of the printed circuit board
10 supply chain, including the development of trust-
11 worthiness requirements for printed circuit boards
12 used in defense systems, and to develop strategies to
13 address matters in that supply chain that are identi-
14 fied as a result of such assessment.

15 (5) To support technical assessments and anal-
16 yses, especially with respect to acquisition decisions
17 and planning, relating to printed circuit boards

18 (6) Such other roles and responsibilities as the
19 Secretary considers appropriate.

20 (d) RESOURCES AND AUTHORITIES.—The Secretary
21 of Defense shall ensure that the Executive Agent des-
22 ignated under subsection (a) has the appropriate resources
23 and authorities to perform the roles and responsibilities
24 of the Executive Agent under this section.

1 (e) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—
2 The Secretary of Defense shall ensure that the Executive
3 Agent designated under subsection (a) has such support
4 from the military departments, Defense Agencies, and
5 other components of the Department of Defense as is re-
6 quired for the Executive Agent to perform the roles and
7 responsibilities of the Executive Agent under this section.

8 **SEC. 255. REPORT ON DEPARTMENT OF DEFENSE RE-**
9 **SPONSE TO FINDINGS AND RECOMMENDA-**
10 **TIONS OF THE DEFENSE SCIENCE BOARD**
11 **TASK FORCE ON DIRECTED ENERGY WEAP-**
12 **ONS.**

13 (a) REPORT REQUIRED.—Not later than January 1,
14 2010, the Secretary of Defense shall submit to the Com-
15 mittee on Armed Services of the Senate and the Com-
16 mittee on Armed Services of the House of Representatives
17 a report on the implementation of the recommendations
18 of the Defense Science Board Task Force on Directed En-
19 ergy Weapons.

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

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

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

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

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

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

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

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

17 (ii) a summary of the alternative ac-
18 tions, if any, the Secretary plans to take to
19 address the purposes underlying such rec-
20 ommendation, if any.

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

1 **SEC. 256. ASSESSMENT OF STANDARDS FOR MISSION CRIT-**
2 **ICAL SEMICONDUCTORS PROCURED BY THE**
3 **DEPARTMENT OF DEFENSE.**

4 (a) ASSESSMENT OF METHODS FOR VERIFICATION
5 OF TRUST OF SEMICONDUCTORS PROCURED FROM COM-
6 Mercial SOURCES.—The Under Secretary of Defense for
7 Acquisition, Technology, and Logistics shall conduct an
8 assessment of various methods for verification of trust of
9 the semiconductors procured by the Department of De-
10 fense from commercial sources for utilization in mission
11 critical components of potentially vulnerable defense sys-
12 tems.

13 (b) ELEMENTS.—The assessment required by sub-
14 section (a) shall include the following:

15 (1) An identification of various existing meth-
16 ods for verification of trust of semiconductors that
17 are suitable for Department of Defense purposes as
18 described in subsection (a).

19 (2) An identification of various methods for
20 verification of trust of semiconductors that are cur-
21 rently under development and have promise for suit-
22 ability for Department of Defense purposes as de-
23 scribed in subsection (a), including methods under
24 development at the Defense Agencies, the national
25 laboratories, and institutions of higher education,
26 and in the private sector.

1 (3) A determination of the most suitable meth-
2 ods identified under paragraphs (1) and (2) for De-
3 partment of Defense purposes as described in sub-
4 section (a).

5 (4) An assessment of additional research and
6 technology development efforts necessary to develop
7 methods for verification of trust of semiconductors
8 to meet the needs of the Department of Defense.

9 (5) Any other matters that the Under Secretary
10 considers appropriate for the verification of trust of
11 semiconductors from commercial sources for utiliza-
12 tion in mission critical components of any category
13 or categories of vulnerable defense systems.

14 (c) CONSULTATION.—The Under Secretary shall con-
15 duct the assessment required by subsection (a) in con-
16 sultation with appropriate elements of the Department of
17 Defense, the intelligence community, private industry, and
18 academia.

19 (d) EFFECTIVE DATE.—The assessment required by
20 subsection (a) shall be completed not later than December
21 31, 2009.

22 (e) UPDATE.—The Under Secretary shall from time
23 to time update the assessment required by subsection (a)
24 to take into account advances in technology.

1 **TITLE III—OPERATION AND**
2 **MAINTENANCE**
3 **Subtitle A—Authorization of**
4 **Appropriations**

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

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

- 11 (1) For the Army, \$31,282,460,000.
12 (2) For the Navy, \$34,811,598,000.
13 (3) For the Marine Corps, \$5,607,354,000.
14 (4) For the Air Force, \$35,244,587,000.
15 (5) For Defense-wide activities,
16 \$25,926,564,000.
17 (6) For the Army Reserve, \$2,642,641,000.
18 (7) For the Navy Reserve, \$1,311,085,000.
19 (8) For the Marine Corps Reserve,
20 \$213,131,000.
21 (9) For the Air Force Reserve, \$3,142,892,000.
22 (10) For the Army National Guard,
23 \$5,909,846,000.
24 (11) For the Air National Guard,
25 \$5,883,926,000.

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

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

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

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

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

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

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

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

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

1 **SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
2 **TION AGENCY FOR CERTAIN COSTS IN CON-**
3 **NECTION WITH MOSES LAKE WELLFIELD**
4 **SUPERFUND SITE, MOSES LAKE, WASH-**
5 **INGTON.**

6 (a) **AUTHORITY TO REIMBURSE.**—

7 (1) **TRANSFER AMOUNT.**—Using funds de-
8 scribed in subsection (b), the Secretary of Defense
9 may, notwithstanding section 2215 of title 10,
10 United States Code, transfer not more than
11 \$64,049.40 to the Moses Lake Wellfield Superfund
12 Site 10–6J Special Account.

13 (2) **PURPOSE OF REIMBURSEMENT.**—The pay-
14 ment under paragraph (1) is to reimburse the Envi-
15 ronmental Protection Agency for its costs incurred
16 in overseeing a remedial investigation/feasibility
17 study performed by the Department of the Army
18 under the Defense Environmental Restoration Pro-
19 gram at the former Larson Air Force Base, Moses
20 Lake Superfund Site, Moses Lake, Washington.

21 (3) **INTERAGENCY AGREEMENT.**—The reim-
22 bursement described in paragraph (2) is provided for
23 in the interagency agreement entered into by the
24 Department of the Army and the Environmental
25 Protection Agency for the Moses Lake Wellfield
26 Superfund Site in March 1999.

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

6 (c) USE OF FUNDS.—The Environmental Protection
7 Agency shall use the amount transferred under subsection
8 (a) to pay costs incurred by the Agency at the Moses Lake
9 Wellfield Superfund Site.

10 **SEC. 313. COMPREHENSIVE PROGRAM FOR THE ERADI-**
11 **CATION OF THE BROWN TREE SNAKE POPU-**
12 **LATION FROM MILITARY FACILITIES IN**
13 **GUAM.**

14 The Secretary of Defense shall establish a com-
15 prehensive program to control and, to the extent prac-
16 ticable, eradicate the brown tree snake population from
17 military facilities in Guam and to ensure that military ac-
18 tivities, including the transport of civilian and military
19 personnel and equipment to and from Guam, do not con-
20 tribute to the spread of brown tree snakes.

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

3 **SEC. 321. AUTHORITY TO CONSIDER DEPOT-LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.**

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

10 “(h) CONSIDERATION OF DEPOT LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.—Depot-level maintenance and repair work performed at a Center of Industrial and Technical Excellence by Federal Government employees using equipment furnished by contractors or by Federal Government employees utilizing facilities leased by the Government may be considered as workload necessary to maintain core logistics capability for purposes of section 2464 of this title if the depot-level maintenance and repair workload is the subject of a public-private partnership entered into pursuant to subsection (b).”.

1 **SEC. 322. MINIMUM CAPITAL INVESTMENT FOR CERTAIN**
2 **DEPOTS.**

3 (a) **ADDITIONAL ARMY DEPOTS.**—Subsection (e)(1)
4 of section 2476 of title 10, United States Code, is amend-
5 ed by adding at the end the following new subparagraphs:

6 “(F) Watervliet Arsenal, New York.

7 “(G) Rock Island Arsenal, Illinois.

8 “(H) Pine Bluff Arsenal, Arkansas.”.

9 (b) **SEPARATE CONSIDERATION AND REPORTING OF**
10 **NAVY DEPOTS AND MARINE CORPS DEPOTS.**—Such sec-
11 tion is further amended—

12 (1) in subsection (d)(2), by adding at the end
13 the following new subparagraph:

14 “(D) Separate consideration and reporting of
15 Navy Depots and Marine Corps depots.”; and

16 (2) in subsection (e)(2)—

17 (A) by redesignating subparagraphs (A)
18 through (G) as clauses (i) through (vii), respec-
19 tively, and indenting the margins of such
20 clauses, as so redesignated, 6 ems from the left
21 margin;

22 (B) by inserting after “Department of the
23 Navy:” the following:

24 “(A) The following Navy depots:”;

25 (C) by inserting after clause (vii), as redес-
26 igned by subparagraph (A), the following:

1 “(B) The following Marine Corps depots:”;

2 and

3 (D) by redesignating subparagraphs (H)

4 and (I) as clauses (i) and (ii), respectively, and

5 indenting the margins of such clauses, as so re-

6 designated, 6 ems from the left margin.

7 **Subtitle D—Reports**

8 **SEC. 331. ADDITIONAL INFORMATION UNDER ANNUAL SUB-**

9 **MISSIONS OF INFORMATION REGARDING IN-**

10 **FORMATION TECHNOLOGY CAPITAL ASSETS.**

11 Section 351 of the Bob Stump National Defense Au-

12 thorization Act for Fiscal Year 2003 (Public Law 107–

13 314; 116 Stat. 2516; 10 U.S.C. 221 note) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (2), by striking

16 “\$30,000,000 and an estimated total life cycle

17 cost” and inserting “\$30,000,000 or an esti-

18 mated total life cycle cost”; and

19 (B) by adding at the end the following new

20 paragraph:

21 “(3) Information technology capital assets not

22 covered by paragraphs (1) and (2) that have been

23 determined by the Chief Information Officer of the

24 Department of Defense to be significant invest-

25 ments.”;

1 (2) by redesignating subsections (d) and (e) as
2 subsections (e) and (f), respectively; and

3 (3) by inserting after subsection (c) the fol-
4 lowing new subsection (d):

5 “(d) REQUIRED INFORMATION FOR SIGNIFICANT IN-
6 VESTMENTS.—With respect to each information tech-
7 nology capital asset not covered by paragraph (1) or (2)
8 of subsection (a), but covered by paragraph (3) of that
9 subsection, the Secretary of Defense shall include such in-
10 formation in a format that is appropriate to the current
11 status of such asset.”.

12 **Subtitle E—Other Matters**

13 **SEC. 341. MITIGATION OF POWER OUTAGE RISKS FOR DE-** 14 **PARTMENT OF DEFENSE FACILITIES AND AC-** 15 **TIVITIES.**

16 (a) RISK ASSESSMENT.—The Secretary of Defense
17 shall conduct a comprehensive technical and operational
18 risk assessment of the risks posed to mission critical in-
19 stallations, facilities, and activities of the Department of
20 Defense by extended power outages resulting from failure
21 of the commercial electricity grid and related infrastruc-
22 ture.

23 (b) RISK MITIGATION PLANS.—

24 (1) IN GENERAL.—The Secretary of Defense
25 shall develop integrated prioritized plans to elimi-

1 nate, reduce, or mitigate significant risks identified
2 in the risk assessment under subsection (a).

3 (2) MITIGATION GOALS.—In developing the risk
4 mitigation plans under paragraph (1), the Secretary
5 of Defense shall prioritize the mission critical instal-
6 lations, facilities, and activities that are subject to
7 the greatest and most urgent risks.

8 (c) ANNUAL REPORT.—

9 (1) IN GENERAL.—The Secretary of Defense
10 shall submit a report on the efforts of the Depart-
11 ment of Defense to mitigate the risks described in
12 subsection (a) as part of the budget justification ma-
13 terials submitted to Congress in support of the De-
14 partment of Defense budget for fiscal year 2010 and
15 each fiscal year thereafter (as submitted with the
16 budget of the President under section 1105(a) of
17 title 31, United States Code).

18 (2) CONTENT.—Each report submitted under
19 paragraph (1) shall describe the integrated
20 prioritized plans developed under subsection (b) and
21 the progress made toward achieving the goals estab-
22 lished under such subsection.

1 **SEC. 342. INCREASED AUTHORITY TO ACCEPT FINANCIAL**
2 **AND OTHER INCENTIVES RELATED TO EN-**
3 **ERGY SAVINGS AND NEW AUTHORITY RE-**
4 **LATED TO ENERGY SYSTEMS.**

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

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

11 “(f) ACCEPTANCE OF FINANCIAL INCENTIVES, FI-
12 NANCIAL ASSISTANCE, AND SERVICES.—The Secretary of
13 Defense may authorize any military installation to accept
14 any financial incentive, financial assistance, or services
15 generally available from a gas or electric utility or State
16 or local government to use or construct an energy system
17 using solar energy or other renewable form of energy if
18 the use or construction of the system is consistent with
19 the energy performance goals and energy performance
20 plan for the Department of Defense developed under sec-
21 tion 2911 of this title.”.

22 **SEC. 343. RECOVERY OF IMPROPERLY DISPOSED OF DE-**
23 **PARTMENT OF DEFENSE PROPERTY.**

24 (a) IN GENERAL.—Chapter 165 of title 10, United
25 States Code, is amended by adding at the end the fol-
26 lowing new section:

1 **“§ 2790. Recovery of improperly disposed of Depart-**
2 **ment of Defense property**

3 “(a) PROHIBITION.—No member of the armed forces,
4 civilian employee of the United States Government, con-
5 tractor personnel, or other person may sell, lend, pledge,
6 barter, or give any clothing, arms, articles, equipment, or
7 other military or Department of Defense property except
8 in accordance with the statutes and regulations governing
9 Government property.

10 “(b) TRANSFER OF TITLE OR INTEREST INEFFECTIVE.—If property has been disposed of in violation of
11 subsection (a), the person holding the property has no
12 right or title to, or interest in, the property.

14 “(c) AUTHORITY FOR SEIZURE OF IMPROPERLY DIS-
15 POSED OF PROPERTY.—If any person is in the possession
16 of military or Department of Defense property without
17 right or title to, or interest in, the property because it has
18 been disposed of in violation of subsection (a), any Fed-
19 eral, State, or local law enforcement official may seize the
20 property wherever found.

21 “(d) INAPPLICABILITY TO CERTAIN PROPERTY.—
22 Subsections (b) and (c) shall not apply to property on pub-
23 lic display by public or private collectors or museums in
24 secured exhibits.

25 “(e) DETERMINATIONS OF VIOLATIONS.—(1) The
26 appropriate district court of the United States shall have

1 jurisdiction, regardless of the current approximated or es-
2 timated value of the property, to determine whether prop-
3 erty was disposed of in violation of subsection (a). Any
4 such determination shall be by a preponderance of the evi-
5 dence.

6 “(2) In the case of property, the possession of which
7 could undermine national security or create a hazard to
8 public health or safety, the determination under para-
9 graph (1) may be made after the seizure of the property.
10 If the person from whom the property is seized is found
11 to have been lawfully in possession of the property and
12 the return of the property could undermine national secu-
13 rity or create a hazard to public health or safety, the Sec-
14 retary of Defense shall reimburse the person for the fair
15 value for the property.

16 “(f) DELIVERY OF SEIZED PROPERTY.—Any law en-
17 forcement official who seizes property under subsection (c)
18 and is not authorized to retain it for the United States
19 shall deliver the property to an authorized member of the
20 armed forces or other authorized official of the Depart-
21 ment of Defense or the Department of Justice.

22 “(g) RETROACTIVE ENFORCEMENT AUTHORIZED.—
23 This section shall apply to any military or Department of
24 Defense property that is disposed of on or after January
25 1, 2002, in a manner that is not in accordance with stat-

1 utes and regulations governing Government property in ef-
 2 fect at the time of the disposal of the property.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
 4 at the beginning of chapter 165 of such title is amended
 5 by inserting the following new item:

“2790. Recovery of improperly disposed of Department of Defense property.”.

6 **TITLE IV—MILITARY**
 7 **PERSONNEL AUTHORIZATIONS**
 8 **Subtitle A—Active Forces**

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

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

- 12 (1) The Army, 532,400.
 13 (2) The Navy, 325,300.
 14 (3) The Marine Corps, 194,000.
 15 (4) The Air Force, 316,771.

16 **Subtitle B—Reserve Forces**

17 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

18 (a) IN GENERAL.—The Armed Forces are authorized
 19 strengths for Selected Reserve personnel of the reserve
 20 components as of September 30, 2009, as follows:

- 21 (1) The Army National Guard of the United
 22 States, 352,600.
 23 (2) The Army Reserve, 205,000.
 24 (3) The Navy Reserve, 66,700.
 25 (4) The Marine Corps Reserve, 39,600.

1 (5) The Air National Guard of the United
2 States, 106,756.

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

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

5 (b) ADJUSTMENTS.—The end strengths prescribed by
6 subsection (a) for the Selected Reserve of any reserve com-
7 ponent shall be proportionately reduced by—

8 (1) the total authorized strength of units orga-
9 nized to serve as units of the Selected Reserve of
10 such component which are on active duty (other
11 than for training) at the end of the fiscal year; and

12 (2) the total number of individual members not
13 in units organized to serve as units of the Selected
14 Reserve of such component who are on active duty
15 (other than for training or for unsatisfactory partici-
16 pation in training) without their consent at the end
17 of the fiscal year.

18 Whenever such units or such individual members are re-
19 leased from active duty during any fiscal year, the end
20 strength prescribed for such fiscal year for the Selected
21 Reserve of such reserve component shall be increased pro-
22 portionately by the total authorized strengths of such
23 units and by the total number of such individual members.

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
2 **DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section
4 411(a), the reserve components of the Armed Forces are
5 authorized, as of September 30, 2009, the following num-
6 ber of Reserves to be serving on full-time active duty or
7 full-time duty, in the case of members of the National
8 Guard, for the purpose of organizing, administering, re-
9 cruiting, instructing, or training the reserve components:

10 (1) The Army National Guard of the United
11 States, 29,950.

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

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

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

15 (5) The Air National Guard of the United
16 States, 14,360.

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

18 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
19 **(DUAL STATUS).**

20 The minimum number of military technicians (dual
21 status) as of the last day of fiscal year 2009 for the re-
22 serve components of the Army and the Air Force (notwith-
23 standing section 129 of title 10, United States Code) shall
24 be the following:

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

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

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

4 (4) For the Air National Guard of the United
5 States, 22,459.

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

8 (a) LIMITATIONS.—

9 (1) NATIONAL GUARD.—Within the limitation
10 provided in section 10217(c)(2) of title 10, United
11 States Code, the number of non-dual status techni-
12 cians employed by the National Guard as of Sep-
13 tember 30, 2009, may not exceed the following:

14 (A) For the Army National Guard of the
15 United States, 1,600.

16 (B) For the Air National Guard of the
17 United States, 350.

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

21 (3) AIR FORCE RESERVE.—The number of non-
22 dual status technicians employed by the Air Force
23 Reserve as of September 30, 2009, may not exceed
24 90.

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

5 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
6 **THORIZED TO BE ON ACTIVE DUTY FOR**
7 **OPERATIONAL SUPPORT.**

8 During fiscal year 2009, the maximum number of
9 members of the reserve components of the Armed Forces
10 who may be serving at any time on full-time operational
11 support duty under section 115(b) of title 10, United
12 States Code, is the following:

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

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

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

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

18 (5) The Air National Guard of the United
19 States, 16,000.

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

1 **SEC. 416. INCREASED END STRENGTHS FOR RESERVES ON**
2 **ACTIVE DUTY IN SUPPORT OF THE ARMY NA-**
3 **TIONAL GUARD AND ARMY RESERVE AND**
4 **MILITARY TECHNICIANS (DUAL STATUS) OF**
5 **THE ARMY NATIONAL GUARD.**

6 (a) RESERVES ON ACTIVE DUTY IN SUPPORT OF
7 ARMY NATIONAL GUARD AND ARMY RESERVE.—Notwith-
8 standing the limitations specified in section 412 and sub-
9 ject to the provisions of this section, the number of Re-
10 serves authorized as of September 30, 2009, to be serving
11 on full-time active duty or full-time duty, in the case of
12 members of the National Guard, for purposes of orga-
13 nizing, administering, recruiting, instructing, or training
14 the reserve components shall be the number as follows:

15 (1) In the case of the Army National Guard of
16 the United States, the number authorized by section
17 412(1), plus an additional 2,110 Reserves.

18 (2) In the case of the Army Reserve, the num-
19 ber authorized by section 412(2), plus an additional
20 91 Reserves.

21 (b) MILITARY TECHNICIANS (DUAL STATUS) OF
22 ARMY NATIONAL GUARD.—Notwithstanding the limita-
23 tion specified in section 413(2) and subject to the provi-
24 sions of this section, the minimum number of military
25 technicians (dual status) as of September 30, 2009, for
26 the Army National Guard of the United States (notwith-

1 standing section 129 of title 10, United States Code) shall
2 be the number otherwise specified in section 413(2), plus
3 such additional number, not to exceed 1,170, military
4 technicians (dual status) as the Secretary of the Army
5 considers appropriate.

6 (c) ASSIGNMENT OF PERSONNEL UNDER ADDI-
7 TIONAL END STRENGTHS.—Any personnel on duty or
8 service under the additional end strengths authorized by
9 subsection (a) or (b) may only be assigned to units of com-
10 pany size or below.

11 (d) FUNDING.—The costs of any personnel under the
12 additional end strengths authorized by subsection (a) or
13 (b) shall be paid from funds authorized to be appropriated
14 for fiscal year 2009 by titles XV and XVI.

15 **SEC. 417. MODIFICATION OF AUTHORIZED STRENGTHS FOR**
16 **MARINE CORPS RESERVE OFFICERS ON AC-**
17 **TIVE DUTY IN THE GRADES OF MAJOR AND**
18 **LIEUTENANT COLONEL TO MEET NEW FORCE**
19 **STRUCTURE REQUIREMENTS.**

20 (a) AUTHORIZED STRENGTHS FOR MAJORS.—The
21 table in section 12011(a)(1) of title 10, United States
22 Code, is amended by striking the numbers in the column
23 relating to “Major” in the items relating to the Marine
24 Corps Reserve and inserting the following new numbers:

25 “99

1	“103
2	“107
3	“111
4	“114
5	“117
6	“120
7	“123
8	“126
9	“129
10	“132
11	“134
12	“136
13	“138
14	“140
15	“142”.

16 (b) AUTHORIZED STRENGTHS FOR LIEUTENANT
17 COLONELS.—The table in section 12011(a)(1) of such
18 title is further amended by striking the numbers in the
19 column relating to “Lieutenant Colonel” in the items re-
20 lating to the Marine Corps Reserve and inserting the fol-
21 lowing new numbers:

22	“63
23	“67
24	“70
25	“73

1 “76
2 “79
3 “82
4 “85
5 “88
6 “91
7 “94
8 “97
9 “100
10 “103
11 “106
12 “109”.

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

17 **Subtitle C—Authorization of**
18 **Appropriations**

19 **SEC. 421. MILITARY PERSONNEL.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
21 hereby authorized to be appropriated for fiscal year 2009
22 for the Department of Defense for military personnel
23 amounts as follows:

24 (1) For military personnel, \$114,152,040,000.

1 (2) For contributions to the Medicare-Eligible
2 Retiree Health Fund, \$10,350,593,000.

3 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
4 thorization of appropriations in subsection (a) supersedes
5 any other authorization of appropriations (definite or in-
6 definite) for such purpose for fiscal year 2009.

7 **TITLE V—MILITARY PERSONNEL**
8 **POLICY**

9 **Subtitle A—Officer Personnel**
10 **Policy**

11 **SEC. 501. MODIFICATION OF DISTRIBUTION REQUIRE-**
12 **MENTS FOR COMMISSIONED OFFICERS ON**
13 **ACTIVE DUTY IN GENERAL AND FLAG OFFI-**
14 **CER GRADES.**

15 (a) INCREASE IN NUMBER OF OFFICERS SERVING IN
16 GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—
17 Subsection (b) of section 525 of title 10, United States
18 Code, is amended by striking “16.3 percent” each place
19 it appears in paragraphs (1) and (2)(A) and inserting
20 “16.4 percent”.

21 (b) EXCLUSION OF CERTAIN RESERVE OFFICERS.—
22 Such section is further amended by adding at the end the
23 following new subsection:

24 “(g) The limitations of this section do not apply to
25 a reserve general or flag officer who is on active duty

1 under a call or order to active duty specifying a period
2 of active duty of not longer than three years.”.

3 **SEC. 502. MODIFICATION OF LIMITATIONS ON AUTHORIZED**
4 **STRENGTHS OF GENERAL AND FLAG OFFI-**
5 **CERS ON ACTIVE DUTY.**

6 (a) GENERAL LIMITATIONS.—Subsection (a) of sec-
7 tion 526 of title 10, United States Code, is amended by
8 striking paragraphs (1) through (4) and inserting the fol-
9 lowing new paragraphs:

10 “(1) For the Army, 222.

11 “(2) For the Navy, 159.

12 “(3) For the Air Force, 206.

13 “(4) For the Marine Corps, 59.”.

14 (b) LIMITED EXCLUSION FOR JOINT DUTY RE-
15 QUIREMENTS.—Subsection (b) of such section is amended
16 to read as follows:

17 “(b) LIMITED EXCLUSION FOR JOINT DUTY RE-
18 QUIREMENTS.—(1) The Secretary of Defense may des-
19 ignate up to 324 general officer and flag officer positions
20 that are joint duty assignments for the purposes of chap-
21 ter 38 of this title for exclusion from the limitations in
22 subsection (a). Officers in positions so designated shall not
23 be counted for the purposes of those limitations.

24 “(2) Unless the Secretary of Defense determines that
25 a lower number is in the best interests of the nation, the

1 minimum number of officers serving in positions des-
2 ignated under paragraph (1) for each armed force shall
3 be as follows:

4 “(A) For the Army, 85.

5 “(B) For the Navy, 61.

6 “(C) For the Air Force, 76.

7 “(D) For the Marine Corps, 21.”.

8 (c) TEMPORARY EXCLUSION FOR CERTAIN TEM-
9 PORARY BILLETS.—Such section is further amended by
10 inserting after subsection (b), as amended by subsection
11 (b) of this section, the following new subsection:

12 “(c) TEMPORARY EXCLUSION FOR ASSIGNMENT TO
13 CERTAIN TEMPORARY BILLETS.—(1) The limitations in
14 subsection (a) do not apply to a general or flag officer
15 assigned to a temporary joint duty assignment billet des-
16 ignated by the Secretary of Defense for purposes of this
17 section.

18 “(2) A general or flag officer assigned to a temporary
19 joint duty assignment as described in paragraph (1) may
20 not be excluded under this subsection from the limitations
21 in subsection (a) for a period longer than one year.”.

22 (d) CONFORMING REPEAL OF LIMITATION ON NUM-
23 BER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE
24 IN POSITIONS OUTSIDE THEIR OWN SERVICE.—

1 (1) REPEAL.—Section 721 of title 10, United
2 States Code, is repealed.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 41 of such title is
5 amended by striking the item relating to section
6 721.

7 (e) ACQUISITION AND CONTRACTING BILLETS.—The
8 Secretary of Defense, the Secretaries of the military de-
9 partments, the Chairman of the Joint Chiefs of Staff, and
10 the chiefs of staff of the Armed Forces shall take appro-
11 priate actions to ensure that—

12 (1) not less than 12 percent of all general offi-
13 cers and flag officers in the Armed Forces generally,
14 and in each Armed Force (as applicable), serve in an
15 acquisition position; and

16 (2) not less than 10 percent of all general offi-
17 cers and flag officers in the Armed Forces generally,
18 and in each Armed Force (as applicable), who serve
19 in an acquisition position have significant con-
20 tracting experience.

21 (f) EFFECTIVE DATE.—This section and the amend-
22 ments made by this section shall take effect on January
23 1, 2010.

1 **SEC. 503. CLARIFICATION OF JOINT DUTY REQUIREMENTS**
2 **FOR PROMOTION TO GENERAL OR FLAG**
3 **GRADES.**

4 (a) **IN GENERAL.**—Subsection (a) of section 619a of
5 title 10, United States Code, is amended by striking “un-
6 less—” and all that follows and inserting “unless the offi-
7 cer has been designated as a joint qualified officer in ac-
8 cordance with section 661 of this title.”.

9 (b) **EXCEPTIONS.**—Subsection (b) of such section is
10 amended—

11 (1) in the matter preceding paragraph (1), by
12 striking “paragraph (1) or paragraph (2) of sub-
13 section (a), or both paragraphs (1) and (2) of sub-
14 section (a),” and inserting “subsection (a)”; and

15 (2) in paragraph (4), by striking “if the offi-
16 cer’s” and all that follows and inserting “if—

17 “(A) the officer’s total consecutive years in
18 joint duty assignments is not less than two
19 years; and

20 “(B) the officer has successfully completed
21 a program of education meeting the require-
22 ments for Phase II joint professional military
23 education under subsections (b) and (c) of sec-
24 tion 2155 of this title”.

1 (c) REPEAL OF SPECIAL RULE FOR NUCLEAR PRO-
 2 PULSION OFFICERS.—Such section is further amended by
 3 striking subsection (h).

4 (d) CONFORMING AND CLERICAL AMENDMENTS.—

5 (1) CONFORMING AMENDMENT.—The heading
 6 of such section is amended to read as follows:

7 **“§ 619a. Eligibility for consideration for promotion:**
 8 **joint qualified officer designation re-**
 9 **quired for promotion to general or flag**
 10 **grade; exceptions”.**

11 (2) CLERICAL AMENDMENT.—The table of sec-
 12 tions at the beginning of subchapter II of chapter 36
 13 of such title is amended by striking the item relating
 14 to section 619a and inserting the following new item:

“619a. Eligibility for consideration for promotion: joint qualified officer designa-
 tion required for promotion to general or flag grade; excep-
 tions.”.

15 **SEC. 504. MODIFICATION OF AUTHORITIES ON LENGTH OF**
 16 **JOINT DUTY ASSIGNMENTS.**

17 (a) SERVICE EXCLUDABLE FROM TOUR LENGTH RE-
 18 QUIREMENTS.—Subsection (d) of section 664 of title 10,
 19 United States Code, is amended—

20 (1) in paragraph (1), by striking subparagraph
 21 (D) and inserting the following new subparagraph
 22 (D):

23 “(D) a qualifying reassignment from a
 24 joint duty assignment—

1 “(i) for unusual personal reasons (in-
2 cluding extreme hardship and medical con-
3 ditions) beyond the control of the officer or
4 the armed forces; or

5 “(ii) to another joint duty assignment
6 immediately after—

7 “(I) the officer was promoted to
8 a higher grade, if the reassignment
9 was made because no joint duty as-
10 signment was available within the
11 same organization that was commen-
12 surate with the officer’s new grade; or

13 “(II) the officer’s position was
14 eliminated in a reorganization.”; and

15 (2) by striking paragraph (3) and inserting the
16 following new paragraph (3):

17 “(3) Service in a joint duty assignment in a
18 case in which the officer’s tour of duty in that as-
19 signment brings the officer’s accrued service for pur-
20 poses of subsection (f)(3) to the applicable standard
21 prescribed in subsection (a).”.

22 (b) EXCLUSIONS OF SERVICE FROM COMPUTING AV-
23 ERAGE TOUR LENGTHS.—Subsection (e) of such section
24 is amended by striking paragraph (2) and inserting the
25 following new paragraph (2):

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

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

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

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

7 (c) SERVICE CONTRIBUTING TOWARD FULL TOUR
8 OF DUTY.—Subsection (f) of such section is amended—
9 (1) by striking paragraph (3) and inserting the
10 following new paragraph (3):

11 “(3) Accrued joint experience in joint duty as-
12 signments as described in subsection (g).”;

13 (2) in paragraph (4), by striking “(except that”
14 and all that follows through “at any time)”; and

15 (3) by striking paragraph (6) and inserting the
16 following new paragraph (6):

17 “(6) Any subsequent joint duty assignment that
18 is less than the period required under subsection (a),
19 but not less than two years.”.

20 (d) ACCRUAL OF JOINT EXPERIENCE.—Subsection
21 (g) of such section is amended to read as follows:

22 “(g) ACCRUED JOINT EXPERIENCE.—Accrued joint
23 experience that may be aggregated to equal a full tour
24 of duty for purposes of subsection (f)(3) shall include such
25 temporary duty in joint assignments, joint individual

1 training, and participation in joint exercises, and for such
 2 periods, as shall be prescribed in regulations by the Sec-
 3 retary of Defense in consultation with the advice of the
 4 Chairman of the Joint Chiefs of Staff.”.

5 (e) CONSTRUCTIVE CREDIT.—Subsection (h) of such
 6 section is amended—

7 (1) in paragraph (1)—

8 (A) by striking “accord” and inserting
 9 “award”; and

10 (B) by striking “(f)(4), or (g)(2)” and in-
 11 serting “or (f)(4)”; and

12 (2) by striking paragraph (3).

13 (f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN
 14 JOINT TASK FORCE ASSIGNMENTS.—Such section is fur-
 15 ther amended by striking subsection (i).

16 **SEC. 505. TECHNICAL AND CONFORMING AMENDMENTS RE-**
 17 **LATING TO MODIFICATION OF JOINT SPE-**
 18 **CIALTY REQUIREMENTS.**

19 (a) JOINT DUTY ASSIGNMENTS AFTER COMPLETION
 20 OF JOINT PROFESSIONAL MILITARY EDUCATION.—Sec-
 21 tion 663 of title 10, United States Code, is amended—

22 (1) in subsection (a)—

23 (A) in the heading, by striking “JOINT
 24 SPECIALTY OFFICERS.—” and inserting

25 “JOINT QUALIFIED OFFICERS.—”; and

1 (B) by striking “officer with the joint special-
2 tialty” and inserting “designated as a joint
3 qualified officer”; and

4 (2) in subsection (b)(1), by striking “do not
5 have the joint specialty” and inserting “are not des-
6 ignated as joint qualified officers”.

7 (b) PROCEDURES FOR MONITORING CAREERS OF
8 JOINT OFFICERS.—Section 665 of such title is amended—

9 (1) in subsection (a)(1)(A), by striking “officers
10 with the joint specialty” and inserting “officers des-
11 ignated as joint qualified officers”; and

12 (2) in subsection (b)(1), by striking “officers
13 with the joint specialty” and inserting “officers des-
14 ignated as joint qualified officers”.

15 (c) ANNUAL REPORTS.—Section 667 of such title is
16 amended—

17 (1) in paragraph (1)—

18 (A) in subparagraph (A), by striking “se-
19 lected for the joint specialty” and inserting
20 “designated as joint qualified officers”; and

21 (B) in subparagraph (B), by striking “se-
22 lection for the joint specialty but were not se-
23 lected” and inserting “designation as joint
24 qualified officers but were not designated”;

1 (2) in paragraph (2), by striking “officers with
2 the joint specialty” and inserting “officers des-
3 ignated as joint qualified officers”;

4 (3) in paragraph (3), by striking “selected for
5 the joint specialty” each place it appears and insert-
6 ing “designated as joint qualified officers”;

7 (4) in paragraph (4)—

8 (A) in subparagraph (A), by striking “se-
9 lected for the joint specialty” and inserting
10 “designated as joint qualified officers”; and

11 (B) by striking subparagraph (B) and in-
12 serting the following new subparagraph (B):

13 “(B) a comparison of—

14 “(i) the number of officers designated
15 as joint qualified officers who had served
16 in a joint duty assignment list billet and
17 completed Phase II joint professional mili-
18 tary education; with

19 “(ii) the number of officers designated
20 as joint qualified officers based on their
21 aggregated joint experiences and comple-
22 tion of Phase II joint professional military
23 education.”;

24 (5) by striking paragraph (16);

1 (6) by redesignating paragraphs (5) through
2 (15) as paragraphs (6) through (16), respectively;

3 (7) by inserting after paragraph (4) the fol-
4 lowing new paragraph (5):

5 “(5) The promotion rate for officers from with-
6 in the promotion zone who are designated as joint
7 qualified officers compared with the promotion rate
8 for other officers considered for promotion from
9 within the promotion zone in the same pay grade
10 and the same competitive category, shown for all of-
11 ficers of the armed force and for officers of the
12 armed force concerned designated as joint qualified
13 officers.”;

14 (8) in paragraph (7), as redesignated by para-
15 graph (6) of this subsection—

16 (A) by striking “officers with the joint spe-
17 cialty” and inserting “officers designated as
18 joint qualified officers”; and

19 (B) by striking “paragraph (5)” and in-
20 serting “paragraph (6)”;

21 (9) in paragraph (8), as so redesignated, by
22 striking “paragraph (5)” and inserting “paragraph
23 (6)”;

24 (10) in paragraph (9), as so redesignated—

1 (A) by striking “officers with the joint spe-
2 cialty” and inserting “officers designated as
3 joint qualified officers”; and

4 (B) by striking “paragraph (5)” and in-
5 serting “paragraph (6)”;

6 (11) in paragraph (10), as so redesignated—

7 (A) by striking “officers with the joint spe-
8 cialty” and inserting “officers designated as
9 joint qualified officers”; and

10 (B) by striking “paragraph (5)” and in-
11 serting “paragraph (6)”;

12 (12) in paragraph (11), as so redesignated, by
13 striking “selection for the joint specialty” and in-
14 serting “designation as joint qualified officers”;

15 (13) in paragraph (14), as so redesignated—

16 (A) by striking “paragraphs (5) through
17 (9)” and inserting “paragraphs (6) through
18 (10)”;

19 (B) by striking “having the joint specialty”
20 and inserting “designated as joint qualified offi-
21 cers”;

22 (14) by redesignating paragraph (18) as para-
23 graph (19); and

24 (15) by inserting after paragraph (17) the fol-
25 lowing new paragraph (18):

1 “(18) The number of officers in the grade of
2 captain or above, or in the case of the Navy, lieuten-
3 ant or above, certified at each level of joint qualifica-
4 tion, with such numbers to be set forth separated for
5 each armed force and for each covered grade of offi-
6 cer within each armed force.”.

7 **SEC. 506. ELIGIBILITY OF RESERVE OFFICERS TO SERVE**
8 **ON BOARDS OF INQUIRY FOR SEPARATION**
9 **OF REGULAR OFFICERS FOR SUBSTANDARD**
10 **PERFORMANCE AND OTHER REASONS.**

11 (a) **ELIGIBILITY.**—Section 1187 of title 10, United
12 States Code, is amended—

13 (1) in subsection (a)—

14 (A) by striking paragraph (2); and

15 (B) by redesignating paragraphs (3) and

16 (4) as paragraphs (2) and (3), respectively; and

17 (2) in subsection (b), by striking “on active
18 duty” in the matter preceding paragraph (1).

19 (b) **CONFORMING AMENDMENT.**—The heading of
20 subsection (a) of such section is amended by striking “AC-
21 TIVE DUTY OFFICERS” and inserting “IN GENERAL”.

1 **SEC. 507. MODIFICATION OF AUTHORITY ON STAFF JUDGE**
2 **ADVOCATE TO THE COMMANDANT OF THE**
3 **MARINE CORPS.**

4 (a) GRADE OF STAFF JUDGE ADVOCATE TO THE
5 COMMANDANT OF THE MARINE CORPS.—Section 5046(a)
6 of title 10, United States Code, is amended by striking
7 the last sentence and inserting the following new sentence:
8 “The Staff Judge Advocate to the Commandant of the
9 Marine Corps, while so serving, has the grade of major
10 general.”.

11 (b) EXCLUSION FROM GENERAL OFFICER DISTRIBU-
12 TION LIMITATIONS.—Section 525(a) of such title is
13 amended—

14 (1) by inserting “(1)” after “(a)”; and

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

17 “(2) An officer while serving in the position of Staff
18 Judge Advocate to the Commandant of the Marine Corps
19 under section 5046 of this title is in addition to the num-
20 ber that would otherwise be permitted for the Marine
21 Corps for officers in grades above the brigadier general
22 under the first sentence of paragraph (1).”.

1 **SEC. 508. INCREASE IN NUMBER OF PERMANENT PROFES-**
 2 **SORS AT THE UNITED STATES AIR FORCE**
 3 **ACADEMY.**

4 Section 9331(b)(4) of title 10, United States Code,
 5 is amended by striking “21 permanent professors” and in-
 6 serting “25 permanent professors”.

7 **SEC. 509. SERVICE CREDITABLE TOWARD RETIREMENT**
 8 **FOR THIRTY YEARS OR MORE OF SERVICE OF**
 9 **REGULAR WARRANT OFFICERS OTHER THAN**
 10 **REGULAR ARMY WARRANT OFFICERS.**

11 Section 1305 of title 10, United States Code, is
 12 amended—

13 (1) in subsection (a), “A regular warrant offi-
 14 cer” and inserting “A regular Army warrant offi-
 15 cer”;

16 (2) by redesignating subsections (b) and (c) as
 17 subsections (c), and (d), respectively;

18 (3) by inserting after subsection (a) the fol-
 19 lowing new subsection (b);

20 “(b) A regular warrant officer (other than a regular
 21 Army warrant officer) who has at least 30 years of active
 22 service that could be credited to him under section 511
 23 of the Career Compensation Act of 1949, as amended,
 24 may be retired 60 days after the date on which he com-
 25 pletes that service, except as provided by section 8301 of
 26 title 5.”; and

1 (4) in subsections (c) and (d), as redesignated
2 by paragraph (2), by inserting “or (b)” after “sub-
3 section (a)”.

4 **SEC. 510. MODIFICATION OF REQUIREMENTS FOR QUALI-**
5 **FICATION FOR ISSUANCE OF POSTHUMOUS**
6 **COMMISSIONS AND WARRANTS.**

7 (a) **POSTHUMOUS COMMISSIONS.**—Section 1521 of
8 title 10, United States Code, is amended—

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

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

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

17 (b) **POSTHUMOUS WARRANTS.**—Section 1522 of such
18 title is amended—

19 (1) in subsection (a), by striking “in line of
20 duty”; and

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

23 “(c) A warrant issued under subsection (a) shall re-
24 quire a finding by the Secretary of the military depart-

1 ment concerned that at the time of death the member was
2 qualified for appointment to the next higher grade.”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act, and shall apply with respect to deaths of mem-
6 bers of the Armed Forces occurring on or after that date.

7 **Subtitle B—Enlisted Personnel** 8 **Policy**

9 **SEC. 521. INCREASE IN MAXIMUM PERIOD OF REENLIST-** 10 **MENT OF REGULAR MEMBERS OF THE** 11 **ARMED FORCES.**

12 (a) INCREASE IN MAXIMUM PERIOD.—Section
13 505(d) of title 10, United States Code, is amended—

14 (1) in paragraph (2), by striking “six years”
15 and inserting “eight years”; and

16 (2) in paragraph (3)(A), by striking “six years”
17 and inserting “eight years”.

18 (b) CONFORMING AMENDMENT RELATING TO PAY-
19 MENT OF REENLISTMENT BONUS.—Section
20 308(a)(2)(A)(ii) of title 37, United States Code, is amend-
21 ed by striking “six” and inserting “eight”.

1 **Subtitle C—Reserve Component**
2 **Management**

3 **SEC. 531. MODIFICATION OF LIMITATIONS ON AUTHORIZED**
4 **STRENGTHS OF RESERVE GENERAL AND**
5 **FLAG OFFICERS IN ACTIVE STATUS.**

6 (a) EXCLUSION OF ARMY AND AIR FORCE OFFICERS
7 SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (b)
8 of section 12004 of title 10, United States Code, is amend-
9 ed by adding at the end the following new paragraph;

10 “(4) Those serving in a joint duty assignment
11 for purposes of chapter 38 of this title, except that
12 the number of officers who may be excluded under
13 this paragraph may not exceed the number equal to
14 20 percent of the number of officers authorized for
15 the armed force concerned by subsection (a).”.

16 (b) EXCLUSION OF NAVY OFFICERS SERVING IN
17 JOINT DUTY ASSIGNMENTS.—Subsection (c) of such sec-
18 tion is amended—

19 (1) by redesignating paragraphs (2), (3), and
20 (4) as paragraphs (3), (4), and (5), respectively; and

21 (2) by striking the matter in paragraph (1) be-
22 fore the matter relating to line corps and inserting
23 the following:

24 “(1) The following Navy reserve officers shall not be
25 counted for purposes of this section:

1 “(A) Those counted under section 526 of this
2 title.

3 “(B) Those serving in a joint duty assignment
4 for purposes of chapter 38 of this title, except that
5 the number of officers who may be excluded under
6 this paragraph may not exceed the number equal to
7 20 percent of the number of officers authorized for
8 the Navy in subsection (a).

9 “(2) Of the number of Navy reserve officers author-
10 ized by subsection (a), 40 are distributed among the line
11 and staff corps as follows:”.

12 **SEC. 532. EXTENSION TO OTHER RESERVE COMPONENTS**
13 **OF ARMY AUTHORITY FOR DEFERRAL OF**
14 **MANDATORY SEPARATION OF MILITARY**
15 **TECHNICIANS (DUAL STATUS) UNTIL AGE 60.**

16 Section 10216(f) of title 10, United States Code, is
17 amended by inserting “and the Secretary of the Air
18 Force” after “Secretary of the Army”.

19 **SEC. 533. INCREASE IN MANDATORY RETIREMENT AGE FOR**
20 **CERTAIN RESERVE OFFICERS TO AGE 62.**

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

1 (b) HEADQUARTERS AND RESERVE TECHNICIAN OF-
2 FICER PERSONNEL.—

3 (1) IN GENERAL.—Subsection (b) of section
4 14702 of such title is amended—

5 (A) in the subsection caption, by striking
6 “AGE 60” and inserting “AGE 62”; and

7 (B) by striking “60 years” and inserting
8 “62 years”.

9 (2) CONFORMING AMENDMENT.—The heading
10 of such section is amended to read as follows:

11 **“§ 14702. Retention on reserve active-status list of**
12 **certain officers until age 62”.**

13 (3) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of chapter 1409 of such title
15 is amended by striking the item relating to section
16 14702 and inserting the following new item:

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

17 **SEC. 534. AUTHORITY FOR VACANCY PROMOTION OF NA-**
18 **TIONAL GUARD AND RESERVE OFFICERS OR-**
19 **DERED TO ACTIVE DUTY IN SUPPORT OF A**
20 **CONTINGENCY OPERATION.**

21 Section 14317 of title 10, United States Code, is
22 amended—

23 (1) in subsection (d)—

24 (A) by inserting “(1)” before “Except as
25 provided in subsection (e)”; and

1 (B) by striking “unless” in the first sen-
2 tence and all that follows through the end of
3 the subsection and inserting “unless the offi-
4 cer—

5 “(A) is ordered to active duty as a member of
6 the unit in which the vacancy exists when that unit
7 is ordered to active duty; or

8 “(B) has been ordered to or is serving on active
9 duty in support of a contingency operation.

10 “(2) If the name of an officer is removed under para-
11 graph (1) from a list of officers recommended for pro-
12 motion, the officer shall be treated as if the officer had
13 not been considered for promotion or examined for Fed-
14 eral recognition.”; and

15 (2) in subsection (e)(1)(B), by inserting “or by
16 examination for Federal recognition under title 32”
17 after “this title”.

18 **SEC. 535. AUTHORITY FOR RETENTION OF RESERVE COM-**
19 **PONENT CHAPLAINS AND MEDICAL OFFI-**
20 **CERS UNTIL AGE 68.**

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

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

4 (1) in paragraph (1), by striking “or” at the
5 end;

6 (2) by redesignating paragraph (2) as para-
7 graph (3); and

8 (3) by inserting after paragraph (1) the fol-
9 lowing new paragraph (2):

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

12 **SEC. 536. MODIFICATION OF AUTHORITIES ON DUAL DUTY**
13 **STATUS OF NATIONAL GUARD OFFICERS.**

14 (a) DUAL DUTY STATUS AUTHORIZED FOR ANY OF-
15 FICER ON ACTIVE DUTY.—Subsection (a)(2) of section
16 325 of title 32, United States Code, is amended by strik-
17 ing “in command of a National Guard unit”.

18 (b) ADVANCE AUTHORIZATION AND CONSENT TO
19 DUAL DUTY STATUS.—Such section is further amended—

20 (1) by redesignating subsection (b) as sub-
21 section (c); and

22 (2) by inserting after subsection (a) the fol-
23 lowing new subsection (b):

24 “(b) ADVANCE AUTHORIZATION AND CONSENT.—
25 The President and the Governor of a State or Territory,

1 or of the Commonwealth of Puerto Rico, or the com-
2 manding general of the District of Columbia National
3 Guard, as applicable, may give the authorization or con-
4 sent required by subsection (a)(2) with respect to an offi-
5 cer in advance for the purpose of establishing the succes-
6 sion of command of a unit.”.

7 **SEC. 537. MODIFICATION OF MATCHING FUND REQUIRE-**
8 **MENTS UNDER NATIONAL GUARD YOUTH**
9 **CHALLENGE PROGRAM.**

10 (a) IN GENERAL.—Subsection (d) of section 509 of
11 title 32, United States Code, is amended to read as fol-
12 lows:

13 “(d) MATCHING FUNDS REQUIRED.—(1) The
14 amount of assistance provided by the Secretary of Defense
15 to a State program of the Program for a fiscal year under
16 this section may not exceed 60 percent of the costs of op-
17 erating the State program during that fiscal year.

18 “(2) The limitation in paragraph (1) may not be con-
19 strued as a limitation on the amount of assistance that
20 may be provided to a State program of the Program for
21 a fiscal year from sources other than the Department of
22 Defense.”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on October 1, 2008, and

1 shall apply with respect to fiscal years beginning on or
2 after that date.

3 **SEC. 538. REPORT ON COLLECTION OF INFORMATION ON**
4 **CIVILIAN SKILLS OF MEMBERS OF THE RE-**
5 **SERVE COMPONENTS OF THE ARMED**
6 **FORCES.**

7 Not later than March 1, 2009, the Secretary of De-
8 fense shall submit to the congressional defense committees
9 a report on the feasibility and advisability, utility, and cost
10 effectiveness of the following:

11 (1) The collection by the Department of De-
12 fense of information on the civilian skills, qualifica-
13 tions, and professional certifications of members of
14 the reserve components of the Armed Forces that
15 are relevant to military manpower requirements.

16 (2) The establishment by each military depart-
17 ment, and by the Department of Defense generally,
18 of a system that would match billets and personnel
19 requirements with members of the reserve compo-
20 nents of the Armed Forces who have skills, qualifica-
21 tions, and certifications relevant to such billets and
22 requirements.

23 (3) The establishment by the Department of
24 Defense of one or more systems accessible by private
25 employers who employ individuals with skills, quali-

1 fications, and certifications possessed by members of
 2 the reserve components of the Armed Forces to as-
 3 sist such employers in hiring and employing such
 4 members.

5 (4) Actions to ensure that employment informa-
 6 tion collected for and maintained in the Civilian Em-
 7 ployment Information database of the Department
 8 of Defense is current and accurate.

9 (5) Actions to incorporate any matter deter-
 10 mined feasible and advisable under paragraphs (1)
 11 through (4) into the Defense Integrated Military
 12 Human Resources System.

13 **Subtitle D—Education and** 14 **Training**

15 **SEC. 551. AUTHORITY TO PRESCRIBE THE AUTHORIZED** 16 **STRENGTH OF THE UNITED STATES NAVAL** 17 **ACADEMY.**

18 (a) IN GENERAL.—Section 6954 of title 10, United
 19 States Code, is amended—

20 (1) in subsection (a)—

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

24 (B) by striking “under subsection (h)”;
 25 and

1 (2) by striking subsection (h).

2 (b) **EFFECTIVE DATE.**—The amendments made by
3 subsection (a) shall apply with respect to academic years
4 at the United States Naval Academy after the 2007–2008
5 academic year.

6 **SEC. 552. TUITION FOR ATTENDANCE OF CERTAIN INDIVID-**
7 **UALS AT THE UNITED STATES AIR FORCE IN-**
8 **STITUTE OF TECHNOLOGY.**

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

12 “(4)(A) The Institute shall charge tuition for the cost
13 of instruction at the Institute for individuals described in
14 subparagraph (B).

15 “(B) The individuals described in this subparagraph
16 are any individuals, including civilian employees of the
17 military departments other than the Air Force, of other
18 components of the Department of Defense, and of other
19 Federal agencies, receiving instruction at the Institute.

20 “(C) The cost of any tuition charged an individual
21 under this paragraph shall be borne by the department,
22 agency, or component sending the individual for instruc-
23 tion at the Institute.

24 “(5) Amounts received by the Institute for the in-
25 struction of students under this subsection shall be re-

1 tained by the Institute and available to the Institute to
 2 cover the costs of such instruction. The source and dis-
 3 position of such amounts shall be specifically identified in
 4 the records of the Institute.”.

5 **SEC. 553. INCREASE IN STIPEND FOR BACCALAUREATE**
 6 **STUDENTS IN NURSING OR OTHER HEALTH**
 7 **PROFESSIONS UNDER HEALTH PROFESSIONS**
 8 **STIPEND PROGRAM.**

9 Section 16201 of title 10, United States Code, is
 10 amended—

11 (1) in subsection (e)(2)(A), by striking “of
 12 \$100 per month” and inserting “, in an amount de-
 13 termined under subsection (f),”; and

14 (2) in subsection (f), by striking “subsection (b)
 15 or (c)” and inserting “subsection (b), (c), or (e)”.

16 **SEC. 554. CLARIFICATION OF DISCHARGE OR RELEASE**
 17 **TRIGGERING DELIMITING PERIOD FOR USE**
 18 **OF EDUCATIONAL ASSISTANCE BENEFIT FOR**
 19 **RESERVE COMPONENT MEMBERS SUP-**
 20 **PORTING CONTINGENCY OPERATIONS AND**
 21 **OTHER OPERATIONS.**

22 Section 16164(a)(2) of title 10, United States Code,
 23 is amended by striking “other than dishonorable condi-
 24 tions” and inserting “honorable conditions”.

1 **SEC. 555. PAYMENT BY THE SERVICE ACADEMIES OF CER-**
 2 **TAIN EXPENSES ASSOCIATED WITH PARTICI-**
 3 **PATION IN ACTIVITIES FOSTERING INTER-**
 4 **NATIONAL COOPERATION.**

5 (a) IN GENERAL.—Chapter 101 of title 10, United
 6 States Code, is amended by adding the following new sec-
 7 tion:

8 **“§ 2016. Service academies: payment of expenses of**
 9 **foreign visitors for international coopera-**
 10 **tion; expenses of cadets and midshipmen**
 11 **in certain travel or study abroad**

12 “(a) PAYMENT OF EXPENSES OF CERTAIN FOREIGN
 13 VISITORS.—The Superintendent of the United States Mili-
 14 tary Academy, the United States Naval Academy, or the
 15 United States Air Force Academy may, if such Super-
 16 intendent considers it necessary in the interests of inter-
 17 national cooperation, pay the following:

18 “(1) Travel, subsistence, and special compensa-
 19 tion of officers, students, and representatives of for-
 20 eign countries visiting the service academy con-
 21 cerned.

22 “(2) Other hosting and entertainment expenses
 23 in connection with foreign visitors to the service
 24 academy concerned.

25 “(b) PER DIEM FOR CADETS AND MIDSHIPMEN
 26 TRAVELING OR STUDYING ABROAD.—A cadet at the

1 United States Military Academy or the United States Air
 2 Force Academy, and a midshipman at the United States
 3 Naval Academy, who travels or studies abroad in a pro-
 4 gram to enhance language skills or cultural understanding
 5 may be paid per diem in connection with such travel or
 6 study at a rate lower than the rate authorized by the Joint
 7 Federal Travel Regulations if the Superintendent of the
 8 service academy concerned determines that payment of per
 9 diem at such lower rate is in the best interest of the
 10 United States.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of chapter 101 of such title is amended
 13 by adding at the end the following new item:

“2016. Service academies: payment of costs of foreign visitors for international
 cooperation; expenses of cadets and midshipmen in certain
 travel or study abroad.”.

14 **Subtitle E—Defense Dependents’**
 15 **Education Matters**

16 **SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
 17 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
 18 **PENDENTS OF MEMBERS OF THE ARMED**
 19 **FORCES AND DEPARTMENT OF DEFENSE CI-**
 20 **VILIAN EMPLOYEES.**

21 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
 22 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
 23 amount authorized to be appropriated for fiscal year 2009
 24 pursuant to section 301(5) for operation and maintenance

1 for Defense-wide activities, \$30,000,000 shall be available
2 only for the purpose of providing assistance to local edu-
3 cational agencies under subsection (a) of section 572 of
4 the National Defense Authorization Act for Fiscal Year
5 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C.
6 7703b).

7 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT
8 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE
9 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-
10 thorized to be appropriated for fiscal year 2009 pursuant
11 to section 301(5) for operation and maintenance for De-
12 fense-wide activities, \$10,000,000 shall be available only
13 for the purpose of providing assistance to local educational
14 agencies under subsection (b) of such section 572.

15 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
16 this section, the term “local educational agency” has the
17 meaning given that term in section 8013(9) of the Ele-
18 mentary and Secondary Education Act of 1965 (20 U.S.C.
19 7713(9)).

20 **SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
21 **ABILITIES.**

22 Of the amount authorized to be appropriated for fis-
23 cal year 2009 pursuant to section 301(5) for operation
24 and maintenance for Defense-wide activities, \$5,000,000
25 shall be available for payments under section 363 of the

1 Floyd D. Spence National Defense Authorization Act for
2 Fiscal Year 2001 (as enacted into law by Public Law 106–
3 398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

4 **SEC. 563. TRANSITION OF MILITARY DEPENDENT STU-**
5 **DENTS AMONG LOCAL EDUCATIONAL AGEN-**
6 **CIES.**

7 Subsection (d) of section 574 of the John Warner
8 National Defense Authorization Act for Fiscal Year 2007
9 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b
10 note) is amended to read as follows:

11 “(d) **TRANSITION OF MILITARY DEPENDENTS**
12 **AMONG LOCAL EDUCATIONAL AGENCIES.**—(1) The Sec-
13 retary of Defense shall work collaboratively with the Sec-
14 retary of Education in any efforts to ease the transitions
15 of military dependent students from Department of De-
16 fense dependent schools to other schools and among
17 schools of local educational agencies.

18 “(2) The Secretary of Defense may use funds of the
19 Department of Defense Education Activity for purposes
20 as follows:

21 “(A) To share expertise and experience of the
22 Activity with local educational agencies as military
23 dependent students make the transitions described
24 in paragraph (1), including transitions resulting
25 from the closure or realignment of military installa-

1 tions under a base closure law, global rebasing, and
2 force restructuring.

3 “(B) To provide programs for local educational
4 agencies with military dependent students under-
5 going the transitions described in paragraph (1), in-
6 cluding programs for training for teachers and ac-
7 cess to distance learning courses for military de-
8 pendent students who attend public schools in the
9 United States.”.

10 **Subtitle F—Military Family** 11 **Readiness**

12 **SEC. 571. AUTHORITY FOR EDUCATION AND TRAINING FOR** 13 **MILITARY SPOUSES PURSUING PORTABLE** 14 **CAREERS.**

15 Section 1784 of title 10, United States Code, is
16 amended by inserting at the end the following new sub-
17 section:

18 “(h) EDUCATION AND TRAINING FOR MILITARY
19 SPOUSES PURSUING PORTABLE CAREERS.—(1) The Sec-
20 retary of Defense may carry out programs to provide or
21 make available to eligible spouses of members of the
22 armed forces education and training to facilitate the pur-
23 suit by such eligible spouses of a portable career.

24 “(2) In carrying out programs under this subsection,
25 the Secretary may provide assistance utilizing funds avail-

1 able to carry out this section in accordance with such regu-
2 lations as the Secretary shall prescribe for purposes of this
3 subsection.

4 “(3) In this subsection:

5 “(A)(i) The term ‘eligible spouse’ means any
6 person married to a member of the armed forces on
7 active duty.

8 “(ii) The term does not include the following:

9 “(I) Any person who is married to, but le-
10 gally separated from, a member of the armed
11 forces under court order or statute of any State
12 or possession of the United States.

13 “(II) Any person who is a member of the
14 armed forces.

15 “(B) The term ‘portable career’ includes an oc-
16 cupation identified by the Secretary of Defense, in
17 consultation with the Secretary of Labor, as requir-
18 ing education and training that results in a creden-
19 tial that is recognized nationwide by industry or spe-
20 cific businesses.”.

1 **Subtitle G—Other Matters**

2 **SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PRE-** 3 **VENTION OF SUICIDES BY MEMBERS OF THE** 4 **ARMED FORCES.**

5 (a) **POLICY REQUIRED.**—Not later than August 1,
6 2009, the Secretary of Defense shall develop a comprehen-
7 sive policy designed to prevent suicide by members of the
8 Armed Forces.

9 (b) **PURPOSES.**—The purposes of the policy required
10 by this section shall be as follows:

11 (1) To ensure that investigations, analyses, and
12 appropriate data collection can be conducted, across
13 the military departments, on the causes and factors
14 surrounding suicides by members of the Armed
15 Forces.

16 (2) To develop effective strategies and policies
17 for the education of members of the Armed Forces
18 to assist in preventing suicides and suicide attempts
19 by members of the Armed Forces.

20 (c) **ELEMENTS.**—The policy required by this section
21 shall include, but not be limited to, the following:

22 (1) Requirements for investigations and data
23 collection in connection with suicides by members of
24 the Armed Forces.

1 (2) A requirement for the appointment by the
2 appropriate military authority of a separate inves-
3 tigating officer to conduct an administrative inves-
4 tigation into each suicide by a member of the Armed
5 Forces in accordance with the requirements specified
6 under paragraph (1).

7 (3) Requirements for minimum information to
8 be determined under each investigation pursuant to
9 paragraph (2), including, but not limited to, the fol-
10 lowing:

11 (A) Any mental illness or other mental
12 health condition, including Post Traumatic
13 Stress Disorder (PTSD), of the member of the
14 Armed Forces concerned at the time of the
15 completion of suicide.

16 (B) Any other illness or injury of the mem-
17 ber at the time of the completion of suicide.

18 (C) Any receipt of health care services, in-
19 cluding mental health care services, by the
20 member before the completion of suicide.

21 (D) Any utilization of prescription drugs
22 by the member before the completion of suicide.

23 (E) The number, frequency, and dates of
24 deployment of the member.

1 (F) The military duty assignment of the
2 member at the time of the completion of sui-
3 cide.

4 (G) Any observations by family members,
5 health care providers, medical care managers,
6 and other members of the Armed Forces of any
7 symptoms of depression, anxiety, alcohol or
8 drug abuse, or other relevant behavior in the
9 member before the completion of suicide.

10 (H) The results of a psychological autopsy
11 of the member, if conducted.

12 (4) A requirement for a report from each ad-
13 ministrative investigation conducted pursuant to
14 paragraph (2) which shall set forth the findings and
15 recommendations resulting from such investigation.

16 (5) Procedures for the protection of the con-
17 fidentiality of information contained in each report
18 on an investigation pursuant to paragraph (4).

19 (6) A requirement that the Deputy Chief of
20 Staff for Personnel of the military department con-
21 cerned receive and analyze each report on an inves-
22 tigation pursuant to paragraph (4).

23 (7) The appointment by the Secretary of De-
24 fense of an appropriate official or executive agent
25 within the Department of Defense to receive and

1 analyze each report on an investigation pursuant to
2 paragraph (4) in order to—

3 (A) identify trends or common causal fac-
4 tors in suicides by members of the Armed
5 Forces; and

6 (B) advise the Secretary on means by
7 which the suicide education and prevention
8 strategies and programs of the military depart-
9 ments can respond appropriately and effectively
10 to such trends and causal factors.

11 (8) A requirement for an annual report to the
12 Secretary of Defense by each Secretary of a military
13 department on the following:

14 (A) The results of investigations into sui-
15 cide by members of the Armed Forces pursuant
16 to paragraph (2) for each calendar year begin-
17 ning with 2010.

18 (B) Actions taken to improve the suicide
19 education and prevention strategies and pro-
20 grams of the military departments.

21 (d) CONSTRUCTION OF INVESTIGATION WITH OTHER
22 INVESTIGATION REQUIREMENTS.—The investigation of
23 the suicide by a member of the Armed Forces under the
24 policy required by this section shall be in addition to any

1 other investigation of the suicide required by law, includ-
2 ing any investigation for criminal purposes.

3 (e) REPORT.—Not later than August 1, 2009, the
4 Secretary of the Defense shall submit to the Committee
5 on Armed Services of the Senate and the Committee on
6 Armed Services of the House of Representatives a report
7 on the policy required by this section. The report shall
8 include—

9 (1) a description of the policy; and

10 (2) a plan for the implementation of the policy
11 throughout the Department of Defense.

12 **SEC. 582. RELIEF FOR LOSSES INCURRED AS A RESULT OF**
13 **CERTAIN INJUSTICES OR ERRORS OF THE**
14 **DEPARTMENT OF DEFENSE.**

15 (a) RELIEF AUTHORIZED.—Chapter 3 of title 10,
16 United States Code, is amended by inserting after section
17 127c, as added by section 1201 of the John Warner Na-
18 tional Defense Authorization Act for Fiscal Year 2007
19 (Public Law 109–364; 120 Stat. 2410), the following new
20 section:

21 **“§ 127e. Relief for losses incurred as a result of cer-**
22 **tain injustices or errors of the Depart-**
23 **ment of Defense**

24 “(a) RELIEF AUTHORIZED.—Under regulations pre-
25 scribed by the Secretary of Defense, the Secretary of De-

1 fense or the Secretary of the military department con-
2 cerned may, upon a determination that a member or
3 former member of the armed forces has suffered imprison-
4 ment as a result of an injustice or error of the Department
5 of Defense or any of its employees acting in an official
6 capacity following conviction by a court-martial, provide
7 such relief on account of such error as such Secretary de-
8 termines equitable and fair, including the payment of
9 moneys to any person whom such Secretary determines
10 is entitled to such moneys.

11 “(b) PAYMENT AS A MATTER OF SOLE DISCRE-
12 TION.—The payment of any moneys under this section is
13 within the sole discretion of the Secretary of Defense and
14 the Secretaries of the military departments.

15 “(c) PAYMENT OF INTEREST.—The authority to pay
16 moneys under this section includes the authority to pay
17 interest on such moneys in amounts calculated in accord-
18 ance with the regulations required under subsection (a).

19 “(d) FUNDS.—Amounts for the payment of moneys
20 and interest under this section shall be derived from
21 amounts available to the Secretary of Defense or the Sec-
22 retary of the military department concerned for the pay-
23 ment of emergency and extraordinary expenses under sec-
24 tion 127 of this title.

1 “(e) ANNUAL REPORTS.—Each annual report of the
2 Secretary of Defense under section 127(d) of this title
3 shall include a description of the disposition of each re-
4 quest for relief under this section during the fiscal year
5 covered by such report, including a statement of the
6 amount paid with respect to each finding of injustice or
7 error warranting payment under this section during such
8 fiscal year.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 3 of such title is amended by
11 inserting after the item relating to section 127c, as so
12 added, the following new item:

“127e. Relief for losses incurred as a result of certain injustices or errors of
the Department of Defense.”.

13 **SEC. 583. PATERNITY LEAVE FOR MEMBERS OF THE ARMED**
14 **FORCES.**

15 (a) LEAVE AUTHORIZED.—Section 701 of title 10,
16 United States Code, is amended by adding at the end the
17 following new subsection:

18 “(j)(1) Under regulations prescribed by the Secretary
19 of Defense, a member of the armed forces on active duty
20 who is the husband of a woman who gives birth to a child
21 may be given up to 21 days of leave to be used in connec-
22 tion with the birth of the child.

1 “(2) Leave under paragraph (1) is in addition to
2 other leave authorized under the provisions of this sec-
3 tion.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall take effect on the date of the enact-
6 ment of this Act, and shall apply only with respect to chil-
7 dren born on or after that date.

8 **SEC. 584. ENHANCEMENT OF AUTHORITIES ON PARTICIPA-**
9 **TION OF MEMBERS OF THE ARMED FORCES**
10 **IN INTERNATIONAL SPORTS COMPETITIONS.**

11 (a) IN GENERAL.—Section 717 of title 10, United
12 States Code, is amended—

13 (1) in subsection (a)(1), by striking “and the
14 Olympic Games” and inserting “the Olympic Games,
15 and the Military World Games”;

16 (2) in subsection (b), by striking “subsections
17 (c) and (d)” and inserting “subsections (c) and (e)”;

18 (3) in subsection (c)—

19 (A) in paragraph (1)—

20 (i) by striking “\$3,000,000” and in-
21 serting “\$6,000,000”; and

22 (ii) by striking “October 1, 1980” and
23 inserting “October 1, 2008”; and

24 (B) in paragraph (2)—

1 (i) by striking “\$100,00” and insert-
2 ing “\$200,000”; and

3 (ii) by striking “October 1, 1980” and
4 inserting “October 1, 2008”;

5 (4) by redesignating subsection (d) as sub-
6 section (e); and

7 (5) by inserting after subsection (c) the fol-
8 lowing new subsection (d):

9 “(d)(1) The Secretary of Defense may plan for the
10 following:

11 “(A) The participation by military personnel in
12 international sports activities and competitions as
13 authorized by subsection (a).

14 “(B) The hosting of military international
15 sports activities, competitions, and events such as
16 the Military World Games.

17 “(2) Planning and other activities associated with
18 hosting of international sports activities, competitions, and
19 events under this subsection shall, to the maximum extent
20 possible, be funded using appropriations available to the
21 Department of Defense .”.

22 (b) REPORT ON PLANNING FOR INTERNATIONAL
23 SPORTS ACTIVITIES, COMPETITIONS, AND EVENTS.—

24 (1) REPORT REQUIRED.—Not later than Octo-
25 ber 1, 2009, the Secretary of Defense shall submit

1 to the Committees on Armed Services of the Senate
2 and the House of Representatives a report setting
3 forth a comprehensive plan for the following:

4 (A) The participation by personnel of the
5 Department of Defense in international sports
6 activities, competitions, and events (including
7 the Pan American Games, the Olympic Games,
8 the Paralympic Games, the Military World
9 Games, other activities of the International
10 Military Sports Council (CISM), and the Inter-
11 allied Confederation of Reserve Officers
12 (CIOR)) through fiscal year 2015.

13 (B) The hosting by the Department of De-
14 fense of military international sports activities,
15 competitions, and events through fiscal year
16 2015.

17 (2) ELEMENTS.—The report required by para-
18 graph (1) shall include the following:

19 (A) A discussion of the military inter-
20 national sports activities, competitions, and
21 events that the Department of Defense intends
22 to seek to host, an estimate of the costs of
23 hosting such activities, competitions, and events
24 that the Department intends to seek to host,

1 and a description of the sources of funding for
2 such costs.

3 (B) A discussion of the use and replenish-
4 ment of funds in the account in the Treasury
5 for the Support for International Sporting
6 Competitions for the hosting of such activities,
7 competitions, and events that the Department
8 intends to seek to host.

9 (C) A discussion of the support that may
10 be obtained from other departments and agen-
11 cies of the Federal Government, State and local
12 governments, and private entities in encour-
13 aging participation of members of the Armed
14 Forces in international sports activities, com-
15 petitions, and events or in hosting of military
16 international sports activities, competitions, and
17 events.

18 (D) Such recommendations for legislative
19 or administrative action as the Secretary con-
20 siders appropriate to implement or enhance
21 planning for the matters described in paragraph
22 (1).

23 (c) EFFECTIVE DATE.—The amendments made by
24 subsection (a) shall take effect on October 1, 2008.

1 **SEC. 585. PILOT PROGRAMS ON CAREER FLEXIBILITY TO**
2 **ENHANCE RETENTION OF MEMBERS OF THE**
3 **ARMED FORCES.**

4 (a) PILOT PROGRAMS AUTHORIZED.—

5 (1) IN GENERAL.—Each Secretary of a military
6 department may carry out a pilot program under
7 which officers and enlisted members of the regular
8 components of the Armed Forces under the jurisdic-
9 tion of such Secretary may be inactivated from ac-
10 tive duty in order to meet personal or professional
11 needs and returned to active duty at the end of such
12 period of inactivation from active duty.

13 (2) PURPOSE.—The purpose of the pilot pro-
14 grams under this section shall be to evaluate wheth-
15 er permitting inactivation from active duty and
16 greater flexibility in career paths for members of the
17 Armed Forces will provide an effective means to en-
18 hance retention of members of the Armed Forces
19 and the capacity of the Department of Defense to
20 respond to the personal and professional needs of in-
21 dividual members of the Armed Forces.

22 (b) LIMITATION ON ELIGIBLE MEMBERS.—A mem-
23 ber of the Armed Forces is not eligible to participate in
24 a pilot program under this section during any period of
25 service required of the member due to receipt of the fol-
26 lowing:

1 (1) An accession bonus for medical officers in
2 critically short wartime specialties under section
3 302k of title 37, United States Code.

4 (2) An accession bonus for dental specialists in
5 critically short wartime specialties under section
6 302l of title 37, United States Code.

7 (3) A retention bonus for members qualified in
8 critical military skills or assigned to high priority
9 units under section 355 of title 37, United States
10 Code.

11 (c) LIMITATION ON NUMBER OF MEMBERS.—Not
12 more than 20 officers and 20 enlisted members of an
13 Armed Force may participate in a pilot program under
14 this section at any one time.

15 (d) LIMITATION ON PERIOD OF INACTIVATION FROM
16 ACTIVE DUTY.—The period of inactivation from active
17 duty under the pilot program under this section of a mem-
18 ber participating in the pilot program shall be such period
19 as the Secretary concerned shall specify in the agreement
20 of the member under subsection (e), except that such pe-
21 riod may not exceed three years.

22 (e) AGREEMENT.—Each member of the Armed
23 Forces who participates in a pilot program under this sec-
24 tion shall enter into a written agreement with the Sec-

1 retary of the military department concerned under which
2 agreement that member shall agree as follows:

3 (1) To accept an appointment or enlist, as ap-
4 plicable, and serve in the Ready Reserve of the
5 Armed Force concerned during the period of the
6 member's inactivation from active duty under the
7 pilot program.

8 (2) To undergo during the period of the inac-
9 tivation of the member from active duty under the
10 pilot program such inactive duty training as the Sec-
11 retary concerned shall require in order to ensure
12 that the member retains appropriate proficiency in
13 the member's military skills, professional qualifica-
14 tions, and physical readiness during the inactivation
15 of the member from active duty.

16 (3) Following completion of the period of the
17 inactivation of the member from active duty under
18 the pilot program, to serve two months as a member
19 of the Armed Forces on active duty for each month
20 of the period of the inactivation of the member from
21 active duty under the pilot program.

22 (f) ORDER TO ACTIVE DUTY.—Under regulations
23 prescribed by the Secretary of the military department
24 concerned, a member of the Armed Forces participating
25 in a pilot program under this section may, in the discre-

1 tion of such Secretary, be required to terminate participa-
2 tion in the pilot program and be ordered to active duty.

3 (g) PAY AND ALLOWANCES.—

4 (1) BASIC PAY.—During each month of partici-
5 pation in a pilot program under this section, a mem-
6 ber who participates in the pilot program shall be
7 paid basic pay in an amount equal to two-thirtieths
8 of the amount of monthly basic pay to which the
9 member would otherwise be entitled under section
10 204 of title 37, United States Code, as a member of
11 the uniformed services on active duty in the grade
12 and years of service of the member when the mem-
13 ber commences participation in the pilot program.

14 (2) SPECIAL AND INCENTIVE PAYS.—

15 (A) PROHIBITION ON RECEIPT DURING
16 PARTICIPATION.—A member who participates in
17 a pilot program shall not, while participating in
18 the pilot program, be paid any special or incen-
19 tive pay or bonus to which the member is other-
20 wise entitled under an agreement under chapter
21 5 of title 37, United States Code, that is in
22 force when the member commences partici-
23 pation in the pilot program.

24 (B) TREATMENT OF REQUIRED SERV-
25 ICE.—The inactivation from active duty of a

1 member participating in a pilot program shall
2 not be treated as a failure of the member to
3 perform any period of service required of the
4 member in connection with an agreement for a
5 special or incentive pay or bonus under chapter
6 5 of title 37, United States Code, that is in
7 force when the member commences participa-
8 tion in the pilot program.

9 (C) REVIVAL OF SPECIAL PAYS UPON RE-
10 TURN TO ACTIVE DUTY.—Subject to subpara-
11 graph (D), upon the return of a member to ac-
12 tive duty after completion by the member of
13 participation in a pilot program—

14 (i) any agreement entered into by the
15 member under chapter 5 of title 37,
16 United States Code, for the payment of a
17 special or incentive pay or bonus that was
18 in force when the member commenced par-
19 ticipation in the pilot program shall be re-
20 vived, with the term of such agreement
21 after revival being the period of the agree-
22 ment remaining to run when the member
23 commenced participation in the pilot pro-
24 gram; and

1 (ii) any special or incentive pay or
2 bonus shall be payable to the member in
3 accordance with the terms of the agree-
4 ment concerned for the term specified in
5 clause (i).

6 (D) LIMITATIONS.—

7 (i) LIMITATION AT TIME OF RETURN
8 TO ACTIVE DUTY.—Subparagraph (C) shall
9 not apply to any special or incentive pay or
10 bonus otherwise covered by that subpara-
11 graph with respect to a member if, at the
12 time of the return of the member to active
13 duty as described in that subparagraph—

14 (I) such pay or bonus is no
15 longer authorized by law; or

16 (II) the member does not satisfy
17 eligibility criteria for such pay or
18 bonus as in effect at the time of the
19 return of the member to active duty.

20 (ii) CESSATION DURING LATER SERV-
21 ICE.—Subparagraph (C) shall cease to
22 apply to any special or incentive pay or
23 bonus otherwise covered by that subpara-
24 graph with respect to a member if, during
25 the term of the revived agreement of the

1 member under subparagraph (C)(i), such
2 pay or bonus ceases being authorized by
3 law.

4 (E) REPAYMENT.—A member who is ineli-
5 gible for payment of a special or incentive pay
6 or bonus otherwise covered by this paragraph
7 by reason of subparagraph (D)(i)(II) shall be
8 subject to the requirements for repayment of
9 such pay or bonus in accordance with the terms
10 of the applicable agreement of the member
11 under chapter 5 of title 37, United States Code.

12 (F) CONSTRUCTION OF REQUIRED SERV-
13 ICE.—Any service required of a member under
14 an agreement covered by this paragraph after
15 the member returns to active duty as described
16 in subparagraph (C) shall be in addition to any
17 service required of the member under an agree-
18 ment under subsection (e).

19 (3) CERTAIN TRAVEL AND TRANSPORTATION
20 ALLOWANCES.—

21 (A) IN GENERAL.—Subject to subpara-
22 graph (B), a member who participates in a pilot
23 program is entitled, while participating in the
24 pilot program, to the travel and transportation

1 allowances authorized by section 404 of title 37,
2 United States Code, for—

3 (i) travel performed from the mem-
4 ber's residence, at the time of release from
5 active duty to participate in the pilot pro-
6 gram, to the location in the United States
7 designated by the member as his residence
8 during the period of participation in the
9 pilot program; and

10 (ii) travel performed to the member's
11 residence upon return to active duty at the
12 end of the member's participation in the
13 pilot program.

14 (B) LIMITATION.—An allowance is payable
15 under this paragraph only with respect to travel
16 of a member to and from a single residence.

17 (h) PROMOTION.—

18 (1) OFFICERS.—

19 (A) LIMITATION ON PROMOTION.—An offi-
20 cer participating in a pilot program under this
21 section shall not, while participating in the pilot
22 program, be eligible for consideration for pro-
23 motion under chapter 36 or 1405 of title 10,
24 United States Code.

1 (B) PROMOTION AND RANK UPON RETURN
2 TO ACTIVE DUTY.—Upon the return of an offi-
3 cer to active duty after completion by the offi-
4 cer of participation in a pilot program—

5 (i) the Secretary concerned shall ad-
6 just the officer's date of rank in such man-
7 ner as the Secretary of Defense shall pre-
8 scribe in regulations for purposes of this
9 section; and

10 (ii) the officer shall be eligible for con-
11 sideration for promotion when officers of
12 the same competitive category, grade, and
13 seniority are eligible for consideration for
14 promotion.

15 (2) ENLISTED MEMBERS.—An enlisted member
16 participating in a pilot program shall not be eligible
17 for consideration for promotion during the period
18 that—

19 (A) begins on the date of the member's in-
20 activation from active duty under the pilot pro-
21 gram; and

22 (B) ends at such time after the return of
23 the member to active duty under the pilot pro-
24 gram that the member is treatable as eligible
25 for promotion by reason of time in grade and

1 such other requirements as the Secretary of the
2 military department concerned shall prescribe
3 in regulations for purposes of the pilot pro-
4 gram.

5 (i) **MEDICAL AND DENTAL CARE.**—A member par-
6 ticipating in a pilot program under this section shall, while
7 participating in the pilot program, be treated as a member
8 of the Armed Forces on active duty for a period of more
9 than 30 days for purposes of the entitlement of the mem-
10 ber and the member’s dependents to medical and dental
11 care under the provisions of chapter 55 of title 10, United
12 States Code.

13 (j) **TREATMENT OF PERIOD OF PARTICIPATION FOR**
14 **PURPOSES OF RETIREMENT AND RELATED PURPOSES.**—
15 Any period of participation of a member in a pilot pro-
16 gram under this section shall not count toward—

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

20 (2) computation of retired or retainer pay
21 under chapter 71 or 1223 of title 10, United States
22 Code; or

23 (3) computation of total years of commissioned
24 service under section 14706 of title 10, United
25 States Code.

1 (k) REPORTS.—

2 (1) INTERIM REPORTS.—Not later than June 1
3 of each of 2010 and 2012, each Secretary of a mili-
4 tary department shall submit to the congressional
5 defense committees a report on the implementation
6 and current status of the pilot programs conducted
7 by such Secretary under this section.

8 (2) FINAL REPORT.—Not later than March 1,
9 2015, the Secretary of Defense shall submit to the
10 congressional defense committees a report on the
11 pilot programs conducted under this section.

12 (3) ELEMENTS OF REPORT.—Each interim re-
13 port and the final report under this subsection shall
14 include the following:

15 (A) A description of each pilot program
16 conducted under this section, including a de-
17 scription of the number of applicants for such
18 pilot program and the criteria used to select in-
19 dividuals for participation in such pilot pro-
20 gram.

21 (B) An assessment by the Secretary con-
22 cerned of the pilot programs, including an eval-
23 uation of whether—

24 (i) the authorities of the pilot pro-
25 grams provided an effective means to en-

1 hance the retention of members of the
2 Armed Forces possessing critical skills, tal-
3 ents, and leadership abilities;

4 (ii) the career progression in the
5 Armed Forces of individuals who partici-
6 pate in the pilot program has been or will
7 be adversely affected; and

8 (iii) the usefulness of the pilot pro-
9 gram in responding to the personal and
10 professional needs of individual members
11 of the Armed Forces.

12 (C) Such recommendations for legislative
13 or administrative action as the Secretary con-
14 cerned considers appropriate for the modifica-
15 tion or continuation of the pilot programs.

16 (1) DURATION OF PROGRAM AUTHORITY.—The au-
17 thority to conduct a pilot program authorized by this sec-
18 tion shall commence on January 1, 2009 and expire on
19 December 31, 2014. No member of the Armed Forces may
20 be in a period of inactivation from active duty under the
21 pilot program after December 31, 2014.

1 **SEC. 586. PROHIBITION ON INTERFERENCE IN INDE-**
2 **PENDENT LEGAL ADVICE BY THE LEGAL**
3 **COUNSEL TO THE CHAIRMAN OF THE JOINT**
4 **CHIEFS OF STAFF.**

5 Section 156(d) of title 10, United States Code, is
6 amended—

7 (1) by inserting “(1)” before “The Legal Coun-
8 sel”; and

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

11 “(2) No officer or employee of the Department of De-
12 fense may interfere with the ability of the Legal Counsel
13 to give independent legal advice to the Chairman of the
14 Joint Chiefs of Staff and to the Joint Chiefs of Staff.”.

15 **TITLE VI—COMPENSATION AND**
16 **OTHER PERSONNEL BENEFITS**
17 **Subtitle A—Pay and Allowances**

18 **SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC**
19 **PAY.**

20 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The
21 adjustment to become effective during the fiscal year 2009
22 required by section 1009 of title 37, United States Code,
23 in the rates of monthly basic pay authorized members of
24 the uniformed services shall not be made.

1 (b) INCREASE IN BASIC PAY.—Effective on January
2 1, 2009, the rates of monthly basic pay for members of
3 the uniformed services are increased by 3.9 percent.

4 **Subtitle B—Bonuses and Special**
5 **and Incentive Pays**

6 **SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL**
7 **PAY AUTHORITIES FOR RESERVE FORCES.**

8 (a) SELECTED RESERVE REENLISTMENT BONUS.—
9 Section 308b(g) of title 37, United States Code, is amend-
10 ed by striking “December 31, 2008” and inserting “De-
11 cember 31, 2009”.

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

16 (c) SPECIAL PAY FOR ENLISTED MEMBERS AS-
17 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
18 308d(c) of such title is amended by striking “December
19 31, 2008” and inserting “December 31, 2009”.

20 (d) READY RESERVE ENLISTMENT BONUS FOR PER-
21 SONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of
22 such title is amended by striking “December 31, 2008”
23 and inserting “December 31, 2009”.

24 (e) READY RESERVE ENLISTMENT AND REENLIST-
25 MENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Sec-

1 tion 308h(e) of such title is amended by striking “Decem-
2 ber 31, 2008” and inserting “December 31, 2009”.

3 (f) SELECTED RESERVE ENLISTMENT BONUS FOR
4 PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such
5 title is amended by striking “December 31, 2008” and in-
6 serting “December 31, 2009”.

7 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**
8 **PAY AUTHORITIES FOR HEALTH CARE PRO-**
9 **FESSIONALS.**

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

14 (b) REPAYMENT OF EDUCATION LOANS FOR CER-
15 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
16 LECTED RESERVE.—Section 16302(d) of such title is
17 amended by striking “January 1, 2009” and inserting
18 “January 1, 2010”.

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

23 (d) INCENTIVE SPECIAL PAY FOR NURSE ANES-
24 THETISTS.—Section 302e(a)(1) of such title is amended

1 by striking “December 31, 2008” and inserting “Decem-
2 ber 31, 2009”.

3 (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH
4 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-
5 CIALTIES.—Section 302g(e) of such title is amended by
6 striking “December 31, 2008” and inserting “December
7 31, 2009”.

8 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—
9 Section 302h(a)(1) of such title is amended by striking
10 “December 31, 2008” and inserting “December 31,
11 2009”.

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

15 (h) ACCESSION BONUS FOR MEDICAL OFFICERS IN
16 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
17 302k(f) of such title is amended by striking “December
18 31, 2008” and inserting “December 31, 2009”.

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

1 **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**
2 **THORITIES FOR NUCLEAR OFFICERS.**

3 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
4 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
5 312(f) of title 37, United States Code, is amended by
6 striking “December 31, 2008” and inserting “December
7 31, 2009”.

8 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
9 312b(c) of such title is amended by striking “December
10 31, 2008” and inserting “December 31, 2009”.

11 (c) NUCLEAR CAREER ANNUAL INCENTIVE
12 BONUS.—Section 312c(d) of such title is amended by
13 striking “December 31, 2008” and inserting “December
14 31, 2009”.

15 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAY-**
16 **MENT OF OTHER BONUSES AND SPECIAL**
17 **PAYS.**

18 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
19 tion 301b(a) of title 37, United States Code, is amended
20 by striking “December 31, 2008” and inserting “Decem-
21 ber 31, 2009”.

22 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g)
23 of such title is amended by striking “December 31, 2008”
24 and inserting “December 31, 2009”.

25 (c) REENLISTMENT BONUS FOR ACTIVE MEM-
26 BERS.—Section 308(g) of such title is amended by strik-

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

3 (d) ENLISTMENT BONUS.—Section 309(e) of such
4 title is amended by striking “December 31, 2008” and in-
5 serting “December 31, 2009”.

6 (e) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-
7 ICAL SKILLS.—Section 324(g) of such title is amended by
8 striking “December 31, 2008” and inserting “December
9 31, 2009”.

10 (f) INCENTIVE BONUS FOR CONVERSION TO MILI-
11 TARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL
12 SHORTAGE.—Section 326(g) of such title is amended by
13 striking “December 31, 2008” and inserting “December
14 31, 2009”.

15 (g) ACCESSION BONUS FOR OFFICER CAN-
16 DIDATES.—Section 330(f) of such title is amended by
17 striking “December 31, 2008” and inserting “December
18 31, 2009”.

19 (h) RETENTION BONUS FOR MEMBERS WITH CRIT-
20 ICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY
21 UNITS.—Section 355(i) of such title, as redesignated by
22 section 661(c) of the National Defense Authorization Act
23 for Fiscal Year 2008 (Public Law 110–181), is amended
24 by striking “December 31, 2008” and inserting “Decem-
25 ber 31, 2009”.

1 (i) INCOME REPLACEMENT FOR RESERVE MEMBERS
2 EXPERIENCING EXTENDED AND FREQUENT MOBILIZA-
3 TIONS.—Section 910(g) of such title is amended by strik-
4 ing “December 31, 2008” and inserting “December 31,
5 2009”.

6 **SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAY-**
7 **MENT OF REFERRAL BONUSES.**

8 (a) HEALTH PROFESSIONS REFERRAL BONUS.—
9 Subsection (i) of section 1030 of title 10, United States
10 Code, as added by section 671(b) of the National Defense
11 Authorization Act for Fiscal Year 2008 (Public Law 110–
12 181), is amended by striking “December 31, 2008” and
13 inserting “December 31, 2009”.

14 (b) ARMY REFERRAL BONUS.—Subsection (h) of sec-
15 tion 3252 of title 10, United States Code, as added by
16 section 671(a) of the National Defense Authorization Act
17 for Fiscal Year 2008, is amended by striking “December
18 31, 2008” and inserting “December 31, 2009”.

19 **SEC. 616. PERMANENT EXTENSION OF PROHIBITION ON**
20 **CHARGES FOR MEALS RECEIVED AT MILI-**
21 **TARY TREATMENT FACILITIES BY MEMBERS**
22 **RECEIVING CONTINUOUS CARE.**

23 Section 402(h) of title 37, United States Code, is
24 amended—

1 (1) in paragraph (1), by striking “during any
2 month covered by paragraph (3)”; and

3 (2) by striking paragraph (3).

4 **SEC. 617. ACCESSION AND RETENTION BONUSES FOR THE**
5 **RECRUITMENT AND RETENTION OF PSY-**
6 **CHOLOGISTS FOR THE ARMED FORCES.**

7 (a) **MULTIYEAR RETENTION BONUS FOR PSYCHOLO-**
8 **GISTS.—**

9 (1) **IN GENERAL.**—Chapter 5 of title 37, United
10 States Code, is amended by inserting after section
11 301e the following new section:

12 **“§ 301f. Multiyear retention bonus: psychologists of**
13 **the armed forces**

14 “(a) **BONUS AUTHORIZED.**—An officer described in
15 subsection (c) who executes a written agreement to remain
16 on active duty for up to four years after completion of
17 any other active-duty service commitment may, upon ac-
18 ceptance of the agreement by the Secretary concerned, be
19 paid a retention bonus as provided in this section.

20 “(b) **MAXIMUM AMOUNT OF BONUS.**—The amount of
21 a retention bonus under subsection (a) may not exceed
22 \$25,000 for each year of the agreement of the officer con-
23 cerned.

24 “(c) **ELIGIBLE OFFICERS.**—An officer described in
25 this subsection is an officer of the armed forces who—

1 “(1) is a psychologist of the armed forces;

2 “(2) is in a pay grade below pay grade O–7;

3 “(3) has at least eight years of creditable serv-
4 ice (computed as described in section 302b(f) of this
5 title) or has completed any active-duty service com-
6 mitment incurred for psychology education and
7 training;

8 “(4) has completed initial residency training (or
9 will complete such training before September 30 of
10 the fiscal year in which the officer enters into an
11 agreement under subsection (a)); and

12 “(5) holds a valid State license to practice as
13 a doctoral level psychologist.

14 “(d) REPAYMENT.—An officer who does not complete
15 the period of active duty specified in the agreement en-
16 tered into under subsection (a) shall be subject to the re-
17 payment provisions of section 303a(e) of this title.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of chapter 5 of such title is
20 amended by inserting after the item relating to sec-
21 tion 301e the following new item:

“301f. Multiyear retention bonus: psychologists of the armed forces.”.

22 (b) ACCESSION BONUS FOR PSYCHOLOGISTS.—

23 (1) IN GENERAL.—Chapter 5 of title 37, United
24 States Code, is amended by inserting after section
25 302l the following new section:

1 **“§ 302m. Special pay: accession bonus for psycholo-**
2 **gists**

3 “(a) **ACCESSION BONUS AUTHORIZED.**—A person de-
4 scribed in subsection (b) who executes a written agreement
5 described in subsection (e) to accept a commission as an
6 officer of the armed forces and remain on active duty for
7 a period of not less than four consecutive years may, upon
8 acceptance of the agreement by the Secretary concerned,
9 be paid an accession bonus in an amount determined by
10 the Secretary concerned.

11 “(b) **ELIGIBLE PERSONS.**—A person described in this
12 section is any person who—

13 “(1) is a graduate of an accredited school of
14 psychology; and

15 “(2) holds a valid State license to practice as
16 a doctoral level psychologist.

17 “(c) **MAXIMUM AMOUNT OF BONUS.**—The amount of
18 an accession bonus under subsection (a) may not exceed
19 \$400,000.

20 “(d) **LIMITATION ON ELIGIBILITY.**—A person may
21 not be paid a bonus under subsection (a) if—

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

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

4 “(e) AGREEMENT.—The agreement referred to in
5 subsection (a) shall provide that, consistent with the needs
6 of the armed force concerned, the person executing the
7 agreement will be assigned to duty, for the period of obli-
8 gated service covered by the agreement, as an officer of
9 such armed force as a psychologist.

10 “(f) REPAYMENT.—A person who, after signing an
11 agreement under subsection (a), is not commissioned as
12 an officer of the armed forces, does not become licensed
13 as a psychologist, or does not complete the period of active
14 duty specified in the agreement shall be subject to the re-
15 payment provisions of section 303a(e) of this title.

16 “(g) TERMINATION OF AUTHORITY.—No agreement
17 under this section may be entered into after December 31,
18 2009.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 5 of such title is
21 amended by inserting after the item relating to sec-
22 tion 302l the following new item:

“302m. Special pay: accession bonus for psychologists.”.

23 “(c) EFFECTIVE DATE.—The amendments made by
24 this section shall take effect on October 1, 2008.

1 **SEC. 618. AUTHORITY FOR EXTENSION OF MAXIMUM**
 2 **LENGTH OF SERVICE AGREEMENTS FOR SPE-**
 3 **CIAL PAY FOR NUCLEAR-QUALIFIED OFFI-**
 4 **CERS EXTENDING PERIOD OF ACTIVE SERV-**
 5 **ICE.**

6 Section 312(a)(3) of section 312 of title 37, United
 7 States Code, is amended by striking “three, four, or five
 8 years” and inserting “not less than three years”.

9 **SEC. 619. INCENTIVE PAY FOR MEMBERS OF**
 10 **PRECOMMISSIONING PROGRAMS PURSUING**
 11 **FOREIGN LANGUAGE PROFICIENCY.**

12 (a) INCENTIVE PAY AUTHORIZED.—

13 (1) IN GENERAL.—Chapter 5 of title 37, United
 14 States Code, is amended by inserting after section
 15 316 the following new section:

16 **“§ 316a. Special pay: incentive pay for members of**
 17 **precommissioning programs pursuing**
 18 **foreign language proficiency**

19 “(a) INCENTIVE PAY.—The Secretary of Defense
 20 may pay incentive pay under this section to an individual
 21 who—

22 “(1) is enrolled as a member of the Senior Re-
 23 serve Officers’ Training Corps or the Marine Corps
 24 Platoon Leaders Class, as determined in accordance
 25 with regulations prescribed by the Secretary of De-
 26 fense under subsection (e); and

1 “(2) participates in a language immersion pro-
2 gram approved for purposes of the Senior Reserve
3 Officers’ Training Corps, or in study abroad, or is
4 enrolled in an academic course that involves instruc-
5 tion in a foreign language of strategic interest to the
6 Department of Defense as designated by the Sec-
7 retary of Defense for purposes of this section.

8 “(b) PERIOD OF PAYMENT.—Incentive pay is payable
9 under this section to an individual described in subsection
10 (a) for the period of the individual’s participation in the
11 language program or study described in paragraph (2) of
12 that subsection.

13 “(c) AMOUNT.—The amount of incentive pay payable
14 to an individual under this section may not exceed \$3,000
15 per year.

16 “(d) REPAYMENT.—An individual who is paid incen-
17 tive pay under this section but who does not satisfactorily
18 complete participation in the individual’s language pro-
19 gram or study as described in subsection (a)(2), or who
20 does not complete the requirements of the Senior Reserve
21 Officers’ Training Corps or the Marine Corps Platoon
22 Leaders Class, as applicable, shall be subject to the repay-
23 ment provisions of section 303a(e) of this title.

1 “(e) REGULATIONS.—This section shall be adminis-
2 tered under regulations prescribed by the Secretary of De-
3 fense.

4 “(f) REPORTS.—Not later than January 1, 2010, and
5 annually thereafter through 2014, the Secretary of De-
6 fense shall submit to the Director of the Office of Manage-
7 ment and Budget, and to Congress, a report on the pay-
8 ment of incentive pay under this section during the pre-
9 ceding fiscal year. Each report shall include, for the fiscal
10 year covered by such report, the following:

11 “(1) The number of individuals paid incentive
12 pay under this section, the number of individuals
13 commencing receipt of incentive pay under this sec-
14 tion, and the number of individuals ceasing receipt
15 of incentive pay under this section.

16 “(2) The amount of incentive pay paid to indi-
17 viduals under this section.

18 “(3) The aggregate amount recouped under sec-
19 tion 303a(e) of this title in connection with receipt
20 of incentive pay under this section.

21 “(4) The languages for which incentive pay was
22 paid under this section, including the total amount
23 paid for each such language.

24 “(5) The effectiveness of incentive pay under
25 this section in assisting the Department of Defense

1 in securing proficiency in foreign languages of stra-
2 tegic interest to the Department of Defense, includ-
3 ing a description of how recipients of pay under this
4 section are assigned and utilized following comple-
5 tion of the program of study.

6 “(g) TERMINATION OF AUTHORITY.—No incentive
7 pay may be paid under this section after December 31,
8 2013.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 5 of such title is
11 amended by inserting after the item relating to sec-
12 tion 316 the following new item:

“316a. Special pay: incentive pay for members of precommissioning programs
pursuing foreign language proficiency.”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on October 1, 2008.

15 **Subtitle C—Travel and** 16 **Transportation Allowances**

17 **SEC. 631. SHIPMENT OF FAMILY PETS DURING EVACU-** 18 **ATION OF PERSONNEL.**

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

22 “(H)(i) Except as provided in paragraph (2) and sub-
23 ject to clause (iii), in connection with an evacuation from
24 a permanent station located in a foreign area, a member

1 is entitled to transportation (including shipment and pay-
2 ment of any quarantine costs) of not more than two family
3 household pets.

4 “(ii) A member entitled to transportation under
5 clause (i) may be paid reimbursement or, at the member’s
6 request, a monetary allowance in accordance with the pro-
7 visions of subparagraph (F) if the member secures by
8 commercial means shipment and any quarantining of the
9 pets otherwise subject to transportation under clause (i).

10 “(iii) The provision of transportation under clause (i)
11 and the payment of reimbursement under clause (ii) shall
12 be subject to such regulations as the Secretary of Defense
13 shall prescribe with respect to members of the armed
14 forces for purposes of this subparagraph. Such regulations
15 may specify limitations on the types or size of pets for
16 which transportation may be so provided or reimburse-
17 ment so paid.”.

18 **SEC. 632. SPECIAL WEIGHT ALLOWANCE FOR TRANSPOR-**
19 **TATION OF PROFESSIONAL BOOKS AND**
20 **EQUIPMENT FOR SPOUSES.**

21 (a) SPECIAL WEIGHT ALLOWANCE.—Section
22 406(b)(1)(D) of title 37, United States Code, is amend-
23 ed—

24 (1) by inserting “(i)” after “(D)”;

1 (2) in the second sentence of clause (i), as so
2 redesignated, by striking “this subparagraph” and
3 inserting “this clause”;

4 (3) by redesignating the last sentence as clause
5 (iii) and indenting the margin of such clause, as so
6 designated, two ems from the left margin; and

7 (4) by inserting after clause (i), as redesignated
8 by paragraph (2), the following new clause:

9 “(ii) In addition to the weight allowance authorized
10 for such member with dependents under paragraph (C),
11 the Secretary concerned may authorize up to an additional
12 500 pounds in weight allowance for shipment of profes-
13 sional books and equipment belonging to the spouse of
14 such member.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) shall take effect on October 1, 2009, and
17 shall apply with respect to shipment provided on or after
18 that date.

19 **SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES**
20 **FOR MEMBERS OF THE RESERVE COMPO-**
21 **NENTS OF THE ARMED FORCES ON LEAVE**
22 **FOR SUSPENSION OF TRAINING.**

23 (a) ALLOWANCES AUTHORIZED.—

1 (1) IN GENERAL.—Chapter 7 of title 37, United
2 States Code, is amended by inserting after section
3 411j the following new section:

4 **“§ 411k. Travel and transportation allowances: travel**
5 **performed by certain members of the re-**
6 **serve components of the armed forces in**
7 **connection with leave for suspension of**
8 **training**

9 “(a) ALLOWANCE AUTHORIZED.—The Secretary con-
10 cerned may reimburse or provide transportation to a mem-
11 ber of a reserve component of the armed forces on active
12 duty for a period of more than 30 days who is performing
13 duty at a temporary duty station for travel between the
14 member’s temporary duty station and the member’s per-
15 manent duty station in connection with authorized leave
16 pursuant to a suspension of training.

17 “(b) MINIMUM DISTANCE BETWEEN STATIONS.—A
18 member may be paid for or provided transportation under
19 subsection (a) only as follows:

20 “(1) In the case of a member who travels be-
21 tween a temporary duty station and permanent duty
22 station by air transportation, if the distance between
23 such stations is not less than 300 miles.

24 “(2) In the case of a member who travels be-
25 tween a temporary duty station and permanent duty

1 station by ground transportation, if the distance be-
 2 tween such stations is more than the normal com-
 3 muting distance from the permanent duty station
 4 (as determined under the regulations prescribed
 5 under subsection (e)).

6 “(c) MINIMUM PERIOD OF SUSPENSION OF TRAIN-
 7 ING.—A member may be paid for or provided transpor-
 8 tation under subsection (a) only in connection with a sus-
 9 pension of training covered by that subsection that is five
 10 days or more in duration.

11 “(d) LIMITATION ON REIMBURSEMENT.—The
 12 amount a member may be paid under subsection (a) for
 13 travel may not exceed the amount that would be paid by
 14 the government (as determined under the regulations pre-
 15 scribed under subsection (e)) for the least expensive means
 16 of travel between the duty stations concerned.

17 “(e) REGULATIONS.—The Secretary concerned shall
 18 prescribe regulations to carry out this section. Regulations
 19 prescribed by the Secretary of a military department shall
 20 be subject to the approval of the Secretary of Defense.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
 22 tions at the beginning of chapter 7 of such title is
 23 amended by inserting after the item relating to sec-
 24 tion 411j the following new item:

“411k. Travel and transportation allowances: travel performed by certain mem-
 bers of the reserve components of the armed forces in connec-
 tion with leave for suspension of training.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect on the date of the enact-
3 ment of this Act, and shall apply with respect to travel
4 that occurs on or after that date.

5 **Subtitle D—Retired Pay and** 6 **Survivor Benefits**

7 **SEC. 641. PRESENTATION OF BURIAL FLAG TO THE SUR-** 8 **VIVING SPOUSE AND CHILDREN OF MEM-** 9 **BERS OF THE ARMED FORCES WHO DIE IN** 10 **SERVICE.**

11 Section 1482(a) of title 10, United States Code, is
12 amended by adding at the end the following new para-
13 graphs:

14 “(12) Presentation of a flag of equal size to the
15 flag presented under paragraph (10) to the surviving
16 spouse (regardless of whether the surviving spouse
17 remarries after the decedent’s death), if the person
18 to be presented the flag under paragraph (10) is
19 other than the surviving spouse.

20 “(13) Presentation of a flag of equal size to the
21 flag presented under paragraph (10) to each child,
22 regardless of whether the person to be presented a
23 flag under paragraph (10) is a child of the decedent.

24 For purposes of this paragraph, the term ‘child’ has

1 the meaning prescribed by section 1477(d) of this
2 title”.

3 **SEC. 642. REPEAL OF REQUIREMENT OF REDUCTION OF**
4 **SBP SURVIVOR ANNUITIES BY DEPENDENCY**
5 **AND INDEMNITY COMPENSATION.**

6 (a) REPEAL.—

7 (1) IN GENERAL.—Subchapter II of chapter 73
8 of title 10, United States Code, is amended as fol-
9 lows:

10 (A) In section 1450, by striking subsection

11 (c).

12 (B) In section 1451(c)—

13 (i) by striking paragraph (2); and

14 (ii) by redesignating paragraphs (3)

15 and (4) as paragraphs (2) and (3), respec-

16 tively.

17 (2) CONFORMING AMENDMENTS.—Such sub-
18 chapter is further amended as follows:

19 (A) In section 1450—

20 (i) by striking subsection (e);

21 (ii) by striking subsection (k); and

22 (iii) by striking subsection (m).

23 (B) In section 1451(g)(1), by striking sub-
24 paragraph (C).

25 (C) In section 1452—

1 (i) in subsection (f)(2), by striking
2 “does not apply—” and all that follows
3 and inserting “does not apply in the case
4 of a deduction made through administra-
5 tive error.”; and

6 (ii) by striking subsection (g).

7 (D) In section 1455(c), by striking “,
8 1450(k)(2),”.

9 (b) PROHIBITION ON RETROACTIVE BENEFITS.—No
10 benefits may be paid to any person for any period before
11 the effective date provided under subsection (f) by reason
12 of the amendments made by subsection (a).

13 (c) PROHIBITION ON RECOUPMENT OF CERTAIN
14 AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPI-
15 ENTS.—A surviving spouse who is or has been in receipt
16 of an annuity under the Survivor Benefit Plan under sub-
17 chapter II of chapter 73 of title 10, United States Code,
18 that is in effect before the effective date provided under
19 subsection (f) and that is adjusted by reason of the
20 amendments made by subsection (a) and who has received
21 a refund of retired pay under section 1450(e) of title 10,
22 United States Code, shall not be required to repay such
23 refund to the United States.

1 (d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY
2 FOR DEPENDENT CHILDREN.—Section 1448(d) of such
3 title is amended—

4 (1) in paragraph (1), by striking “Except as
5 provided in paragraph (2)(B), the Secretary con-
6 cerned” and inserting “The Secretary concerned”;
7 and

8 (2) in paragraph (2)—

9 (A) by striking “DEPENDENT CHIL-
10 DREN.—” and all that follows through “In the
11 case of a member described in paragraph (1),”
12 and inserting “DEPENDENT CHILDREN ANNU-
13 ITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—
14 In the case of a member described in paragraph
15 (1),”; and

16 (B) by striking subparagraph (B).

17 (e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY
18 ELIGIBLE SPOUSES.—The Secretary of the military de-
19 partment concerned shall restore annuity eligibility to any
20 eligible surviving spouse who, in consultation with the Sec-
21 retary, previously elected to transfer payment of such an-
22 nuity to a surviving child or children under the provisions
23 of section 1448(d)(2)(B) of title 10, United States Code,
24 as in effect on the day before the effective date provided
25 under subsection (f). Such eligibility shall be restored

1 whether or not payment to such child or children subse-
 2 quently was terminated due to loss of dependent status
 3 or death. For the purposes of this subsection, an eligible
 4 spouse includes a spouse who was previously eligible for
 5 payment of such annuity and is not remarried, or remar-
 6 ried after having attained age 55, or whose second or sub-
 7 sequent marriage has been terminated by death, divorce
 8 or annulment.

9 (f) EFFECTIVE DATE.—The sections and the amend-
 10 ments made by this section shall take effect on the later
 11 of—

12 (1) the first day of the first month that begins
 13 after the date of the enactment of this Act; or

14 (2) the first day of the fiscal year that begins
 15 in the calendar year in which this Act is enacted.

16 **Subtitle E—Other Matters**

17 **SEC. 651. SEPARATION PAY, TRANSITIONAL HEALTH CARE,**
 18 **AND TRANSITIONAL COMMISSARY AND EX-**
 19 **CHANGE BENEFITS FOR MEMBERS OF THE**
 20 **ARMED FORCES SEPARATED UNDER SUR-**
 21 **VIVING SON OR DAUGHTER POLICY.**

22 (a) AVAILABILITY OF SEPARATION PAY OTHERWISE
 23 AVAILABLE FOR INVOLUNTARY SEPARATION.—

24 (1) IN GENERAL.—A member of the Armed
 25 Forces who is separated from the Armed Forces

1 under the Surviving Son or Daughter policy of the
2 Department of Defense before the member completes
3 twenty years of service in the Armed Force shall be
4 entitled to separation pay payable under section
5 1174 of title 10, United States Code.

6 (2) NO MINIMUM SERVICE BEFORE SEPARA-
7 TION.—A member of the Armed Forces described in
8 paragraph (1) who is separated from the Armed
9 Forces as described in that paragraph is entitled to
10 separation pay under that paragraph without regard
11 to section 1174(c) of title 10, United States Code.

12 (3) INAPPLICABILITY OF REQUIREMENT FOR
13 SERVICE IN READY RESERVE.—Section 1174(e) of
14 title 10, United States Code, shall not apply to a
15 member of the Armed Forces described in paragraph
16 (1) who is separated from the Armed Forces as de-
17 scribed in that paragraph.

18 (4) AMOUNT OF PAY.—The amount of the sepa-
19 ration pay to be paid to a member pursuant to this
20 subsection shall be based on the years of active serv-
21 ice actually completed by the member before the
22 member's separation from the Armed Forces as de-
23 scribed in paragraph (1).

24 (b) TRANSITIONAL HEALTH CARE.—

1 (1) IN GENERAL.—A member of the Armed
2 Forces who is separated from the Armed Forces
3 under the Surviving Son or Daughter policy of the
4 Department of Defense is entitled to health care
5 benefits under section 1145 of title 10, United
6 States Code, as if such member were an individual
7 described by subsection (a)(2) of such section.

8 (2) DEPENDENTS.—The dependents of a mem-
9 ber entitled to health care benefits under paragraph
10 (1) are entitled to health care benefits in the same
11 manner with respect to such member as dependents
12 of members of the Armed Forces are entitled to such
13 benefits with respect to such members under section
14 1145 of title 10, United States Code.

15 (c) TRANSITIONAL COMMISSARY AND EXCHANGE
16 BENEFITS.—A member of the Armed Forces who is sepa-
17 rated from the Armed Forces under the Surviving Son or
18 Daughter policy of the Department of Defense is entitled
19 to continue to use commissary and exchange stores and
20 morale, welfare, and recreational facilities in the same
21 manner as a member on active duty in the Armed Forces
22 during the two-year period beginning on the later of the
23 following dates:

24 (1) The date of the separation of the member.

1 (2) The date on which the member is first noti-
2 fied of the members entitlement to benefits under
3 this subsection.

4 (d) SURVIVING SON OR DAUGHTER POLICY OF THE
5 DEPARTMENT OF DEFENSE DEFINED.—In this section,
6 the term “Surviving Son or Daughter policy of the De-
7 partment of Defense” means the policy of the Department
8 of Defense for the separation from the Armed Forces of
9 a member of the Armed Forces who is a son or daughter
10 in a family in which the father, mother, or another son
11 or daughter—

12 (1) has been killed in action or died while serv-
13 ing in the Armed Forces from a wound, accident, or
14 disease;

15 (2) is a member of the Armed Forces in a cap-
16 tured or missing-in-action status; or

17 (3) has a service-connected disability rated 100
18 percent disabling (including a disability of 100 per-
19 cent mental disability), as determined by the Sec-
20 retary of Veterans Affairs or the Secretary of the
21 military department concerned, and is not gainfully
22 employed because of such disability.

1 **TITLE VII—HEALTH CARE**
2 **PROVISIONS**
3 **Subtitle A—TRICARE Program**

4 **SEC. 701. CALCULATION OF MONTHLY PREMIUMS FOR COV-**
5 **ERAGE UNDER TRICARE RESERVE SELECT**
6 **AFTER 2008.**

7 (a) IN GENERAL.—Section 1076d(d)(3) of title 10,
8 United States Code, is amended—

9 (1) by inserting “(A)” after “(3)”;

10 (2) in subparagraph (A), as so designated, by
11 striking the second sentence; and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(B) The appropriate actuarial basis for purposes of
15 subparagraph (A) shall be determined as follows:

16 “(i) For calendar year 2009, by utilizing the re-
17 ported cost of providing benefits under this section
18 to members and their dependents during calendar
19 years 2006 and 2007.

20 “(ii) For each calendar year after calendar year
21 2009, by utilizing the actual cost of providing bene-
22 fits under this section to members and their depend-
23 ents during the calendar years preceding such cal-
24 endar year.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on October 1, 2008.

3 **Subtitle B—Other Health Care**
4 **Authorities**

5 **SEC. 711. ENHANCEMENT OF MEDICAL AND DENTAL READI-**
6 **NESS OF MEMBERS OF THE ARMED FORCES.**

7 (a) EXPANSION OF AVAILABILITY OF MEDICAL AND
8 DENTAL SERVICES FOR RESERVES.—

9 (1) EXPANSION OF AVAILABILITY FOR RE-
10 SERVES ASSIGNED TO UNITS SCHEDULED FOR DE-
11 PLOYMENT WITHIN 75 DAYS OF MOBILIZATION.—
12 Subsection (d)(1) of section 1074a of title 10,
13 United States Code, is amended by striking “The
14 Secretary of the Army shall provide to members of
15 the Selected Reserve of the Army” and inserting
16 “The Secretary concerned shall provide to members
17 of the Selected Reserve”.

18 (2) AVAILABILITY FOR CERTAIN OTHER RE-
19 SERVES.—Such section is further amended by add-
20 ing at the end the following new subsection:

21 “(g)(1) The Secretary concerned may provide to any
22 member of the Selected Reserve not described in sub-
23 section (d)(1) or (f), and to any member of the Individual
24 Ready Reserve with a specially designated deployment re-
25 sponsibility, the medical and dental services specified in

1 subsection (d)(1) if the Secretary determines that the re-
2 ceipt of such services by such member is necessary to en-
3 sure that the member meets applicable standards of med-
4 ical and dental readiness.

5 “(2) Services may not be provided to a member under
6 this subsection for a condition that is the result of the
7 member’s own misconduct.

8 “(3) The services provided under this subsection shall
9 be provided at no cost to the member.”.

10 (3) FUNDING.—Such section is further amend-
11 ed by adding at the end the following new sub-
12 section:

13 “(h) Amounts available for operation and mainte-
14 nance of a reserve component of the armed forces may
15 be available for purposes of this section to ensure the med-
16 ical and dental readiness of members of such reserve com-
17 ponent.”.

18 (b) WAIVER OF CERTAIN COPAYMENTS FOR DENTAL
19 CARE FOR RESERVES FOR READINESS PURPOSES.—Sec-
20 tion 1076a(e) of such title is amended—

21 (1) by redesignating paragraphs (1), (2), and
22 (3) as subparagraphs (A), (B), and (C), respectively;

23 (2) by striking “A member or dependent” and
24 inserting “(1) Except as provided pursuant to para-
25 graph (2), a member or dependent”; and

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

3 “(2) During a national emergency declared by the
4 President or Congress, the Secretary of Defense may
5 waive, whether in whole or in part, the charges otherwise
6 payable by a member of the Selected Reserve of the Ready
7 Reserve or a member of the Individual Ready Reserve
8 under paragraph (1) for the coverage of the member alone
9 under the dental insurance plan established under sub-
10 section (a)(1) if the Secretary determines that such waiver
11 of the charges would facilitate or ensure the readiness of
12 a unit or individual for a scheduled deployment.”.

13 (c) REPORT ON POLICIES AND PROCEDURES IN SUP-
14 PORT OF MEDICAL AND DENTAL READINESS.—

15 (1) IN GENERAL.—Not later than March 1,
16 2009, the Secretary of Defense shall submit to the
17 Committees on Armed Services of the Senate and
18 the House of Representatives a report on the policies
19 and procedures of the Department of Defense to en-
20 sure the medical and dental readiness of members of
21 the Armed Forces.

22 (2) ELEMENTS.—The report required by para-
23 graph (1) shall include the following:

24 (A) A description of the current standards
25 of each military department with respect to the

1 medical and dental readiness of individual mem-
2 bers of the Armed Forces (including members
3 of the regular components and members of the
4 reserve components), and with respect to the
5 medical and dental readiness of units of the
6 Armed Forces (including units of the regular
7 components and units of the reserve compo-
8 nents), under the jurisdiction of such military
9 department.

10 (B) A description of the manner in which
11 each military department applies the standards
12 described under subparagraph (A) with respect
13 to each of the following:

14 (i) Performance evaluation.

15 (ii) Promotion.

16 (iii) In the case of the members of the
17 reserve components, eligibility to attend
18 annual training.

19 (iv) Continued retention in service in
20 the Armed Forces.

21 (v) Such other matters as the Sec-
22 retary considers appropriate.

23 (C) A statement of the number of members
24 of the Armed Forces (including members of the
25 regular components and members of the reserve

1 components) who were determined to be not
2 ready for deployment at any time during the
3 period beginning on October 1, 2001, and end-
4 ing on September 30, 2008, due to failure to
5 meet applicable medical or dental standards,
6 and an assessment of whether the unreadiness
7 of such members for deployment could reason-
8 ably have been mitigated by actions of the
9 members concerned to maintain individual med-
10 ical or dental readiness.

11 (D) A description of any actual or per-
12 ceived barriers to the achievement of full med-
13 ical and dental readiness in the Armed Forces
14 (including among the regular components and
15 the reserve components), including, but not lim-
16 ited to, barriers associated with the following:

17 (i) Quality or cost of, or access to,
18 medical and dental care.

19 (ii) Availability of programs and in-
20 centives intended to prevent medical or
21 dental problems.

22 (E) Such recommendations for legislative
23 or administrative action as the Secretary con-
24 siders appropriate to ensure the medical and
25 dental readiness of individual members of the

1 Armed Forces and units of the Armed Forces,
2 including, but not limited to, recommendations
3 regarding the following:

4 (i) The advisability of requiring that
5 fitness reports of members of the Armed
6 Forces include—

7 (I) a statement of whether or not
8 a member meets medical and dental
9 readiness standards for deployment;
10 and

11 (II) in cases in which a member
12 does not meet such standard, a state-
13 ment of actions being taken to ensure
14 that the member meets such stand-
15 ards and the anticipated schedule for
16 meeting such standards.

17 (ii) The advisability of establishing a
18 mandatory promotion standard relating to
19 individual medical and dental readiness
20 and, in the case of a unit commander, unit
21 medical and dental readiness.

1 **SEC. 712. ADDITIONAL AUTHORITY FOR STUDIES AND DEM-**
2 **ONSTRATION PROJECTS RELATING TO DE-**
3 **LIVERY OF HEALTH AND MEDICAL CARE.**

4 Section 1092(a) of title 10, United States Code, is
5 amended by adding at the end the following new para-
6 graphs:

7 “(3) The Secretary of Defense may include in the
8 studies and demonstration projects conducted under para-
9 graph (1) studies and demonstration projects to provide
10 awards and incentives to members of the armed forces and
11 covered beneficiaries who obtain health promotion and dis-
12 ease prevention health care services in accordance with
13 terms and schedules prescribed by the Secretary. Such
14 awards and incentives may include, but are not limited
15 to, cash awards and, in the case of members of the armed
16 forces, personnel incentives.

17 “(4)(A) The Secretary of Defense may, in consulta-
18 tion with the other administering Secretaries, include in
19 the studies and demonstration projects conducted under
20 paragraph (1) studies and demonstration projects to pro-
21 vide awards or incentives to individual health care profes-
22 sionals under the authority of such Secretaries, including
23 members of the uniformed services, Federal civilian em-
24 ployees, and contractor personnel, to encourage and re-
25 ward effective implementation of innovative health care
26 programs designed to improve quality, cost-effectiveness,

1 health promotion, medical readiness, and other priority ob-
2 jectives. Such awards and incentives may include, but are
3 not limited to, cash awards and, in the case of members
4 of the armed forces, personnel incentives.

5 “(B) Amounts available for the pay of members of
6 the uniformed services shall be available for awards and
7 incentives under this paragraph with respect to members
8 of the uniformed services.

9 “(5) The Secretary of Defense may include in the
10 studies and demonstration projects conducted under para-
11 graph (1) studies and demonstration projects to improve
12 the medical and dental readiness of members of reserve
13 components of the armed forces, including the provision
14 of health care services to such members for which they
15 are not otherwise entitled or eligible under this chapter.

16 “(6) The Secretary of Defense may include in the
17 studies and demonstration projects conducted under para-
18 graph (1) studies and demonstration projects to improve
19 the continuity of health care services for family members
20 of mobilized members of the reserve components of the
21 armed forces who are eligible for such services under this
22 chapter, including payment of a stipend for continuation
23 of employer-provided health coverage during extended pe-
24 riods of active duty.”.

1 **SEC. 713. TRAVEL FOR ANESTHESIA SERVICES FOR CHILD-**
2 **BIRTH FOR DEPENDENTS OF MEMBERS AS-**
3 **SIGNED TO VERY REMOTE LOCATIONS OUT-**
4 **SIDE THE CONTINENTAL UNITED STATES.**

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

7 (1) by inserting “(1)” after “(a)”; and

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

10 “(2)(A) For purposes of paragraph (1), required
11 medical attention of a dependent shall include anesthesia
12 services for childbirth for the dependent equivalent to the
13 anesthesia services for childbirth that would be available
14 to the dependent in military treatment facilities located
15 in the United States.

16 “(B) In the case of a dependent in a remote location
17 outside the continental United States who elects services
18 authorized by subparagraph (A), the transportation au-
19 thorized in paragraph (1) may consist of transportation
20 to a military treatment facility providing such services
21 that is located in the continental United States nearest
22 to the closest port of entry into the continental United
23 States from such remote location.

24 “(C) The second through sixth sentences of para-
25 graph (1) shall apply to a dependent provided transpor-
26 tation under this paragraph.

1 Year 2007 (Public Law 109–364; 120 Stat. 2306),
2 as in effect on January 27, 2008 (the day before the
3 date of the enactment of the National Defense Au-
4 thorization Act for Fiscal Year 2008), are hereby re-
5 vived.

6 (2) APPLICABLE DEFINITIONS.—In the dis-
7 charge of subsections (a) and (b) of section 742 of
8 the John Warner National Defense Authorization
9 Act for Fiscal Year 2007, as revived by paragraph
10 (1), the following definitions shall apply:

11 (A) The definitions in paragraphs (1)
12 through (4) of section 742(f) of the John War-
13 ner National Defense Authorization Act for Fis-
14 cal Year 2007, as in effect on January 27,
15 2008.

16 (B) The definition in section 721(d)(4) of
17 the National Defense Authorization Act for Fis-
18 cal Year 2008.

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **Subtitle A—Provisions Relating to**
6 **Major Defense Acquisition Pro-**
7 **grams**

8 **SEC. 801. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR**
9 **DEFENSE ACQUISITION PROGRAMS UNDER**
10 **ACQUISITION REPORTING REQUIREMENTS.**

11 (a) AUTHORITY TO DESIGNATE MAJOR SUBPRO-
12 GRAMS AS SUBJECT TO ACQUISITION REPORTING RE-
13 QUIREMENTS.—

14 (1) IN GENERAL.—Chapter 144 of title 10,
15 United States Code, is amended by inserting after
16 section 2430 following new section:

17 **“§ 2430a. Major subprograms**

18 “(a) AUTHORITY TO DESIGNATE MAJOR SUBPRO-
19 GRAMS AS SUBJECT TO ACQUISITION REPORTING RE-
20 QUIREMENTS.—(1) If the Secretary of Defense determines
21 that a major defense acquisition program requires the de-
22 livery of two or more categories of end items which differ
23 significantly from each other in form and function, the
24 Secretary may designate each such category of end items

1 as a major subprogram for the purposes of acquisition re-
2 porting under this chapter.

3 “(2) The Secretary shall notify the congressional de-
4 fense committees in writing of any proposed designation
5 pursuant to paragraph (1) not less than 30 days before
6 the date such designation takes effect.

7 “(b) REPORTING REQUIREMENTS.—If the Secretary
8 designates a major subprogram of a major defense acquisi-
9 tion program in accordance with subsection (a), Selected
10 Acquisition Reports, unit cost reports, and program base-
11 lines under this chapter shall reflect cost, schedule, and
12 performance information—

13 “(1) for the major defense acquisition program
14 as a whole; and

15 “(2) for each major subprogram of the major
16 defense acquisition program so designated.

17 “(c) UNIT COSTS.—Notwithstanding paragraphs (1)
18 and (2) of section 2432(a) of this title, in the case of a
19 major defense acquisition program for which the Secretary
20 has designated one or more major subprograms under this
21 section for the purposes of this chapter—

22 “(1) the term ‘program acquisition unit cost’
23 means the total cost for the development and pro-
24 curement of, and specific military construction for,
25 the major defense acquisition program that is rea-

1 sonably allocable to each such major subprogram, di-
2 vided by the relevant number of fully-configured end
3 items to be produced under such major subprogram;
4 and

5 “(2) the term ‘procurement unit cost’ means
6 the total of all funds programmed to be available for
7 obligation for procurement for each such major sub-
8 program, divided by the number of fully-configured
9 end items to be procured under such major subpro-
10 gram.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 144 of such title
13 is amended by inserting after the item relating to
14 section 2430 the following new item:

“2430a. Major subprograms.”.

15 (b) CONFORMING AMENDMENTS.—Chapter 144 of
16 such title is further amended as follows:

17 (1) In section 2432—

18 (A) in subsection (c)—

19 (i) in paragraph (1)(B)—

20 (I) by inserting “or designated
21 major subprogram” after “for each
22 major defense acquisition program”;
23 and

24 (II) by inserting “or subpro-
25 gram” after “the program”;

1 (ii) in paragraph (3)(A), by inserting
2 “or designated major subprogram” after
3 “for each major defense acquisition pro-
4 gram”; and

5 (B) in subsection (e)—

6 (i) in paragraph (3), by inserting be-
7 fore the period the following: “for the pro-
8 gram (or for each designated major sub-
9 program under the program)”; and

10 (ii) in paragraph (5), by inserting be-
11 fore the period the following: “(or for each
12 designated major subprogram under the
13 program)”.

14 (2) In section 2433—

15 (A) in subsection (a)—

16 (i) by striking “The terms” and in-
17 serting “Except as provided in section
18 2430a(c) of this title, the terms”;

19 (ii) in paragraph (4)—

20 (I) in subparagraphs (A) and
21 (B), by inserting “or designated major
22 defense subprogram” after “major de-
23 fense acquisition program”; and

1 (II) by inserting “or subpro-
2 gram” after “the program” each place
3 it appears; and

4 (iii) in paragraph (5)—

5 (I) in subparagraphs (A) and
6 (B), by inserting “or designated major
7 defense subprogram” after “major de-
8 fense acquisition program”; and

9 (II) by inserting “or subpro-
10 gram” after “the program” each place
11 it appears;

12 (B) in subsection (b)—

13 (i) in the matter preceding paragraph
14 (1), by inserting “(and for each designated
15 major subprogram under the program”
16 after “unit costs of the program”;

17 (ii) in paragraph (1), by inserting be-
18 fore the period the following: “for the pro-
19 gram (or for each designated major sub-
20 program under the program)”;

21 (iii) in paragraph (2), by inserting be-
22 fore the period the following: “for the pro-
23 gram (or for each designated major sub-
24 program under the program)”;

1 (iv) in paragraph (5), by inserting “or
2 subprogram” after “the program” each
3 place it appears (other than the last place
4 it appears);

5 (C) in subsection (c)—

6 (i) by striking “the program acquisi-
7 tion unit cost for the program or the pro-
8 curement unit cost for the program” and
9 inserting “the program acquisition unit
10 cost for the program (or for a designated
11 major subprogram under the program) or
12 the procurement unit cost for the program
13 (or for such a subprogram)”; and

14 (ii) by striking “for the program”
15 after “significant cost growth threshold”;

16 (D) in subsection (d)—

17 (i) in paragraph (1)—

18 (I) by inserting “or any des-
19 ignated major subprogram under the
20 program” after “for the program” the
21 first place it appears; and

22 (II) by inserting “or subpro-
23 gram” after “the program” the sec-
24 ond place it appears;

25 (ii) in paragraph (2)—

1 (I) by inserting “or any des-
2 ignated major subprogram under the
3 program” after “the program” the
4 first place it appears; and

5 (II) by inserting “or subpro-
6 gram” after “the program” the sec-
7 ond place it appears; and

8 (iii) in paragraph (3), by striking
9 “such program” and inserting “the pro-
10 gram or subprogram concerned”;

11 (E) in subsection (e)—

12 (i) in paragraph (1)—

13 (I) in subparagraph (A)—

14 (aa) by inserting “or des-
15 ignated major subprogram” after
16 “major defense acquisition pro-
17 gram”; and

18 (bb) by inserting “or sub-
19 program” after “the program”;
20 and

21 (II) in subparagraph (B)—

22 (aa) by inserting “or des-
23 ignated major subprogram” after
24 “major defense acquisition pro-
25 gram”; and

1 (bb) by inserting “or sub-
2 program” after “that program”;

3 (ii) in paragraph (2)—

4 (I) in the matter preceding sub-
5 paragraph (A)—

6 (aa) by inserting “or des-
7 igned major subprogram” after
8 “major defense acquisition pro-
9 gram”; and

10 (bb) by inserting “or sub-
11 program” after “the program”;

12 (II) in subparagraph (A), by in-
13 sserting “or subprogram” after “pro-
14 gram” each place it appears;

15 (III) in subparagraph (B), by in-
16 sserting “or subprogram” after “such
17 acquisition program” each place it ap-
18 pears; and

19 (IV) in subparagraph (C), by in-
20 sserting “or subprogram” after “such
21 program”; and

22 (iii) in paragraph (3)—

23 (I) in the matter preceding sub-
24 paragraph (A)—

1 (aa) by inserting “or subpro-
2 gram concerned” after “the pro-
3 gram”; and

4 (bb) by inserting “or des-
5 ignated major subprogram” after
6 “major defense acquisition pro-
7 gram”; and

8 (II) in subparagraphs (A) and
9 (B), by inserting “or subprogram”
10 after “that program” each place it ap-
11 pears; and

12 (F) in subsection (g)—

13 (i) in paragraph (1)—

14 (I) in subparagraph (D), by in-
15 sserting “(and for each designated
16 major subprogram under the pro-
17 gram)” after “the program”;

18 (II) in subparagraph (E), by in-
19 sserting “for the program (and for
20 each designated major subprogram
21 under the program)” after “program
22 acquisition cost”;

23 (III) in subparagraph (F), by in-
24 sserting before the period the following:
25 “for the program (or for any des-

1 ignated major subprogram under the
2 program)”;

3 (IV) in subparagraph (J), by in-
4 serting “for the program (or for each
5 designated major subprogram under
6 the program)” after “program acqui-
7 sition unit cost”;

8 (V) in subparagraph (K), by in-
9 serting “for the program (or for each
10 designated major subprogram under
11 the program)” after “procurement
12 unit cost”; and

13 (VI) in subparagraph (O), by in-
14 serting before the period the following:
15 “for the program (or for any des-
16 ignated major subprogram under the
17 program)”; and

18 (ii) in paragraph (2)—

19 (I) by inserting “or designated
20 major subprogram” after “major de-
21 fense acquisition program”;

22 (II) by inserting “or subpro-
23 gram” after “the entire program”;
24 and

1 (III) by inserting “or subpro-
2 gram” after “a program”.

3 **SEC. 802. INCLUSION OF CERTAIN MAJOR INFORMATION**
4 **TECHNOLOGY INVESTMENTS IN ACQUISITION**
5 **OVERSIGHT AUTHORITIES FOR MAJOR AUTO-**
6 **MATED INFORMATION SYSTEM PROGRAMS.**

7 (a) DEFINITIONS.—

8 (1) IN GENERAL.—Section 2445a of title 10,
9 United States Code, is amended—

10 (A) in subsection (a), by striking “IN GEN-
11 ERAL” and inserting “MAJOR AUTOMATED IN-
12 FORMATION SYSTEM PROGRAM”; and

13 (B) by adding at the end the following new
14 subsection:

15 “(d) OTHER MAJOR INFORMATION TECHNOLOGY IN-
16 VESTMENT PROGRAM.—In this chapter, the term ‘other
17 major information technology investment program’ means
18 the following:

19 “(1) An investment that is designated by the
20 Secretary of Defense, or a designee of the Secretary,
21 as a ‘pre-Major Automated Information System’ or
22 ‘pre-MAIS’ program.

23 “(2) Any other investment in automated infor-
24 mation system products or services that is expected
25 to exceed the thresholds established in subsection

1 (a), as adjusted under subsection (b), but is not con-
 2 sidered to be a major automated information system
 3 program because a formal acquisition decision has
 4 not yet been made with respect to such invest-
 5 ment.”.

6 (2) **HEADING AMENDMENT.**—The heading of
 7 such section is amended to read as follows:

8 **“§ 2445a. Definitions”.**

9 (3) **CLERICAL AMENDMENT.**—The table of sec-
 10 tions at the beginning of chapter 144A of such title
 11 is amended by striking the item relating to section
 12 2445a and inserting the following new item:

“2445a. Definitions.”.

13 (b) **COST, SCHEDULE, AND PERFORMANCE INFORMA-**
 14 **TION.**—Section 2445b of such title is amended—

15 (1) in subsection (a), by inserting “and each
 16 other major information technology investment pro-
 17 gram” after “each major automated information
 18 system program”;

19 (2) in subsection (b), by inserting “**REGARDING**
 20 **MAJOR AUTOMATED INFORMATION SYSTEM PRO-**
 21 **GRAMS”** after “**ELEMENTS”**; and

22 (3) by adding at the end the following new sub-
 23 section:

24 “(d) **ELEMENTS REGARDING OTHER MAJOR INFOR-**
 25 **MATION TECHNOLOGY INVESTMENT PROGRAMS.**—With

1 respect to each other major information technology invest-
2 ment program, the information required by subsection (a)
3 may be provided in the format that is most appropriate
4 to the current status of the program.”.

5 (c) QUARTERLY REPORTS.—Section 2445c of such
6 title is amended—

7 (1) in subsection (a)—

8 (A) by inserting “or other major informa-
9 tion technology investment” after “major auto-
10 mated information system” the first place it ap-
11 pears; and

12 (B) by inserting “or major information
13 technology” after “major automated informa-
14 tion system” the second place it appears;

15 (2) in subsection (b)—

16 (A) by inserting “or other major informa-
17 tion technology investment” after “major auto-
18 mated information system” in the matter pre-
19 ceding paragraph (1); and

20 (B) by inserting “or information tech-
21 nology” after “automated information system”
22 each place it appears in paragraphs (1) and (2);
23 (3) in subsection (d)—

24 (A) in paragraph (1), by inserting “or
25 other major information technology investment”

1 after “major automated information system”;

2 and

3 (B) in paragraph (2)—

4 (i) by redesignating subparagraphs

5 (B), (C), and (D) as subparagraphs (C),

6 (D), and (E), respectively; and

7 (ii) by striking subparagraph (A) and

8 inserting the following new subparagraphs:

9 “(A) no Milestone B decision has been
10 made after more than two years of investment
11 in the program;

12 “(B) the system failed to achieve initial
13 operational capability within three years after
14 milestone B approval;”;

15 (iii) in subparagraph (C), as redesignated
16 by clause (i) of this subparagraph,
17 by inserting before the semicolon the following:
18 “or section 2445b(d) of this title,
19 as applicable”;

20 (iv) in subparagraph (D), as so redesignated,
21 by inserting before the semicolon
22 the following: “or section 2445b(d) of this
23 title, as applicable”; and

24 (v) in subparagraph (E), as so redesignated—
25

1 (I) by inserting “or major infor-
2 mation technology” after “major auto-
3 mated information system”; and

4 (II) by inserting before the pe-
5 riod the following: “or section
6 2445b(d) of this title, as applicable”;

7 (4) in subsection (e), by inserting “or other
8 major information technology investment” after
9 “major automated information system”; and

10 (5) in subsection (f)—

11 (A) by inserting “or other major informa-
12 tion technology investment” after “major auto-
13 mated information system” in the matter pre-
14 ceding paragraph (1);

15 (B) in paragraph (1), by inserting “or in-
16 formation technology” after “automated infor-
17 mation system”;

18 (C) in paragraph (2), by inserting “or
19 technology” after “the system”; and

20 (D) in paragraph (3), by inserting “or
21 technology, as applicable,” after “the program
22 and system”.

1 **SEC. 803. CONFIGURATION STEERING BOARDS FOR COST**
2 **CONTROL UNDER MAJOR DEFENSE ACQUI-**
3 **SION PROGRAMS.**

4 (a) CONFIGURATION STEERING BOARDS.—Each Sec-
5 retary of a military department shall establish one or more
6 boards (to be known as a “Configuration Steering
7 Board”) for the major defense acquisition programs of
8 such department.

9 (b) COMPOSITION.—

10 (1) CHAIR.—Each Configuration Steering
11 Board under this section shall be chaired by the
12 service acquisition executive of the military depart-
13 ment concerned.

14 (2) PARTICULAR MEMBERS.—Each Configura-
15 tion Steering Board under this section shall include
16 a representative of the following:

17 (A) The Office of the Under Secretary of
18 Defense for Acquisition, Technology, and Logis-
19 tics.

20 (B) The Chief of Staff of the Armed Force
21 concerned.

22 (C) The Joint Staff.

23 (D) The Comptroller of the military de-
24 partment concerned.

25 (E) The military deputy to the service ac-
26 quisition executive concerned.

1 (F) The program executive officer for the
2 major defense acquisition program concerned.

3 (c) RESPONSIBILITIES.—

4 (1) IN GENERAL.—The Configuration Steering
5 Board for a major defense acquisition program
6 under this section shall be responsible for the fol-
7 lowing:

8 (A) Preventing unnecessary changes to
9 program requirements and system configuration
10 that could have an adverse impact on program
11 cost or schedule.

12 (B) Mitigating the adverse cost and sched-
13 ule impact of any changes to program require-
14 ments that may be required.

15 (C) Ensuring that the program delivers as
16 much planned capability as possible, consistent
17 with the program baseline.

18 (2) DISCHARGE OF RESPONSIBILITIES.—In dis-
19 charging its responsibilities under this section with
20 respect to a major defense acquisition program, a
21 Configuration Steering Board shall—

22 (A) review and approve or disapprove any
23 proposed changes to program requirements or
24 system configuration that have the potential to
25 adversely impact program cost or schedule; and

1 (B) review and recommend proposals to re-
2 duce program requirements that have the po-
3 tential to improve program cost or schedule in
4 a manner consistent with program objectives.

5 (3) PRESENTATION RECOMMENDATIONS ON RE-
6 DUCTION IN REQUIREMENTS.—Any recommendation
7 for a proposed reduction in requirements that is
8 made by a Configuration Steering Board under
9 paragraph (2)(B) shall be presented to appropriate
10 organizations of the Joint Staff and the military de-
11 partments responsible for such requirements for re-
12 view and approval in accordance with applicable pro-
13 cedures.

14 (4) ANNUAL CONSIDERATION OF EACH MAJOR
15 DEFENSE ACQUISITION PROGRAM.—The Secretary of
16 the military department concerned shall ensure that
17 a Configuration Steering Board under this section
18 meets to consider each major defense acquisition
19 program of such military department at least once
20 each year.

21 (d) APPLICABILITY.—

22 (1) IN GENERAL.—The requirements of this
23 section shall apply with respect to any major defense
24 acquisition program that is commenced before, on,
25 or after the date of the enactment of this Act.

1 (2) CURRENT PROGRAMS.—In the case of any
2 major defense acquisition program that is ongoing
3 as of the date of the enactment of this Act, a Con-
4 figuration Steering Board under this section shall be
5 established for such program not later than 60 days
6 after the date of the enactment of this Act.

7 (e) GUIDANCE ON AUTHORITIES OF PROGRAM MAN-
8 AGERS AFTER MILESTONE B.—

9 (1) MODIFICATION OF GUIDANCE ON AUTHORI-
10 TIES.—Paragraph (2) of section 853(d) of the John
11 Warner National Defense Authorization Act for Fis-
12 cal Year 2007 (Public Law 109–364; 120 Stat.
13 2343) is amended to read as follows:

14 “(2) authorities available to the program man-
15 ager, including—

16 “(A) the authority to object to the addition
17 of new program requirements that would be in-
18 consistent with the parameters established at
19 Milestone B (or Key Decision Point B in the
20 case of a space program) and reflected in the
21 performance agreement, unless such require-
22 ments are approved by the appropriate Configu-
23 ration Steering Board; and

24 “(B) the authority to recommend to the
25 appropriate Configuration Steering Board re-

1 duced program requirements that have the po-
2 tential to improve program cost or schedule in
3 a manner consistent with program objectives;
4 and”.

5 (2) APPLICABILITY.—The Secretary of Defense
6 shall modify the guidance described in section
7 853(d) of the John Warner National Defense Au-
8 thorization Act for Fiscal Year 2007 in order to take
9 into account the amendment made by paragraph (1)
10 not later than 60 days after the date of the enact-
11 ment of this Act.

12 (f) MAJOR DEFENSE ACQUISITION PROGRAM DE-
13 FINED.—In this section, the term “major defense acqui-
14 sition program” has the meaning given that term in section
15 2430(a) of title 10, United States Code.

16 **Subtitle B—Acquisition Policy and** 17 **Management**

18 **SEC. 811. INTERNAL CONTROLS FOR PROCUREMENTS ON** 19 **BEHALF OF THE DEPARTMENT OF DEFENSE** 20 **BY CERTAIN NON-DEFENSE AGENCIES.**

21 (a) INSPECTOR GENERAL REVIEWS AND DETER-
22 MINATIONS.—

23 (1) IN GENERAL.—For each covered non-de-
24 fense agency, the Inspector General of the Depart-
25 ment of Defense and the Inspector General of such

1 non-defense agency shall, not later than March 15,
2 2009, jointly—

3 (A) review—

4 (i) the procurement policies, proce-
5 dures, and internal controls of such non-
6 defense agency that are applicable to the
7 procurement of property and services on
8 behalf of the Department by such non-de-
9 fense agency; and

10 (ii) the administration of those poli-
11 cies, procedures, and internal controls; and

12 (B) determine in writing whether—

13 (i) such non-defense agency is compli-
14 ant with defense procurement require-
15 ments;

16 (ii) such non-defense agency is not
17 compliant with defense procurement re-
18 quirements, but has a program or initiative
19 to significantly improve compliance with
20 defense procurement requirements;

21 (iii) neither of the conclusions stated
22 in clauses (i) and (ii) is correct in the case
23 of such non-defense agency; or

24 (iv) such non-defense agency is not
25 compliant with defense procurement re-

1 quirements to such an extent that the in-
2 terests of the Department of Defense are
3 at risk in procurements conducted by such
4 non-defense agency.

5 (2) ACTIONS FOLLOWING CERTAIN DETERMINA-
6 TIONS.—If the Inspectors General determine under
7 paragraph (1) that the conclusion stated in clause
8 (ii), (iii), or (iv) of subparagraph (B) of that para-
9 graph is correct in the case of a covered non-defense
10 agency, such Inspectors General shall, not later than
11 June 15, 2010, jointly—

12 (A) conduct a second review, as described
13 in subparagraph (A) of that paragraph, regard-
14 ing such non-defense agency’s procurement of
15 property or services on behalf of the Depart-
16 ment of Defense in fiscal year 2009; and

17 (B) determine in writing whether such
18 non-defense agency is or is not compliant with
19 defense procurement requirements.

20 (b) COMPLIANCE WITH DEFENSE PROCUREMENT
21 REQUIREMENTS.—For the purposes of this section, a cov-
22 ered non-defense agency is compliant with defense pro-
23 curement requirements if such non-defense agency’s pro-
24 curement policies, procedures, and internal controls appli-
25 cable to the procurement of products and services on be-

1 half of the Department of Defense, and the manner in
2 which they are administered, are adequate to ensure such
3 non-defense agency's compliance with the requirements of
4 laws and regulations that apply to procurements of prop-
5 erty and services made directly by the Department of De-
6 fense.

7 (c) MEMORANDA OF UNDERSTANDING BETWEEN IN-
8 SPECTORS GENERAL.—

9 (1) IN GENERAL.—Not later than 60 days after
10 the date of the enactment of this Act, the Inspector
11 General of the Department of Defense and the In-
12 spector General of each covered non-defense agency
13 shall enter into a memorandum of understanding
14 with each other to carry out the reviews and make
15 the determinations required by this section.

16 (2) SCOPE OF MEMORANDA.—The Inspector
17 General of the Department of Defense and the In-
18 spector General of a covered non-defense agency
19 may by mutual agreement conduct separate reviews
20 of the procurement of property and services on be-
21 half of the Department of Defense that are con-
22 ducted by separate business units, or under separate
23 governmentwide acquisition contracts, of such non-
24 defense agency. In any case where such separate re-
25 views are conducted, the Inspectors General shall

1 make separate determinations under paragraph (1)
2 or (2) of subsection (a), as applicable, with respect
3 to each such separate review.

4 (d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF
5 DEPARTMENT OF DEFENSE.—

6 (1) LIMITATION DURING REVIEW PERIOD.—

7 After March 15, 2009, and before June 16, 2010,
8 no official of the Department of Defense may, except
9 as provided in subsection (e) or (f), order, purchase,
10 or otherwise procure property or services in an
11 amount in excess of \$100,000 through a covered
12 non-defense agency for which a determination de-
13 scribed in clause (iii) or (iv) of paragraph (1)(B) of
14 subsection (a) has been made under subsection (a).

15 (2) LIMITATION AFTER REVIEW PERIOD.—After
16 June 15, 2010, no official of the Department of De-
17 fense may, except as provided in subsection (e) or
18 (f), order, purchase, or otherwise procure property
19 or services in an amount in excess of \$100,000
20 through a covered non-defense agency that, having
21 been subject to review under this section, has not
22 been determined under this section as being compli-
23 ant with defense procurement requirements.

24 (3) LIMITATION FOLLOWING FAILURE TO
25 REACH MOU.—Commencing on the date that is 60

1 days after the date of the enactment of this Act, if
2 a memorandum of understanding between the In-
3 spector General of the Department of Defense and
4 the Inspector General of a covered non-defense agen-
5 cy cannot be attained causing the review required by
6 this section to not be performed, no official of the
7 Department of Defense, except as provided in sub-
8 section (e) or (f), may order, purchase or otherwise
9 procure property or services in an amount in excess
10 of \$100,000 through such non-defense agency.

11 (e) EXCEPTION FROM APPLICABILITY OF LIMITA-
12 TIONS.—

13 (1) EXCEPTION.—No limitation applies under
14 subsection (d) with respect to the procurement of
15 property and services on behalf of the Department
16 of Defense by a covered non-defense agency during
17 any period that there is in effect a determination of
18 the Under Secretary of Defense for Acquisition,
19 Technology, and Logistics, made in writing, that it
20 is necessary in the interest of the Department of De-
21 fense to continue to procure property and services
22 through such non-defense agency.

23 (2) APPLICABILITY OF DETERMINATION.—A
24 written determination with respect to a covered non-
25 defense agency under paragraph (1) is in effect for

1 the period, not in excess of one year, that the Under
2 Secretary shall specify in the written determination.
3 The Under Secretary may extend from time to time,
4 for up to one year at a time, the period for which
5 the written determination remains in effect.

6 (f) TERMINATION OF APPLICABILITY OF LIMITA-
7 TIONS.—Subsection (d) shall cease to apply to a covered
8 non-defense agency on the date on which the Inspector
9 General of the Department of Defense and the Inspector
10 General of such non-defense agency jointly—

11 (1) determine that such non-defense agency is
12 compliant with defense procurement requirements;
13 and

14 (2) notify the Secretary of Defense of that de-
15 termination.

16 (g) IDENTIFICATION OF PROCUREMENTS MADE
17 DURING A PARTICULAR FISCAL YEAR.—For the purposes
18 of subsection (a), a procurement shall be treated as being
19 made during a particular fiscal year to the extent that
20 funds are obligated by the Department of Defense for that
21 procurement in that fiscal year.

22 (h) RESOLUTION OF DISAGREEMENTS.—If the In-
23 spector General of the Department of Defense and the In-
24 spector General of a covered non-defense agency are un-
25 able to agree on a joint determination under subsection

1 (a) or (f), a determination by the Inspector General of
2 the Department of Defense under such subsection shall
3 be conclusive for the purposes of this section.

4 (i) DEFINITIONS.—In this section:

5 (1) The term “covered non-defense agency”
6 means each of the following:

7 (A) The Department of Commerce.

8 (B) The Department of Energy.

9 (2) The term “governmentwide acquisition con-
10 tract”, with respect to a covered non-defense agency,
11 means a task or delivery order contract that—

12 (A) is entered into by the non-defense
13 agency; and

14 (B) may be used as the contract under
15 which property or services are procured for one
16 or more other departments or agencies of the
17 Federal Government.

18 (j) MODIFICATION OF CERTAIN ADDITIONAL AU-
19 THORITIES ON INTERNAL CONTROLS FOR PROCURE-
20 MENTS ON BEHALF OF DoD.—Section 801 of the Na-
21 tional Defense Authorization Act for Fiscal Year 2008
22 (Public Law 110–181; 122 Stat. 202; 10 U.S.C. 2304
23 note) is amended—

24 (1) in subsection (a)(2)—

1 (A) in subparagraph (B), by striking “each
2 of the Department of the Treasury, the Depart-
3 ment of the Interior, and the National Aero-
4 nautics and Space Administration” and insert-
5 ing “the Department of the Interior”; and

6 (B) by adding at the end the following new
7 subparagraph:

8 “(D) In the case of each of the Depart-
9 ment of Commerce and the Department of En-
10 ergy, by not later than March 15, 2015.”; and
11 (2) in subsection (f)(2)—

12 (A) by striking subparagraphs (B) and
13 (D);

14 (B) by redesignating subparagraphs (C),
15 (E), and (F) as subparagraphs (B), (C), and
16 (D), respectively; and

17 (C) by adding at the end the following new
18 subparagraphs:

19 “(E) The Department of Commerce.

20 “(F) The Department of Energy.”.

21 **SEC. 812. CONTINGENCY CONTRACTING CORPS.**

22 (a) IN GENERAL.—Chapter 137 of title 10, United
23 States Code, is amended by adding at the end the fol-
24 lowing new section:

1 **“§ 2334. Contingency Contracting Corps**

2 “(a) ESTABLISHMENT.—The Secretary of Defense
3 shall establish within the Department of Defense a Con-
4 tingency Contracting Corps (in this section, referred to as
5 the ‘Corps’) to ensure the Department has the capability,
6 when needed, to support contingency contracting actions
7 in a deployed environment. The members of the Corps
8 shall be available for deployment in connection with con-
9 tingency operations both within and outside the conti-
10 nental United States, including reconstruction efforts re-
11 lating thereto.

12 “(b) MEMBERSHIP.—Membership in the Corps shall
13 be voluntary and open to all employees of the Department
14 of Defense, including uniformed members of the Armed
15 Forces, who are members of the defense acquisition work-
16 force, as designated under section 1721 of this title.

17 “(c) EDUCATION AND TRAINING.—The Secretary of
18 Defense may establish additional educational and training
19 requirements for members of the Corps.

20 “(d) CLOTHING AND EQUIPMENT.—The Secretary of
21 Defense may identify any necessary clothing and equip-
22 ment requirements for members of the Corps.

23 “(e) SALARY.—The salaries for members of the
24 Corps shall be paid by the Department of Defense out of
25 existing appropriations.

1 actment of this Act, the Secretary of Defense shall issue
2 guidance to the Secretaries of the military departments
3 and the Chiefs of Staff of the Armed Forces to ensure
4 that each urgent requirements document submitted by an
5 operational field commander is presented to the appro-
6 priate authority for review and validation not later than
7 60 days after date on which such document is so sub-
8 mitted.

9 (b) DEFINITIONS.—In this section:

10 (1) The term “urgent requirements document”
11 means the following:

12 (A) A Joint Urgent Operational Needs
13 (JUON) document.

14 (B) An Army operational need statement
15 (ONS).

16 (C) A Navy rapid deployment capability
17 (RDC) document or Navy urgent operational
18 need (UON) statement.

19 (D) An Air Force combat capability docu-
20 ment (CCD).

21 (E) A Marine Corps urgent universal need
22 statement (UUNS).

23 (F) A combat-mission need statement
24 (CMNS) of the United States Special Oper-
25 ations Command.

1 (2) The term “appropriate authority” means
2 the following:

3 (A) In the case of a Joint Urgent Oper-
4 ational Needs document, a Functional Capabili-
5 ties Board or Joint Capabilities Board.

6 (B) In the case of an Army operational
7 need statement, the Deputy Chief of Staff of
8 the Army for Operations and Plans.

9 (C) In the case of a Navy rapid deploy-
10 ment capability document or Navy urgent oper-
11 ational need statement, the Assistant Secretary
12 of the Navy for Research, Development, and
13 Acquisition.

14 (D) In the case of an Air Force combat ca-
15 pability document, the commander of the lead
16 major command of the Air Force.

17 (E) In the case of a Marine Corps urgent
18 universal need statement, the Marine Require-
19 ments Oversight Council.

20 (F) In the case of a combat-mission need
21 statement of the United States Special Oper-
22 ations Command, the Requirements Directorate
23 of the United States Special Operations Com-
24 mand.

1 **SEC. 814. INCORPORATION OF ENERGY EFFICIENCY RE-**
2 **QUIREMENTS INTO KEY PERFORMANCE PA-**
3 **RAMETERS FOR FUEL CONSUMING SYSTEMS.**

4 (a) IMPLEMENTATION PLAN.—Not later than one
5 year after the date of the enactment of this Act, the Under
6 Secretary of Defense for Acquisition, Technology, and Lo-
7 gistics shall develop an implementation plan for the incor-
8 poration of energy efficiency requirements into key per-
9 formance parameters for the modification of existing fuel
10 consuming systems of the Department of Defense and the
11 development of new fuel consuming systems. The imple-
12 mentation plan shall include—

13 (1) policies, regulations, and directives to en-
14 sure that appropriate officials incorporate such en-
15 ergy efficiency requirements into such performance
16 parameters; and

17 (2) a plan for implementing such requirements.

18 (b) REPORT.—The Under Secretary of Defense for
19 Acquisition, Technology, and Logistics shall submit a re-
20 port on the plan required under subsection (a), including
21 an assessment of progress made in implementing require-
22 ments to incorporate energy efficiency requirements into
23 key performance parameters for fuel consuming systems
24 of the Department of Defense, as part of the budget jus-
25 tification materials submitted to Congress in support of
26 the Department of Defense budget for fiscal year 2010

1 and each fiscal year thereafter for five years (as submitted
2 with the budget of the President under section 1105(a)
3 of title 31, United States Code).

4 **Subtitle C—Amendments Relating**
5 **to General Contracting Authori-**
6 **ties, Procedures, and Limita-**
7 **tions**

8 **SEC. 821. MULTIYEAR PROCUREMENT AUTHORITY FOR THE**
9 **DEPARTMENT OF DEFENSE FOR THE PUR-**
10 **CHASE OF ALTERNATIVE AND SYNTHETIC**
11 **FUELS.**

12 (a) MULTIYEAR PROCUREMENT AUTHORIZED.—

13 (1) IN GENERAL.—Chapter 141 of title 10,
14 United States Code, is amended by adding at the
15 end the following new section:

16 **“§ 2410r. Multiyear procurement authority: purchase**
17 **of alternative and synthetic fuels**

18 “(a) MULTIYEAR CONTRACTS AUTHORIZED.—Sub-
19 ject to subsections (b) and (c), the head of an agency may
20 enter into contracts for a period not to exceed 10 years
21 for the purchase of alternative fuels or synthetic fuels.

22 “(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN
23 EXCESS OF FIVE YEARS.—The head of an agency may
24 exercise the authority in subsection (a) to enter a contract
25 for a period in excess of five years only if the head of

1 the agency determines in writing, on the basis of a busi-
2 ness case analysis prepared by the agency, that—

3 “(1) the proposed purchase of fuels under such
4 contract is cost effective for the agency;

5 “(2) it would not be possible to purchase fuels
6 from the source in an economical manner without
7 the use of a contract for a period in excess of five
8 years; and

9 “(3) the contract will comply with the require-
10 ments of subsection (c) and section 526 of the En-
11 ergy Independence and Security Act of 2007 (Public
12 Law 110–140; 42 U.S.C. 17142).

13 “(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS
14 EMISSIONS.—The head of an agency may not purchase
15 alternative fuels or synthetic fuels under the authority in
16 subsection (a) unless the contract specifies that lifecycle
17 greenhouse gas emissions associated with the production
18 and combustion of the fuels to be provided under the con-
19 tract are not greater than such emissions from conven-
20 tional petroleum-based fuels that are used in the same ap-
21 plication.

22 “(d) DEFINITIONS.—In this section:

23 “(1) The term ‘head of an agency’ has the
24 meaning given that term in section 2302(1) of this
25 title.

1 “(2) The term ‘alternative fuel’ has the mean-
2 ing given that term in section 301(2) of the Energy
3 Policy Act of 1992 (42 U.S.C. 13211(2)).

4 “(3) The term ‘synthetic fuel’ means any liquid,
5 gas, or combination thereof that—

6 “(A) can be used as a substitute for petro-
7 leum or natural gas (or any derivative thereof,
8 including chemical feedstocks); and

9 “(B) is produced by chemical or physical
10 transformation of domestic sources of energy.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 141 of such title
13 is amended by adding at the end the following new
14 item:

“2410r. Multiyear procurement authority: purchase of alternative and synthetic
 fuels.”.

15 (b) REGULATIONS.—

16 (1) IN GENERAL.—Not later than 120 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Defense shall prescribe regulations pro-
19 viding that the head of an agency may initiate a
20 multiyear contract as authorized by section 2410r of
21 title 10, United States Code (as added by subsection
22 (a)), only if the head of the agency has determined
23 in writing that—

1 (A) there is a reasonable expectation that
2 throughout the contemplated contract period
3 the head of the agency will request funding for
4 the contract at the level required to avoid con-
5 tract cancellation;

6 (B) there is a stable design for all related
7 technologies to the purchase of alternative and
8 synthetic fuels as so authorized;

9 (C) the technical risks associated with such
10 technologies are not excessive;

11 (D) the multiyear contract will contain ap-
12 propriate pricing mechanisms to minimize risk
13 to the government from significant changes in
14 market prices for energy;

15 (E) there is in place a regulatory regime
16 adequate to ensure compliance with the require-
17 ments of section 526 of the Energy Independ-
18 ence and Security Act of 2007 (Public Law
19 110–140; 121 Stat. 1663; 42 U.S.C. 17142)
20 and other applicable environmental laws; and

21 (F) the contractor has received all regu-
22 latory approvals necessary for the production of
23 the alternative and synthetic fuels to be sup-
24 plied under the contract.

1 (2) MINIMUM ANTICIPATED SAVINGS.—The reg-
2 ulations required by paragraph (1) shall provide
3 that, in any case in which the estimated total ex-
4 penditure under a multiyear contract (or several
5 multiyear contracts with the same prime contractor)
6 under section 2410r of title 10, United States Code
7 (as so added), are anticipated to be more than (or,
8 in the case of several contracts, the aggregate of
9 which is anticipated to be more than) \$540,000,000
10 (in fiscal year 1990 constant dollars), the head of an
11 agency may initiate such contract under such section
12 only upon a finding that use of such contract will re-
13 sult in savings exceeding 10 percent of the total an-
14 ticipated costs of procuring an equivalent amount of
15 fuel for the same application through other means.
16 If such estimated savings will exceed 5 percent of
17 the total anticipated costs of procuring an equivalent
18 amount of fuel for the same application through
19 other means, but not exceed 10 percent of such
20 costs, the head of the agency may initiate such con-
21 tract under such section only upon a finding in writ-
22 ing that an exceptionally strong case has been made
23 with regard to findings required in paragraph (1).

24 (3) LIMITATION ON USE OF AUTHORITY.—No
25 contract may be entered into under the authority in

1 section 2410r of title 10, United States Code (as so
2 added), until the regulations required by paragraph
3 (1) are prescribed.

4 (c) RELATIONSHIP TO OTHER MULTIYEAR CON-
5 TRACTING AUTHORITY.—Nothing in this section or the
6 amendments made by this section shall be construed to
7 preclude the Department of Defense from using other ap-
8 plicable multiyear contracting authority of the Depart-
9 ment of Defense to purchase energy, including renewable
10 energy.

11 **SEC. 822. MODIFICATION AND EXTENSION OF PILOT PRO-**
12 **GRAM FOR TRANSITION TO FOLLOW-ON CON-**
13 **TRACTS UNDER AUTHORITY TO CARRY OUT**
14 **CERTAIN PROTOTYPE PROJECTS.**

15 (a) EXPANSION OF SCOPE OF PILOT PROGRAM.—
16 Paragraph (1) of section 845(e) of the National Defense
17 Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371
18 note) is amended by striking “under prototype projects
19 carried out under this section” and inserting “developed
20 under prototype projects carried out under this section or
21 research projects carried out pursuant to section 2371 of
22 title 10, United States Code”.

23 (b) FOUR-YEAR EXTENSION OF AUTHORITY.—Para-
24 graph (4) of such section is amended by striking “Sep-
25 tember 30, 2008” and inserting “September 30, 2012”.

1 **SEC. 823. EXCLUSION OF CERTAIN FACTORS IN CONSIDER-**
2 **ATION OF COST ADVANTAGES OF OFFERS**
3 **FOR CERTAIN DEPARTMENT OF DEFENSE**
4 **CONTRACTS.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Department of Defense Supplement
7 to the Federal Acquisition Regulation shall be revised to
8 ensure that, in any competition for a contract with a value
9 in excess of \$10,000,000, an offeror does not receive an
10 advantage for a proposal that would reduce costs for the
11 Department of Defense as a consequence of any corporate
12 structure a principal purpose of which is to enable the of-
13 feror to avoid the payment of taxes to the Federal Govern-
14 ment or any State government, including taxes imposed
15 under subtitle C of the Internal Revenue Code of 1986
16 and any similar taxes imposed by a State government, for
17 or on behalf of employees of the offeror or any subsidiary
18 or affiliate of the offeror.

19 **Subtitle D—Department of Defense**
20 **Contractor Matters**

21 **SEC. 831. DATABASE FOR DEPARTMENT OF DEFENSE CON-**
22 **TRACTING OFFICERS AND SUSPENSION AND**
23 **DEBARMENT OFFICIALS.**

24 (a) **IN GENERAL.**—Subject to the authority, direc-
25 tion, and control of the Secretary of Defense, the Under
26 Secretary of Defense for Acquisition, Technology, and Lo-

1 gistics shall establish and maintain a database of informa-
2 tion regarding integrity and performance of certain per-
3 sons awarded Department of Defense contracts for use by
4 Department of Defense officials having authority over con-
5 tracts.

6 (b) PERSONS COVERED.—The database shall cover
7 any person awarded a Department of Defense contract in
8 excess of \$500,000 if any information described in sub-
9 section (c) exists with respect to such person.

10 (c) INFORMATION INCLUDED.—With respect to a
11 person awarded a Department of Defense contract, the
12 database shall include information (in the form of a brief
13 description) for at least the most recent 5-year period re-
14 garding the following:

15 (1) Each civil or criminal proceeding, or any
16 administrative proceeding, in connection with the
17 award or performance of a contract with the Federal
18 Government or, to the maximum extent practicable,
19 a State government with respect to the person dur-
20 ing the period to the extent that such proceeding re-
21 sults in the following dispositions:

22 (A) In a criminal proceeding, a conviction.

23 (B) In a civil proceeding, a finding of li-
24 ability that results in the payment of a mone-

1 tary fine, penalty, reimbursement, restitution,
2 or damages of \$5,000 or more.

3 (C) In an administrative proceeding, a
4 finding of liability that results in—

5 (i) the payment of a monetary fine or
6 penalty of \$5,000 or more; or

7 (ii) the payment of a reimbursement,
8 restitution, or damages in excess of
9 \$100,000.

10 (D) In a civil or administrative proceeding,
11 a disposition of the matter by consent or com-
12 promise if the proceeding could have led to any
13 of the outcomes specified in subparagraph (A),
14 (B), or (C).

15 (2) Each Federal contract and grant awarded
16 to the person that was terminated in such period
17 due to default.

18 (3) Each Federal suspension and debarment of
19 the person in that period.

20 (4) Each Federal administrative agreement en-
21 tered into by the person and the Federal Govern-
22 ment in that period to resolve a suspension or debar-
23 ment proceeding and, to the maximum extent prac-
24 ticable, each agreement involving a suspension or de-

1 barment proceeding entered into by the person and
2 a State government in that period.

3 (5) Each final finding by a Federal official in
4 that period that the person has been determined not
5 to be a responsible source under either subparagraph
6 (C) or (D) of section 4(7) of the Office of Federal
7 Procurement Policy Act (41 U.S.C. 403(7)).

8 (d) REQUIREMENTS RELATING TO INFORMATION IN
9 DATABASE.—

10 (1) DIRECT INPUT AND UPDATE.—The Under
11 Secretary shall design and maintain the database in
12 a manner that allows the appropriate officials of the
13 Department of Defense to directly input and update
14 in the information in the database relating to ac-
15 tions such officials have taken with regard to con-
16 tractors.

17 (2) TIMELINESS AND ACCURACY.—The Under
18 Secretary shall develop policies to require—

19 (A) the timely and accurate input of infor-
20 mation into the database;

21 (B) notification of any covered person
22 when information relevant to the person is en-
23 tered into the database; and

1 (C) an opportunity for any covered person
2 to submit comments pertaining to information
3 about such person in the database.

4 (e) USE OF DATABASE.—

5 (1) AVAILABILITY TO GOVERNMENT OFFI-
6 CIALS.—The Under Secretary shall ensure that the
7 database is available to all acquisition professionals
8 of the Department of Defense and to Congress. This
9 subsection does not limit the availability of the data-
10 base to other Department of Defense officials or to
11 government officials outside the Department of De-
12 fense that the Under Secretary determines warrant
13 access.

14 (2) REVIEW AND ASSESSMENT OF DATA.—

15 (A) IN GENERAL.—Before awarding a con-
16 tract in excess of \$500,000, the Department of
17 Defense official responsible for awarding the
18 contract shall review the database and shall
19 consider information in the database with re-
20 gard to any offer, along with other past per-
21 formance information available with respect to
22 that offeror, in making any responsibility deter-
23 mination or past performance evaluation for
24 such offeror.

1 (B) DOCUMENTATION IN CONTRACT
2 FILE.—The contract file for each contract of
3 the Department of Defense in excess of
4 \$500,000 shall document the manner in which
5 the material in the database was considered in
6 any responsibility determination or past per-
7 formance evaluation.

8 (f) DISCLOSURE IN APPLICATIONS.—Not later than
9 180 days after the date of the enactment of this Act, the
10 Defense Supplement to the Federal Acquisition Regula-
11 tion shall be amended to require that persons with Depart-
12 ment of Defense contracts valued in total greater than
13 \$10,000,000 must semiannually submit to the Under Sec-
14 retary a report that includes the information subject to
15 inclusion in the database as listed in paragraphs (1)
16 through (5) of subsection (c).

17 **SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER**
18 **CERTAIN CONTRACTS FOR THE PERFORM-**
19 **ANCE OF ACQUISITION FUNCTIONS CLOSELY**
20 **ASSOCIATED WITH INHERENTLY GOVERN-**
21 **MENTAL FUNCTIONS.**

22 (a) CONTRACT CLAUSE REQUIRED.—Each contract
23 (or task or delivery order) in excess of \$500,000 that calls
24 for the performance of acquisition functions closely associ-
25 ated with inherently governmental functions for or on be-

1 half of the Department of Defense shall include a contract
2 clause addressing financial conflicts of interests of con-
3 tractor employees who will be responsible for the perform-
4 ance of such functions.

5 (b) CONTENTS OF CONTRACT CLAUSE.—The con-
6 tract clause required by subsection (a) shall, at a min-
7 imum—

8 (1) require the contractor to prohibit any em-
9 ployee of the contractor from performing any func-
10 tions described in subsection (a) under such a con-
11 tract (or task or delivery order) relating to a pro-
12 gram, company, contract, or other matter in which
13 the employee (or a member of the employee’s imme-
14 diate family) has a financial interest without the ex-
15 press written approval of the contracting officer;

16 (2) require the contractor to obtain, review, up-
17 date, and maintain as part of its personnel records
18 a financial disclosure statement from each employee
19 assigned to perform functions described in para-
20 graph (1) under such a contract (or task or delivery
21 order) that is sufficient to enable the contractor to
22 ensure compliance with the requirements of para-
23 graph (1);

24 (3) require the contractor to prohibit any em-
25 ployee of the contractor who is responsible for per-

1 forming functions described in paragraph (1) under
2 such a contract (or task or delivery order) relating
3 to a program, company, contract, or other matter
4 from accepting a gift from the affected company or
5 from an individual or entity that has a financial in-
6 terest in the program, contract, or other matter;

7 (4) require the contractor to prohibit contractor
8 personnel who have access to non-public government
9 information obtained while performing work on such
10 a contract (or task or delivery order) from using
11 such information for personal gain;

12 (5) require the contractor to take appropriate
13 disciplinary action in the case of employees who fail
14 to comply with prohibitions established pursuant to
15 this section;

16 (6) require the contractor to promptly report
17 any failure to comply with the prohibitions estab-
18 lished pursuant to this section to the contracting of-
19 ficer for the applicable contract or contracts;

20 (7) include appropriate definitions of the terms
21 “financial interest” and “gift” that are similar to
22 the definitions in statutes and regulations applicable
23 to Federal employees;

1 (8) establish appropriate contractual penalties
2 for failures to comply with the requirements of para-
3 graphs (1) through (6); and

4 (9) provide such additional safeguards, defini-
5 tions, and exceptions as may be necessary to safe-
6 guard the public interest.

7 (c) FUNCTIONS CLOSELY ASSOCIATED WITH INHER-
8 ENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this
9 section, the term “functions closely associated with inher-
10 ently governmental functions” has the meaning given that
11 term in section 2383(b)(3) of title 10, United States Code.

12 (d) EFFECTIVE DATE.—This section shall take effect
13 30 days after the date of the enactment of this Act, and
14 shall apply to—

15 (1) contracts entered on or after that effective
16 date; and

17 (2) task or delivery orders awarded on or after
18 that effective date, regardless of whether the con-
19 tracts pursuant to which such task or delivery orders
20 are awarded are entered before, on, or after the date
21 of the enactment of this Act.

1 **SEC. 833. INFORMATION FOR DEPARTMENT OF DEFENSE**
2 **CONTRACTOR EMPLOYEES ON THEIR WHIS-**
3 **TLEBLOWER RIGHTS.**

4 (a) **IN GENERAL.**—The Secretary of Defense shall
5 prescribe in regulations a policy for informing employees
6 of a contractor of the Department of Defense of their
7 whistleblower rights and protections under section 2409
8 of title 10, United States Code, as implemented by subpart
9 3.9 of part I of title 48, Code of Federal Regulations.

10 (b) **ELEMENTS.**—The regulations required by sub-
11 section (a) shall include requirements as follows:

12 (1) Employees of Department of Defense con-
13 tractors shall be notified in writing of the provisions
14 of section 2409 of title 10, United States Code.

15 (2) Notice to employees of Department of De-
16 fense contractors under paragraph (1) shall state
17 that the restrictions imposed by any employee agree-
18 ment or nondisclosure agreement shall not super-
19 sede, conflict with, or otherwise alter the employee
20 rights created by section 2409 of title 10, United
21 States Code, or the regulations implementing such
22 section.

23 (c) **CONTRACTOR DEFINED.**—In this section, the
24 term “contractor” has the meaning given that term in sec-
25 tion 2409(e)(4) of title 10, United States Code.

1 **Subtitle E—Matters Relating to**
2 **Iraq and Afghanistan**

3 **SEC. 841. PERFORMANCE BY PRIVATE SECURITY CONTRAC-**
4 **TORS OF INHERENTLY GOVERNMENTAL**
5 **FUNCTIONS IN AN AREA OF COMBAT OPER-**
6 **ATIONS.**

7 (a) **MODIFICATION OF REGULATIONS.**—Not later
8 than 60 days after the date of the enactment of this Act,
9 the regulations issued by the Secretary of Defense pursu-
10 ant to section 862(a) of the National Defense Authoriza-
11 tion Act for Fiscal Year 2008 (Public Law 110–181; 122
12 Stat. 254; 10 U.S.C. 2302 note) shall be modified to en-
13 sure that private security contractors are not authorized
14 to perform inherently governmental functions in an area
15 of combat operations.

16 (b) **ELEMENTS.**—The modification of regulations
17 pursuant to subsection (a) shall provide, at a minimum,
18 each of the following:

19 (1) That security operations for the protection
20 of resources (including people, information, equip-
21 ment, and supplies) in uncontrolled or unpredictable
22 high threat environments are inherently govern-
23 mental functions if such security operations—

24 (A) will be performed in highly hazardous
25 public areas where the risks are uncertain and

1 could reasonably be expected to require deadly
2 force that is more likely to be initiated by per-
3 sonnel performing such security operations than
4 by others; or

5 (B) could reasonably be expected to require
6 immediate discretionary decisions on the appro-
7 priate course of action or the acceptable level of
8 risk (such as judgments on the appropriate level
9 of force, acceptable level of collateral damage,
10 and whether the target is friend or foe), the
11 outcome of which could significantly affect the
12 life, liberty, or property of private persons or
13 the international relations of the United States.

14 (2) That the agency awarding the contract has
15 appropriate mechanisms in place to ensure that pri-
16 vate security contractors operate in a manner con-
17 sistent with the regulations issued by the Secretary
18 of Defense pursuant to such section 862(a), as
19 modified pursuant to this section.

20 (c) PERIODIC REVIEW OF PERFORMANCE OF FUNC-
21 TIONS.—

22 (1) IN GENERAL.—The Secretary of Defense
23 shall, in coordination with the heads of other appro-
24 priate agencies, periodically review the performance
25 of private security functions in areas of combat op-

1 erations to ensure that such functions are authorized
2 and performed in a manner consistent with the re-
3 quirements of this section.

4 (2) REPORTS.—Not later than June 1 of each
5 of 2009, 2010, and 2011, the Secretary shall submit
6 to the congressional defense committees a report on
7 the results of the most recent review conducted
8 under paragraph (1).

9 **SEC. 842. ADDITIONAL CONTRACTOR REQUIREMENTS AND**
10 **RESPONSIBILITIES RELATING TO ALLEGED**
11 **CRIMES BY OR AGAINST CONTRACTOR PER-**
12 **SONNEL IN IRAQ AND AFGHANISTAN.**

13 (a) IN GENERAL.—Section 861(b) of the National
14 Defense Authorization Act for Fiscal Year 2008 (Public
15 Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) is
16 amended by adding the following new paragraphs:

17 “(7) Mechanisms for ensuring that contractors
18 are required to report offenses described in para-
19 graph (6) that are alleged to have been committed
20 by or against contractor personnel to appropriate in-
21 vestigative authorities.

22 “(8) Responsibility for providing victim and
23 witness protection and assistance to contractor em-
24 ployees and other persons supporting the mission of
25 the United States Government in Iraq or Afghani-

1 stan in connection with alleged offenses described in
2 paragraph (6).”.

3 (b) IMPLEMENTATION.—The memorandum of under-
4 standing required by section 861(a) of the National De-
5 fense Authorization Act for Fiscal Year 2008 shall be
6 modified to address the requirements under the amend-
7 ment made by subsection (a) not later than 90 days after
8 the date of the enactment of this Act.

9 **SEC. 843. CLARIFICATION AND MODIFICATION OF AU-**
10 **THORITIES RELATING TO THE COMMISSION**
11 **ON WARTIME CONTRACTING IN IRAQ AND AF-**
12 **GHANISTAN.**

13 (a) NATURE OF COMMISSION.—Subsection (a) of sec-
14 tion 841 of the National Defense Authorization Act for
15 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230)
16 is amended by inserting “in the legislative branch” after
17 “There is hereby established”.

18 (b) PAY AND ANNUITIES OF MEMBERS AND STAFF
19 ON FEDERAL REEMPLOYMENT.—Subsection (e) of such is
20 amended by adding at the end the following new para-
21 graph:

22 “(8) PAY AND ANNUITIES OF MEMBERS AND
23 STAFF ON FEDERAL REEMPLOYMENT.—If warranted
24 by circumstances described in subparagraph (A) or
25 (B) of section 8344(i)(1) of title 5, United States

1 Code, or by circumstances described in subpara-
2 graph (A) or (B) of section 8468(f)(1) of such title,
3 as applicable, a co-chairman of the Commission may
4 exercise, with respect to the members and staff of
5 the Commission, the same waiver authority as would
6 be available to the Director of the Office of Per-
7 sonnel Management under such section.”.

8 (c) EFFECTIVE DATE.—

9 (1) NATURE OF COMMISSION.—The amendment
10 made by subsection (a) shall take effect as of Janu-
11 ary 28, 2008, as if included in the enactment of the
12 National Defense Authorization Act for Fiscal Year
13 2008.

14 (2) PAY AND ANNUITIES.—The amendment
15 made by subsection (b) shall apply to members and
16 staff of the Commission on Wartime Contracting in
17 Iraq and Afghanistan appointed or employed, as the
18 case may be, on or after that date.

19 **SEC. 844. COMPREHENSIVE AUDIT OF SPARE PARTS PUR-**
20 **CHASES AND DEPOT OVERHAUL AND MAIN-**
21 **TENANCE OF EQUIPMENT FOR OPERATIONS**
22 **IN IRAQ AND AFGHANISTAN.**

23 (a) AUDITS REQUIRED.—The Army Audit Agency,
24 the Navy Audit Service, and the Air Force Audit Agency
25 shall each conduct thorough audits to identify potential

1 waste, fraud, and abuse in the performance of the fol-
2 lowing:

3 (1) Department of Defense contracts, sub-
4 contracts, and task and delivery orders for—

5 (A) depot overhaul and maintenance of
6 equipment for the military in Iraq and Afghani-
7 stan; and

8 (B) spare parts for military equipment
9 used in Iraq and Afghanistan; and

10 (2) Department of Defense in-house overhaul
11 and maintenance of military equipment used in Iraq
12 and Afghanistan.

13 (b) COMPREHENSIVE AUDIT PLAN.—

14 (1) PLANS.—The Army Audit Agency, the
15 Navy Audit Service, and the Air Force Audit Agency
16 shall, in coordination with the Inspector General of
17 the Department of Defense, develop a comprehensive
18 plan for a series of audits to discharge the require-
19 ments of subsection (a).

20 (2) INCORPORATION INTO REQUIRED AUDIT
21 PLAN.—The plan developed under paragraph (1)
22 shall be submitted to the Inspector General of the
23 Department of Defense for incorporation into the
24 audit plan required by section 842(b)(1) of the Na-
25 tional Defense Authorization Act for Fiscal Year

1 2008 (Public Law 110–181; 122 Stat. 234; 10
2 U.S.C. 2302 note).

3 (c) INDEPENDENT CONDUCT OF AUDIT FUNC-
4 TIONS.—All audit functions performed under this section,
5 including audit planning and coordination, shall be per-
6 formed in an independent manner.

7 (d) AVAILABILITY OF RESULTS.—All audit reports
8 resulting from audits under this section shall be made
9 available to the Commission on Wartime Contracting in
10 Iraq and Afghanistan established pursuant to section 841
11 of the National Defense Authorization Act for Fiscal Year
12 2008 (122 Stat. 230).

13 **Subtitle F—Other Matters**

14 **SEC. 851. EXPEDITED HIRING AUTHORITY FOR THE DE-** 15 **FENSE ACQUISITION WORKFORCE.**

16 (a) IN GENERAL.—For purposes of sections 3304,
17 5333, and 5753 of title 5, United States Code, the Sec-
18 retary of Defense may—

19 (1) designate any category of acquisition posi-
20 tions within the Department of Defense as shortage
21 category positions; and

22 (2) utilize the authorities in such sections to re-
23 cruit and appoint highly qualified persons directly to
24 positions so designated.

1 (b) TERMINATION OF AUTHORITY.—The Secretary
2 may not appoint a person to a position of employment
3 under this section after September 30, 2012.

4 **SEC. 852. SPECIFICATION OF SECRETARY OF DEFENSE AS**
5 **“SECRETARY CONCERNED” FOR PURPOSES**
6 **OF LICENSING OF INTELLECTUAL PROPERTY**
7 **FOR THE DEFENSE AGENCIES AND DEFENSE**
8 **FIELD ACTIVITIES.**

9 Subsection (e) of section 2260 of title 10, United
10 States Code, is amended to read as follows:

11 “(e) DEFINITIONS.—In this section:

12 “(1) The terms ‘trademark’, ‘service mark’,
13 ‘certification mark’, and ‘collective mark’ have the
14 meanings given such terms in section 45 of the Act
15 of July 5, 1946 (commonly referred to as the Trade-
16 mark Act of 1946; 15 U.S.C. 1127).

17 “(2) The term ‘Secretary concerned’ includes
18 the Secretary of Defense, with respect to matters
19 concerning the Defense Agencies and the defense
20 field activities.”.

1 **SEC. 853. REPEAL OF REQUIREMENTS RELATING TO THE**
2 **MILITARY SYSTEM ESSENTIAL ITEM BREAK-**
3 **OUT LIST.**

4 Section 813 of the National Defense Authorization
5 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
6 1543) is repealed.

7 **TITLE IX—DEPARTMENT OF DE-**
8 **FENSE ORGANIZATION AND**
9 **MANAGEMENT**

10 **Subtitle A—Department of Defense**
11 **Management**

12 **SEC. 901. MODIFICATION OF STATUS OF ASSISTANT TO THE**
13 **SECRETARY OF DEFENSE FOR NUCLEAR AND**
14 **CHEMICAL AND BIOLOGICAL DEFENSE PRO-**
15 **GRAMS.**

16 Section 142 of title 10, United States Code, is
17 amended by adding at the end the following:

18 “(c) The Assistant to the Secretary shall be consid-
19 ered an Assistant Secretary of Defense for purposes of
20 section 138(d) of this title.”.

21 **SEC. 902. PARTICIPATION OF DEPUTY CHIEF MANAGEMENT**
22 **OFFICER OF THE DEPARTMENT OF DEFENSE**
23 **ON DEFENSE BUSINESS SYSTEM MANAGE-**
24 **MENT COMMITTEE.**

25 (a) PARTICIPATION.—Subsection (a) of section 186
26 of title 10, United States Code, is amended—

1 (1) by redesignating paragraphs (2) through
2 (7) as paragraphs (3) through (8), respectively; and

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

5 “(2) The Deputy Chief Management Officer of
6 the Department of Defense.”.

7 (b) SERVICE AS VICE CHAIRMAN.—The second sen-
8 tence of subsection (b) of such section is amended to read
9 as follows: “The Deputy Chief Management Officer of the
10 Department of Defense shall serve as vice chairman of the
11 Committee, and shall act as chairman in the absence of
12 the Deputy Secretary of Defense.”.

13 **SEC. 903. REPEAL OF OBSOLETE LIMITATIONS ON MANAGE-**
14 **MENT HEADQUARTERS PERSONNEL.**

15 (a) REPEAL.—The following provisions of title 10,
16 United States Code, are repealed:

17 (1) Section 143.

18 (2) Section 194.

19 (3) Subsection (f) of section 3014.

20 (4) Subsection (f) of section 5014.

21 (5) Subsection (f) of section 8014.

22 (b) CLERICAL AMENDMENTS.—

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

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

4 **SEC. 904. GENERAL COUNSEL TO THE INSPECTOR GEN-**
5 **ERAL OF THE DEPARTMENT OF DEFENSE.**

6 Section 8 of the Inspector General Act of 1978 (50
7 U.S.C. App. 8) is amended by adding at the end the fol-
8 lowing new subsection:

9 “(h)(1) There is a General Counsel to the Inspector
10 General of the Department of Defense, who shall be ap-
11 pointed by the Inspector General of the Department of
12 Defense.

13 “(2)(A) Notwithstanding section 140(b) of title 10,
14 United States Code, the General Counsel is the chief legal
15 officer of the Office of the Inspector General.

16 “(B) The Inspector General is the exclusive legal cli-
17 ent of the General Counsel.

18 “(C) The General Counsel shall perform such func-
19 tions as the Inspector General may prescribe.

20 “(D) The General Counsel shall serve at the discre-
21 tion of the Inspector General.

22 “(3) There is an Office of the General Counsel to the
23 Inspector General of the Department of Defense. The In-
24 spector General may appoint to the Office to serve as staff

1 of the General Counsel such legal counsel as the Inspector
2 General considers appropriate.”.

3 **SEC. 905. ASSIGNMENT OF FORCES TO THE UNITED STATES**
4 **NORTHERN COMMAND WITH PRIMARY MIS-**
5 **SION OF MANAGEMENT OF THE CON-**
6 **SEQUENCES OF AN INCIDENT IN THE UNITED**
7 **STATES HOMELAND INVOLVING A CHEMICAL,**
8 **BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR**
9 **DEVICE, OR HIGH-YIELD EXPLOSIVES.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) As noted in the June 2005 Department of
13 Defense Strategy for Homeland Defense and Civil
14 Support, protecting the United States homeland
15 from attack is the highest priority of the Depart-
16 ment of Defense.

17 (2) As further noted in the June 2005 Depart-
18 ment of Defense Strategy for Homeland Defense
19 and Civil Support, “[i]n the next ten years, terrorist
20 groups, poised to attack the United States and ac-
21 tively seeking to inflict mass casualties or disrupt
22 U.S. military operations, represent the most imme-
23 diate challenge to the nation’s security”.

24 (3) The Department of Defense established the
25 United States Northern Command in October 2002

1 to provide command and control of the homeland de-
2 fense efforts of the Department of Defense and to
3 coordinate defense support of civil authorities, in-
4 cluding defense support for Federal consequence
5 management of chemical, biological, radiological, nu-
6 clear, or high-yield explosive incidents.

7 (4) The Commission on the National Guard and
8 Reserves and the Government Accountability Office
9 have criticized the capacity of the Department of
10 Defense to respond to an incident in the United
11 States homeland involving a chemical, biological, ra-
12 diological, or nuclear device, or high-yield explosives
13 due to a lack of capabilities to handle simultaneous
14 weapons of mass destruction events and a lack of co-
15 ordination and planning with the Department of
16 Homeland Security and State and local govern-
17 ments.

18 (5) According to testimony to Congress by the
19 Commander of United States Northern Command,
20 the Secretary of Defense has directed that a full-
21 time, dedicated force be trained and equipped by the
22 end of fiscal year 2008 to provide defense support
23 to civil authorities in the case of a chemical, biologi-
24 cal, radiological, nuclear, or high-yield explosive inci-
25 dent within the United States. This force is to be as-

1 signed to the Commander of the United States
2 Northern Command, and is to be followed by two
3 additional such forces, comprised of units of the reg-
4 ular components of the Armed Forces and units and
5 personnel of the National Guard, and Reserve, to be
6 established over the course of fiscal years 2009 and
7 2010.

8 (6) The Department of Defense and United
9 States Northern Command have begun the process
10 of identifying, training, equipping, and assigning
11 forces for the mission of managing the consequences
12 of chemical, biological, radiological, nuclear, or high-
13 yield explosive incidents in the United States.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that—

16 (1) the Department of Defense should, as part
17 of a Government-wide effort, make every effort to
18 help protect the citizens of this Nation from the
19 threat of an attack on the United States homeland
20 involving a chemical, biological, radiological, or nu-
21 clear device, or high-yield explosives by terrorists or
22 other aggressors;

23 (2) efforts to establish forces for the mission of
24 managing the consequences of chemical, biological,
25 radiological, nuclear, or high-yield explosive incidents

1 in the United States should receive the highest level
2 of attention within the Department of Defense; and

3 (3) the additional forces necessary for that mis-
4 sion should be identified, trained, equipped, and as-
5 signed to United States Northern Command as soon
6 as possible.

7 (c) REPORTS REQUIRED.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, and one
10 year and two years thereafter, the Secretary of De-
11 fense shall submit to the congressional defense com-
12 mittees a report on the progress made as of the date
13 of such report in assigning to the United States
14 Northern Command forces having the primary mis-
15 sion of managing the consequences of an incident in
16 the United States homeland involving a chemical, bi-
17 ological, radiological, or nuclear device, or high-yield
18 explosives.

19 (2) ELEMENTS.—Each report submitted under
20 paragraph (1) shall include the following:

21 (A) A description of the force structure,
22 size, composition, and location of the units and
23 personnel of the regular components of the
24 Armed Forces, and the units and personnel of
25 the reserve components of the Armed Forces,

1 assigned to the United States Northern Com-
2 mand that have the primary mission of man-
3 aging the consequences of an incident in the
4 United States homeland involving a chemical,
5 biological, radiological, or nuclear device, or
6 high-yield explosives.

7 (B) A description of the progress made in
8 developing procedures to mobilize and demobi-
9 lize units and personnel of the reserve compo-
10 nents of the Armed Forces that are assigned to
11 the United States Northern Command as de-
12 scribed in subparagraph (A).

13 (C) A description of the progress being
14 made in the training and certification of units
15 and personnel that are assigned to United
16 States Northern Command as described in sub-
17 paragraph (A).

18 (D) An assessment of the need to establish
19 a national training center for training units and
20 personnel of the Armed Forces in the manage-
21 ment of the consequences of an incident in the
22 United States homeland as described in sub-
23 paragraph (A).

24 (E) A description of the progress made in
25 addressing the shortfalls in the management of

1 the consequences of an incident in the United
2 States homeland as described in subparagraph
3 (A) that are identified in—

4 (i) the reports of the Comptroller
5 General of the United States numbered
6 GAO–08–251 and GAO–08–252; and

7 (ii) the report of the Commission on
8 the National Guard and Reserve.

9 **SEC. 906. BUSINESS TRANSFORMATION INITIATIVES FOR**
10 **THE MILITARY DEPARTMENTS.**

11 (a) **IN GENERAL.**—The Secretary of each military de-
12 partment shall, acting through the Chief Management Of-
13 ficer of such military department, carry out an initiative
14 for the business transformation of such military depart-
15 ment.

16 (b) **OBJECTIVES.**—The objectives of the business
17 transformation initiative of a military department under
18 this section shall include, at a minimum, the following:

19 (1) The development of a comprehensive busi-
20 ness transformation plan, with measurable perform-
21 ance goals and objectives, to achieve an integrated
22 management system for the business operations of
23 the military department.

24 (2) The development of a well-defined enter-
25 prise-wide business systems architecture and transi-

1 tion plan encompassing end-to-end business proc-
2 esses and capable of providing accurately and timely
3 information in support of business decisions of the
4 military department.

5 (3) The implementation of the business trans-
6 formation plan developed pursuant to paragraph (1)
7 and the business systems architecture and transition
8 plan developed pursuant to paragraph (2).

9 (c) BUSINESS TRANSFORMATION OFFICES.—

10 (1) ESTABLISHMENT.—Not later than 120 days
11 after the date of the enactment of this Act, the Sec-
12 retary of each military department shall establish
13 within such military department an office (to be
14 known as the “Office of Business Transformation”
15 of such military department) to assist the Chief
16 Management Officer of such military department in
17 carrying out the initiative required by this section
18 for such military department.

19 (2) HEAD.—The Office of Business Trans-
20 formation of a military department under this sub-
21 section shall be headed by a Director of Business
22 Transformation, who shall be appointed by the Chief
23 Management Officer of the military department, in
24 consultation with the Director of the Business
25 Transformation Agency of the Department of De-

1 fense, from among individuals with significant expe-
2 rience managing large-scale organizations or busi-
3 ness transformation efforts.

4 (3) SUPERVISION.—The Director of Business
5 Transformation of a military department under
6 paragraph (2) shall report directly to the Chief Man-
7 agement Officer of the military department, subject
8 to policy guidance from the Director of the Business
9 Transformation Agency of the Department of De-
10 fense.

11 (4) AUTHORITY.—In carrying out the initiative
12 required by this section for a military department,
13 the Director of Business Transformation of the mili-
14 tary department under paragraph (2) shall have the
15 authority to require elements of the military depart-
16 ment to carry out actions that are within the pur-
17 pose and scope of the initiative.

18 (d) RESPONSIBILITIES OF BUSINESS TRANS-
19 FORMATION OFFICES.—The Office of Business Trans-
20 formation of a military department established pursuant
21 to subsection (b) shall be responsible for the following:

22 (1) Transforming the budget, finance, and ac-
23 counting operations of the military department in a
24 manner that is consistent with the business trans-

1 formation plan developed pursuant to subsection
2 (b)(1).

3 (2) Eliminating or replacing financial manage-
4 ment systems of the military department that are in-
5 consistent with the business systems architecture
6 and transition plan developed pursuant to subsection
7 (b)(2).

8 (3) Ensuring that the business transformation
9 plan and the business systems architecture and tran-
10 sition plan are implemented in a manner that is ag-
11 gressive, realistic, and accurately measured.

12 (e) REQUIRED ELEMENTS.—In carrying out the ini-
13 tiative required by this section for a military department,
14 the Chief Management Officer and the Director of Busi-
15 ness Transformation of the military department shall en-
16 sure that each element of the initiative is consistent
17 with—

18 (1) the requirements of the Business Enterprise
19 Architecture and Transition Plan developed by the
20 Secretary of Defense pursuant to section 2222 of
21 title 10, United States Code;

22 (2) the Standard Financial Information Struc-
23 ture of the Department of Defense;

1 (3) the Federal Financial Management Im-
2 provement Act of 1996 (and the amendments made
3 by that Act); and

4 (4) other applicable requirements of law and
5 regulation.

6 (f) REPORTS ON IMPLEMENTATION.—

7 (1) INITIAL REPORTS.—Not later than six
8 months after the date of the enactment of this Act,
9 the Chief Management Officer of each military de-
10 partment shall submit to the congressional defense
11 committees a report on the actions taken, and on the
12 actions planned to be taken, by such military depart-
13 ment to implement the requirements of this section.

14 (2) UPDATES.—Not later than March 1 of each
15 of 2010, 2011, and 2012, the Chief Management Of-
16 ficer of each military department shall submit to the
17 congressional defense committees a current update
18 of the report submitted by such Chief Management
19 Officer under paragraph (1).

20 **Subtitle B—Space Matters**

21 **SEC. 911. SPACE POSTURE REVIEW.**

22 (a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—

23 In order to clarify the national security space policy and
24 strategy of the United States for the near term, the Sec-
25 retary of Defense and the Director of National Intelligence

1 shall jointly conduct a comprehensive review of the space
2 posture of the United States over the posture review pe-
3 riod.

4 (b) ELEMENTS OF REVIEW.—The review conducted
5 under subsection (a) shall include, for the posture review
6 period, the following:

7 (1) The definition, policy, requirements, and ob-
8 jectives for each of the following:

9 (A) Space situational awareness.

10 (B) Space control.

11 (C) Space superiority, including defensive
12 and offensive counterspace and protection.

13 (D) Force enhancement and force applica-
14 tion.

15 (E) Space-based intelligence and surveil-
16 lance and reconnaissance from space.

17 (F) Integration of space and ground con-
18 trol and user equipment.

19 (G) Any other matter the Secretary con-
20 siders relevant to understanding the space pos-
21 ture of the United States.

22 (2) A description of current and planned space
23 acquisition programs that are in acquisition cat-
24 egories 1 and 2, including how each such program
25 will address the policy, requirements, and objectives

1 described under each of subparagraphs (A) through
2 (G) of paragraph (1).

3 (3) A description of future space systems and
4 technology development (other than such systems
5 and technology in development as of the date of the
6 enactment of this Act) necessary to address the pol-
7 icy, requirements, and objectives described under
8 each of subparagraphs (A) through (G) of paragraph
9 (1).

10 (4) An assessment of the relationship among
11 the following:

12 (A) United States military space policy.

13 (B) National security space policy.

14 (C) National security space objectives.

15 (D) Arms control policy.

16 (E) Export control policy.

17 (5) An assessment of the effect of the military
18 and national security space policy of the United
19 States on the proliferation of weapons capable of
20 targeting objects in space or objects on Earth from
21 space.

22 (c) REPORT.—

23 (1) IN GENERAL.—Not later than December 1,
24 2009, the Secretary of Defense and the Director of
25 National Intelligence shall jointly submit to the con-

1 gressional committees specified in paragraph (3) a
2 report on the review conducted under subsection (a).

3 (2) FORM OF REPORT.—The report under this
4 subsection shall be submitted in unclassified form,
5 but may include a classified annex.

6 (3) COMMITTEES.—The congressional commit-
7 tees specified in this paragraph are—

8 (A) the Committee on Armed Services and
9 the Select Committee on Intelligence of the
10 Senate; and

11 (B) the Committee on Armed Services and
12 the Permanent Select Committee on Intelligence
13 of the House of Representatives.

14 (d) POSTURE REVIEW PERIOD DEFINED.—In this
15 section, the term “posture review period” means the 10-
16 year period beginning on February 1, 2009.

17 **Subtitle C—Defense Intelligence** 18 **Matters**

19 **SEC. 921. REQUIREMENT FOR OFFICERS OF THE ARMED** 20 **FORCES ON ACTIVE DUTY IN CERTAIN INTEL-** 21 **LIGENCE POSITIONS.**

22 (a) IN GENERAL.—Effective as of October 1, 2008,
23 the individual serving in each position specified in sub-
24 section (b) shall be a commissioned officer of the Armed
25 Forces on active duty.

1 (b) SPECIFIED POSITIONS.—The positions specified
2 in this subsection are the positions as follows:

3 (1) Principal deputy to the senior military offi-
4 cer serving as the Deputy Chief of the Army Staff
5 for Intelligence.

6 (2) Principal deputy to the senior military offi-
7 cer serving as the Director of Intelligence for the
8 Chief of Naval Operations.

9 (3) Principal deputy to the senior military offi-
10 cer serving as the Assistant to the Air Force Chief
11 of Staff for Intelligence.

12 **SEC. 922. TRANSFER OF MANAGEMENT OF INTELLIGENCE**
13 **SYSTEMS SUPPORT OFFICE.**

14 (a) TRANSFER OF MANAGEMENT GENERALLY.—

15 (1) TRANSFER.—Except as provided in sub-
16 section (b), management of the Intelligence Systems
17 Support Office, and all programs and activities of
18 that office as of April 1, 2008, including the Foreign
19 Materials Acquisitions program, shall be transferred
20 to the Defense Intelligence Agency.

21 (2) MANAGEMENT.—The programs and activi-
22 ties of the Intelligence Systems Support Office
23 transferred under paragraph (1) shall, after transfer
24 under that paragraph, be managed by the Director
25 of the Defense Intelligence Agency.

1 (b) TRANSFER OF MANAGEMENT OF CENTER FOR
2 INTERNATIONAL ISSUES RESEARCH.—

3 (1) TRANSFER.—Management of the Center for
4 International Issues Research shall be transferred to
5 the Office of the Assistant Secretary of Defense for
6 Special Operations and Low Intensity Conflict.

7 (2) MANAGEMENT.—The Center for Inter-
8 national Issues Research shall, after transfer under
9 paragraph (1), be managed by the Assistant Sec-
10 retary of Defense for Special Operations and Low
11 Intensity Conflict.

12 (c) DEADLINE FOR TRANSFERS OF MANAGEMENT.—
13 The transfers of management required by subsections (a)
14 and (b) shall occur not later than 30 days after the date
15 of the enactment of this Act.

16 (d) LIMITATION ON CERTAIN AUTHORITY OF USD
17 FOR INTELLIGENCE.—Effective as of December 1, 2008,
18 the Under Secretary of Defense for Intelligence may not
19 establish or maintain the capabilities as follows:

20 (1) A capability to execute programs of tech-
21 nology or systems development and acquisition.

22 (2) A capability to provide operational support
23 to combatant commands.

24 **SEC. 923. PROGRAM ON ADVANCED SENSOR APPLICATIONS.**

25 (a) PROGRAM REQUIRED.—

1 (1) IN GENERAL.—The Under Secretary of De-
2 fense for Acquisition, Technology, and Logistics
3 shall provide for the carrying out of a program on
4 advanced sensor applications in order to provide for
5 the evaluation by the Department of Defense on sci-
6 entific and engineering grounds of foreign tech-
7 nology utilized for the detection and tracking of sub-
8 marines.

9 (2) DESIGNATION.—The program under this
10 section shall be known as the “Advanced Sensor Ap-
11 plications Program”.

12 (b) RESPONSIBILITY FOR EXECUTION OF PRO-
13 GRAM.—The program under this section shall be carried
14 out by the Commander of the Naval Air Systems Com-
15 mand in consultation with the Program Executive Officer
16 for Aviation of the Department of the Navy and the Direc-
17 tor of Special Programs for the Chief of Naval Operations.

18 (c) PROGRAM REQUIREMENTS AND LIMITATIONS.—

19 (1) ACCESS TO CERTAIN INFORMATION.—In
20 carrying out the program under this section, the
21 Commander of the Naval Air Systems Command
22 shall—

23 (A) have complete access to all United
24 States intelligence relating to the detection and
25 tracking of submarines; and

1 (B) be kept currently apprised of informa-
2 tion and assessments of the Office of Naval In-
3 telligence, the Defense Intelligence Agency, and
4 the Central Intelligence Agency, and of infor-
5 mation and assessments of the intelligence serv-
6 ices of allies of the United States that are avail-
7 able to the United States, on matters relating
8 to the detection and tracking of submarines.

9 (2) INDEPENDENCE OF PROGRAM.—The pro-
10 gram under this section shall be carried out inde-
11 pendently of the Office of Naval Intelligence, the De-
12 fense Intelligence Agency, the Central Intelligence
13 Agency, and any other element of the intelligence
14 community.

15 **TITLE X—GENERAL PROVISIONS**

16 **Subtitle A—Financial Matters**

17 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

18 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

19 (1) AUTHORITY.—Upon determination by the
20 Secretary of Defense that such action is necessary in
21 the national interest, the Secretary may transfer
22 amounts of authorizations made available to the De-
23 partment of Defense in this division for fiscal year
24 2009 between any such authorizations for that fiscal
25 year (or any subdivisions thereof). Amounts of au-

1 thorizations so transferred shall be merged with and
2 be available for the same purposes as the authoriza-
3 tion to which transferred.

4 (2) LIMITATION.—Except as provided in para-
5 graph (3), the total amount of authorizations that
6 the Secretary may transfer under the authority of
7 this section may not exceed \$5,000,000,000.

8 (3) EXCEPTION FOR TRANSFERS BETWEEN
9 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
10 fer of funds between military personnel authoriza-
11 tions under title IV shall not be counted toward the
12 dollar limitation in paragraph (2).

13 (b) LIMITATIONS.—The authority provided by this
14 section to transfer authorizations—

15 (1) may only be used to provide authority for
16 items that have a higher priority than the items
17 from which authority is transferred; and

18 (2) may not be used to provide authority for an
19 item that has been denied authorization by Con-
20 gress.

21 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
22 transfer made from one account to another under the au-
23 thority of this section shall be deemed to increase the
24 amount authorized for the account to which the amount

1 is transferred by an amount equal to the amount trans-
2 ferred.

3 (d) NOTICE TO CONGRESS.—The Secretary shall
4 promptly notify Congress of each transfer made under
5 subsection (a).

6 **SEC. 1002. INCORPORATION INTO ACT OF TABLES IN THE**
7 **REPORT OF THE COMMITTEE ON ARMED**
8 **SERVICES OF THE SENATE.**

9 (a) INCORPORATION.—Each funding table in the re-
10 port of the Committee on Armed Services of the Senate
11 to accompany the bill S. _____ of the 110th Congress
12 is hereby incorporated into this Act and is hereby made
13 a requirement in law. Items in each such funding table
14 shall be binding on agency heads in the same manner and
15 to the same extent as if such funding table was included
16 in the text of this Act, unless transfers of funding for such
17 items are approved in accordance with established proce-
18 dures.

19 (b) MERIT-BASED DECISIONS.—Decisions by agency
20 heads to commit, obligate, or expend funds on the basis
21 of any funding table incorporated into this Act pursuant
22 to subsection (a) shall be based on authorized, trans-
23 parent, statutory criteria, and merit-based decisionmaking
24 in accordance with the requirements of sections 2304(k)

1 and 2374 of title 10, United States Code, and other appli-
2 cable provisions of law.

3 (c) ORAL AND WRITTEN COMMUNICATIONS.—No
4 oral or written communication concerning any item in a
5 funding table incorporated into this Act under subsection
6 (a) shall supersede the requirements of subsection (b).

7 **SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COM-**
8 **MON-FUNDED BUDGETS IN FISCAL YEAR 2009.**

9 (a) FISCAL YEAR 2009 LIMITATION.—The total
10 amount contributed by the Secretary of Defense in fiscal
11 year 2009 for the common-funded budgets of NATO may
12 be any amount up to, but not in excess of, the amount
13 specified in subsection (b) (rather than the maximum
14 amount that would otherwise be applicable to those con-
15 tributions under the fiscal year 1998 baseline limitation).

16 (b) TOTAL AMOUNT.—The amount of the limitation
17 applicable under subsection (a) is the sum of the following:

18 (1) The amounts of unexpended balances, as of
19 the end of fiscal year 2008, of funds appropriated
20 for fiscal years before fiscal year 2009 for payments
21 for those budgets.

22 (2) The amount specified in subsection (c)(1).

23 (3) The amount specified in subsection (c)(2).

24 (4) The total amount of the contributions au-
25 thorized to be made under section 2501.

1 (c) AUTHORIZED AMOUNTS.—Amounts authorized to
2 be appropriated by titles II and III of this Act are avail-
3 able for contributions for the common-funded budgets of
4 NATO as follows:

5 (1) Of the amount provided in section 201(1),
6 \$1,049,000 for the Civil Budget.

7 (2) Of the amount provided in section 301(1),
8 \$408,788,000 for the Military Budget.

9 (d) DEFINITIONS.—For purposes of this section:

10 (1) COMMON-FUNDED BUDGETS OF NATO.—
11 The term “common-funded budgets of NATO”
12 means the Military Budget, the Security Investment
13 Program, and the Civil Budget of the North Atlantic
14 Treaty Organization (and any successor or addi-
15 tional account or program of NATO).

16 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—
17 The term “fiscal year 1998 baseline limitation”
18 means the maximum annual amount of Department
19 of Defense contributions for common-funded budgets
20 of NATO that is set forth as the annual limitation
21 in section 3(2)(C)(ii) of the resolution of the Senate
22 giving the advice and consent of the Senate to the
23 ratification of the Protocols to the North Atlantic
24 Treaty of 1949 on the Accession of Poland, Hun-
25 gary, and the Czech Republic (as defined in section

1 4(7) of that resolution), approved by the Senate on
2 April 30, 1998.

3 **Subtitle B—Naval Vessels and**
4 **Shipyards**

5 **SEC. 1011. GOVERNMENT RIGHTS IN DESIGNS OF DEPART-**
6 **MENT OF DEFENSE VESSELS, BOATS, CRAFT,**
7 **AND COMPONENTS DEVELOPED USING PUB-**
8 **LIC FUNDS.**

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

12 **“§ 7317. Government rights in designs of Department**
13 **of Defense vessels, boats, craft, and com-**
14 **ponents developed using public funds**

15 “(a) IN GENERAL.—Government rights in the design
16 of a vessel, boat, or craft, and its components, including
17 the hull, decks, superstructure, and all shipboard equip-
18 ment and systems, developed in whole or in part using
19 public funds shall be determined solely as follows:

20 “(1) In the case of a vessel, boat, craft, or com-
21 ponent procured through a contract, in accordance
22 with the provisions of section 2320 of this title.

23 “(2) In the case of a vessel, boat, craft, or com-
24 ponent procured through an instrument not gov-
25 erned by section 2320 of this title, by the terms of

1 the instrument (other than a contract) under which
2 the design for such vessel, boat, craft, or component,
3 as applicable, was developed for the Government.

4 “(b) CONSTRUCTION OF SUPERSEDING AUTHORI-
5 TIES.—This section may be modified or superseded by a
6 provision of statute only if such provision expressly refers
7 to this section in modifying or superseding this section.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 633 of such title is amended
10 by adding at the end the following new item:

“7317. Government rights in designs of Department of Defense vessels, boats,
craft, and components developed using public funds.”.

11 **SEC. 1012. REIMBURSEMENT OF EXPENSES FOR CERTAIN**
12 **NAVY MESS OPERATIONS.**

13 (a) IN GENERAL.—Amounts appropriated for oper-
14 ation and maintenance for the Navy may be used to pay
15 the charge established under section 1011 of title 37,
16 United States Code, for meals sold by messes for United
17 States Navy and Naval Auxiliary vessels to the following:

18 (1) Members of nongovernmental organizations
19 and officers or employees of host and foreign nations
20 when participating in or providing support to United
21 States civil-military operations.

22 (2) Foreign national patients treated on Naval
23 vessels during the conduct of United States civil-
24 military operations, and their escorts.

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

4 **Subtitle C—Counter-Drug** 5 **Activities**

6 **SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK**
7 **FORCES TO PROVIDE SUPPORT TO LAW EN-**
8 **FORCEMENT AGENCIES CONDUCTING**
9 **COUNTER-TERRORISM ACTIVITIES.**

10 Section 1022(b) of the National Defense Authoriza-
11 tion Act for Fiscal Year 2004 (10 U.S.C. 371 note) is
12 amended by striking “through 2008” and inserting
13 “through 2009”.

14 **SEC. 1022. TWO-YEAR EXTENSION OF AUTHORITY FOR USE**
15 **OF FUNDS FOR UNIFIED COUNTERDRUG AND**
16 **COUNTERTERRORISM CAMPAIGN IN COLOM-**
17 **BIA.**

18 Section 1021 of the Ronald W. Reagan National De-
19 fense Authorization Act for Fiscal Year 2005 (Public Law
20 108–375; 118 Stat. 2042), as amended by section 1023
21 of the John Warner National Defense Authorization Act
22 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
23 2382), is further amended—

24 (1) in subsection (a)(1), by striking “through
25 2008” and inserting “through 2010”; and

1 (2) in subsection (c), by striking “through
2 2008” and inserting “through 2010”.

3 **Subtitle D—Miscellaneous**
4 **Authorities and Limitations**

5 **SEC. 1031. PROCUREMENT BY STATE AND LOCAL GOVERN-**
6 **MENTS OF EQUIPMENT FOR HOMELAND SE-**
7 **CURITY AND EMERGENCY RESPONSE ACTIVI-**
8 **TIES THROUGH THE DEPARTMENT OF DE-**
9 **FENSE.**

10 (a) EXPANSION OF PROCUREMENT AUTHORITY TO
11 INCLUDE EQUIPMENT FOR HOMELAND SECURITY AND
12 EMERGENCY RESPONSE ACTIVITIES.—

13 (1) PROCEDURES.—Subsection (a)(1) of section
14 381 of title 10, United States Code, is amended—

15 (A) in subsection (a)(1)—

16 (i) in the matter preceding subpara-
17 graph (A)—

18 (I) by striking “law enforce-
19 ment”; and

20 (II) by inserting “, homeland se-
21 curity, and emergency response” after
22 “counter-drug”;

23 (ii) in subparagraph (A)—

24 (I) in the matter preceding clause
25 (i), by inserting “, homeland security,

1 or emergency response” after
2 “counter-drug”; and

3 (II) in clause (i), by striking “law
4 enforcement”;

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

8 (iv) in subparagraph (D), by striking
9 “law enforcement”.

10 (2) GSA CATALOG.—Subsection (c) of such sec-
11 tion is amended—

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

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

15 (3) DEFINITIONS.—Subsection (d) of such sec-
16 tion is amended—

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 and emergency response” after “counter-
24 drug”; and

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

7 (b) CLERICAL AMENDMENTS.—

8 (1) HEADING AMENDMENT.—The heading of
9 such section is amended to read as follows:

10 **“§ 381. Procurement of equipment by State and local**
11 **governments through the Department of**
12 **Defense: equipment for counter-drug,**
13 **homeland security, and emergency re-**
14 **sponse activities”.**

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

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

19 **SEC. 1032. ENHANCEMENT OF THE CAPACITY OF THE**
20 **UNITED STATES GOVERNMENT TO CONDUCT**
21 **COMPLEX OPERATIONS.**

22 (a) IN GENERAL.—Chapter 20 of title 10, United
23 States Code, is amended by adding the following new sec-
24 tion:

1 **“§ 409. Center for Complex Operations**

2 “(a) CENTER AUTHORIZED.—The Secretary of De-
3 fense may establish within the Department of Defense a
4 center to be known as the ‘Center for Complex Operations’
5 (in this section referred to as the ‘Center’).

6 “(b) PURPOSES.—The purposes of the Center estab-
7 lished under subsection (a) shall be the following:

8 “(1) To provide for effective coordination in the
9 preparation of Department of Defense personnel and
10 other United States Government personnel for com-
11 plex operations.

12 “(2) To foster unity of effort among the depart-
13 ments and agencies of the United States Govern-
14 ment, foreign governments and militaries, inter-
15 national organizations, and nongovernmental organi-
16 zations in their participation in complex operations.

17 “(3) To conduct research, collect, analyze, and
18 distribute lessons learned, and compile best practices
19 in matters relating to complex operations.

20 “(4) To identify gaps in the education and
21 training of Department of Defense personnel, and
22 other United States Government personnel, relating
23 to complex operations, and to facilitate efforts to fill
24 such gaps.

25 “(c) SUPPORT FROM OTHER UNITED STATES GOV-
26 ERNMENT AGENCIES.—The head of any non-Department

1 of Defense department or agency of the United States
2 Government may—

3 “(1) provide to the Secretary of Defense serv-
4 ices, including personnel support, to support the op-
5 erations of the Center; and

6 “(2) transfer funds to the Secretary of Defense
7 to support the operations of the Center.

8 “(d) ACCEPTANCE OF GIFTS AND DONATIONS.—(1)
9 Subject to paragraph (3), the Secretary of Defense may
10 accept from any source specified in paragraph (2) any gift
11 or donation for purposes of defraying the costs or enhanc-
12 ing the operations of the Center.

13 “(2) The sources specified in this paragraph are the
14 following:

15 “(A) The government of a State or a political
16 subdivision of a State.

17 “(B) The government of a foreign country.

18 “(C) A foundation or other charitable organiza-
19 tion, including a foundation or charitable organiza-
20 tion that is organized or operates under the laws of
21 a foreign country.

22 “(D) Any source in the private sector of the
23 United States or a foreign country.

1 “(3) The Secretary may not accept a gift or donation
2 under this subsection if acceptance of the gift or donation
3 would compromise or appear to compromise—

4 “(A) the ability of the Department of Defense,
5 any employee of the Department, or any member of
6 the armed forces to carry out the responsibility or
7 duty of the Department in a fair and objective man-
8 ner; or

9 “(B) the integrity of any program of the De-
10 partment or of any person involved in such a pro-
11 gram.

12 “(4) The Secretary shall prescribe written guidance
13 setting forth the criteria to be used in determining the
14 applicability of paragraph (3) to any proposed gift or do-
15 nation under this subsection.

16 “(e) CREDITING OF FUNDS TRANSFERRED OR AC-
17 CEPTED.—Funds transferred to or accepted by the Sec-
18 retary of Defense under this section shall be credited to
19 appropriations available to the Department of Defense for
20 the Center, and shall be available for the same purposes,
21 and subject to the same conditions and limitations, as the
22 appropriations with which merged. Any funds so trans-
23 ferred or accepted shall remain available until expended.

24 “(f) DEFINITIONS.—In this section:

1 “(1) The term ‘complex operation’ means an
2 operation as follows:

3 “(A) A stability operation.

4 “(B) A security operation.

5 “(C) A transition and reconstruction oper-
6 ation.

7 “(D) A counterinsurgency operation.

8 “(E) An operation consisting of irregular
9 warfare.

10 “(2) The term ‘gift or donation’ means any gift
11 or donation of funds, materials (including research
12 materials), real or personal property, or services (in-
13 cluding lecture services and faculty services).”.

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

“409. Center for Complex Operations.”.

17 **SEC. 1033. CREDITING OF ADMIRALTY CLAIM RECEIPTS**
18 **FOR DAMAGE TO PROPERTY FUNDED FROM A**
19 **DEPARTMENT OF DEFENSE WORKING CAP-**
20 **ITAL FUND.**

21 Section 7623(b) of title 10, United States Code, is
22 amended—

23 (1) by inserting “(1)” after “(b)”;

24 (2) in paragraph (1), as so designated, by strik-
25 ing the last sentence; and

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

3 “(2)(A) Except as provided in subparagraph (B),
4 amounts received under this section shall be covered into
5 the Treasury as miscellaneous receipts.

6 “(B) Amounts received under this section for damage
7 or loss to property operated and maintained with funds
8 from a Department of Defense working capital fund or
9 account shall be credited to that fund or account.”.

10 **SEC. 1034. MINIMUM ANNUAL PURCHASE REQUIREMENTS**
11 **FOR AIRLIFT SERVICES FROM CARRIERS**
12 **PARTICIPATING IN THE CIVIL RESERVE AIR**
13 **FLEET.**

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

17 **“§ 9515. Airlift services: minimum annual purchase**
18 **amount for carriers participating in Civil**
19 **Reserve Air Fleet**

20 “(a) IN GENERAL.—The Secretary of Defense may
21 award to an air carrier or an air carrier contractor team
22 arrangement participating in the Civil Reserve Air Fleet
23 on a fiscal year basis a one-year contract for airlift serv-
24 ices with a minimum purchase amount under such con-
25 tract determined in accordance with this section.

1 “(b) ELIGIBLE CARRIERS.—In order to be eligible for
2 payments under the minimum purchase amount provided
3 by this section, an air carrier (or any air carrier partici-
4 pating in an air carrier contractor team arrangement)—

5 “(1) if under contract with the Department of
6 Defense in the prior fiscal year, shall have an aver-
7 age on-time pick up rate, based on factors within
8 such air carrier’s control, of at least 90 percent;

9 “(2) shall offer such amount of commitment to
10 the Civil Reserve Air Fleet in excess of the minimum
11 required for participation in the Civil Reserve Air
12 Fleet as the Secretary of Defense shall specify for
13 purposes of this section; and

14 “(3) may not have refused a Department of De-
15 fense request to act as a host for other Civil Reserve
16 Air Fleet carriers at intermediate staging bases dur-
17 ing the prior fiscal year.

18 “(c) AGGREGATE MINIMUM PURCHASE AMOUNT.—

19 (1) The aggregate amount of the minimum purchase
20 amount for all contracts awarded under subsection (a) for
21 a fiscal year shall be based on forecast needs, but may
22 not exceed the amount equal to 80 percent of the average
23 annual expenditure of the Department of Defense for com-
24 mercial airlift services during the five-fiscal year period

1 ending in the fiscal year before the fiscal year for which
2 such contracts are awarded.

3 “(2) In calculating the average annual expenditure
4 of the Department of Defense for airlift services for pur-
5 poses of paragraph (1), the Secretary of Defense shall
6 omit from the calculation any fiscal year exhibiting unusu-
7 ally high demand for commercial airlift services if the Sec-
8 retary determines that the omission of such fiscal year
9 from the calculation will result in a more accurate forecast
10 of anticipated commercial airlift services for purposes of
11 that paragraph.

12 “(d) ALLOCATION OF MINIMUM PURCHASE AMONG
13 CONTRACTS.—(1) The aggregate amount of the minimum
14 purchase amount for all contracts awarded under sub-
15 section (a) for a fiscal year, as determined under sub-
16 section (c), shall be allocated among all air carriers and
17 air carrier contractor team arrangements awarded con-
18 tracts under subsection (a) for such fiscal year in propor-
19 tion to the commitments of such carriers to the Civil Re-
20 serve Air Fleet for such fiscal year.

21 “(2) In determining the minimum purchase amount
22 payable under paragraph (1) under a contract under sub-
23 section (a) for airlift services provided by an air carrier
24 or air carrier contractor team arrangement during the fis-
25 cal year covered by such contract, the Secretary of De-

1 fense may adjust the amount allocated to such carrier or
2 arrangement under paragraph (2) to take into account pe-
3 riods during such fiscal year when airlift services of such
4 carrier or a carrier in such arrangement are unavailable
5 for usage by the Department of Defense, including during
6 periods of refused business or suspended operations or
7 when such carrier is placed in nonuse status pursuant to
8 section 2640 of this title for safety reasons.

9 “(e) DISTRIBUTION OF AMOUNTS.—If any amount
10 available under this section for the minimum purchase of
11 airlift services from a carrier or air carrier contractor
12 team arrangement for a fiscal year under a contract under
13 subsection (a) is not utilized to purchase airlift services
14 from the carrier or arrangement in such fiscal year, such
15 amount shall be provided to the carrier or arrangement
16 before the first day of the following fiscal year.

17 “(f) COMMITMENT OF FUNDS.—(1) The Secretary of
18 each military department shall transfer to the transpor-
19 tation working capital fund a percentage of the total
20 amount anticipated to be required in such fiscal year for
21 the payment of minimum purchase amounts under all con-
22 tracts awarded under subsection (a) for such fiscal year
23 equivalent to the percentage of the anticipated use of air-
24 lift services by such military department during such fiscal

1 year from all carriers under contracts awarded under sub-
2 section (a) for such fiscal year.

3 “(2) Any amounts required to be transferred under
4 paragraph (1) shall be transferred by the last day of the
5 fiscal year concerned to meet the requirements of sub-
6 section (e) unless minimum purchase amounts have al-
7 ready been distributed by the Secretary of Defense under
8 subsection (e) as of that date.

9 “(g) AVAILABILITY OF AIRLIFT SERVICES.—(1)
10 From the total amount of airlift services available for a
11 fiscal year under all contracts awarded under subsection
12 (a) for such fiscal year, a military department shall be
13 entitled to obtain a percentage of such airlift services
14 equal to the percentage of the contribution of the military
15 department to the transportation working capital fund for
16 such fiscal year under subsection (f).

17 “(2) A military department may transfer any entitle-
18 ment to airlift services under paragraph (1) to any other
19 military department or to any other agency, element, or
20 component of the Department of Defense.

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

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 941 of such title is amended
25 by adding at the end the following new item:

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

1 **SEC. 1035. TERMINATION DATE OF BASE CONTRACT FOR**
2 **THE NAVY-MARINE CORPS INTRANET.**

3 Section 814 of the Floyd D. Spence National Defense
4 Authorization Act for Fiscal Year 2001 (as enacted into
5 law by Public Law 106–398; 114 Stat. 1654A–215), as
6 amended by section 362 of the National Defense Author-
7 ization Act for Fiscal Year 2002 (Public Law 107–107;
8 115 Stat. 1065) and Public Law 107–254 (116 Stat.
9 1733), is further amended—

10 (1) by redesignating subsection (j) as sub-
11 section (k); and

12 (2) by inserting after subsection (i) the fol-
13 lowing new subsection (j):

14 “(j) TERMINATION DATE OF BASE CONTRACT FOR
15 NAVY-MARINE CORPS INTRANET.—Notwithstanding sub-
16 section (i), the base contract of the Navy-Marine Corps
17 Intranet contract may terminate on October 31, 2010.”.

18 **SEC. 1036. PROHIBITION ON INTERROGATION OF DETAIN-**
19 **EES BY CONTRACTOR PERSONNEL.**

20 (a) REGULATIONS REQUIRED.—Effective as of the
21 date that is one year after the date of the enactment of
22 this Act, the Department of Defense manpower mix cri-
23 teria and the Department of Defense Supplement to the

1 Federal Acquisition Regulation shall be revised to provide
2 that—

3 (1) the interrogation of enemy prisoners of war,
4 civilian internees, retained persons, other detainees,
5 terrorists, and criminals when captured, transferred,
6 confined, or detained during or in the aftermath of
7 hostilities is an inherently governmental function
8 and cannot be transferred to private sector contrac-
9 tors who are beyond the reach of controls otherwise
10 applicable to government personnel; and

11 (2) properly trained and cleared contractors
12 may be used as linguists, interpreters, report writ-
13 ers, and information technology technicians if their
14 work is properly reviewed by appropriate government
15 officials.

16 (b) PENALTIES.—The obligation or expenditure of
17 Department of Defense funds for a contract that is not
18 in compliance with the regulations issued pursuant to this
19 section is a violation of section 1341(a)(1)(A) of title 31,
20 United States Code.

1 **SEC. 1037. NOTIFICATION OF COMMITTEES ON ARMED**
2 **SERVICES WITH RESPECT TO CERTAIN NON-**
3 **PROLIFERATION AND PROLIFERATION AC-**
4 **TIVITIES.**

5 (a) NOTIFICATION WITH RESPECT TO NON-
6 PROLIFERATION ACTIVITIES.—The Secretary of Defense,
7 the Secretary of Energy, the Secretary of Commerce, the
8 Secretary of State, and the Nuclear Regulatory Commis-
9 sion shall keep the Committee on Armed Services of the
10 Senate and the Committee on Armed Services of the
11 House of Representatives informed with respect to—

12 (1) any activities undertaken by any such Sec-
13 retary or the Commission to carry out the purposes
14 and policies of the Secretaries and the Commission
15 with respect to nonproliferation programs; and

16 (2) any other activities undertaken by any such
17 Secretary or the Commission to prevent the pro-
18 liferation of nuclear, chemical, or biological weapons
19 or the means of delivery of such weapons.

20 (b) NOTIFICATION WITH RESPECT TO PROLIFERA-
21 TION ACTIVITIES IN FOREIGN NATIONS.—

22 (1) IN GENERAL.—The Director of National In-
23 telligence shall keep the Committee on Armed Serv-
24 ices of the Senate and the Committee on Armed
25 Services of the House of Representatives fully and
26 currently informed with respect to any activities of

1 foreign nations that are significant with respect to
2 the proliferation of nuclear, chemical, or biological
3 weapons or the means of delivery of such weapons.

4 (2) FULLY AND CURRENTLY INFORMED DE-
5 FINED.—For purposes of paragraph (1), the term
6 “fully and currently informed” means the trans-
7 mittal of credible information with respect to an ac-
8 tivity described in such paragraph not later than 60
9 days after becoming aware of the activity.

10 **SEC. 1038. SENSE OF CONGRESS ON NUCLEAR WEAPONS**
11 **MANAGEMENT.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) The unauthorized transfer of nuclear weap-
15 ons from Minot Air Force Base, North Dakota, to
16 Barksdale Air Force Base, Louisiana, in August
17 2007 was an extraordinary breach of the command
18 and control and security of nuclear weapons.

19 (2) The reviews conducted following that unau-
20 thorized transfer found that the ability of the De-
21 partment of Defense to provide oversight of nuclear
22 weapons matters had degenerated and that senior
23 level attention to nuclear weapons management is
24 minimal at best.

1 (3) The lack of attention to nuclear weapons
2 and related equipment by the Department of De-
3 fense was demonstrated again when it was discov-
4 ered in March 2008 that classified equipment from
5 Minuteman III intercontinental ballistic missiles was
6 inadvertently shipped to Taiwan in 2006.

7 (4) The Department of Defense has insufficient
8 capability and staffing in the Office of the Under
9 Secretary of Defense for Policy to provide the nec-
10 essary oversight of the nuclear weapons functions of
11 the Department.

12 (5) The key senior position responsible for nu-
13 clear weapons matters in the Department of De-
14 fense, the Assistant to the Secretary of Defense for
15 Nuclear and Chemical and Biological Defense Pro-
16 grams, a position filled by appointment by and with
17 the advice and consent of the Senate, has been va-
18 cant for more than 18 months.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) the United States should maintain clear and
22 unambiguous command and control of its nuclear
23 weapons;

24 (2) the safety and security of nuclear weapons
25 and related equipment should be a high priority as

1 long as the United States maintains a stockpile of
2 nuclear weapons;

3 (3) the President should take immediate steps
4 to nominate a qualified individual for the position of
5 Assistant to the Secretary of Defense for Nuclear
6 and Chemical and Biological Defense Programs; and

7 (4) the Secretary of Defense should establish
8 and fill a senior position, at the level of Assistant
9 Secretary or Deputy Under Secretary, within the Of-
10 fice of the Under Secretary of Defense for Policy to
11 be responsible solely for the strategic and nuclear
12 weapons policy of the Department of Defense.

13 **SEC. 1039. SENSE OF CONGRESS ON JOINT DEPARTMENT**
14 **OF DEFENSE-FEDERAL AVIATION ADMINIS-**
15 **TRATION EXECUTIVE COMMITTEE ON CON-**
16 **Flict AND DISPUTE RESOLUTION.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) Unmanned aerial systems (UAS) of the De-
20 partment of Defense, like the Predator and the
21 Global Hawk, have become a critical component of
22 military operations. Unmanned aerial systems are
23 indispensable in the conflict against terrorism and
24 the campaigns in Afghanistan and Iraq.

1 (2) Unmanned aerial systems of the Depart-
2 ment of Defense must operate in the National Air-
3 space System (NAS) for training, operational sup-
4 port to the combatant commands, and support to
5 domestic authorities in emergencies and national dis-
6 asters.

7 (3) The Department of Defense has been lax in
8 developing certifications of airworthiness for un-
9 manned aerial systems, qualifications for operators
10 of unmanned aerial systems, databases on safety
11 matters relating to unmanned aerial systems, and
12 standards, technology, and procedures that are nec-
13 essary for routine access of unmanned aerial systems
14 to the National Airspace System.

15 (4) As recognized in a Memorandum of Agree-
16 ment for Operation of Unmanned Aircraft Systems
17 in the National Airspace System signed by the Dep-
18 uty Secretary of Defense and the Administrator of
19 the Federal Aviation Administration in September
20 2007, it is vital for the Department of Defense and
21 the Federal Aviation Administration to collaborate
22 closely to achieve progress in gaining access for un-
23 manned aerial systems to the National Airspace Sys-
24 tem to support military requirements.

1 (5) The Department of Defense and the Fed-
2 eral Aviation Administration have jointly and sepa-
3 rately taken significant actions to improve the access
4 of unmanned aerial systems of the Department of
5 Defense to the National Airspace System, but over-
6 all, the pace of progress in access of such systems
7 to the National Airspace System has been insuffi-
8 cient and poses a threat to national security.

9 (6) Techniques and procedures can be rapidly
10 acquired or developed to temporarily permit safe op-
11 erations of unmanned aerial systems in the National
12 Airspace System until permanent safe operations of
13 such systems in the National Airspace System can
14 be achieved.

15 (7) Identifying, developing, approving, imple-
16 menting, and monitoring the adequacy of these tech-
17 niques and procedures may require the establish-
18 ment of a joint Department of Defense-Federal
19 Aviation Administration executive committee report-
20 ing to the highest levels of the Department of De-
21 fense and the Federal Aviation Administration on
22 matters relating to the access of unmanned aerial
23 systems of the Department of Defense to the Na-
24 tional Airspace System.

1 (8) Joint management attention at the highest
2 levels of the Department of Defense and the Federal
3 Aviation Administration may also be required on
4 other important issues, such as type ratings for aer-
5 ial refueling aircraft.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the Secretary of Defense should seek an agree-
8 ment with the Administrator of the Federal Aviation Ad-
9 ministration to jointly establish within the Department of
10 Defense and the Federal Aviation Administration a joint
11 Department of Defense–Federal Aviation Administration
12 executive committee on conflict and dispute resolution
13 which would—

14 (1) act as a focal point for the resolution of dis-
15 putes on matters of policy and procedures between
16 the Department of Defense and the Federal Aviation
17 Administration with respect to—

18 (A) airspace, aircraft certifications, and
19 aircrew training; and

20 (B) other issues brought before the joint
21 executive committee by the Department of De-
22 fense or the Department of Transportation;

23 (2) identify solutions to the range of technical,
24 procedural, and policy concerns arising in the dis-
25 putes described in paragraph (1); and

1 (3) identify solutions to the range of technical,
2 procedural, and policy concerns arising in the inte-
3 gration of Department of Defense unmanned aerial
4 systems into the National Airspace System in order
5 to achieve the increasing, and ultimately routine, ac-
6 cess of such systems into the National Airspace Sys-
7 tem.

8 **SEC. 1040. SENSE OF CONGRESS ON SALE OF NEW OUTSIZE**
9 **CARGO, STRATEGIC LIFT AIRCRAFT FOR CI-**
10 **VILIAN USE.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) The 2004 Quadrennial Defense Review (as
14 submitted to Congress in 2005) and the 2005 Mobil-
15 ity Capability Study determined that the United
16 States Transportation Command requires a force of
17 292 organic strategic lift aircraft, augmented by
18 procurement of airlift service from commercial air
19 carriers participating in the Civil Reserve Air Fleet,
20 to meet the demands of the National Military Strat-
21 egy. Congress has authorized and appropriated
22 funds for 301 strategic airlift aircraft.

23 (2) The Commander of the United States
24 Transportation Command has testified to Congress
25 that it is essential to safeguard the capabilities and

1 capacity of the Civil Reserve Air Fleet to meet war-
2 time surge demands in connection with major com-
3 bat operations, and that procurement by the Air
4 Force of excess organic strategic lift aircraft would
5 be harmful to the health of the Civil Reserve Air
6 Fleet.

7 (3) The C-17 Globemaster aircraft is the work-
8 horse of the Air Mobility Command in the Global
9 War on Terror. Production of the C-17 Globemaster
10 aircraft is scheduled to cease in 2009, upon comple-
11 tion of the aircraft remaining to be procured by the
12 Air Force.

13 (4) The Federal Aviation Administration has
14 informed the Committee on Armed Services of the
15 Senate that no fewer than six commercial operators
16 have expressed interest in procuring a commercial
17 variant of the C-17 Globemaster aircraft. Commer-
18 cial sale of the C-17 Globemaster aircraft would re-
19 quire that the Department of Defense or Congress
20 determine that it is in the national interest for the
21 Federal Aviation Administration to proceed with the
22 issuance of a type certificate for surplus aircraft of
23 the Armed Forces in accordance with section 21.27
24 of title 14, Code of Federal Regulations.

1 (5) C-17 Globemaster aircraft sold for commer-
2 cial use could be made available to the Civil Reserve
3 Air Fleet, thus strengthening the capabilities and ca-
4 pacity of the Civil Reserve Air Fleet.

5 (6) The sale of a commercial variant of the C-
6 17 Globemaster to Civil Reserve Air Fleet partners
7 would strengthen the United States industrial base.

8 (b) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the Secretary of Defense should—

10 (1) review the benefits and feasibility of pur-
11 suing a commercial-military cargo initiative for the
12 C-17 Globemaster aircraft and determine whether
13 such an initiative is in the national interest; and

14 (2) if the Secretary determines that such an ini-
15 tiative is in the national interest, take appropriate
16 actions to coordinate with the Federal Aviation Ad-
17 ministration to achieve the type certification for such
18 aircraft required by section 21.27 of title 14, Code
19 of Federal Regulations.

Subtitle E—Reports

1 **Subtitle E—Reports**
2 **SEC. 1051. REPEAL OF REQUIREMENT TO SUBMIT CERTAIN**
3 **ANNUAL REPORTS TO CONGRESS REGARD-**
4 **ING ALLIED CONTRIBUTIONS TO THE COM-**
5 **MON DEFENSE.**

6 (a) REPEAL OF CERTAIN REPORTS ON ALLIED CON-
7 TRIBUTIONS TO THE COMMON DEFENSE.—Section 1003
8 of the Department of Defense Authorization Act, 1985
9 (Public Law 95–525; 98 Stat. 2576) is amended by strik-
10 ing subsections (c) and (d).

11 (b) REPEAL OF REPORT ON COST-SHARING.—Sec-
12 tion 1313 of the National Defense Authorization Act for
13 Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894)
14 is amended—

15 (1) by striking subsection (c); and

16 (2) by redesignating subsection (d) as sub-
17 sections (c).

18 **SEC. 1052. REPORT ON DETENTION OPERATIONS IN IRAQ.**

19 (a) REPORT REQUIRED.—Not later than 90 days
20 after the date of the enactment of this Act, the Secretary
21 of Defense shall submit to the congressional defense com-
22 mittees a report on detention operations at theater intern-
23 ment facilities in Iraq during the period beginning on Jan-
24 uary 1, 2007, and ending on the date of the report.

1 (b) ELEMENTS.—The report required by subsection
2 (a) shall include the following:

3 (1) A detailed description of the policies and
4 procedures governing detention operations at theater
5 internment facilities in Iraq during the period cov-
6 ered by the report, and a description of any changes
7 to such policies and procedures during that period
8 intended to incorporate counterinsurgency doctrine
9 within such detention operations.

10 (2) A detailed description of the policies and
11 programs instituted to prepare detainees for re-
12 integration following their release from detention in
13 theater internment facilities in Iraq, including pro-
14 grams of family visits and outreach, religious coun-
15 seling, literacy, basic education, and vocational
16 skills.

17 (3) A detailed description of the procedures for
18 reviewing the detention status of individuals under
19 detention in theater detention facilities in Iraq dur-
20 ing the period covered by the report, including the
21 procedures of the Multinational Forces Review Com-
22 mittee, and an assessment of the effect, if any, on
23 United States detention policy and procedures with
24 respect to Iraq of the General Amnesty Law ap-
25 proved by the Council of Representatives on Feb-

1 ruary 13, 2008, and signed by the Presidency Coun-
2 cil on February 26, 2008.

3 (4) Information for each month of the period
4 covered by the report as follows:

5 (A) The detainee population at each the-
6 ater internment facility in Iraq as of the end of
7 such month.

8 (B) The number of detainees released from
9 detention in theater internment facilities in Iraq
10 during such month both in aggregate and in
11 number released from each such theater intern-
12 ment facility.

13 (C) The number of detainees in theater in-
14 ternment facilities in Iraq turned over to the
15 control of the Government of Iraq for criminal
16 prosecution during such month.

17 (5) Information on the length of detainments in
18 the theater internment facilities in Iraq as of each
19 of January 1, 2007, and January 1, 2008, with a
20 stratification of the number of individuals who had
21 been so detained at each such date by six-month in-
22 crements.

23 (6) A description and assessment of the effects
24 of changes in detention operations and reintegration
25 programs at theater internment facilities in Iraq

1 during the period of the report, including changes in
2 levels of violence within internment facilities and in
3 rates of recapture of detainees released from deten-
4 tion in internment facilities.

5 (7) A statement of the costs of establishing and
6 operating reintegration centers in Iraq and of the
7 share of such costs to be paid by the Government of
8 Iraq, and a description of plans for the transition of
9 such centers to the control of the Government of
10 Iraq.

11 (8) A description of—

12 (A) the lessons learned regarding detention
13 operations in a counterinsurgency operation, an
14 assessment of how such lessons could be applied
15 to detention operations elsewhere (including in
16 Afghanistan and at Guantanamo Bay, Cuba);
17 and

18 (B) any efforts to integrate such lessons
19 into Department of Defense directives, joint
20 doctrine, mission rehearsal exercises for deploy-
21 ing forces, and training for units involved in de-
22 tention and interrogation operations.

23 (c) FORM.—The report required under subsection (a)
24 shall be submitted in unclassified form, but may include
25 a classified annex.

1 **SEC. 1053. STRATEGIC PLAN TO ENHANCE THE ROLE OF**
2 **THE NATIONAL GUARD AND RESERVES IN**
3 **THE NATIONAL DEFENSE.**

4 (a) STRATEGIC PLAN REQUIRED.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall develop a strategic plan to enhance the role of
7 the National Guard and Reserves in the national de-
8 fense, including—

9 (A) the transition of the reserve compo-
10 nents of the Armed Forces from a strategic
11 force to an operational force;

12 (B) the achievement of a fully-integrated
13 total force (including further development of
14 the continuum of service); and

15 (C) the enhancement of the role of the re-
16 serve components of the Armed Forces in
17 homeland defense.

18 (2) CONSULTATION.—The Secretary shall de-
19 velop the strategic plan required by this subsection
20 in consultation with the Chairman of the Joint
21 Chiefs of Staff and the Chief of the National Guard
22 Bureau.

23 (b) CONSIDERATION OF EXISTING FINDINGS, REC-
24 OMMENDATIONS, AND PRACTICES.—In developing the
25 strategic plan required by subsection (a), the Secretary
26 shall consider the following:

1 (1) The findings and recommendations of the
2 final report of the Commission on the National
3 Guard and Reserves.

4 (2) The findings and recommendations of the
5 Center for Strategic and International Studies on
6 the future of the National Guard and Reserves.

7 (3) The policies expressed in the provisions of
8 the bill S. 2760 of the 110th Congress, to amend
9 title 10, United States Code, to enhance the national
10 defense through empowerment of the National
11 Guard, enhancement of the functions of the National
12 Guard Bureau, and improvement of Federal-State
13 military coordination in domestic emergency re-
14 sponse, and for other purposes.

15 (4) Current policies and practices of the De-
16 partment of Defense for the utilization of members
17 and units of the reserve components of the Armed
18 Forces.

19 (c) ELEMENTS.—The strategic plan required by sub-
20 section (a) shall include the following:

21 (1) A description of the legislative, organiza-
22 tional, and administrative actions required to make
23 the reserve components of the Armed Forces a sus-
24 tainable operational force.

1 (2) A description of the legislative, organiza-
2 tional, and administrative actions required to en-
3 hance the Department of Defense role in homeland
4 defense and support of civil authorities, with par-
5 ticular emphasis on the role of the reserve compo-
6 nents of the Armed Forces in such role.

7 (3) A description of the legislative, organiza-
8 tional, and administrative actions required to create
9 a continuum of service in the reserve components of
10 the Armed Forces, including a personnel manage-
11 ment system for an integrated total force that will
12 facilitate the seamless transition of members of Na-
13 tional Guard and Reserves on and off active duty to
14 meet mission requirements and permit different lev-
15 els of participation by such members in the Armed
16 Forces over the course of a military career.

17 (4) A description of the legislative and adminis-
18 trative actions required to develop a ready, capable,
19 and available operational reserve for the Armed
20 Forces.

21 (5) A description of the legislative and adminis-
22 trative actions required to reform organizations and
23 institutions to support an operational reserve for the
24 Armed Forces.

1 (2) An assessment of any policy, legal, or trea-
2 ty-related issues that could arise during the course
3 of, or as a result of, such concept demonstration.

4 (3) The extent to which the concept dem-
5 onstrated could be misconstrued as a nuclear weap-
6 on or delivery system.

7 (4) An assessment of the potential basing and
8 deployment options for the concept demonstrated.

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

11 (c) REPORT.—Not later than 30 days after the date
12 on which the President submits to Congress the budget
13 for fiscal year 2010 (as so submitted), the Secretary of
14 Defense shall submit to the congressional defense commit-
15 tees a report setting forth the results of the review re-
16 quired by subsection (a).

17 **SEC. 1055. REVIEW OF BANDWIDTH CAPACITY REQUIRE-**
18 **MENTS OF THE DEPARTMENT OF DEFENSE**
19 **AND THE INTELLIGENCE COMMUNITY.**

20 (a) IN GENERAL.—The Secretary of Defense and the
21 Director of National Intelligence shall conduct a joint re-
22 view of the bandwidth capacity requirements of the De-
23 partment of Defense and the intelligence community in the
24 near term, mid term, and long term.

1 (b) ELEMENTS.—The review required by subsection
2 (a) shall include an assessment of the following:

3 (1) The current bandwidth capacities of the De-
4 partment of Defense and the intelligence community
5 to transport data, including Government and com-
6 mercial ground networks and satellite systems.

7 (2) The bandwidth capacities anticipated to be
8 available to the Department of Defense and the in-
9 telligence community to transport data in the near
10 term, mid term, and long term.

11 (3) The bandwidth and data requirements of
12 current major operational systems of the Depart-
13 ment of Defense and the intelligence community, in-
14 cluding an assessment of—

15 (A) whether such requirements are being
16 appropriately met by the bandwidth capacities
17 described in paragraph (1); and

18 (B) the degree to which any such require-
19 ments are not being met by such bandwidth ca-
20 pacities.

21 (4) The anticipated bandwidth and data re-
22 quirements of major operational systems of the De-
23 partment of Defense and the intelligence community
24 planned for each of the near term, mid term, and
25 long term, including an assessment of—

1 (A) whether such anticipated requirements
2 will be appropriately met by the bandwidth ca-
3 pacities described in paragraph (2); and

4 (B) the degree to which any such require-
5 ments are not anticipated to be met by such
6 bandwidth capacities.

7 (5) Any mitigation concepts that could be used
8 to satisfy any unmet bandwidth and data require-
9 ments.

10 (6) The costs of meeting the bandwidth and
11 data requirements described in paragraphs (3) and
12 (4).

13 (7) Any actions necessary to integrate or con-
14 solidate the information networks of the Department
15 of Defense and the intelligence community.

16 (c) REPORT.—Not later than one year after the date
17 of the enactment of this Act, the Secretary of Defense and
18 the Director of National Intelligence shall jointly submit
19 to the congressional defense committees, the Select Com-
20 mittee on Intelligence of the Senate, and the Permanent
21 Select Committee on Intelligence of the House of Rep-
22 resentatives a report setting forth the results of the review
23 required by subsection (a).

24 (d) FORMAL REVIEW PROCESS FOR BANDWIDTH RE-
25 QUIREMENTS.—The Secretary of Defense and the Direc-

1 tor of National Intelligence shall, as part of the Milestone
2 B or Key Decision Point B approval process for any major
3 defense acquisition program or major system acquisition
4 program, establish a formal review process to ensure
5 that—

6 (1) the bandwidth requirements needed to sup-
7 port such program are or will be met; and

8 (2) a determination will be made with respect
9 to how to meet the bandwidth requirements for such
10 program.

11 (e) DEFINITIONS.—In this section:

12 (1) INTELLIGENCE COMMUNITY.—The term
13 “intelligence community” means the elements of the
14 intelligence community specified in or designated
15 under section 3(4) of the National Security Act of
16 1947 (50 U.S.C. 401a(4)).

17 (2) LONG TERM.—The term “long term” means
18 the five-year period beginning on the date that is 10
19 years after the date of the enactment of this Act.

20 (3) MID TERM.—The term “mid term” means
21 the five-year period beginning on the date that is
22 five years after the date of the enactment of this
23 Act.

1 (4) **NEAR TERM.**—The term “near term”
 2 means the five-year period beginning on the date of
 3 the enactment of this Act.

4 **Subtitle F—Wounded Warrior**
 5 **Matters**

6 **SEC. 1061. MODIFICATION OF UTILIZATION OF VETERANS’**
 7 **PRESUMPTION OF SOUND CONDITION IN ES-**
 8 **TABLISHING ELIGIBILITY OF MEMBERS OF**
 9 **THE ARMED FORCES FOR RETIREMENT FOR**
 10 **DISABILITY.**

11 (a) **RETIREMENT OF REGULARS AND MEMBERS ON**
 12 **ACTIVE DUTY FOR MORE THAN 30 DAYS.**—Section
 13 1201(b)(3)(B)(i) of title 10, United States Code, is
 14 amended—

15 (1) by striking “the member has six months or
 16 more of active military service and”; and

17 (2) by striking “(unless compelling evidence”
 18 and all that follows through “active duty)” and in-
 19 serting “(unless clear and unmistakable evidence
 20 demonstrates that the disability existed before the
 21 member’s entrance on active duty and was not ag-
 22 gravated by active military service)”.

23 (b) **SEPARATION OF REGULARS AND MEMBERS ON**
 24 **ACTIVE DUTY FOR MORE THAN 30 DAYS.**—Section
 25 1203(b)(4)(B) of such title is amended—

1 (1) by striking “the member has six months or
2 more of active military service, and”; and

3 (2) by striking “(unless compelling evidence”
4 and all that follows through “active duty)” and in-
5 serting “(unless clear and unmistakable evidence
6 demonstrates that the disability existed before the
7 member’s entrance on active duty and was not ag-
8 gravated by active military service)”.

9 **SEC. 1062. INCLUSION OF SERVICE MEMBERS IN INPATIENT**
10 **STATUS IN WOUNDED WARRIOR POLICIES**
11 **AND PROTECTIONS.**

12 Section 1602(7) of the Wounded Warrior Act (title
13 XVI of Public Law 110–181; 122 Stat. 432; 10 U.S.C.
14 1071 note) is amended by inserting “inpatient or” before
15 “outpatient status”.

16 **SEC. 1063. CLARIFICATION OF CERTAIN INFORMATION**
17 **SHARING BETWEEN THE DEPARTMENT OF**
18 **DEFENSE AND DEPARTMENT OF VETERANS**
19 **AFFAIRS FOR WOUNDED WARRIOR PUR-**
20 **POSES.**

21 (a) **IN GENERAL.**—Section 1614(b)(11) of the
22 Wounded Warrior Act (title XVI of Public Law 110–181;
23 122 Stat. 444; 10 U.S.C. 1071 note) is amended by insert-
24 ing before the period at the end the following: “or that

1 such transfer is otherwise authorized by the regulations
2 implementing such Act”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) shall take effect on January 28, 2008, as
5 if included in the provisions of the Wounded Warrior Act,
6 to which such amendment relates.

7 **SEC. 1064. ADDITIONAL RESPONSIBILITIES FOR THE**
8 **WOUNDED WARRIOR RESOURCE CENTER.**

9 Section 1616(a) of the Wounded Warrior Act (title
10 XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C.
11 1071 note) is amended in the first sentence by inserting
12 “receiving legal assistance referral information (where ap-
13 propriate), receiving other appropriate referral informa-
14 tion,” after “receiving benefits information,”.

15 **SEC. 1065. RESPONSIBILITY FOR THE CENTER OF EXCEL-**
16 **LENCE IN THE PREVENTION, DIAGNOSIS,**
17 **MITIGATION, TREATMENT AND REHABILITA-**
18 **TION OF TRAUMATIC BRAIN INJURY TO CON-**
19 **DUCT PILOT PROGRAMS ON TREATMENT AP-**
20 **PROACHES FOR TRAUMATIC BRAIN INJURY.**

21 Section 1621(c) of the Wounded Warrior Act (title
22 XVI of Public Law 110–181; 122 Stat. 453; 10 U.S.C.
23 1071 note) is amended—

1 (1) by redesignating paragraphs (2) through
2 (13) as paragraphs (3) through (14), respectively;
3 and

4 (2) by inserting after paragraph (1) the fol-
5 lowing new paragraph (2):

6 “(2) To conduct pilot programs to promote or
7 assess the efficacy of approaches to the treatment of
8 all forms of traumatic brain injury, including mild
9 traumatic brain injury.”.

10 **SEC. 1066. CENTER OF EXCELLENCE IN THE MITIGATION,**
11 **TREATMENT, AND REHABILITATION OF**
12 **TRAUMATIC EXTREMITY INJURIES AND AM-**
13 **PUTATIONS.**

14 (a) **IN GENERAL.**—The Secretary of Veterans Affairs
15 and the Secretary of Defense shall jointly establish a cen-
16 ter of excellence in the mitigation, treatment, and rehabili-
17 tation of traumatic extremity injuries and amputations.

18 (b) **PARTNERSHIPS.**—The Secretary of Veterans Af-
19 fairs and the Secretary of Defense shall jointly ensure that
20 the center collaborates with the Department of Veterans
21 Affairs, the Department of Defense, institutions of higher
22 education, and other appropriate public and private enti-
23 ties (including international entities) to carry out the re-
24 sponsibilities specified in subsection (c).

1 (c) RESPONSIBILITIES.—The center shall have the
2 responsibilities as follows:

3 (1) To implement a comprehensive plan and
4 strategy for the Department of Veterans Affairs and
5 the Department of Defense for the mitigation, treat-
6 ment, and rehabilitation of traumatic extremity inju-
7 ries and amputations.

8 (2) To carry out such other activities to im-
9 prove and enhance the efforts of the Department of
10 Veterans Affairs and the Department of Defense for
11 the mitigation, treatment, and rehabilitation of trau-
12 matic extremity injuries and amputations as the
13 Secretary of Veterans Affairs and the Secretary of
14 Defense consider appropriate.

15 (d) REPORTS.—

16 (1) IN GENERAL.—Not later than one year
17 after the date of the enactment of this Act, and an-
18 nually thereafter, the Secretary of Veterans Affairs
19 and the Secretary of Defense shall jointly submit to
20 Congress a report on the activities of the center.

21 (2) ELEMENTS.—Each report under this sub-
22 section shall include the following:

23 (A) In the case of the first report under
24 this subsection, a description of the implemen-
25 tation of the requirements of this Act.

1 (B) A description and assessment of the
2 activities of the center during the one-year pe-
3 riod ending on the date of such report, includ-
4 ing an assessment of the role of such activities
5 in improving and enhancing the efforts of the
6 Department of Veterans Affairs and the De-
7 partment of Defense for the mitigation, treat-
8 ment, and rehabilitation of traumatic extremity
9 injuries and amputations.

10 **SEC. 1067. THREE-YEAR EXTENSION OF SENIOR OVERSIGHT**

11 **COMMITTEE WITH RESPECT TO WOUNDED**

12 **WARRIOR MATTERS.**

13 (a) **IN GENERAL.**—The Secretary of Defense and the
14 Secretary of Veterans Affairs shall jointly take such ac-
15 tions as are appropriate, including the allocation of appro-
16 priate personnel, funding, and other resources, to continue
17 the operations of the Senior Oversight Committee until
18 September 30, 2011.

19 (b) **REPORT ON FURTHER EXTENSION OF COM-**
20 **MITTEE.**—Not later than December 31, 2010, the Sec-
21 retary of Defense and the Secretary of Veterans Affairs
22 shall jointly submit to Congress a report setting forth the
23 joint recommendation of the Secretaries as to the advis-
24 ability of continuing the operations of the Senior Over-
25 sight Committee after September 30, 2011. If the Secre-

1 taries recommend that continuing the operations of the
2 Senior Oversight Committee after September 30, 2011, is
3 advisable, the report may include such recommendations
4 for the modification of the responsibilities, composition, or
5 support of the Senior Oversight Committee as the Secre-
6 taries jointly consider appropriate.

7 (c) SENIOR OVERSIGHT COMMITTEE DEFINED.—In
8 this section, the term “Senior Oversight Committee”
9 means the Senior Oversight Committee jointly established
10 by the Secretary of Defense and the Secretary of Veterans
11 Affairs in May 2007. The Senior Oversight Committee
12 was established to address concerns related to the treat-
13 ment of wounded, ill, and injured members of the Armed
14 Forces and veterans and serve as the single point of con-
15 tact for oversight, strategy, and integration of proposed
16 strategies for the efforts of the Department of Defense
17 and the Department of Veterans Affairs to improve sup-
18 port throughout the recovery, rehabilitation, and re-
19 integration of wounded, ill, or injured members of the
20 Armed Forces.

1 **Subtitle G—Other Matters**

2 **SEC. 1081. MILITARY SALUTE FOR THE FLAG DURING THE**
3 **NATIONAL ANTHEM BY MEMBERS OF THE**
4 **ARMED FORCES NOT IN UNIFORM AND BY**
5 **VETERANS.**

6 Section 301(b)(1) of title 36, United States Code, is
7 amended by striking subparagraphs (A) through (C) and
8 inserting the following new subparagraphs:

9 “(A) individuals in uniform should give the
10 military salute at the first note of the anthem
11 and maintain that position until the last note;

12 “(B) members of the Armed Forces and
13 veterans who are present but not in uniform
14 may render the military salute in the manner
15 provided for individuals in uniform; and

16 “(C) all other persons present should face
17 the flag and stand at attention with their right
18 hand over the heart, and men not in uniform,
19 if applicable, should remove their headdress
20 with their right hand and hold it at the left
21 shoulder, the hand being over the heart; and”.

1 **SEC. 1082. MODIFICATION OF DEADLINES FOR STANDARDS**
2 **REQUIRED FOR ENTRY TO MILITARY INSTAL-**
3 **LATIONS IN THE UNITED STATES.**

4 Section 1069(c) of the National Defense Authoriza-
5 tion Act of Fiscal Year 2008 (Public Law 110–181; 122
6 Stat. 327) is amended—

7 (1) in paragraph (1)—

8 (A) by striking “July 1, 2008” and insert-
9 ing “February 1, 2009”; and

10 (B) by striking “January 1, 2009” and in-
11 serting “October 1, 2012”; and

12 (2) in paragraph (2), by striking “imple-
13 mented” and inserting “developed”.

14 **SEC. 1083. SUSPENSION OF STATUTES OF LIMITATIONS**
15 **WHEN CONGRESS AUTHORIZES THE USE OF**
16 **MILITARY FORCE.**

17 Section 3287 of title 18, United States Code, is
18 amended—

19 (1) by inserting “or Congress has enacted a
20 specific authorization for the use of the Armed
21 Forces, as described in section 5(b) of the War Pow-
22 ers Resolution (50 U.S.C. 1544(b)),” after “is at
23 war”;

24 (2) by inserting “or directly connected with or
25 related to the authorized use of the Armed Forces”
26 after “prosecution of the war”;

1 (3) by striking “three years” and inserting “5
2 years”;

3 (4) by striking “proclaimed by the President”
4 and inserting “proclaimed by a Presidential procla-
5 mation, with notice to Congress,”; and

6 (5) by adding at the end the following: “For
7 purposes of applying such definitions in this section,
8 the term ‘war’ includes a specific authorization for
9 the use of the Armed Forces, as described in section
10 5(b) of the War Powers Resolution (50 U.S.C.
11 1544(b)).”.

12 **TITLE XI—CIVILIAN PERSONNEL** 13 **MATTERS**

14 **SEC. 1101. DEPARTMENT OF DEFENSE STRATEGIC HUMAN** 15 **CAPITAL PLANS.**

16 (a) CODIFICATION OF ANNUAL REQUIREMENT FOR
17 PLAN.—

18 (1) IN GENERAL.—Chapter 2 of title 10, United
19 States Code, is amended by adding after section
20 115a the following new section:

21 **“§ 115b. Department of Defense strategic human cap-**
22 **ital plans**

23 “(a) ANNUAL PLAN REQUIRED.—The Secretary of
24 Defense shall submit to Congress on an annual basis a
25 strategic human capital plan to shape and improve the ci-

1 vilian employee workforce of the Department of Defense.
2 The plan shall be submitted not later than March 1 each
3 year.

4 “(b) CONTENTS.—Each strategic human capital plan
5 under subsection (a) shall include the following:

6 “(1) An assessment of—

7 “(A) the critical skills and competencies
8 that will be needed in the future civilian em-
9 ployee workforce of the Department of Defense
10 to support national security requirements and
11 effectively manage the Department over the
12 next decade;

13 “(B) the skills and competencies of the ex-
14 isting civilian employee workforce of the De-
15 partment and projected trends in that work-
16 force based on expected losses due to retirement
17 and other attrition; and

18 “(C) gaps in the existing or projected civil-
19 ian employee workforce of the Department that
20 should be addressed to ensure that the Depart-
21 ment has continued access to the critical skills
22 and competencies described in subparagraph
23 (A).

24 “(2) A plan of action for developing and re-
25 shaping the civilian employee workforce of the De-

1 partment to address the gaps in critical skills and
2 competencies identified under paragraph (1)(C), in-
3 cluding—

4 “(A) specific recruiting and retention
5 goals, including the program objectives of the
6 Department to be achieved through such goals
7 and the funding needed to achieve such goals;
8 and

9 “(B) specific strategies for developing,
10 training, deploying, compensating, and moti-
11 vating the civilian employee workforce of the
12 Department, including the program objectives
13 of the Department to be achieved through such
14 strategies and the funding needed to implement
15 such strategies.

16 “(3) An assessment, using results-oriented per-
17 formance measures, of the progress of the Depart-
18 ment in implementing the strategic human capital
19 plan under this section during the previous year.

20 “(c) SENIOR MANAGEMENT, FUNCTIONAL, AND
21 TECHNICAL WORKFORCE.—(1) Each strategic human
22 capital plan under subsection (a) shall specifically address
23 the shaping and improvement of the senior management,
24 functional, and technical workforce (including scientists
25 and engineers) of the Department of Defense.

1 “(2) For purposes of paragraph (1), each plan shall
2 include, at a minimum, the following:

3 “(A) An assessment of—

4 “(i) the needs of the Department for senior
5 management, functional, and technical per-
6 sonnel (including scientists and engineers) in
7 light of recent trends and projected changes in
8 the mission and organization of the Department
9 and in light of staff support needed to accom-
10 plish that mission;

11 “(ii) the capability of the existing civilian
12 employee workforce of the Department to meet
13 requirements relating to the mission of the De-
14 partment, including the impact on that capa-
15 bility of projected trends in the senior manage-
16 ment, functional, and technical personnel work-
17 force of the Department based on expected
18 losses due to retirement and other attrition; and

19 “(iii) gaps in the existing or projected civil-
20 ian employee workforce of the Department that
21 should be addressed to ensure that the Depart-
22 ment has continued access to the senior man-
23 agement, functional, and technical personnel
24 (including scientists and engineers) it needs.

1 “(B) A plan of action for developing and re-
2 shaping the senior management, functional, and
3 technical workforce of the Department to address
4 the gaps identified under subparagraph (A)(iii), in-
5 cluding—

6 “(i) any legislative or administrative action
7 that may be needed to adjust the requirements
8 applicable to any category of civilian personnel
9 identified in paragraph (3) or to establish a new
10 category of senior management or technical per-
11 sonnel;

12 “(ii) any changes in the number of per-
13 sonnel authorized in any category of personnel
14 identified in subsection (b) that may be needed
15 to address such gaps and effectively meet the
16 needs of the Department;

17 “(iii) any changes in the rates or methods
18 of pay for any category of personnel identified
19 in paragraph (3) that may be needed to address
20 inequities and ensure that the Department has
21 full access to appropriately qualified personnel
22 to address such gaps and meet the needs of the
23 Department;

1 “(iv) specific recruiting and retention
2 goals, including the program objectives of the
3 Department to be achieved through such goals;

4 “(v) specific strategies for developing,
5 training, deploying, compensating, motivating,
6 and designing career paths and career opportu-
7 nities for the senior management, functional,
8 and technical workforce of the Department, in-
9 cluding the program objectives of the Depart-
10 ment to be achieved through such strategies;
11 and

12 “(vi) specific steps that the Department
13 has taken or plans to take to ensure that the
14 senior management, functional, and technical
15 workforce of the Department is managed in
16 compliance with the requirements of section
17 129 of this title.

18 “(3) For purposes of this subsection, the senior man-
19 agement, functional, and technical workforce of the De-
20 partment of Defense includes the following categories of
21 Department of Defense civilian personnel:

22 “(A) Appointees in the Senior Executive Service
23 under section 3131 of title 5.

24 “(B) Persons serving in positions described in
25 section 5376(a) of title 5.

1 “(C) Highly qualified experts appointed pursu-
2 ant to section 9903 of title 5.

3 “(D) Scientists and engineers appointed pursu-
4 ant to section 342(b) of the National Defense Au-
5 thorization Act for Fiscal Year 1995 (Public Law
6 103–337; 108 Stat. 2721), as amended by section
7 1114 of the Floyd D. Spence National Defense Au-
8 thorization Act for Fiscal Year 2001 (as enacted
9 into law by Public Law 106–398 (114 Stat. 1654A–
10 315)).

11 “(E) Scientists and engineers appointed pursu-
12 ant to section 1101 of the Strom Thurmond Na-
13 tional Defense Authorization Act for Fiscal Year
14 1999 (5 U.S.C. 3104 note).

15 “(F) Persons serving in the Defense Intel-
16 ligence Senior Executive Service under section 1606
17 of this title.

18 “(G) Persons serving in Intelligence Senior
19 Level positions under section 1607 of this title.

20 “(d) DEFENSE ACQUISITION WORKFORCE.—(1)
21 Each strategic human capital plan under subsection (a)
22 shall specifically address the shaping and improvement of
23 the defense acquisition workforce, including both military
24 and civilian personnel.

1 “(2) For purposes of paragraph (1), each plan shall
2 include, at a minimum, the following:

3 “(A) An assessment of—

4 “(i) the skills and competencies needed in
5 the military and civilian workforce of the De-
6 partment of Defense to effectively manage the
7 acquisition programs and activities of the De-
8 partment over the next decade;

9 “(ii) the skills and competencies of the ex-
10 isting military and civilian acquisition workforce
11 of the Department and projected trends in that
12 workforce based on expected losses due to re-
13 tirement and other attrition; and

14 “(iii) gaps in the existing or projected mili-
15 tary and civilian acquisition workforce that
16 should be addressed to ensure that the Depart-
17 ment has access to the skills and competencies
18 identified pursuant to clauses (i) and (ii).

19 “(B) A plan of action that establishes specific
20 objectives for developing and reshaping the military
21 and civilian acquisition workforce of the Department
22 to address the gaps in skills and competencies iden-
23 tified under subparagraph (A), including—

24 “(i) specific recruiting and retention goals;

25 and

1 “(ii) specific strategies and incentives for
2 developing, training, deploying, compensating,
3 and motivating the military and civilian acquisi-
4 tion workforce of the Department to achieve
5 such goals.

6 “(C) A plan for funding needed improvements
7 in the military and civilian acquisition workforce of
8 the Department, including—

9 “(i) an identification of the funding pro-
10 grammed for defense acquisition workforce im-
11 provements, including a specific identification of
12 funding provided in the Department of Defense
13 Acquisition Workforce Fund established under
14 section 1705 of this title;

15 “(ii) an identification of the funding pro-
16 grammed for defense acquisition workforce
17 training in the future-years defense program,
18 including a specific identification of funding
19 provided by the acquisition workforce training
20 fund established under section 37(h)(3) of the
21 Office of Federal Procurement Policy Act (41
22 U.S.C. 433(h)(3));

23 “(iii) a description of how the funding
24 identified pursuant to clauses (i) and (ii) will be
25 implemented during the fiscal year concerned to

1 address the areas of need identified in accord-
2 ance with subparagraph (A);

3 “(iv) a statement of whether the funding
4 identified under clauses (i) and (ii) is being
5 fully used; and

6 “(v) a description of any continuing short-
7 fall in funding available for the defense acquisi-
8 tion workforce.

9 “(e) SUBMITTALS BY SECRETARIES OF THE MILI-
10 TARY DEPARTMENTS AND HEADS OF THE DEFENSE
11 AGENCIES.—The Secretary of Defense shall require the
12 Secretary of each military department and the head of
13 each Defense Agency to submit a report to the Secretary
14 addressing each of the matters described in this section.
15 The Secretary of Defense shall establish a deadline for the
16 submittal of reports under this subsection that enables the
17 Secretary to consider the material submitted in a timely
18 manner and incorporate such material, as appropriate,
19 into the strategic human capital plans required by this sec-
20 tion.

21 “(f) GAPS IN THE WORKFORCE.—(1) The Secretary
22 of Defense may not conduct a public-private competition
23 under chapter 126 of this title, Office of Management and
24 Budget Circular A-76, or any other provision of law or
25 regulation before expanding the civilian workforce of the

1 Department of Defense to address a gap in the workforce
2 identified under this section.

3 “(2) For purposes of this section, gaps in the work-
4 force include—

5 “(A) shortcomings in the skills and com-
6 petencies of employees; and

7 “(B) shortcomings in the number of employees
8 possessing such skills and competencies.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 2 of such title is
11 amended by inserting after the item relating to sec-
12 tion 115a the following new item:

“115b. Department of Defense strategic human capital plans.”.

13 (b) COMPTROLLER GENERAL REVIEW.—Not later
14 than 90 days after date on which the Secretary of Defense
15 submits to Congress an annual strategic human capital
16 plan under section 115b of title 10, United States Code
17 (as added by subsection (a)), in each of 2009, 2010, 2011
18 and 2012, the Comptroller General of the United States
19 shall submit to the Committees on Armed Services of the
20 Senate and House of Representatives a report on the plan
21 so submitted.

22 (c) CONFORMING REPEALS.—The following provi-
23 sions are repealed:

24 (1) Section 1122 of the National Defense Au-
25 thorization Act for Fiscal Year 2006 (Public Law

1 109–163; 119 Stat. 3452; 10 U.S.C. note prec.
2 1580).

3 (2) Section 1102 of the John Warner National
4 Defense Authorization Act for Fiscal Year 2007
5 (Public Law 119–364; 120 Stat. 2407).

6 (3) Section 851 of the National Defense Au-
7 thorization Act for Fiscal Year 2008 (Public Law
8 110–181; 122 Stat. 247; 10 U.S.C. note prec.
9 1580).

10 **SEC. 1102. CONDITIONAL INCREASE IN AUTHORIZED NUM-**
11 **BER OF DEFENSE INTELLIGENCE SENIOR EX-**
12 **ECUTIVE SERVICE PERSONNEL.**

13 (a) IN GENERAL.—Section 1606(a) of title 10,
14 United States Code, is amended—

15 (1) by inserting “(1)” before “The Secretary of
16 Defense”; and

17 (2) by striking the second sentence and insert-
18 ing the following:

19 “(2)(A) The number of positions in the Defense Intel-
20 ligence Senior Executive Service in any fiscal year after
21 fiscal year after fiscal year 2008 may not exceed the lesser
22 of the following:

23 “(i) The number of such positions authorized
24 on September 30, 2007, as adjusted by the percent-

1 age specified in subparagraph (B) for such fiscal
2 year.

3 “(ii) 694.

4 “(B) The percentage specified in this subparagraph
5 for a fiscal year is the percentage by which the authorized
6 number of Department of Defense positions in the Senior
7 Executive Service has been increased as of the end of the
8 preceding fiscal year over the number of such positions
9 authorized on September 30, 2007.

10 “(3) Priority shall be given in the allocation of any
11 increase in the number of authorized positions in the De-
12 fense Intelligence Senior Executive Service after fiscal
13 year 2008 to components of the intelligence community
14 within the Department of Defense in which the ratio of
15 senior executives to employees other than senior executives
16 is the lowest.”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on October 1, 2008.

19 **SEC. 1103. ENHANCEMENT OF AUTHORITIES RELATING TO**
20 **ADDITIONAL POSITIONS UNDER THE NA-**
21 **TIONAL SECURITY PERSONNEL SYSTEM.**

22 Section 9902(i) of title 5, United States Code, is
23 amended—

24 (1) in paragraph (1), by inserting “(except that
25 the limitations of chapter 33 may be waived to the

1 extent necessary to achieve the purposes of this sub-
2 section)” after “the limitations in subsection
3 (b)(3)”;

4 (2) in paragraph (2), by inserting before the pe-
5 riod at the end the following: “in a manner com-
6 parable to the manner in which such provisions are
7 applied under chapter 33”.

8 **SEC. 1104. EXPEDITED HIRING AUTHORITY FOR HEALTH**
9 **CARE PROFESSIONALS OF THE DEPARTMENT**
10 **OF DEFENSE.**

11 (a) IN GENERAL.—For purposes of sections 3304,
12 5333, and 5753 of title 5, United States Code, the Sec-
13 retary of Defense may—

14 (1) designate any category of health care posi-
15 tion within the Department of Defense as a shortage
16 category position if the Secretary determines that
17 there exists a severe shortage of candidates for such
18 position or there is a critical hiring need for such
19 position; and

20 (2) utilize the authorities in such sections to re-
21 cruit and appoint highly qualified persons directly to
22 positions so designated.

23 (b) TERMINATION OF AUTHORITY.—The Secretary
24 may not appoint a person to a position of employment
25 under this section after September 30, 2012.

1 **SEC. 1105. ELECTION OF INSURANCE COVERAGE BY FED-**
2 **ERAL CIVILIAN EMPLOYEES DEPLOYED IN**
3 **SUPPORT OF A CONTINGENCY OPERATION.**

4 (a) **AUTOMATIC COVERAGE.**—Section 8702(c) of title
5 5, United States Code, is amended—

6 (1) by inserting “an employee who is deployed
7 in support of a contingency operation (as that term
8 is defined in section 101(a)(13) of title 10) or” after
9 “subsection (b)”; and

10 (2) by inserting “notification of deployment or”
11 after “the date of the”.

12 (b) **OPTIONAL INSURANCE.**—Section 8714a(b) of
13 such title is amended—

14 (1) by designating the text as paragraph (2);
15 and

16 (2) by inserting before paragraph (2), as so
17 designated the following new paragraph (1):

18 “(1) An employee who is deployed in support of a
19 contingency operation (as that term is defined in section
20 101(a)(13) of title 10) or an employee of the Department
21 of Defense who is designated as emergency essential under
22 section 1580 of title 10 shall be insured under the policy
23 of insurance under this section if the employee, within 60
24 days after the date of notification of deployment or des-
25 ignation, elects to be insured under the policy of insur-
26 ance. An election under this paragraph shall be effective

1 when provided to the Office in writing, in the form pre-
2 scribed by the Office, within such 60-day period.”.

3 (c) ADDITIONAL OPTIONAL LIFE INSURANCE.—Sec-
4 tion 8714b(b) of such title is amended—

5 (1) by designating the text as paragraph (2);

6 and

7 (2) by inserting before paragraph (2), as so
8 designated the following new paragraph (1):

9 “(2) An employee who is deployed in support of a
10 contingency operation (as that term is defined in section
11 101(a)(13) of title 10) or an employee of the Department
12 of Defense who is designated as emergency essential under
13 section 1580 of title 10 shall be insured under the policy
14 of insurance under this section if the employee, within 60
15 days after the date of notification of deployment or des-
16 ignation, elects to be insured under the policy of insur-
17 ance. An election under this paragraph shall be effective
18 when provided to the Office in writing, in the form pre-
19 scribed by the Office, within such 60-day period.”.

20 **SEC. 1106. PERMANENT EXTENSION OF DEPARTMENT OF**
21 **DEFENSE VOLUNTARY REDUCTION IN FORCE**
22 **AUTHORITY.**

23 Section 3502(f) of title 5, United States Code, is
24 amended by striking paragraph (5).

1 **SEC. 1107. FOUR-YEAR EXTENSION OF AUTHORITY TO**
2 **MAKE LUMP SUM SEVERANCE PAYMENTS**
3 **WITH RESPECT TO DEPARTMENT OF DE-**
4 **FENSE EMPLOYEES.**

5 Section 5595(i)(4) of title 5, United States Code, is
6 amended by striking “October 1, 2010” and inserting
7 “October 1, 2014”.

8 **SEC. 1108. AUTHORITY TO WAIVE LIMITATIONS ON PAY FOR**
9 **FEDERAL CIVILIAN EMPLOYEES WORKING**
10 **OVERSEAS UNDER AREAS OF UNITED STATES**
11 **CENTRAL COMMAND.**

12 (a) WAIVER AUTHORITY.—

13 (1) IN GENERAL.—Notwithstanding sections
14 5307 and 5547 of title 5, United States Code, the
15 head of an Executive agency (as that term is defined
16 in section 105 of title 5, United States Code) may,
17 during calendar year 2009, waive limitations on the
18 aggregate on basic pay and premium pay payable in
19 such calendar year, and on allowances, differentials,
20 bonuses, awards, and similar cash payments payable
21 in such calendar year, to an employee who performs
22 work while in an overseas location that is in the area
23 of responsibility of the Commander of the United
24 States Central Command in direct support of, or di-
25 rectly related to—

1 (A) a military operation, including a con-
2 tingency operation; or

3 (B) an operation in response to a declared
4 emergency.

5 (2) LIMITATION.—The total annual compensa-
6 tion payable to an employee pursuant to a waiver
7 under this subsection may not exceed the total an-
8 nual compensation payable to the Vice President
9 under section 104 of title 3, United States Code.

10 (b) ROLLOVER OF EARNED PAY TO SUBSEQUENT
11 YEAR.—Any amount that would otherwise be paid an em-
12 ployee in calendar year 2009 under a waiver under sub-
13 section (a)(1) except for the limitation in subsection (a)(2)
14 shall be paid to the employee in a lump sum at the begin-
15 ning of calendar year 2010. Any amount paid an employee
16 under this subsection in calendar year 2010 shall be taken
17 into account as if the limitation in subsection (a)(2) was
18 applicable to the employee in calendar year 2010.

19 (c) ADDITIONAL PAY NOT CONSIDERED BASIC
20 PAY.—To the extent that a waiver under subsection (a)
21 results in payment of additional premium pay of a type
22 that is normally creditable as basic pay for retirement or
23 any other purpose, such additional pay shall not be consid-
24 ered to be basic pay for any purpose, nor shall such addi-
25 tional pay be used in computing a lump-sum payment for

1 accumulated and accrued annual leave under section 5551
2 of title 5, United States Code.

3 (d) REGULATIONS.—The Director of the Office of
4 Personnel Management may prescribe regulations to en-
5 sure appropriate consistency among heads of Executive
6 agencies in the exercise of the authority granted by this
7 section.

8 **SEC. 1109. TECHNICAL AMENDMENT RELATING TO DEFINI-**
9 **TION OF PROFESSIONAL ACCOUNTING POSI-**
10 **TION FOR PURPOSES OF CERTIFICATION AND**
11 **CREDENTIALING STANDARDS.**

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 FOREIGN NATIONS**
3 **Subtitle A—Assistance and**
4 **Training**

5 **SEC. 1201. INCREASE IN AMOUNT AVAILABLE FOR COSTS**
6 **OF EDUCATION AND TRAINING OF FOREIGN**
7 **MILITARY FORCES UNDER REGIONAL DE-**
8 **FENSE COMBATING TERRORISM FELLOW-**
9 **SHIP PROGRAM.**

10 (a) INCREASE IN AMOUNT.—Section 2249c(b) of title
11 10, United States Code, is amended by striking
12 “\$25,000,000” and inserting “\$35,000,000”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on October 1, 2008, and
15 shall apply with respect to fiscal years beginning on or
16 after that date.

17 **SEC. 1202. AUTHORITY FOR DISTRIBUTION TO CERTAIN**
18 **FOREIGN PERSONNEL OF EDUCATION AND**
19 **TRAINING MATERIALS AND INFORMATION**
20 **TECHNOLOGY TO ENHANCE MILITARY INTER-**
21 **OPERABILITY WITH THE ARMED FORCES.**

22 (a) AUTHORITY FOR DISTRIBUTION.—

23 (1) IN GENERAL.—Subchapter I of chapter 134
24 of title 10, United States Code, is amended by add-
25 ing at the end the following new section:

1 **“§ 2249d. Distribution to certain foreign personnel of**
2 **education and training materials and in-**
3 **formation technology to enhance military**
4 **interoperability with the armed forces**

5 “(a) DISTRIBUTION AUTHORIZED.—To enhance
6 interoperability between the armed forces and military
7 forces of friendly foreign nations, the Secretary of De-
8 fense, with the concurrence of the Secretary of State,
9 may—

10 “(1) provide to personnel referred to in sub-
11 section (b) electronically-distributed learning content
12 for the education and training of such personnel for
13 the development or enhancement of allied and
14 friendly military and civilian capabilities for multi-
15 national operations, including joint exercises and co-
16 alition operations; and

17 “(2) provide information technology, including
18 computer software developed for such purpose, but
19 only to the extent necessary to support the use of
20 such learning content for the education and training
21 of such personnel.

22 “(b) AUTHORIZED RECIPIENTS.—The personnel to
23 whom learning content and information technology may
24 be provided under subsection (a) are military and civilian
25 personnel of a friendly foreign government, with the per-
26 mission of that government.

1 “(c) EDUCATION AND TRAINING.—Any education
2 and training provided under subsection (a) shall include
3 the following:

4 “(1) Internet-based education and training.

5 “(2) Advanced distributed learning and similar
6 Internet learning tools, as well as distributed train-
7 ing and computer-assisted exercises.

8 “(d) APPLICABILITY OF EXPORT CONTROL RE-
9 GIMES.—The provision of learning content and informa-
10 tion technology under this section shall be subject to the
11 provisions of the Arms Export Control Act (22 U.S.C.
12 2751 et seq.) and any other export control regime under
13 law relating to the transfer of military technology to for-
14 eign nations.

15 “(e) GUIDANCE ON UTILIZATION OF AUTHORITY.—

16 “(1) GUIDANCE REQUIRED.—The Secretary of
17 Defense shall develop and issue guidance on the pro-
18 cedures for the use of the authority in this section.

19 “(2) MODIFICATION.—If the Secretary modifies
20 the guidance issued under paragraph (1), the Sec-
21 retary shall submit to the appropriate committees of
22 Congress a report setting forth the modified guid-
23 ance not later than 30 days after the date of such
24 modification.

25 “(f) ANNUAL REPORT.—

1 “(1) REPORT REQUIRED.—Not later than Octo-
2 ber 31 following each fiscal year in which the au-
3 thority in this section is used, the Secretary of De-
4 fense shall submit to the appropriate committees of
5 Congress a report on the exercise of the authority
6 during such fiscal year.

7 “(2) ELEMENTS.—Each report under para-
8 graph (1) shall include, for the fiscal year covered by
9 such report, the following:

10 “(A) A statement of the recipients of
11 learning content and information technology
12 provided under this section.

13 “(B) A description of the type, quantity,
14 and value of the learning content and informa-
15 tion technology provided under this section.

16 “(g) APPROPRIATE COMMITTEES OF CONGRESS DE-
17 FINED.—In this section, the term ‘appropriate committees
18 of Congress’ means—

19 “(1) the Committee on Armed Services of the
20 Senate; and

21 “(2) the Committee on Armed Services of the
22 House of Representatives.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of subchapter I of chapter

1 134 of such title is amended by adding at the end
2 the following new item:

“2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.”.

3 (b) GUIDANCE ON UTILIZATION OF AUTHORITY.—

4 (1) SUBMITTAL TO CONGRESS.—Not later than
5 30 days after issuing the guidance required by sec-
6 tion 2249d(e) of title 10, United States Code, the
7 Secretary of Defense shall submit to the Committees
8 on Armed Services of the Senate and the House of
9 Representatives a report setting forth such guidance.

10 (2) UTILIZATION OF SIMILAR GUIDANCE.—In
11 developing the guidance required by section
12 2249d(e) of title 10, United States Code, as so
13 added, the Secretary may utilize applicable portions
14 of the current guidance developed by the Secretary
15 under subsection (f) of section 1207 of the John
16 Warner National Defense Authorization Act for Fis-
17 cal Year 2007 (Public Law 109–364; 120 Stat.
18 2419) for purposes of the exercise of the authority
19 in such section 1207.

20 (c) REPEAL OF SUPERSEDED AUTHORITY.—

21 (1) IN GENERAL.—Section 1207 of the John
22 Warner National Defense Authorization Act for Fis-
23 cal Year 2007 is repealed.

1 striking “in not less than 48 hours” and inserting “within
2 48 hours”.

3 (c) EXTENSION.—Subsection (h) of such section, as
4 amended by section 1202(c) of the National Defense Au-
5 thorization Act for Fiscal Year 2008 (Public Law 110–
6 181; 122 Stat. 364), is further amended by striking
7 “2010” and inserting “2011”.

8 (d) TECHNICAL AMENDMENT.—The heading of such
9 section is amended by striking “**MILITARY OPER-**
10 **ATIONS**” and inserting “**SPECIAL OPERATIONS**”.

11 (e) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on October 1, 2008.

13 **SEC. 1204. MODIFICATION AND EXTENSION OF AUTHORI-**
14 **TIES RELATING TO PROGRAM TO BUILD THE**
15 **CAPACITY OF FOREIGN MILITARY FORCES.**

16 (a) BUILDING OF CAPACITY OF ADDITIONAL FOR-
17 EIGN FORCES.—Subsection (a) of section 1206 of the Na-
18 tional Defense Authorization Act for Fiscal Year 2006
19 (Public Law 109–163; 119 Stat. 3456), as amended by
20 section 1206 of the John Warner National Defense Au-
21 thorization Act for Fiscal Year 2007 (Public Law 109–
22 364; 120 Stat. 2418), is further amended by striking “a
23 program” and all that follows and inserting “a program
24 or programs as follows:

1 “(1) To build the capacity of a foreign coun-
2 try’s national military forces in order for that coun-
3 try to—

4 “(A) conduct counterterrorism operations;
5 or

6 “(B) participate in or support military and
7 stability operations in which the United States
8 Armed Forces are participating.

9 “(2) To build the capacity of a foreign coun-
10 try’s coast guard, border protection, and other secu-
11 rity forces engaged primarily in counterterrorism
12 missions in order for that country to conduct
13 counterterrorism operations.”.

14 (b) DISCHARGE THROUGH GRANTS.—Subsection
15 (b)(1) of such section, as so amended, is further amended
16 by inserting “may be carried out by grant and” before
17 “may include the provision”.

18 (c) FUNDING.—Subsection (c) of such section, as so
19 amended, is further amended—

20 (1) in paragraph (1), by striking
21 “\$300,000,000” and inserting “\$400,000,000”; and

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

24 “(4) AVAILABILITY OF FUNDS FOR ACTIVITIES
25 ACROSS FISCAL YEARS.—Amounts available under

1 this subsection for the authority in subsection (a)
2 for a fiscal year may be used for programs under
3 that authority that begin in such fiscal year but end
4 in the next fiscal year.”.

5 (d) **THREE-YEAR EXTENSION OF AUTHORITY.**—Sub-
6 section (g) of such section, as so amended, is further
7 amended—

8 (1) by striking “September 30, 2008” and in-
9 serting “September 30, 2011”; and

10 (2) by striking “fiscal year 2006, 2007, or
11 2008” and inserting “fiscal years 2006 through
12 2011”.

13 **SEC. 1205. EXTENSION OF AUTHORITY AND INCREASED**
14 **FUNDING FOR SECURITY AND STABILIZATION**
15 **ASSISTANCE.**

16 (a) **INCREASE IN MAXIMUM AMOUNT OF ASSIST-**
17 **ANCE.**—Subsection (b) of section 1207 of the National
18 Defense Authorization Act for Fiscal Year 2006 (Public
19 Law 109–163; 119 Stat. 3458) is amended by striking
20 “\$100,000,000” and inserting “\$200,000,000”.

21 (b) **THREE-YEAR EXTENSION OF AUTHORITY.**—Sub-
22 section (g) of such section, as amended by section 1210(b)
23 of the National Defense Authorization Act for Fiscal Year
24 2008 (Public Law 110–181; 122 Stat. 369), is further

1 amended by striking “September 30, 2008” and inserting
2 “September 30, 2011”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on October 1, 2008.

5 **SEC. 1206. FOUR-YEAR EXTENSION OF TEMPORARY AU-**
6 **THORITY TO USE ACQUISITION AND CROSS-**
7 **SERVICING AGREEMENTS TO LEND MILITARY**
8 **EQUIPMENT FOR PERSONNEL PROTECTION**
9 **AND SURVIVABILITY.**

10 Section 1202(e) of the John Warner National De-
11 fense Authorization Act for Fiscal Year 2007 (Public Law
12 109–364; 120 Stat. 2412), as amended by section 1252(b)
13 of the National Defense Authorization Act for Fiscal Year
14 2008 (Public Law 110–181; 122 Stat. 402), is further
15 amended by striking “September 30, 2009” and inserting
16 “September 30, 2013”.

17 **SEC. 1207. AUTHORITY FOR USE OF FUNDS FOR NON-CON-**
18 **VENTIONAL ASSISTED RECOVERY CAPABILI-**
19 **TIES.**

20 (a) AUTHORITY FOR USE OF FUNDS.—

21 (1) IN GENERAL.—The Commander of a com-
22 batant command may, with the concurrence of the
23 relevant Chief of Mission, expend amounts author-
24 ized to be appropriated for a fiscal year by section
25 301(2) for Operation and Maintenance, Navy to es-

1 establish, develop, and maintain non-conventional as-
2 sisted recovery capabilities in a foreign country if
3 the Commander determines that expenditure of such
4 funds for that purpose is necessary in connection
5 with support of non-conventional assisted recovery
6 efforts in that foreign country.

7 (2) LIMITATION ON AMOUNT.—The total
8 amount of funds that may be expended under the
9 authority in subsection (a) in each of fiscal years
10 2009 and 2010 may not exceed \$20,000,000.

11 (b) SCOPE OF EFFORTS SUPPORTABLE.—

12 (1) IN GENERAL.—In expending funds under
13 the authority in subsection (a), the Commander of
14 a combatant command may provide support to sur-
15 rogate or irregular groups or individuals in order to
16 facilitate the recovery of military or civilian per-
17 sonnel of the Department of Defense (including the
18 Coast Guard), and other individuals who, while con-
19 ducting activities in support of United States mili-
20 tary operations, become separated or isolated from
21 friendly forces.

22 (2) SUPPORT.—The support provided under
23 paragraph (1) may include, but is not limited to, the
24 provision of equipment, supplies, training, transpor-
25 tation, and other logistical support or funding to

1 support operations and activities for the recovery of
2 personnel and individuals as described in that para-
3 graph.

4 (c) PROCEDURES.—

5 (1) PROCEDURES REQUIRED.—The Secretary of
6 Defense shall establish procedures for the exercise of
7 the authority in subsection (a).

8 (2) NOTICE.—The Secretary shall notify the
9 congressional defense committees of the procedures
10 established under paragraph (1) before any exercise
11 of the authority in subsection (a).

12 (d) NOTICE TO CONGRESS ON USE OF AUTHORITY.—
13 Upon using the authority in subsection (a) to make funds
14 available for support of non-conventional assisted recovery
15 activities, the Secretary of Defense shall notify the con-
16 gressional defense committees expeditiously, and in any
17 event within 48 hours, of the use of such authority with
18 respect to support of such activities. Such notice need be
19 provided only once with respect to support of particular
20 activities. Any such notice shall be in writing.

21 (e) INTELLIGENCE ACTIVITIES.—This section does
22 not constitute authority to conduct a covert action, as such
23 term is defined in section 503(e) of the National Security
24 Act of 1947 (50 U.S.C. 413b(e)).

1 (f) ANNUAL REPORT.—Not later than 30 days after
2 the close of each fiscal year during which subsection (a)
3 is in effect, the Secretary of Defense shall submit to the
4 congressional defense committees a report on the support
5 provided under that subsection during such fiscal year.
6 Each such report shall describe the support provided, in-
7 cluding a statement of the recipient of the support and
8 the amount obligated to provide the support.

9 (g) EXPIRATION.—The authority in subsection (a)
10 shall expire on September 30, 2010.

11 **Subtitle B—Department of Defense**
12 **Participation in Bilateral, Multi-**
13 **lateral, and Regional Coopera-**
14 **tion Programs**

15 **SEC. 1211. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS**
16 **FOR MILITARY-TO-MILITARY CONTACTS AND**
17 **COMPARABLE ACTIVITIES.**

18 (a) IN GENERAL.—Section 168(e) of title 10, United
19 States Code, is amended by adding at the end the fol-
20 lowing new paragraph:

21 “(5) Funds available to carry out this section shall
22 be available, to the extent provided in appropriations Acts,
23 for programs or activities under this section that begin
24 in a fiscal year and end in the following fiscal year.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on October 1, 2008, and
3 shall apply with respect to programs and activities under
4 section 168 of title 10, United States Code (as so amend-
5 ed), that begin on or after that date.

6 **SEC. 1212. ENHANCEMENT OF AUTHORITIES RELATING TO**
7 **DEPARTMENT OF DEFENSE REGIONAL CEN-**
8 **TERS FOR SECURITY STUDIES.**

9 (a) AVAILABILITY OF FUNDS FOR ACTIVITIES
10 ACROSS FISCAL YEARS.—

11 (1) IN GENERAL.—Section 184(f) of title 10,
12 United States Code, is amended by adding at the
13 end the following new paragraph:

14 “(6) Funds available to carry out this section, includ-
15 ing funds accepted under paragraph (4) and funds avail-
16 able under paragraph (5), shall be available, to the extent
17 provided in appropriations Acts, for programs and activi-
18 ties under this section that begin in a fiscal year and end
19 in the following fiscal year.”.

20 (2) EFFECTIVE DATE.—The amendment made
21 by paragraph (1) shall take effect on October 1,
22 2008, and shall apply with respect to programs and
23 activities under section 184 of title 10, United
24 States Code (as so amended), that begin on or after
25 that date.

1 (b) TEMPORARY WAIVER OF REIMBURSEMENT OF
2 COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PER-
3 SONNEL.—

4 (1) AUTHORITY FOR TEMPORARY WAIVER.—In
5 fiscal years 2009 and 2010, the Secretary of De-
6 fense may, with the concurrence of the Secretary of
7 State, waive reimbursement otherwise required
8 under subsection (f) of section 184 of title 10,
9 United States Code, of the costs of activities of Re-
10 gional Centers under such section for personnel of
11 nongovernmental and international organizations
12 who participate in activities of the Regional Centers
13 that enhance cooperation of nongovernmental orga-
14 nizations and international organizations with
15 United States forces if the Secretary of Defense de-
16 termines that attendance of such personnel without
17 reimbursement is in the national security interests of
18 the United States.

19 (2) LIMITATION.—The amount of reimburse-
20 ment that may be waived under paragraph (1) in
21 any fiscal year may not exceed \$1,000,000.

22 (3) ANNUAL REPORT.—The Secretary of De-
23 fense shall include in the annual report under sec-
24 tion 184(h) of title 10, United States Code, in 2010
25 and 2011 information on the attendance of per-

1 sonnel of nongovernmental and international organi-
2 zations in activities of the Regional Centers during
3 the preceding fiscal year for which a waiver of reim-
4 bursement was made under paragraph (1), including
5 information on the costs incurred by the United
6 States for the participation of personnel of each non-
7 governmental or international organization that so
8 attended.

9 **SEC. 1213. PAYMENT OF PERSONNEL EXPENSES FOR MUL-**
10 **TILATERAL COOPERATION PROGRAMS.**

11 (a) EXPANSION OF AUTHORITY FOR BILATERAL AND
12 REGIONAL PROGRAMS TO COVER MULTILATERAL PRO-
13 GRAMS.—Section 1051 of title 10, United States Code, is
14 amended—

15 (1) in subsection (a), by striking “a bilateral”
16 and inserting “a multilateral, bilateral,”; and

17 (2) in subsection (b)—

18 (A) in paragraph (1)—

19 (i) by striking “to and” and inserting
20 “to, from, and”; and

21 (ii) by striking “bilateral” and insert-
22 ing “multilateral, bilateral,”; and

23 (B) in paragraph (2), by striking “bilat-
24 eral” and inserting “multilateral, bilateral,”.

1 (b) AVAILABILITY OF FUNDS FOR PROGRAMS AND
 2 ACTIVITIES ACROSS FISCAL YEARS.—Such section is fur-
 3 ther amended by adding at the end the following new sub-
 4 section:

5 “(e) Funds available to carry out this section shall
 6 be available, to the extent provided in appropriations Acts,
 7 for programs and activities under this section that begin
 8 in a fiscal year and end in the following fiscal year.”.

9 (c) CONFORMING AND CLERICAL AMENDMENTS.—

10 (1) HEADING AMENDMENT.—The heading of
 11 such section is amended to read as follows:

12 **“§ 1051. Multilateral, bilateral, or regional coopera-**
 13 **tion programs: payment of personnel ex-**
 14 **penses”.**

15 (2) CLERICAL AMENDMENT.—The table of sec-
 16 tions at the beginning of chapter 53 of such title is
 17 amended by striking the item relating to section
 18 1051 and inserting the following new item:

“1051. Multilateral, bilateral, or regional cooperation programs: payment of per-
 sonnel expenses.”.

19 **SEC. 1214. PARTICIPATION OF THE DEPARTMENT OF DE-**
 20 **FENSE IN MULTINATIONAL MILITARY CEN-**
 21 **TERS OF EXCELLENCE.**

22 (a) PARTICIPATION AUTHORIZED.—

1 (1) IN GENERAL.—Subchapter II of chapter
2 138 of title 10, United States Code, is amended by
3 adding at the end the following new section:

4 **“§ 2350m. Participation in multinational military cen-**
5 **ters of excellence**

6 “(a) PARTICIPATION AUTHORIZED.—The Secretary
7 of Defense may, with the concurrence of the Secretary of
8 State, authorize the participation of members of the
9 armed forces and Department of Defense civilian per-
10 sonnel in any multinational military center of excellence
11 hosted by any nation or combination of nations referred
12 to in subsection (b) for purposes of—

13 “(1) enhancing the ability of military forces and
14 civilian personnel of the nations participating in
15 such center to engage in joint exercises or coalition
16 or international military operations; or

17 “(2) improving interoperability between the
18 armed forces and the military forces of friendly for-
19 eign nations.

20 “(b) COVERED NATIONS.—The nations referred to in
21 this subsection are the following:

22 “(1) The United States.

23 “(2) Any member nation of the North Atlantic
24 Treaty Organization (NATO).

25 “(3) Any major non-NATO ally.

1 “(4) Any other friendly foreign nation identified
2 by the Secretary of Defense, with the concurrence of
3 the Secretary of State, for purposes of this section.

4 “(c) MEMORANDUM OF UNDERSTANDING.—(1) The
5 participation of members of the armed forces or Depart-
6 ment of Defense civilian personnel in a multinational mili-
7 tary center of excellence under subsection (a) shall be in
8 accordance with the terms of one or more memoranda of
9 understanding entered into by the Secretary of Defense,
10 with the concurrence of the Secretary of State, and the
11 foreign nation or nations concerned.

12 “(2) If Department of Defense facilities, equipment,
13 or funds are used to support a multinational military cen-
14 ter of excellence under subsection (a), the memoranda of
15 understanding under paragraph (1) with respect to that
16 center shall provide details of any cost-sharing arrange-
17 ment or other funding arrangement.

18 “(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1)
19 Funds appropriated to the Department of Defense for op-
20 eration and maintenance are available as follows:

21 “(A) To pay the United States share of the op-
22 erating expenses of any multinational military center
23 of excellence in which the United States participates
24 under this section.

1 “(B) To pay the costs of the participation of
2 members of the armed forces and Department of
3 Defense civilian personnel in multinational military
4 centers of excellence under this section, including the
5 costs of expenses of such participants.

6 “(2) No funds may be used under this section to fund
7 the pay or salaries of members of the armed forces and
8 Department of Defense civilian personnel who participate
9 in multinational military centers of excellence under this
10 section.

11 “(e) USE OF DEPARTMENT OF DEFENSE FACILITIES
12 AND EQUIPMENT.—Facilities and equipment of the De-
13 partment of Defense may be used for purposes of the sup-
14 port of multinational military centers of excellence under
15 this section that are hosted by the Department.

16 “(f) ANNUAL REPORTS ON USE OF AUTHORITY.—
17 (1) Not later than October 31, 2009, and annually there-
18 after, the Secretary of Defense shall submit to the Com-
19 mittee on Armed Services of the Senate and the Com-
20 mittee on Armed Services of the House of Representatives
21 a report on the use of the authority in this section during
22 the preceding fiscal year.

23 “(2) Each report required by paragraph (1) shall in-
24 clude, for the fiscal year covered by such report, the fol-
25 lowing:

1 “(A) A detailed description of the participation
2 of the Department of Defense, and of members of
3 the armed forces and civilian personnel of the De-
4 partment, in multinational military centers of excel-
5 lence under the authority of this section.

6 “(B) For each multinational military center of
7 excellence in which the Department of Defense, or
8 members of the armed forces or civilian personnel of
9 the Department, so participated—

10 “(i) a description of such multinational
11 military center of excellence;

12 “(ii) a description of the activities partici-
13 pated in by the Department, or by members of
14 the armed forces or civilian personnel of the
15 Department; and

16 “(iii) a statement of the costs of the De-
17 partment for such participation, including—

18 “(I) a statement of the United States
19 share of the expenses of such center and a
20 statement of the percentage of the United
21 States share of the expenses of such center
22 to the total expenses of such center; and

23 “(II) a statement of the amount of
24 such costs (including a separate statement
25 of the amount of costs paid for under the

1 authority of this section by category of
2 costs).

3 “(g) DEFINITIONS.—In this section:

4 “(1) The term ‘multinational military center of
5 excellence’ means an entity sponsored by one or
6 more nations that is accredited and approved by the
7 Military Committee of the North Atlantic Treaty Or-
8 ganization (NATO) as offering recognized expertise
9 and experience to personnel participating in the ac-
10 tivities of such entity for the benefit of NATO by
11 providing such personnel opportunities to—

12 “(A) enhance education and training;

13 “(B) improve interoperability and capabili-
14 ties;

15 “(C) assist in the development of doctrine;
16 and

17 “(D) validate concepts through experimen-
18 tation.

19 “(2) The term ‘major non-NATO ally’ means a
20 country (other than a member nation of the North
21 Atlantic Treaty Organization) that is designated as
22 a major non-NATO ally pursuant to section 517 of
23 the Foreign Assistance Act of 1961 (22 U.S.C.
24 2321k).”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of subchapter II of chapter
3 138 of such title is amended by adding at the end
4 the following new item:

“2350m. Participation in multinational military centers of excellence.”.

5 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
6 1205 of the John Warner National Defense Authorization
7 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
8 2416) is repealed.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on October 1, 2008.

11 **Subtitle C—Other Authorities and** 12 **Limitations**

13 **SEC. 1221. WAIVER OF CERTAIN SANCTIONS AGAINST** 14 **NORTH KOREA.**

15 (a) ANNUAL WAIVER AUTHORITY.—

16 (1) IN GENERAL.—Except as provided in sub-
17 section (b), the President may waive in whole or in
18 part, with respect to North Korea, the application of
19 any sanction under section 102(b) of the Arms Ex-
20 port Control Act (22 U.S.C. 2799aa–1(b)) for the
21 purpose of—

22 (A) assisting in the implementation and
23 verification of the compliance by North Korea
24 with its commitment, undertaken in the Joint
25 Statement of September 19, 2005, to abandon

1 all nuclear weapons and existing nuclear pro-
2 grams as part of the verifiable denuclearization
3 of the Korean Peninsula; and

4 (B) promoting the elimination of the capa-
5 bility of North Korea to develop, deploy, trans-
6 fer, or maintain weapons of mass destruction
7 and their delivery systems.

8 (2) DURATION OF WAIVER.—Any waiver issued
9 under this subsection shall expire at the end of the
10 calendar year in which issued.

11 (b) EXCEPTIONS.—

12 (1) LIMITED EXCEPTION RELATED TO CERTAIN
13 SANCTIONS AND PROHIBITIONS.—The authority
14 under subsection (a) shall not apply with respect to
15 a sanction or prohibition under subparagraph (B),
16 (C), or (G) of section 102(b)(2) of the Arms Export
17 Control Act unless the President determines and cer-
18 tifies to the appropriate congressional committees
19 that—

20 (A) all reasonable steps will be taken to
21 ensure that the articles or services exported or
22 otherwise provided will not be used to improve
23 the military capabilities of the armed forces of
24 North Korea; and

1 (B) such waiver is in the national security
2 interests of the United States.

3 (2) LIMITED EXCEPTION RELATED TO CERTAIN
4 ACTIVITIES.—Unless the President determines and
5 certifies to the appropriate congressional committees
6 that using the authority under subsection (a) is vital
7 to the national security interests of the United
8 States, such authority shall not apply with respect
9 to—

10 (A) an activity described in subparagraph
11 (A) of section 102(b)(1) of the Arms Export
12 Control Act that occurs after September 19,
13 2005, and before the date of the enactment of
14 this Act;

15 (B) an activity described in subparagraph
16 (C) of such section that occurs after September
17 19, 2005; or

18 (C) an activity described in subparagraph
19 (D) of such section that occurs after the date
20 of the enactment of this Act.

21 (3) EXCEPTION RELATED TO CERTAIN ACTIVI-
22 TIES OCCURRING AFTER DATE OF ENACTMENT.—
23 The authority under subsection (a) shall not apply
24 with respect to an activity described in subparagraph
25 (A) or (B) of section 102(b)(1) of the Arms Export

1 Control Act that occurs after the date of the enact-
2 ment of this Act.

3 (c) NOTIFICATIONS AND REPORTS.—

4 (1) CONGRESSIONAL NOTIFICATION.—The
5 President shall notify the appropriate congressional
6 committees in writing not later than 15 days before
7 exercising the waiver authority under subsection (a).

8 (2) ANNUAL REPORT.—Not later than January
9 31, 2009, and annually thereafter, the President
10 shall submit to the appropriate congressional com-
11 mittees a report that—

12 (A) lists all waivers issued under sub-
13 section (a) during the preceding year;

14 (B) describes in detail the progress that is
15 being made in the implementation of the com-
16 mitment undertaken by North Korea, in the
17 Joint Statement of September 19, 2005, to
18 abandon all nuclear weapons and existing nu-
19 clear programs as part of the verifiable
20 denuclearization of the Korean Peninsula;

21 (C) discusses specifically any shortcomings
22 in the implementation by North Korea of that
23 commitment; and

24 (D) lists and describes the progress and
25 shortcomings, in the preceding year, of all other

1 programs promoting the elimination of the ca-
2 pability of North Korea to develop, deploy,
3 transfer, or maintain weapons of mass destruc-
4 tion or their delivery systems.

5 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
6 DEFINED.—In this section, the term “appropriate con-
7 gressional committees” means—

8 (1) the Committees on Appropriations, Armed
9 Services, and Foreign Relations of the Senate; and

10 (2) the Committees on Appropriations, Armed
11 Services, and Foreign Affairs of the House of Rep-
12 resentatives.

13 **Subtitle D—Reports**

14 **SEC. 1231. EXTENSION AND MODIFICATION OF UPDATES ON** 15 **REPORT ON CLAIMS RELATING TO THE** 16 **BOMBING OF THE LABELLE DISCOTHEQUE.**

17 Section 122(b)(2) of the National Defense Authoriza-
18 tion Act for Fiscal Year 2006 (Public Law 109–163; 119
19 Stat. 3465), as amended by section 1262(1)(B) of the Na-
20 tional Defense Authorization Act for Fiscal Year 2008
21 (Public Law 110–181; 122 Stat. 405), is further amend-
22 ed—

23 (1) by striking “Not later than one year after
24 enactment of this Act, and not later than two years
25 after enactment of this Act” and inserting “Not

1 later than the end of each calendar quarter ending
2 after the date of the enactment of the National De-
3 fense Authorization Act for Fiscal Year 2009”; and

4 (2) by adding at the end the following new sen-
5 tence: “Each update under this paragraph after the
6 date of the enactment of the National Defense Au-
7 thorization Act for Fiscal Year 2009 shall be sub-
8 mitted in unclassified form, but may include a classi-
9 fied annex.”.

10 **SEC. 1232. REPORT ON UTILIZATION OF CERTAIN GLOBAL**
11 **PARTNERSHIP AUTHORITIES.**

12 (a) IN GENERAL.—Not later than December 31,
13 2010, the Secretary of Defense and the Secretary of State
14 shall jointly submit to the appropriate committees of Con-
15 gress a report on the implementation of the Building Glob-
16 al Partnership authorities during the period beginning on
17 the date of the enactment of this Act and ending on Sep-
18 tember 30, 2010.

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

21 (1) A detailed summary of the programs con-
22 ducted under the Building Global Partnership au-
23 thorities during the period covered by the report, in-
24 cluding, for each country receiving assistance under

1 such a program, a description of the assistance pro-
2 vided and its cost.

3 (2) An assessment of the impact of the assist-
4 ance provided under the Building Global Partnership
5 authorities with respect to each country receiving as-
6 sistance under such authorities.

7 (3) A description of—

8 (A) the processes used by the Department
9 of Defense and the Department of State to
10 jointly formulate, prioritize, and select projects
11 to be funded under the Building Global Part-
12 nership authorities; and

13 (B) the processes, if any, used by the De-
14 partment of Defense and the Department of
15 State to evaluate the success of each project so
16 funded after its completion.

17 (4) A statement of the projects initiated under
18 the Building Global Partnership authorities that
19 were subsequently transitioned to and sustained
20 under the authorities of the Foreign Assistance Act
21 of 1961 or other authorities.

22 (5) An assessment of the utility of the Building
23 Global Partnership authorities, and of any gaps in
24 such authorities, including an assessment of the
25 feasibility and advisability of continuing such au-

1 thorities beyond their current dates of expiration
2 (whether in their current form or with such modi-
3 fications as the Secretary of Defense and the Sec-
4 retary of State jointly consider appropriate).

5 (c) DEFINITIONS.—In this section:

6 (1) APPROPRIATE COMMITTEES OF CON-
7 GRESS.—The term “appropriate committees of Con-
8 gress” means—

9 (A) the Committee on Armed Services, the
10 Committee on Appropriations, and the Com-
11 mittee on Foreign Relations of the Senate; and

12 (B) the Committee on Armed Services, the
13 Committee on Appropriations, and the Com-
14 mittee on Foreign Affairs of the House of Rep-
15 resentatives.

16 (2) BUILDING GLOBAL PARTNERSHIP AUTHORI-
17 TIES.—The term “Building Global Partnership au-
18 thorities” means the following:

19 (A) AUTHORITY FOR BUILDING CAPACITY
20 OF FOREIGN MILITARY FORCES.—The authori-
21 ties provided in section 1206 of the National
22 Defense Authorization Act for Fiscal Year 2006
23 (Public Law 109–163; 119 Stat. 3456), as
24 amended by section 1206 of the John Warner
25 National Defense Authorization Act for Fiscal

1 Year 2007 (Public Law 109–364; 120 Stat.
2 2418) and section 1204 of this Act.

3 (B) AUTHORITY FOR SECURITY AND STA-
4 BILIZATION ASSISTANCE.—The authorities pro-
5 vided in section 1207 of the National Defense
6 Authorization Act for Fiscal Year 2006 (119
7 Stat. 3458), as amended by section 1210 of the
8 National Defense Authorization Act for Fiscal
9 Year 2008 (Public Law 110–181; 122 Stat.
10 369) and section 1205 of this Act.

11 (C) CIVIC ASSISTANCE AUTHORITIES
12 UNDER COMBATANT COMMANDER INITIATIVE
13 FUND.—The authority to engage in urgent and
14 unanticipated civic assistance under the Com-
15 batant Commander Initiative Fund under sec-
16 tion 166a(b)(6) of title 10, United States Code,
17 as a result of the amendments made by section
18 902 of the John Warner National Defense Au-
19 thorization Act for Fiscal Year 2007 (120 Stat.
20 2351).

1 **TITLE** **XIII—COOPERATIVE**
2 **THREAT REDUCTION WITH**
3 **STATES OF THE FORMER SO-**
4 **VIET UNION**

5 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
6 **DUCTION PROGRAMS AND FUNDS.**

7 (a) SPECIFICATION OF COOPERATIVE THREAT RE-
8 DUCTION PROGRAMS.—For purposes of section 301 and
9 other provisions of this Act, Cooperative Threat Reduction
10 programs are the programs specified in section 1501(b)
11 of the National Defense Authorization Act for Fiscal Year
12 1997 (50 U.S.C. 2362 note).

13 (b) FISCAL YEAR 2009 COOPERATIVE THREAT RE-
14 DUCTION FUNDS DEFINED.—As used in this title, the
15 term “fiscal year 2009 Cooperative Threat Reduction
16 funds” means the funds appropriated pursuant to the au-
17 thorization of appropriations in section 301 for Coopera-
18 tive Threat Reduction programs.

19 (c) AVAILABILITY OF FUNDS.—Funds appropriated
20 pursuant to the authorization of appropriations in section
21 301 for Cooperative Threat Reduction programs shall be
22 available for obligation for three fiscal years.

23 **SEC. 1302. FUNDING ALLOCATIONS.**

24 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
25 \$434,135,000 authorized to be appropriated to the De-

1 partment of Defense for fiscal year 2009 in section
2 301(19) for Cooperative Threat Reduction programs, the
3 following amounts may be obligated for the purposes spec-
4 ified:

5 (1) For strategic offensive arms elimination in
6 Russia, \$79,985,000.

7 (2) For nuclear weapons storage security in
8 Russia, \$33,101,000.

9 (3) For nuclear weapons transportation security
10 in Russia, \$40,800,000.

11 (4) For weapons of mass destruction prolifera-
12 tion prevention in the states of the former Soviet
13 Union, \$50,286,000.

14 (5) For biological threat reduction in the states
15 of the former Soviet Union, \$184,463,000.

16 (6) For chemical weapons destruction in Rus-
17 sia, \$1,000,000.

18 (7) For threat reduction outside the former So-
19 viet Union, \$10,000,000.

20 (8) For defense and military contacts,
21 \$8,000,000.

22 (9) For activities designated as Other Assess-
23 ments/Administrative Support, \$20,100,000.

24 (10) For strategic offensive arms elimination in
25 Ukraine, \$6,400,000.

1 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
2 FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Co-
3 operative Threat Reduction funds may be obligated or ex-
4 pended for a purpose other than a purpose listed in para-
5 graphs (1) through (10) of subsection (a) until 15 days
6 after the date that the Secretary of Defense submits to
7 Congress a report on the purpose for which the funds will
8 be obligated or expended and the amount of funds to be
9 obligated or expended. Nothing in the preceding sentence
10 shall be construed as authorizing the obligation or expend-
11 iture of fiscal year 2009 Cooperative Threat Reduction
12 funds for a purpose for which the obligation or expendi-
13 ture of such funds is specifically prohibited under this title
14 or any other provision of law.

15 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
16 AMOUNTS.—

17 (1) IN GENERAL.—Subject to paragraph (2), in
18 any case in which the Secretary of Defense deter-
19 mines that it is necessary to do so in the national
20 interest, the Secretary may obligate amounts appro-
21 priated for fiscal year 2009 for a purpose listed in
22 paragraphs (1) through (10) of subsection (a) in ex-
23 cess of the specific amount authorized for that pur-
24 pose.

1 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-
2 tion of funds for a purpose stated in paragraphs (1)
3 through (10) of subsection (a) in excess of the spe-
4 cific amount authorized for such purpose may be
5 made using the authority provided in paragraph (1)
6 only after—

7 (A) the Secretary submits to Congress no-
8 tification of the intent to do so together with a
9 complete discussion of the justification for
10 doing so; and

11 (B) 15 days have elapsed following the
12 date of the notification.

13 **TITLE XIV—OTHER**
14 **AUTHORIZATIONS**
15 **Subtitle A—Military Programs**

16 **SEC. 1401. WORKING CAPITAL FUNDS.**

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

22 (1) For the Defense Working Capital Funds,
23 \$198,150,000.

24 (2) For the Defense Working Capital Fund,
25 Defense Commissary, \$1,291,084,000.

1 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2009 for the National Defense Sealift Fund
4 in the amount of \$1,608,553,000.

5 **SEC. 1403. DEFENSE HEALTH PROGRAM.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
7 are hereby authorized to be appropriated for the Depart-
8 ment of Defense for fiscal year 2009 for expenses, not oth-
9 erwise provided for, for the Defense Health Program, in
10 the amount of \$24,802,202,000, of which—

11 (1) \$24,301,359,000 is for Operation and
12 Maintenance;

13 (2) \$196,938,000 is for Research, Development,
14 Test, and Evaluation; and

15 (3) \$303,905,000 is for Procurement.

16 (b) SOURCE OF CERTAIN FUNDS.—Of the amount
17 available under subsection (a), \$1,300,000,000 shall, to
18 the extent provided in advance in an Act making appro-
19 priations for fiscal year 2009, be available by transfer
20 from the National Defense Stockpile Transaction Fund es-
21 tablished under subsection (a) of section 9 of the Strategic
22 and Critical Materials Stock Piling Act (50 U.S.C. 98h).

23 **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
24 **TION, DEFENSE.**

25 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
26 are hereby authorized to be appropriated for the Depart-

1 ment of Defense for fiscal year 2009 for expenses, not oth-
2 erwise provided for, for Chemical Agents and Munitions
3 Destruction, Defense, in the amount of \$1,485,634,000,
4 of which—

5 (1) \$1,152,668,000 is for Operation and Main-
6 tenance;

7 (2) \$268,881,000 is for Research, Development,
8 Test, and Evaluation; and

9 (3) \$64,085,000 is for Procurement.

10 (b) USE.—Amounts authorized to be appropriated
11 under subsection (a) are authorized for—

12 (1) the destruction of lethal chemical agents
13 and munitions in accordance with section 1412 of
14 the Department of Defense Authorization Act, 1986
15 (50 U.S.C. 1521); and

16 (2) the destruction of chemical warfare materiel
17 of the United States that is not covered by section
18 1412 of such Act.

19 **SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC-**
20 **TIVITIES, DEFENSE-WIDE.**

21 Funds are hereby authorized to be appropriated for
22 the Department of Defense for fiscal year 2009 for ex-
23 penses, not otherwise provided for, for Drug Interdiction
24 and Counter-Drug Activities, Defense-wide, in the amount
25 of \$1,060,463,000.

1 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for
3 the Department of Defense for fiscal year 2009 for ex-
4 penses, not otherwise provided for, for the Office of the
5 Inspector General of the Department of Defense, in the
6 amount of \$273,845,000, of which—

7 (1) \$270,445,000 is for Operation and Mainte-
8 nance; and

9 (2) \$3,400,000 is for Procurement.

10 **SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE**
11 **TO SAVINGS FROM LOWER INFLATION.**

12 (a) REDUCTION.—The aggregate amount authorized
13 to be appropriated by this division is the amount equal
14 to the sum of all the amounts authorized to be appro-
15 priated by the provisions of this division reduced by
16 \$1,048,000,000, to be allocated as follows:

17 (1) PROCUREMENT.—The aggregate amount
18 authorized to be appropriated by title I is hereby re-
19 duced by \$313,000,000.

20 (2) RESEARCH, DEVELOPMENT, TEST, AND
21 EVALUATION.—The aggregate amount authorized to
22 be appropriated by title II is hereby reduced by
23 \$239,000,000.

24 (3) OPERATION AND MAINTENANCE.—The ag-
25 gregate amount authorized to be appropriated by
26 title III is hereby reduced by \$470,000,000.

1 (4) OTHER AUTHORIZATIONS.—The aggregate
2 amount authorized to be appropriated by title XIV
3 is hereby reduced by \$26,000,000

4 (b) SOURCE OF SAVINGS.—Reductions required in
5 order to comply with subsection (a) shall be derived from
6 savings resulting from lower-than-expected inflation as a
7 result of the difference between the inflation assumptions
8 used in the Concurrent Resolution on the Budget for Fis-
9 cal Year 2009 when compared with the inflation assump-
10 tions used in the budget of the President for fiscal year
11 2009, as submitted to Congress pursuant to section 1005
12 of title 31, United States Code.

13 (c) ALLOCATION OF REDUCTIONS.—The Secretary of
14 Defense shall allocate the reductions required by this sec-
15 tion among the amounts authorized to be appropriated for
16 accounts in titles I, II, III, and XIV to reflect the extent
17 to which net savings from lower-than-expected inflations
18 are allocable to amounts authorized to be appropriated to
19 such accounts.

20 **Subtitle B—Armed Forces**
21 **Retirement Home**

22 **SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR**
23 **ARMED FORCES RETIREMENT HOME.**

24 There is authorized to be appropriated for fiscal year
25 2009 from the Armed Forces Retirement Home Trust

1 Fund the sum of \$63,010,000 for the operation of the
2 Armed Forces Retirement Home.

3 **Subtitle C—Other Matters**

4 **SEC. 1431. RESPONSIBILITIES FOR CHEMICAL DEMILI-**
5 **TARIZATION CITIZENS' ADVISORY COMMIS-**
6 **SIONS IN COLORADO AND KENTUCKY.**

7 Section 172 of the National Defense Authorization
8 Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amend-
9 ed—

10 (1) by redesignating subsections (f) and (g) as
11 subsections (g) and (h), respectively; and

12 (2) by inserting after subsection (e) the fol-
13 lowing new subsection (f):

14 “(f) COLORADO AND KENTUCKY CHEMICAL DEMILI-
15 TARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1)
16 Notwithstanding subsections (b), (g), and (h), and con-
17 sistent with section 142 of the Strom Thurmond National
18 Defense Authorization Act for Fiscal Year 1999 (50
19 U.S.C. 1521 note) and section 8122 of the Department
20 of Defense Appropriations Act, 2003 (Public Law 107–
21 248; 116 Stat. 1566; 50 U.S.C. 1521 note), the Secretary
22 of the Army shall transfer responsibilities for the Chemical
23 Demilitarization Citizens' Advisory Commissions in Colo-
24 rado and Kentucky to the Program Manager for Assem-
25 bled Chemical Weapons Alternatives.

1 “(2) In carrying out the responsibilities transferred
2 under paragraph (1), the Program Manager for Assem-
3 bled Chemical Weapons Alternatives shall take appro-
4 priate actions to ensure that each Commission referred to
5 in paragraph (1) retains the capacity to receive citizen and
6 State concerns regarding the ongoing chemical demili-
7 tarization program in the State concerned.

8 “(3) A representative of the Office of the Assistant
9 to the Secretary of Defense for Nuclear, Chemical, and
10 Biological Defense Programs shall meet with each Com-
11 mission referred to in paragraph (1) not less often than
12 twice a year.

13 “(4) Funds authorized to be appropriated for the As-
14 sembled Chemical Weapons Alternatives Program shall be
15 available for travel and associated travel cost for Commis-
16 sioners on the Commissions referred to in paragraph (1)
17 when such travel is conducted at the invitation of the Spe-
18 cial Assistant for Chemical and Biological Defense and
19 Chemical Demilitarization Programs of the Department of
20 Defense.”.

1 **SEC. 1432. MODIFICATION OF DEFINITION OF “DEPART-**
2 **MENT OF DEFENSE SEALIFT VESSEL” FOR**
3 **PURPOSES OF THE NATIONAL DEFENSE SEA-**
4 **LIFT FUND.**

5 Section 2218(l)(2) of title 10, United States Code,
6 is amended—

7 (1) by striking subparagraph (B) and inserting
8 the following new subparagraph (B):

9 “(B) A maritime prepositioning ship, other
10 than a ship derived from a Navy design for an
11 amphibious ship or auxiliary support vessel.”;
12 and

13 (2) by striking subparagraph (I).

14 **TITLE XV—AUTHORIZATION OF**
15 **ADDITIONAL APPROPRIA-**
16 **TIONS FOR OPERATIONS IN**
17 **AFGHANISTAN**

18 **SEC. 1501. PURPOSE.**

19 The purpose of this title is to authorize appropria-
20 tions for the Department of Defense for fiscal year 2009
21 to provide additional funds for operations in Afghanistan.

22 **SEC. 1502. ARMY PROCUREMENT.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2009 for procurement accounts for the Army
25 in amounts as follows:

26 (1) For aircraft procurement, \$250,000,000.

1 (2) For missile procurement, \$12,500,000.

2 (3) For weapons and tracked combat vehicles
3 procurement, \$375,000,000.

4 (4) For ammunition procurement, \$87,500,000.

5 (5) For other procurement, \$1,100,000,000.

6 **SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.**

7 (a) NAVY.—Funds are hereby authorized to be appro-
8 priated for fiscal year 2009 for procurement accounts for
9 the Navy in amounts as follows:

10 (1) For aircraft procurement, \$25,000,000.

11 (2) For weapons procurement, \$12,500,000.

12 (3) For other procurement, \$25,000,000.

13 (b) MARINE CORPS.—Funds are hereby authorized to
14 be appropriated for fiscal year 2009 for the procurement
15 account for the Marine Corps in the amount of
16 \$250,000,000.

17 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
18 are hereby authorized to be appropriated for fiscal year
19 2009 for the procurement account for ammunition for the
20 Navy and the Marine Corps in the amount of
21 \$75,000,000.

22 **SEC. 1504. AIR FORCE PROCUREMENT.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2009 for procurement accounts for the Air
25 Force in amounts as follows:

- 1 (1) For aircraft procurement, \$400,000,000.
- 2 (2) For missile procurement, \$12,500,000.
- 3 (3) For ammunition procurement, \$12,500,000.
- 4 (4) For other procurement, \$150,000,000.

5 **SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
6 **FUND.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
8 are hereby authorized for fiscal year 2009 for the Joint
9 Improvised Explosive Device Defeat Fund in the amount
10 of \$750,000,000.

11 (b) USE AND TRANSFER OF FUNDS.—Subsections
12 (b) and (c) of section 1514 of the John Warner National
13 Defense Authorization Act for Fiscal Year 2007 (Public
14 Law 109–364; 120 Stat. 2439), as amended by subsection
15 (c) of this section, shall apply to the funds appropriated
16 pursuant to the authorization of appropriations in sub-
17 section (a).

18 (c) MODIFICATION OF FUNDS TRANSFER AUTHOR-
19 ITY.—Subsection (c)(1) of section 1514 of the John War-
20 ner National Defense Authorization Act for Fiscal Year
21 2007 is amended—

- 22 (1) by striking subparagraph (A); and
- 23 (2) by redesignating subparagraphs (B)
24 through (E) as subparagraphs (A) through (D), re-
25 spectively.

1 (d) PRIOR NOTICE OF TRANSFER OF FUNDS.—
2 Funds authorized to be appropriated to the Joint Impro-
3 vised Explosive Device Defeat Fund by subsection (a) may
4 not be obligated from the Fund or transferred in accord-
5 ance with the provisions of subsection (c) of section 1514
6 of the John Warner National Defense Authorization Act
7 for Fiscal Year 2007, as amended by subsection (c) of this
8 section, until five days after the date on which the Sec-
9 retary of Defense notifies the congressional defense com-
10 mittees of the proposed obligation or transfer.

11 (e) MODIFICATION OF SUBMITTAL DATE OF RE-
12 PORTS.—Subsection (e) of such section 1514 is amended
13 by striking “30 days” and inserting “60 days”.

14 **SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2009 for the procurement account for Defense-
17 wide activities as follows:

- 18 (1) For Defense-wide procurement,
19 \$62,500,000.
- 20 (2) For the Mine Resistant Ambush Protected
21 Vehicle Fund, \$100,000,000.

1 **SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
2 **TION.**

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

- 6 (1) For the Army, \$15,000,000.
- 7 (2) For the Navy, \$15,000,000.
- 8 (3) For the Air Force, \$15,000,000.
- 9 (4) For Defense-wide activities, \$15,000,000.

10 **SEC. 1508. OPERATION AND MAINTENANCE.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2009 for the use of the Armed Forces for ex-
13 penses, not otherwise provided for, for operation and
14 maintenance, in amounts as follows:

- 15 (1) For the Army, \$9,000,000,000.
- 16 (2) For the Navy, \$500,000,000.
- 17 (3) For the Marine Corps, \$1,000,000,000.
- 18 (4) For the Air Force, \$500,000,000.
- 19 (5) For Defense-wide activities, \$668,750,000.
- 20 (6) For the Army Reserve, \$12,500,000.
- 21 (7) For the Navy Reserve, \$7,500,000.
- 22 (8) For the Marine Corps Reserve,
23 \$10,000,000.
- 24 (9) For the Air Force Reserve, \$3,750,000.
- 25 (10) For the Army National Guard,
26 \$75,000,000.

1 (11) For the Air National Guard, \$12,500,000.

2 **SEC. 1509. MILITARY PERSONNEL.**

3 There is hereby authorized to be appropriated for fis-
4 cal year 2009 for the Department of Defense for military
5 personnel in amounts as follows:

6 (1) For the Army, \$500,000,000.

7 (2) For the Navy, \$25,000,000.

8 (3) For the Marine Corps, \$62,500,000.

9 (4) For the Air Force, \$25,000,000.

10 (5) For the Army Reserve, \$25,000,000.

11 (6) For the Navy Reserve, \$7,500,000.

12 (7) For the Marine Corps Reserve, \$5,000,000.

13 (8) For the Army National Guard,
14 \$100,000,000.

15 **SEC. 1510. WORKING CAPITAL FUNDS.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2009 for the use of the Armed Forces and other
18 activities and agencies of the Department of Defense for
19 providing capital for working capital and revolving funds
20 in the amount of \$250,000,000, for the Defense Working
21 Capital Funds.

22 **SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

23 (a) DEFENSE HEALTH PROGRAM.—Funds are here-
24 by authorized to be appropriated for the Department of
25 Defense for fiscal year 2009 for expenses, not otherwise

1 provided for, for the Defense Health Program in the
2 amount of \$155,000,000 for operation and maintenance.

3 (b) DRUG INTERDICTION AND COUNTER-DRUG AC-
4 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
5 to be appropriated for the Department of Defense for fis-
6 cal year 2009 for expenses, not otherwise provided for, for
7 Drug Interdiction and Counter-Drug Activities, Defense-
8 wide in the amount of \$150,000,000.

9 **SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
11 are hereby authorized to be appropriated for fiscal year
12 2009 for the Afghanistan Security Forces Fund in the
13 amount of \$3,000,000,000.

14 (b) USE OF FUNDS.—

15 (1) IN GENERAL.—Funds authorized to be ap-
16 propriated by subsection (a) shall be available to the
17 Secretary of Defense to provide assistance to the se-
18 curity forces of Afghanistan.

19 (2) TYPES OF ASSISTANCE AUTHORIZED.—As-
20 sistance provided under this section may include the
21 provision of equipment, supplies, services, training,
22 facility and infrastructure repair, renovation, con-
23 struction, and funds.

1 (3) SECRETARY OF STATE CONCURRENCE.—As-
2 sistance may be provided under this section only
3 with the concurrence of the Secretary of State.

4 (c) AUTHORITY IN ADDITION TO OTHER AUTHORI-
5 TIES.—The authority to provide assistance under this sec-
6 tion is in addition to any other authority to provide assist-
7 ance to foreign nations.

8 (d) TRANSFER AUTHORITY.—

9 (1) TRANSFERS AUTHORIZED.—Subject to
10 paragraph (2), amounts authorized to be appro-
11 priated by subsection (a) may be transferred from
12 the Afghanistan Security Forces Fund to any of the
13 following accounts and funds of the Department of
14 Defense to accomplish the purposes provided in sub-
15 section (b):

16 (A) Military personnel accounts.

17 (B) Operation and maintenance accounts.

18 (C) Procurement accounts.

19 (D) Research, development, test, and eval-
20 uation accounts.

21 (E) Defense working capital funds.

22 (F) Overseas Humanitarian, Disaster, and
23 Civic Aid.

24 (2) ADDITIONAL AUTHORITY.—The transfer au-
25 thority provided by paragraph (1) is in addition to

1 any other transfer authority available to the Depart-
2 ment of Defense.

3 (3) TRANSFERS BACK TO FUND.—Upon a de-
4 termination that all or part of the funds transferred
5 from the Afghanistan Security Forces Fund under
6 paragraph (1) are not necessary for the purpose for
7 which transferred, such funds may be transferred
8 back to the Afghanistan Security Forces Fund.

9 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A
10 transfer of an amount to an account under the au-
11 thority in paragraph (1) shall be deemed to increase
12 the amount authorized for such account by an
13 amount equal to the amount transferred.

14 (e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR
15 TRANSFER.—Funds may not be obligated from the Af-
16 ghanistan Security Forces Fund, or transferred under
17 subsection (d)(1), until five days after the date on which
18 the Secretary of Defense notifies the congressional defense
19 committees in writing of the details of the proposed obliga-
20 tion or transfer.

21 (f) CONTRIBUTIONS.—

22 (1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—
23 Subject to paragraph (2), the Secretary of Defense
24 may accept contributions of amounts to the Afghani-
25 stan Security Forces Fund for the purposes provided

1 in subsection (b) from any foreign government or
2 international organization. Any amounts so accepted
3 shall be credited to the Afghanistan Security Forces
4 Fund.

5 (2) LIMITATION.—The Secretary may not ac-
6 cept a contribution under this subsection if the ac-
7 ceptance of the contribution would compromise or
8 appear to compromise the integrity of any program
9 of the Department of Defense.

10 (3) USE.—Amounts accepted under this sub-
11 section shall be available for assistance authorized
12 by subsection (b), including transfer under sub-
13 section (d) for that purpose.

14 (4) NOTIFICATION.—The Secretary shall notify
15 the congressional defense committees, the Committee
16 on Foreign Relations of the Senate, and the Com-
17 mittee on Foreign Affairs of the House of Rep-
18 resentatives, in writing, upon the acceptance, and
19 upon the transfer under subsection (d), of any con-
20 tribution under this subsection. Such notice shall
21 specify the source and amount of any amount so ac-
22 cepted and the use of any amount so accepted.

23 (g) QUARTERLY REPORTS.—Not later than 30 days
24 after the end of each fiscal-year quarter, the Secretary of
25 Defense shall submit to the congressional defense commit-

1 tees a report summarizing the details of any obligation
2 or transfer of funds from the Afghanistan Security Forces
3 Fund during such fiscal-year quarter.

4 (h) EXPIRATION OF AUTHORITY.—The authority in
5 this section shall expire on September 30, 2010.

6 **SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

7 The amounts authorized to be appropriated by this
8 title are in addition to amounts otherwise authorized to
9 be appropriated by this Act.

10 **SEC. 1514. SPECIAL TRANSFER AUTHORITY.**

11 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

12 (1) AUTHORITY.—Upon determination by the
13 Secretary of Defense that such action is necessary in
14 the national interest, the Secretary may transfer
15 amounts of authorizations made available to the De-
16 partment of Defense in this title and title XVI for
17 fiscal year 2009 between any such authorizations for
18 that fiscal year (or any subdivisions thereof).
19 Amounts of authorizations so transferred shall be
20 merged with and be available for the same purposes
21 as the authorization to which transferred.

22 (2) LIMITATION.—The total amount of author-
23 izations that the Secretary may transfer under the
24 authority of this section may not exceed
25 \$3,000,000,000, of which not more than

1 \$300,000,000 may be transferred to the Iraq Security Forces Fund.

3 (b) **TERMS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

6 (c) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

9 **SEC. 1515. LIMITATION ON USE OF FUNDS.**

10 (a) **REPORT.**—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

16 (b) **EFFECT OF REPORT.**—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

19 **SEC. 1516. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.**

21 (a) **IN GENERAL.**—In any annual or supplemental budget request for the Department of Defense that is submitted to Congress after the date of the enactment of this Act, the Secretary of Defense shall set forth separately

1 any funding requested in such budget request for oper-
2 ations of the Department of Defense in Afghanistan.

3 (b) SPECIFICITY OF DISPLAY.—Each budget request
4 under subsection (a) shall—

5 (1) clearly display the amounts requested in the
6 budget request for the Department of Defense for
7 Afghanistan at the appropriation account level and
8 at the program, project, or activity level; and

9 (2) also include a detailed description of the as-
10 sumptions underlying the funding requested in the
11 budget request for the Department of Defense for
12 Afghanistan for the period covered by the budget re-
13 quest, including anticipated troop levels, operating
14 tempos, and reset requirements.

15 **TITLE XVI—AUTHORIZATION OF**
16 **ADDITIONAL APPROPRIA-**
17 **TIONS FOR OPERATIONS IN**
18 **IRAQ**

19 **SEC. 1601. PURPOSE.**

20 The purpose of this title is to authorize appropria-
21 tions for the Department of Defense for fiscal year 2009
22 to provide additional funds for operations in Iraq.

1 **SEC. 1602. ARMY PROCUREMENT.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2009 for procurement accounts for the Army
4 in amounts as follows:

5 (1) For aircraft procurement, \$750,000,000.

6 (2) For missile procurement, \$37,500,000.

7 (3) For weapons and tracked combat vehicles
8 procurement, \$1,125,000,000.

9 (4) For ammunition procurement,
10 \$262,500,000.

11 (5) For other procurement, \$3,300,000,000.

12 **SEC. 1603. NAVY AND MARINE CORPS PROCUREMENT.**

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

16 (1) For aircraft procurement, \$75,000,000.

17 (2) For weapons procurement, \$37,500,000.

18 (3) For other procurement, \$75,000,000.

19 (b) MARINE CORPS.—Funds are hereby authorized to
20 be appropriated for fiscal year 2009 for the procurement
21 account for the Marine Corps in the amount of
22 \$750,000,000.

23 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
24 are hereby authorized to be appropriated for fiscal year
25 2009 for the procurement account for ammunition for the

1 Navy and the Marine Corps in the amount of
2 \$225,000,000.

3 **SEC. 1604. AIR FORCE PROCUREMENT.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2009 for procurement accounts for the Air
6 Force in amounts as follows:

7 (1) For aircraft procurement, \$400,000,000.

8 (2) For missile procurement, \$37,500,000.

9 (3) For ammunition procurement, \$37,500,000.

10 (4) For other procurement, \$450,000,000.

11 **SEC. 1605. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**

12 **FUND.**

13 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
14 are hereby authorized for fiscal year 2009 for the Joint
15 Improvised Explosive Device Defeat Fund in the amount
16 of \$2,250,000,000.

17 (b) **RULE OF CONSTRUCTION.**—The provisions of
18 section 1505 and the amendments made by that section
19 shall apply to the use of funds authorized to be appro-
20 priated by this section.

21 **SEC. 1606. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2009 for the procurement account for Defense-
24 wide activities as follows:

1 (1) For Defense-wide procurement,
2 \$187,500,000.

3 (2) For the Mine Resistant Ambush Protected
4 Vehicle Fund, \$500,000,000.

5 **SEC. 1607. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
6 **TION.**

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

10 (1) For the Army, \$35,000,000.

11 (2) For the Navy, \$35,000,000.

12 (3) For the Air Force, \$35,000,000.

13 (4) For Defense-wide activities, \$35,000,000.

14 **SEC. 1608. OPERATION AND MAINTENANCE.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2009 for the use of the Armed Forces for ex-
17 penses, not otherwise provided for, for operation and
18 maintenance, in amounts as follows:

19 (1) For the Army, \$27,000,000,000.

20 (2) For the Navy, \$1,500,000,000.

21 (3) For the Marine Corps, \$3,000,000,000.

22 (4) For the Air Force, \$1,500,000,000.

23 (5) For Defense-wide activities,
24 \$1,811,250,000.

25 (6) For the Army Reserve, \$37,500,000.

1 (7) For the Navy Reserve, \$22,500,000.

2 (8) For the Marine Corps Reserve,
3 \$30,000,000.

4 (9) For the Air Force Reserve, \$11,250,000.

5 (10) For the Army National Guard,
6 \$225,000,000.

7 (11) For the Air National Guard, \$37,500,000.

8 **SEC. 1609. MILITARY PERSONNEL.**

9 There is hereby authorized to be appropriated for fis-
10 cal year 2009 for the Department of Defense for military
11 personnel in amounts as follows:

12 (1) For the Army, \$1,500,000,000.

13 (2) For the Navy, \$75,000,000.

14 (3) For the Marine Corps, \$187,500,000.

15 (4) For the Air Force, \$75,000,000.

16 (5) For the Army Reserve, \$75,000,000.

17 (6) For the Navy Reserve, \$22,500,000.

18 (7) For the Marine Corps Reserve,
19 \$15,000,000.

20 (8) For the Army National Guard,
21 \$300,000,000.

22 **SEC. 1610. WORKING CAPITAL FUNDS.**

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

1 providing capital for working capital and revolving funds
2 in the amount of \$750,000,000, for the Defense Working
3 Capital Funds.

4 **SEC. 1611. DEFENSE HEALTH PROGRAM.**

5 Funds are hereby authorized to be appropriated for
6 the Department of Defense for fiscal year 2009 for ex-
7 penses, not otherwise provided for, for the Defense Health
8 Program in the amount of \$460,000,000 for operation and
9 maintenance.

10 **SEC. 1612. IRAQ FREEDOM FUND.**

11 (a) IN GENERAL.—Funds are hereby authorized to
12 be appropriated for fiscal year 2009 for the Iraq Freedom
13 Fund in the amount of \$150,000,000.

14 (b) TRANSFER.—

15 (1) TRANSFER AUTHORIZED.—Subject to para-
16 graph (2), amounts authorized to be appropriated by
17 subsection (a) may be transferred from the Iraq
18 Freedom Fund to any accounts as follows:

19 (A) Operation and maintenance accounts
20 of the Armed Forces.

21 (B) Military personnel accounts.

22 (C) Research, development, test, and eval-
23 uation accounts of the Department of Defense.

24 (D) Procurement accounts of the Depart-
25 ment of Defense.

1 (E) Accounts providing funding for classi-
2 fied programs.

3 (F) The operating expenses account of the
4 Coast Guard.

5 (2) NOTICE TO CONGRESS.—A transfer may not
6 be made under the authority in paragraph (1) until
7 five days after the date on which the Secretary of
8 Defense notifies the congressional defense commit-
9 tees in writing of the transfer.

10 (3) TREATMENT OF TRANSFERRED FUNDS.—
11 Amounts transferred to an account under the au-
12 thority in paragraph (1) shall be merged with
13 amounts in such account and shall be made available
14 for the same purposes, and subject to the same con-
15 ditions and limitations, as amounts in such account.

16 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A
17 transfer of an amount to an account under the au-
18 thority in paragraph (1) shall be deemed to increase
19 the amount authorized for such account by an
20 amount equal to the amount transferred.

21 **SEC. 1613. IRAQ SECURITY FORCES FUND.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
23 are hereby authorized to be appropriated for fiscal year
24 2009 for the Iraq Security Forces Fund in the amount
25 of \$200,000,000.

1 (b) USE OF FUNDS.—

2 (1) IN GENERAL.—Funds appropriated pursu-
3 ant to subsection (a) shall be available to the Sec-
4 retary of Defense for the purpose of allowing the
5 Commander, Multi-National Security Transition
6 Command–Iraq, to provide assistance to the security
7 forces of Iraq.

8 (2) TYPES OF ASSISTANCE AUTHORIZED.—As-
9 sistance provided under this section may include the
10 provision of equipment, supplies, services, and train-
11 ing.

12 (3) SECRETARY OF STATE CONCURRENCE.—As-
13 sistance may be provided under this section only
14 with the concurrence of the Secretary of State.

15 (c) AUTHORITY IN ADDITION TO OTHER AUTHORI-
16 TIES.—The authority to provide assistance under this sec-
17 tion is in addition to any other authority to provide assist-
18 ance to foreign nations.

19 (d) TRANSFER AUTHORITY.—

20 (1) TRANSFERS AUTHORIZED.—Subject to
21 paragraph (2), amounts authorized to be appro-
22 priated by subsection (a) may be transferred from
23 the Iraq Security Forces Fund to any of the fol-
24 lowing accounts and funds of the Department of De-

1 fense to accomplish the purposes provided in sub-
2 section (b):

3 (A) Military personnel accounts.

4 (B) Operation and maintenance accounts.

5 (C) Procurement accounts.

6 (D) Research, development, test, and eval-
7 uation accounts.

8 (E) Defense working capital funds.

9 (F) Overseas Humanitarian, Disaster, and
10 Civic Aid account.

11 (2) ADDITIONAL AUTHORITY.—The transfer au-
12 thority provided by paragraph (1) is in addition to
13 any other transfer authority available to the Depart-
14 ment of Defense.

15 (3) TRANSFERS BACK TO THE FUND.—Upon
16 determination that all or part of the funds trans-
17 ferred from the Iraq Security Forces Fund under
18 paragraph (1) are not necessary for the purpose pro-
19 vided, such funds may be transferred back to the
20 Iraq Security Forces Fund.

21 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A
22 transfer of an amount to an account under the au-
23 thority in paragraph (1) shall be deemed to increase
24 the amount authorized for such account by an
25 amount equal to the amount transferred.

1 (e) NOTICE TO CONGRESS.—Funds may not be obli-
2 gated from the Iraq Security Forces Fund, or transferred
3 under the authority provided in subsection (d)(1), until
4 five days after the date on which the Secretary of Defense
5 notifies the congressional defense committees in writing
6 of the details of the proposed obligation or transfer.

7 (f) CONTRIBUTIONS.—

8 (1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—
9 Subject to paragraph (2), the Secretary of Defense
10 may accept contributions of amounts to the Iraq Se-
11 curity Forces Fund for the purposes provided in
12 subsection (b) from any foreign government or inter-
13 national organization. Any amounts so accepted
14 shall be credited to the Iraq Security Forces Fund.

15 (2) LIMITATION.—The Secretary may not ac-
16 cept a contribution under this subsection if the ac-
17 ceptance of the contribution would compromise or
18 appear to compromise the integrity of any program
19 of the Department of Defense.

20 (3) USE.—Amounts accepted under this sub-
21 section shall be available for assistance authorized
22 by subsection (b), including transfer under sub-
23 section (d) for that purpose.

24 (4) NOTIFICATION.—The Secretary shall notify
25 the congressional defense committees, the Committee

1 on Foreign Relations of the Senate, and the Com-
2 mittee on Foreign Affairs of the House of Rep-
3 resentatives, in writing, upon the acceptance, and
4 upon the transfer under subsection (d), of any con-
5 tribution under this subsection. Such notice shall
6 specify the source and amount of any amount so ac-
7 cepted and the use of any amount so accepted.

8 (g) QUARTERLY REPORTS.—Not later than 30 days
9 after the end of each fiscal-year quarter, the Secretary of
10 Defense shall submit to the congressional defense commit-
11 tees a report summarizing the details of any obligation
12 or transfer of funds from the Iraq Security Forces Fund
13 during such fiscal-year quarter.

14 (h) EXPIRATION OF AUTHORITY.—The authority in
15 this section shall expire on September 30, 2010.

16 **SEC. 1614. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

17 The amounts authorized to be appropriated by this
18 title are in addition to amounts otherwise authorized to
19 be appropriated by this Act.

20 **SEC. 1615. LIMITATION ON USE OF FUNDS.**

21 (a) REPORT.—Amounts authorized to be appro-
22 priated by this title may not be obligated until 15 days
23 after the Secretary of Defense has transmitted to the con-
24 gressional defense committees a report setting forth the

1 proposed allocation of such amounts at the program,
2 project, or activity level.

3 (b) EFFECT OF REPORT.—The report required by
4 subsection (a) shall serve as a base for reprogramming for
5 the purposes of sections 1514 and 1001.

6 **SEC. 1616. CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ**
7 **TO LARGE-SCALE INFRASTRUCTURE**
8 **PROJECTS, COMBINED OPERATIONS, AND**
9 **OTHER ACTIVITIES IN IRAQ.**

10 (a) FINDING.—The Senate finds that the financial
11 contributions of the Government of Iraq to the reconstruc-
12 tion and stability of Iraq have been increasing.

13 (b) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

14 (1) LIMITATION ON AVAILABILITY OF UNITED
15 STATES FUNDS FOR PROJECTS.—Amounts author-
16 ized to be appropriated by this Act (other than
17 amounts described in paragraph (3)) may not be ob-
18 ligated or expended for any large-scale infrastruc-
19 ture project in Iraq that is commenced after the
20 date of the enactment of this Act.

21 (2) FUNDING OF RECONSTRUCTION PROJECTS
22 BY THE GOVERNMENT OF IRAQ.—The United States
23 Government shall work with the Government of Iraq
24 to provide that the Government of Iraq shall obligate
25 and expend funds of the Government of Iraq for re-

1 construction projects in Iraq that are not large-scale
2 infrastructure projects before obligating and expend-
3 ing United States assistance (other than amounts
4 described in paragraph (3)) for such projects.

5 (3) EXCEPTION FOR CERP.—The limitations in
6 paragraphs (1) and (2) do not apply to amounts au-
7 thorized to be appropriated by this Act for the Com-
8 manders' Emergency Response Program (CERP).

9 (4) LARGE-SCALE INFRASTRUCTURE PROJECT
10 DEFINED.—In this subsection, the term “large-scale
11 infrastructure project” means any construction
12 project for infrastructure in Iraq that is estimated
13 by the United States Government at the time of the
14 commencement of the project to cost at least
15 \$2,000,000.

16 (c) COMBINED OPERATIONS.—

17 (1) IN GENERAL.—The United States Govern-
18 ment shall initiate negotiations with the Government
19 of Iraq on an agreement under which the Govern-
20 ment of Iraq shall share with the United States Gov-
21 ernment the costs of combined operations of the
22 Government of Iraq and the Multinational Forces
23 Iraq undertaken as part of Operation Iraqi Free-
24 dom.

1 (2) REPORT.—Not later than 90 days after the
2 date of the enactment of this Act, the Secretary of
3 State shall, in conjunction with the Secretary of De-
4 fense, submit to Congress a report describing the
5 status of negotiations under paragraph (1).

6 (d) IRAQI SECURITY FORCES.—

7 (1) IN GENERAL.—The United States Govern-
8 ment shall take actions to ensure that Iraq funds
9 are used to pay the following:

10 (A) The costs of the salaries, training,
11 equipping, and sustainment of Iraqi Security
12 Forces.

13 (B) The costs associated with the Sons of
14 Iraq.

15 (2) REPORTS.—Not later than 90 days after
16 the date of the enactment of this Act, and every 180
17 days thereafter, the President shall submit to Con-
18 gress a report setting forth an assessment of the
19 progress made in meeting the requirements of para-
20 graph (1).

Passed the Senate September 17, 2008.

Attest:

Secretary.

110TH CONGRESS
2^D SESSION

S. 3002

AN ACT

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