AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

PUBLIC LAW 110–417—OCT. 14, 2008

# DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

# Public Law 110–417
# 110th Congress

## An Act

Oct. 14, 2008
[S. 3001]

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Duncan Hunter National Defense Authorization Act for Fiscal Year 2009.

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

(a) SHORT TITLE.—This Act may be cited as the "Duncan Hunter National Defense Authorization Act for Fiscal Year 2009".

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

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

(2) Previous to his service in Congress, Representative Hunter served in the Army's 173rd Airborne and 75th Ranger Regiment from 1969 to 1971.

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

(4) Representative Hunter served on the Committee on Armed Services of the House of Representatives for 28 years, including service as Chairman of the Subcommittee on Military Research and Development from 2001 through 2002 and the Subcommittee on Military Procurement from 1995 through 2000, the Chairman of the full committee from 2003 through 2006, and the ranking member of the full committee from 2007 through 2008.

(5) Representative Hunter has persistently advocated for a more efficient military organization on behalf of the American people, to ensure maximum war-fighting capability and troop safety.

(6) Representative Hunter is known by his colleagues to put the security of the Nation above all else and to provide for the men and women in uniform who valiantly dedicate and sacrifice themselves for the protection of the Nation.

(7) Representative Hunter has demonstrated this devotion to the troops by working to authorize and ensure quick deployment of add-on vehicle armor and improvised explosive device jammers, which have been invaluable in protecting the troops from attack in Iraq.

(8) Representative Hunter worked to increase the size of the U.S. Armed Forces, which resulted in significant increases in the size of the Army and Marine Corps.

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

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

(11) Representative Hunter led efforts to strengthen the United States Industrial Base by working to enact legislation that ensures that the national industrial base will be able to design and manufacture those products critical to America's national security.

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

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

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

Sec. 1. Short title; findings; sense of Congress.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Explanatory statement.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

Sec. 111. Separate procurement line items for Future Combat Systems program.
Sec. 112. Clarification of status of Future Combat Systems program lead system integrator.
Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.
Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.
Sec. 115. Stryker Mobile Gun System.

Subtitle C—Navy Programs

Sec. 121. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.
Sec. 122. Littoral Combat Ship (LCS) program.
Sec. 123. Report on F/A–18 procurement costs, comparing multiyear to annual.

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

Subtitle D—Air Force Programs

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

Subtitle E—Joint and Multiservice Matters

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

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

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

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Additional determinations to be made as part of Future Combat Systems milestone review.
Sec. 212. Analysis of Future Combat Systems communications network and software.
Sec. 213. Future Combat Systems manned ground vehicle Selected Acquisition Reports.
Sec. 214. Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior Unmanned Aerial Systems project.
Sec. 215. Restriction on obligation of funds for the Warfighter Information Network–Tactical program.
Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft expenditures.
Sec. 217. Requirement for plan on overhead nonimaging infrared systems.
Sec. 218. Advanced energy storage technology and manufacturing.
Sec. 219. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
Sec. 220. Requirements for certain airborne intelligence collection systems.
Sec. 221. Limitation on obligation of funds for Enhanced AN/TPQ–36 radar system pending submission of report.

Subtitle C—Missile Defense Programs

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

Subtitle D—Reports

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

Subtitle E—Other Matters

Sec. 251. Modification of systems subject to survivability testing oversight by the Director of Operational Test and evaluation.

Sec. 252. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.
Sec. 253. Assessment of technology transition programs and repeal of reporting requirement.
Sec. 254. Trusted defense systems.
Sec. 255. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.
Sec. 256. Executive agent for printed circuit board technology.
Sec. 257. Review of conventional prompt global strike technology applications and concepts.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Authorization for Department of Defense participation in conservation banking programs.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 313. Expand cooperative agreement authority for management of natural resources to include off-installation mitigation.
Sec. 314. Expedited use of appropriate technology related to unexploded ordnance detection.
Sec. 315. Closed loop re-refining of used motor vehicle lubricating oil.
Sec. 316. Comprehensive program for the eradication of the brown tree snake population from military facilities in Guam.

Subtitle C—Workplace and Depot Issues

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

Subtitle D—Energy Security

Sec. 331. Annual report on operational energy management and implementation of operational energy strategy.
Sec. 332. Consideration of fuel logistics support requirements in planning, requirements development, and acquisition processes.
Sec. 333. Study on solar and wind energy for use for expeditionary forces.
Sec. 334. Study on alternative and synthetic fuels.
Sec. 335. Mitigation of power outage risks for Department of Defense facilities and activities.

Subtitle E—Reports

Sec. 341. Comptroller General report on readiness of Armed Forces.
Sec. 342. Report on plan to enhance combat skills of Navy and Air Force personnel.
Sec. 343. Comptroller General report on the use of the Army Reserve and National Guard as an operational reserve.
Sec. 344. Comptroller General report on link between preparation and use of Army reserve component forces to support ongoing operations.
Sec. 345. Comptroller General report on adequacy of funding, staffing, and organization of Department of Defense Military Munitions Response Program.

Subtitle F—Other Matters

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

Sec. 355. Revision of certain Air Force regulations required.
Sec. 356. Transfer of C–12 aircraft to California Department of Forestry and Fire Protection.
Sec. 357. Limitation on treatment of retired B–52 aircraft for Air Combat Command headquarters.
Sec. 358. Increase of domestic breeding of military working dogs used by the Department of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Additional waiver authority of limitation on number of reserve component members authorized to be on active duty.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.
Sec. 502. Requirements for issuance of posthumous commissions and warrants.
Sec. 503. Authorized number of general officers on active duty in the Army and Marine Corps, limited exclusion for joint duty requirements, and increase in number of officers serving in grades above major general and rear admiral.
Sec. 504. Modification of authority on Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 505. Eligibility of reserve officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons.
Sec. 506. Delayed authority to alter distribution requirements for commissioned officers on active duty in general officer and flag officer grades and limitations on authorized strengths of general and flag officers on active duty.

Subtitle B—Reserve Component Management

Sec. 511. Extension to other reserve components of Army authority for deferral of mandatory separation of military technicians (dual status) until age 60.
Sec. 512. Modification of authorized strengths for certain Army National Guard, Marine Corps Reserve, and Air National Guard officers and Army National Guard enlisted personnel serving on full-time reserve component duty.
Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.
Sec. 514. Increase in mandatory retirement age for certain Reserve officers.
Sec. 515. Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service.
Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.
Sec. 517. Modification of authorities on dual duty status of National Guard officers.
Sec. 518. Study and report regarding Marine Corps personnel policies regarding assignments in Individual Ready Reserve.
Sec. 519. Report on collection of information on civilian skills of members of the reserve components of the Armed Forces.

Subtitle C—Joint Qualified Officers and Requirements

Sec. 521. Joint duty requirements for promotion to general or flag officer.
Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.
Sec. 523. Promotion policy objectives for joint qualified officers.
Sec. 524. Length of joint duty assignments.

Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.
Sec. 526. Modification of limitations on authorized strengths of reserve general and flag officers in active status serving in joint duty assignments.
Sec. 527. Reports on joint education courses available through the Department of Defense.

Subtitle D—General Service Authorities

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

Subtitle E—Education and Training

Sec. 540. Authorized strength of military service academies and repeal of prohibition on phased increase in midshipmen and cadet strength limit at Naval Academy and Air Force Academy.
Sec. 541. Promotion of foreign and cultural exchange activities at military service academies.
Sec. 542. Increased authority to enroll defense industry employees in defense product development program.
Sec. 543. Expanded authority for institutions of professional military education to award degrees.
Sec. 544. Tuition for attendance of Federal employees at the United States Air Force Institute of Technology.
Sec. 545. Increase in number of permanent professors at the United States Air Force Academy.
Sec. 546. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve component members supporting contingency operations.
Sec. 547. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.
Sec. 548. Increase in number of units of Junior Reserve Officers' Training Corps.
Sec. 549. Correction of erroneous Army College Fund benefit amounts.
Sec. 550. Enhancing education partnerships to improve accessibility and flexibility for members of the Armed Forces.

Subtitle F—Defense Dependents' Education

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

Subtitle G—Military Justice

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

Subtitle H—Decorations, Awards, and Honorary Promotions

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

Subtitle I—Military Families

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

Subtitle J—Other Matters

Sec. 591. Prohibition on interference in independent legal advice by the Legal Counsel to the Chairman of the Joint Chiefs of Staff.
Sec. 592. Interest payments on certain claims arising from correction of military records.

Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.
Sec. 594. Modification of matching fund requirements under National Guard Youth Challenge Program.
Sec. 595. Military salute for the flag during the national anthem by members of the Armed Forces not in uniform and by veterans.
Sec. 596. Military Leadership Diversity Commission.
Sec. 597. Demonstration project on service of retired nurse corps officers as faculty at civilian nursing schools.
Sec. 598. Report on planning for participation and hosting of the Department of Defense in international sports activities, competitions, and events.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

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

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 615. Extension of authorities relating to payment of referral bonuses.
Sec. 616. Increase in maximum bonus and stipend amounts authorized under Nurse Officer Candidate Accession Program and health professions stipend program.
Sec. 617. Maximum length of nuclear officer incentive pay agreements for service.
Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
Sec. 619. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies and authorization of incentive pay for members of precommissioning programs pursuing foreign language proficiency.
Sec. 620. Accession and retention bonuses for the recruitment and retention of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

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

Subtitle D—Retired Pay and Survivor Benefits

Sec. 631. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
Sec. 632. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

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

Subtitle F—Other Matters

Sec. 651. Continuation of entitlement to bonuses and similar benefits for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.

TITLE VII—HEALTH CARE AND WOUNDED WARRIOR PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Sec. 703. Chiropractic health care for members on active duty.
Sec. 704. Calculation of monthly premiums for coverage under TRICARE Reserve Select after 2008.
Sec. 705. Program for health care delivery at military installations projected to grow.
Sec. 706. Guidelines for combined medical facilities of the Department of Defense and the Department of Veterans Affairs.

Subtitle B—Preventive Care

Sec. 711. Waiver of copayments for preventive services for certain TRICARE beneficiaries.
Sec. 712. Military health risk management demonstration project.
Sec. 713. Smoking cessation program under TRICARE.
Sec. 714. Preventive health allowance.
Sec. 715. Additional authority for studies and demonstration projects relating to delivery of health and medical care.

Subtitle C—Wounded Warrior Matters

Sec. 721. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.
Sec. 722. Clarification to center of excellence relating to military eye injuries.
Sec. 723. Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries and Amputations.
Sec. 724. Additional responsibilities for the wounded warrior resource center.
Sec. 725. Sense of Congress on research on traumatic brain injury.
Sec. 726. Extension of Senior Oversight Committee with respect to wounded warrior matters.
Sec. 727. Modification of utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.

Subtitle D—Other Matters

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

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

Subtitle A—Acquisition Policy and Management

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

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

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

Sec. 815. Preservation of tooling for major defense acquisition programs.

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

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

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

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

Subtitle E—Department of Defense Contractor Matters

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

Subtitle F—Matters Relating to Iraq and Afghanistan

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

Subtitle G—Governmentwide Acquisition Improvements

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

Subtitle H—Other Matters

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

Sec. 887. Report on the implementation of earned value management at the Department of Defense.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

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

Subtitle B—Space Activities

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

Subtitle C—Chemical Demilitarization Program

Sec. 921. Responsibilities for Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky.
Sec. 922. Cost-benefit analysis of future treatment of hydrolysate at Pueblo Chemical Depot, Colorado.

Subtitle D—Intelligence-Related Matters

Sec. 931. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.
Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 933. Technical amendments relating to the Associate Director of the CIA for Military Affairs.

Subtitle E—Other Matters

Sec. 941. Enhancement of authorities relating to Department of Defense regional centers for security studies.
Sec. 942. Restriction on obligation of funds for United States Southern Command development assistance activities.
Sec. 943. Authorization of non-conventional assisted recovery capabilities.
Sec. 944. Report on homeland defense and civil support issues.
Sec. 945. Report on National Guard resource requirements.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

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

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Conveyance, Navy drydock, Aransas Pass, Texas.
Sec. 1012. Report on repair of naval vessel in foreign shipyards.
Sec. 1013. Report on plan for disposal of certain vessels stricken from the Naval Vessel Register.
Sec. 1014. Reimbursement of expenses for certain Navy mess operations.
Sec. 1015. Policy relating to major combatant vessels of the strike forces of the United States Navy.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.

Sec. 1022. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1023. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and continuation of numerical limitation on assignment of United States personnel.
Sec. 1024. Expansion and extension of authority to provide additional support for counter-drug activities of certain foreign governments.
Sec. 1025. Comprehensive Department of Defense strategy for counter-narcotics efforts for United States Africa Command.
Sec. 1026. Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions.

Subtitle D—Miscellaneous Authorities and Limitations

Sec. 1031. Enhancement of the capacity of the United States Government to conduct complex operations.
Sec. 1032. Crediting of admiralty claim receipts for damage to property funded from a Department of Defense working capital fund.
Sec. 1033. Minimum annual purchase requirements for charter air transportation services from carriers participating in the Civil Reserve Air Fleet.
Sec. 1034. Semi-annual reports on status of Navy Next Generation Enterprise Networks program.
Sec. 1035. Sense of Congress on nuclear weapons management.
Sec. 1036. Sense of Congress on joint Department of Defense-Federal Aviation Administration executive committee on conflict and dispute resolution.
Sec. 1037. Sense of Congress on sale of new outsize cargo, strategic airlift aircraft for civilian use.

Subtitle E—Studies and Reports

Sec. 1041. Report on corrosion control and prevention.
Sec. 1042. Study on using Modular Airborne Fire Fighting Systems (MAFFS) in a Federal response to wildfires.
Sec. 1043. Study on rotorcraft survivability.
Sec. 1044. Report on nuclear weapons.
Sec. 1045. Report on compliance by Department of Defense with Guam tax and licensing laws.
Sec. 1046. Report on detention operations in Iraq.
Sec. 1047. Review of bandwidth capacity requirements of the Department of Defense and the intelligence community.
Sec. 1048. Review of findings and recommendations applicable to the Department of Defense regarding electromagnetic pulse attack.

Subtitle F—Other Matters

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

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.

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

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Extension of authority to build the capacity of the Pakistan Frontier Corps.
Sec. 1202. Availability across fiscal years of funds for military-to-military contacts and comparable activities.
Sec. 1203. Availability across fiscal years of funds to pay incremental expenses for participation of developing countries in combined exercises.
Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1205. Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the Armed Forces.
Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1207. Extension of authority and increased funding for security and stabilization assistance.
Sec. 1208. Extension and expansion of authority for support of special operations to combat terrorism.
Sec. 1209. Increase in amount available for costs of education and training of foreign military forces under Regional Defense Combating Terrorism Fellowship Program.

Subtitle B—Matters Relating to Iraq and Afghanistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1212. Report on status of forces agreements between the United States and Iraq.
Sec. 1213. Strategy for United States-led Provincial Reconstruction Teams in Iraq.
Sec. 1214. Commanders' Emergency Response Program.
Sec. 1215. Performance monitoring system for United States-led Provincial Reconstruction Teams in Afghanistan.
Sec. 1216. Report on command and control structure for military forces operating in Afghanistan.
Sec. 1217. Reports on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
Sec. 1218. Study and report on Police Transition Teams to train, assist, and advise units of the Iraqi Police Service.

Subtitle C—Other Matters

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

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

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

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.
Sec. 1407. National Defense Sealift Fund amendments.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revisions to previously authorized disposals from the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

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

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

TITLE XVI—RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT

Sec. 1601. Short title.
Sec. 1602. Findings.
Sec. 1603. Definitions.
Sec. 1604. Authority to provide assistance for reconstruction and stabilization crises.
Sec. 1605. Reconstruction and stabilization.
Sec. 1606. Authorities related to personnel.
Sec. 1607. Reconstruction and stabilization strategy.
Sec. 1608. Annual reports to Congress.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

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

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2008 projects.
Sec. 2106. Modification of authority to carry out certain fiscal year 2007 projects.
Sec. 2107. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2108. Extension of authorization of certain fiscal year 2005 project.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project.
Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects.

TITLE XXIII—AIR FORCE

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

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.
Sec. 2405. Modification of authority to carry out certain fiscal year 2005 projects.
Sec. 2406. Extension of authorization of certain fiscal year 2006 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.
Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.
Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Modification of authority to carry out certain fiscal year 2008 project.
Sec. 2608. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2609. Extension of Authorization of certain fiscal year 2005 project.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Amendments to Base Closure and Related Laws

Sec. 2711. Modification of annual base closure and realignment reporting requirements.
Sec. 2712. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

Subtitle C—Other Matters

Sec. 2721. Independent design review of National Naval Medical Center and military hospital at Fort Belvoir.

Sec. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Incorporation of principles of sustainable design in documents submitted as part of proposed military construction projects.
Sec. 2802. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.
Sec. 2803. Use of military family housing constructed under build and lease authority to house members without dependents.
Sec. 2804. Leasing of military family housing to Secretary of Defense.
Sec. 2805. Improved oversight and accountability for military housing privatization initiative projects.
Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command and United States Africa Command areas of responsibility.
Sec. 2807. Cost-benefit analysis of dissolution of Patrick Family Housing LLC.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of congressional reporting requirements for certain real property transactions.
Sec. 2812. Authority to lease non-excess property of military departments and Defense Agencies.
Sec. 2813. Modification of utility system conveyance authority.
Sec. 2814. Defense access roads.
Sec. 2815. Report on application of force protection and anti-terrorism standards to gates and entry points on military installations.

Subtitle C—Provisions Related to Guam Realignment

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

Subtitle D—Energy Security

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

Subtitle E—Land Conveyances

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

Subtitle F—Other Matters

Sec. 2851. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
Sec. 2852. Acceptance and use of gifts for construction of additional building at National Museum of the United States Air Force, Wright-Patterson Air Force Base.
Sec. 2853. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.
Sec. 2854. Use of runway at NASJRB Willow Grove, Pennsylvania.
Sec. 2855. Naming of health facility, Fort Rucker, Alabama.

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

Sec. 2901. Authorized Army construction and land acquisition projects.

Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects.

Subtitle B—Fiscal Year 2009 Projects

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

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Modification of functions of Administrator for Nuclear Security to include elimination of surplus fissile materials usable for nuclear weapons.
Sec. 3112. Limitation on Funding for Project 04-D-125 Chemistry and Metallurgy Research Replacement facility project, Los Alamos National Laboratory, Los Alamos, New Mexico.
Sec. 3113. Nonproliferation and national security scholarship and fellowship program.
Sec. 3114. Enhancing nuclear forensics capabilities.
Sec. 3115. Utilization of contributions to International Nuclear Materials Protection and Cooperation program and Russian plutonium disposition program.
Sec. 3116. Review of and reports on Global Initiatives for Proliferation Prevention program.
Sec. 3117. Limitation on availability of funds for Global Nuclear Energy Partnership.

Subtitle C—Reports

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

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2009.
Sec. 3502. Limitation on export of vessels owned by the Government of the United States for the purpose of dismantling, recycling, or scrapping.
Sec. 3503. Student incentive payment agreements.
Sec. 3504. Riding gang member requirements.
Sec. 3505. Maintenance and Repair Reimbursement Program for the Maritime Security Fleet.
Sec. 3506. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy and for other purposes.
Sec. 3507. Actions to address sexual harassment and violence at the United States Merchant Marine Academy.
Sec. 3508. Assistance for small shipyards and maritime communities.
Sec. 3509. Marine war risk insurance.
Sec. 3510. MarAd consultation on Jones Act Waivers.
Sec. 3511. Transportation in American vessels of government personnel and certain cargoes.
Sec. 3512. Port of Guam Improvement Enterprise Program.

10 USC 101 note.

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

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

**SEC. 4. EXPLANATORY STATEMENT.**

The explanatory statement regarding S. 3001, the National Defense Authorization Act for Fiscal Year 2009, as amended by the House of Representatives, printed in the House section of the Congressional Record on or about September 30, 2008, by the Chairman of the Committee on Armed Services of the House, shall have the same effect with respect to the implementation of this Act as if it were a joint explanatory statement of a committee of conference.

# TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

Sec. 111. Separate procurement line items for Future Combat Systems program.
Sec. 112. Clarification of status of Future Combat Systems program lead system integrator.
Sec. 113. Restriction on obligation of funds for Army tactical radio pending report.
Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.
Sec. 115. Stryker Mobile Gun System.

Subtitle C—Navy Programs

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

Subtitle D—Air Force Programs

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

Subtitle E—Joint and Multiservice Matters

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

## Subtitle A—Authorization of Appropriations

**SEC. 101. ARMY.**

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

(1) For aircraft, $4,848,835,000.
(2) For missiles, $2,207,460,000.
(3) For weapons and tracked combat vehicles, $3,516,398,000.
(4) For ammunition, $2,280,791,000.
(5) For other procurement, $11,143,076,000.
(6) For the Joint Improvised Explosive Device Defeat Fund, $200,000,000.

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

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Navy as follows:
(1) For aircraft, $14,557,874,000.
(2) For weapons, including missiles and torpedoes, $3,553,282,000.
(3) For shipbuilding and conversion, $14,057,022,000.
(4) For other procurement, $5,463,565,000.

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

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

**SEC. 103. AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Air Force as follows:
(1) For aircraft, $12,826,858,000.
(2) For ammunition, $894,478,000.
(3) For missiles, $5,553,528,000.
(4) For other procurement, $16,087,887,000.

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

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement in the amount of $3,382,628,000.

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

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $800,000,000.

## Subtitle B—Army Programs

**SEC. 111. SEPARATE PROCUREMENT LINE ITEMS FOR FUTURE COMBAT SYSTEMS PROGRAM.** 10 USC 221 note.

Effective for the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2011 and for each fiscal year thereafter, the Secretary of Defense shall ensure that a separate, dedicated procurement line item is designated for each of the following elements of the Future Combat Systems program (in this section referred to as "FCS"), to the extent the budget includes funding for such elements: Effective dates.
(1) FCS Manned Ground Vehicles.

(2) FCS Unmanned Ground Vehicles.
(3) FCS Unmanned Aerial Systems.
(4) FCS Unattended Ground Systems.
(5) Other FCS elements.

**SEC. 112. CLARIFICATION OF STATUS OF FUTURE COMBAT SYSTEMS PROGRAM LEAD SYSTEM INTEGRATOR.**

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

"(e) STATUS OF FUTURE COMBAT SYSTEMS PROGRAM LEAD SYSTEM INTEGRATOR.—

Deadline. Certification.

"(1) LEAD SYSTEMS INTEGRATOR.—In the case of the Future Combat Systems program, the prime contractor of the program shall be considered to be a lead systems integrator until 45 days after the Secretary of the Army certifies in writing to the congressional defense committees that such contractor is no longer serving as the lead systems integrator.

"(2) NEW CONTRACTS.—In applying subsection (a)(1) or (a)(2), any modification to the existing contract for the Future Combat Systems program, for the purpose of entering into full-rate production of major systems or subsystems, shall be considered a new contract.".

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

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

(1) A description of the Army tactical radio fielding strategy, including a description of the overall combination of various tactical radio systems and how they integrate to provide communications and network capability.

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

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

(4) A description of the plan by the Army to integrate joint tactical radio systems, including the number of each type of joint tactical radio the Army plans to procure.

(5) An assessment of the total cost of the tactical radio fielding strategy of the Army, including procurement of joint tactical radio systems.

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

**SEC. 114. RESTRICTION ON OBLIGATION OF PROCUREMENT FUNDS FOR ARMED RECONNAISSANCE HELICOPTER PROGRAM PENDING CERTIFICATION.**

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

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

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

(3) satisfactorily completed a Limited User Test; and

(4) been approved to enter Milestone C.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING CERTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for aircraft procurement, Army, for the Armed Reconnaissance Helicopter, not more than 20 percent may be obligated until 30 days after the certification required by subsection (a) is received by the congressional defense committees. Deadline.

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

(a) LIMITATION ON AVAILABILITY OF FUNDS.—None of the amounts authorized to be appropriated by this Act for procurement of weapons and tracked combat vehicles for the Army may be obligated or expended for purposes of the procurement of the Stryker Mobile Gun System until the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees a written certification that the Under Secretary has approved a plan for the Army to mitigate all Stryker Mobile Gun System deficiencies. Certification.

(b) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter until December 31, 2011, the Secretary of the Army, in consultation with the Director of Operational Test and Evaluation, shall submit to the congressional defense committees a report on the status of actions by the Army to mitigate all Stryker Mobile Gun System deficiencies. Each report shall include the following:

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

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

(3) An inventory of the Stryker Mobile Gun System vehicle fleet that specifies which mitigating actions have been implemented.

(4) An updated production and fielding schedule for Stryker Mobile Gun System vehicles required by the Army but not yet fielded as of the date of the report.

(c) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary—

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

(2) submits to the congressional defense committees written notification of the waiver and a discussion of the reasons for the determination made under paragraph (1). Notification.

(d) STRYKER MOBILE GUN SYSTEM DEFICIENCIES DEFINED.—In this section, the term "Stryker Mobile Gun System deficiencies" means deficiencies of the Stryker Mobile Gun System specified in the memorandum by the Department of Defense titled "Stryker Mobile Gun System (MGS) Acquisition Decision Memorandum" and dated August 5, 2008.

## Subtitle C—Navy Programs

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

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

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

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

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

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

(1) in subsection (a)—

(A) in paragraph (1), by striking "post-2007 LCS vessels" and inserting "post-2009 LCS vessels"; and

(B) in paragraph (3)—

(i) in the paragraph heading, by striking "POST-2007 LCS VESSELS" and inserting "POST-2009 LCS VESSELS"; and

(ii) by striking "'post-2007 LCS vessel'" and inserting "'post-2009 LCS vessel'";

(2) in subsection (b), by striking "post-2007 LCS vessels" and inserting "post-2009 LCS vessels"; and

(3) in subsection (c), by striking "post-2007 LCS vessels" and inserting "post-2009 LCS vessels".

**SEC. 123. REPORT ON F/A–18 PROCUREMENT COSTS, COMPARING MULTIYEAR TO ANNUAL.**

(a) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on F/A–18 procurement. The report shall include the following:

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

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

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

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

(5) A discussion comparing the costs and benefits of obtaining those aircraft through annual procurement contracts with the costs and benefits of obtaining those aircraft through a multiyear procurement contract.

(6) The recommendations of the Secretary regarding whether Congress should authorize a multiyear procurement contract for those aircraft.

(b) CERTIFICATIONS REQUIRED.—If the Secretary recommends under subsection (a)(6) that Congress authorize a multiyear procurement contract for the aircraft, the Secretary shall include in the report under subsection (a) the certifications required by section 2306b of title 10, United States Code, to enable the award of a multiyear contract beginning with fiscal year 2010.

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

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

(1) by redesignating subsection (b) as subsection (c); and

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

"(b) ADVANCE PROCUREMENT AND CONSTRUCTION OF COMPONENTS.—The Secretary may enter into one or more contracts for advance procurement and advance construction of those components for the Virginia-class submarine program for which authorization to enter into a multiyear procurement contract is granted under subsection (a) if the Secretary determines that cost savings or construction efficiencies may be achieved for Virginia-class submarines through the use of such contracts.".

## Subtitle D—Air Force Programs

**SEC. 131. MAINTENANCE OF RETIRED KC–135E AIRCRAFT.**

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

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

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

**SEC. 133. REPORTS ON KC–(X) TANKER AIRCRAFT REQUIREMENTS.**

(a) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report regarding the competition for the KC-(X) tanker

aircraft that was terminated on September 10, 2008. The report shall include the following:

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

(2) A summary of commercial derivative or commercial off-the-shelf aircraft available as potential aerial refueling platforms using aerial refueling capabilities (such as range, offload at range, and passenger and cargo capacity) in each of the following ranges:

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

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

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

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

(b) REASSESSMENT REQUIRED.—The Secretary of Defense shall reassess the requirements for aerial refueling that were validated by the Joint Requirements Oversight Council on December 27, 2006. Not later than 30 days after the reassessment, the Secretary shall submit to the congressional defense committees a report containing the complete results of the reassessment.

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

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated for procurement of aircraft for the Air Force, $523,000,000 shall be available for advance procurement of F-22A fighter aircraft.

Deadline.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING CERTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for advance procurement, Air Force, for the F-22A, not more than $140,000,000 may be obligated until 15 days after the certification required by subsection (c) is received by the congressional defense committees.

(c) CERTIFICATION.—

(1) IN GENERAL.—Of the amount referred to in subsection (a), $383,000,000 shall not be available until the President certifies to the congressional defense committees that—

(A) the procurement of F-22A fighter aircraft is in the national interest of the United States; or

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

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

# Subtitle E—Joint and Multiservice Matters

**SEC. 141. ANNUAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.**

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

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

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

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

"(2) a certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

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

"(1) Fighter aircraft.

"(2) Attack aircraft.

"(3) Bomber aircraft.

"(4) Strategic lift aircraft.

"(5) Intratheater lift aircraft.

"(6) Intelligence, surveillance, and reconnaissance aircraft.

"(7) Tanker aircraft.

"(8) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

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

"(2) Each annual aircraft procurement plan shall include the following:

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

"(B) A description of the necessary aviation force structure to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

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

"(D) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy and the Department of the Air Force meet the national security requirements of the United States.

"(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for either the Department of the Navy or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force structure of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

"(e) DEFINITIONS.—In this section:

"(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

"(3) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:

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

**SEC. 142. REPORT ON BODY ARMOR ACQUISITION STRATEGY.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that provides—

(1) a survey and assessment of the capabilities, capacities, and risks of the domestic industrial base of the United States, including critical subcontractor suppliers, in meeting the requirements of the military departments for body armor during the 20 years following the date of the report;

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

(3) an assessment of body armor and related research, development, and acquisition objectives, priorities, and funding profiles for—

(A) advances in the level of protection;

(B) weight reduction; and

(C) manufacturing productivity;

(4) an assessment of the feasibility and advisability of establishing a separate, dedicated procurement line item for the acquisition of body armor and associated components for fiscal year 2011 and for each fiscal year thereafter;

(5) an assessment of the feasibility and advisability of establishing an executive agent for the acquisition of body armor and associated components for the military departments beginning in fiscal year 2011; and

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

**SEC. 143. SMALL ARMS ACQUISITION STRATEGY AND REQUIREMENTS REVIEW.**

10 USC 2304 note.

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

(1) An assessment of Department of Defense-wide small arms requirements in terms of capabilities and quantities, based on an analysis of the small arms capability assessments of each military department.

(2) An assessment of plans for small arms research, development, and acquisition programs to meet the requirements identified under paragraph (1).

(3) An assessment of capabilities, capacities, and risks in the small arms industrial base of the United States to meet the requirements of the Department of Defense for pistols, carbines, rifles, and light, medium, and heavy machine guns during the 20 years following the date of the report.

(4) An assessment of the costs, benefits, and risks of full and open competition for the procurement of non-developmental pistols and carbines that are not technically compatible with the M9 pistol or M4 carbine to meet the requirements identified under paragraph (1).

(b) COMPETITION FOR A NEW INDIVIDUAL WEAPON.—

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

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

(A) is open to all developmental item solutions and non-developmental item solutions; and

(B) provides for the award of a contract based on selection criteria that reflect the key performance parameters and attributes identified in a service requirements document approved by the Army.

(c) SMALL ARMS DEFINED.—In this section, the term "small arms"—

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

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

10 USC 113 note.

**SEC. 144. REQUIREMENT FOR COMMON GROUND STATIONS AND PAYLOADS FOR MANNED AND UNMANNED AERIAL VEHICLE SYSTEMS.**

(a) POLICY AND ACQUISITION STRATEGY REQUIRED.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall establish a policy and an acquisition strategy for intelligence, surveillance, and reconnaissance payloads and ground stations for manned and unmanned aerial vehicle systems. The policy and acquisition strategy shall be applicable throughout the Department of Defense and shall achieve integrated research, development, test, and evaluation, and procurement commonality.

(b) OBJECTIVES.—The policy and acquisition strategy required by subsection (a) shall have the following objectives:

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

(A) signals intelligence;

(B) electro optical;

(C) synthetic aperture radar;

(D) ground moving target indicator;

(E) conventional explosive detection;

(F) foliage penetrating radar;

(G) laser designator;

(H) chemical, biological, radiological, nuclear, explosive detection; and

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

(2) Commonality of ground system architecture by vehicle class.

(3) Common management of vehicle and payloads procurement.

(4) Ground station interoperability standardization.

(5) Maximum use of commercial standard hardware and interfaces.

(6) Open architecture software.

(7) Acquisition of technical data rights in accordance with section 2320 of title 10, United States Code.

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

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

(c) AFFECTED SYSTEMS.—For the purposes of this section, the Secretary shall establish manned and unmanned aerial vehicle classes for all intelligence, surveillance, and reconnaissance programs of record based on factors such as vehicle weight, payload capacity, and mission.

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

(1) the policy required by subsection (a); and
(2) the acquisition strategy required by subsection (a).

**SEC. 145. REPORT ON FUTURE JET CARRIER TRAINER REQUIREMENTS OF THE NAVY.**

Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on future jet carrier trainer requirements. In addressing such requirements, the report shall include a plan based on the following:

(1) Studies conducted by independent organizations concerning future jet carrier trainer requirements.

(2) The results of a cost-benefit analysis comparing the creation of a new jet carrier trainer program with the modification of the current jet carrier trainer program in order to fulfill future jet carrier trainer requirements.

# TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

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

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Additional determinations to be made as part of Future Combat Systems milestone review.
Sec. 212. Analysis of Future Combat Systems communications network and software.
Sec. 213. Future Combat Systems manned ground vehicle Selected Acquisition Reports.
Sec. 214. Separate procurement and research, development, test, and evaluation line items and program elements for Sky Warrior Unmanned Aerial Systems project.
Sec. 215. Restriction on obligation of funds for the Warfighter Information Network–Tactical program.
Sec. 216. Limitation on source of funds for certain Joint Cargo Aircraft expenditures.
Sec. 217. Requirement for plan on overhead nonimaging infrared systems.
Sec. 218. Advanced energy storage technology and manufacturing.
Sec. 219. Mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
Sec. 220. Requirements for certain airborne intelligence collection systems.
Sec. 221. Limitation on obligation of funds for Enhanced AN/TPQ–36 radar system pending submission of report.

Subtitle C—Missile Defense Programs

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

Subtitle D—Reports

Sec. 241. Biennial reports on joint and service concept development and experimentation.
Sec. 242. Report on participation of the historically black colleges and universities and minority-serving institutions in research and educational programs and activities of the Department of Defense.

Sec. 243. Report on Department of Defense response to findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

Subtitle E—Other Matters

Sec. 251. Modification of systems subject to survivability testing oversight by the Director of Operational Test and evaluation.
Sec. 252. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.
Sec. 253. Assessment of technology transition programs and repeal of reporting requirement.
Sec. 254. Trusted defense systems.
Sec. 255. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.
Sec. 256. Executive agent for printed circuit board technology.
Sec. 257. Review of conventional prompt global strike technology applications and concepts.

# Subtitle A—Authorization of Appropriations

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

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

(1) For the Army, $10,943,840,000.

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

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

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

**SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.**

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $11,799,660,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research, applied research, and advanced technology development" means work funded in programs elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

# Subtitle B—Program Requirements, Restrictions, and Limitations

**SEC. 211. ADDITIONAL DETERMINATIONS TO BE MADE AS PART OF FUTURE COMBAT SYSTEMS MILESTONE REVIEW.**

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

"(4) Whether actual demonstrations, rather than simulations, have shown that the software for the program is on a path to achieve threshold requirements on cost and schedule.

"(5) Whether the program's planned major communications network demonstrations are sufficiently complex and realistic to inform major program decision points.

"(6) The extent to which Future Combat Systems manned ground vehicle survivability is likely to be reduced in a degraded Future Combat Systems communications network environment.

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

"(8) The extent to which the Future Combat Systems communications network is capable of withstanding network attack, jamming, or other interference.

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

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

**SEC. 212. ANALYSIS OF FUTURE COMBAT SYSTEMS COMMUNICATIONS NETWORK AND SOFTWARE.**

(a) REPORT REQUIRED.—Not later than September 30, 2009, the Assistant Secretary of Defense for Networks and Information Integration shall submit to the congressional defense committees a report on the Future Combat Systems communications network and software. The report shall include the following:

(1) An assessment of the vulnerability of the Future Combat Systems communications network and software to enemy network attack, in particular the effect of the use of significant amounts of commercial software in Future Combat Systems software.

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

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

(4) An assessment of the Future Combat Systems communication network's dependence on satellite communications support, and an assessment of the network's performance in the absence of assumed levels of satellite communications support.

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

(6) An assessment, developed in coordination with the Director of Operational Test and Evaluation, of the adequacy of the Future Combat Systems communications network testing schedule.

(7) An assessment, developed in coordination with the Director of Operational Test and Evaluation, of the synchronization of the funding, schedule, and technology maturity of the Warfighter Information Network-Tactical and Joint Tactical

Radio System programs in relation to the Future Combat Systems program, including any planned Future Combat Systems spin outs.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 213. FUTURE COMBAT SYSTEMS MANNED GROUND VEHICLE SELECTED ACQUISITION REPORTS.**

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

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

(c) DEFINITION.—In this section, the term "manned ground vehicle variant" means—

(1) the eight distinct variants of manned ground vehicles designated on pages seven and eight of the Future Combat Systems Selected Acquisition Report of the Department of Defense dated December 31, 2007; and

(2) any additional manned ground vehicle variants designated in Future Combat Systems Acquisition Reports of the Department of Defense after the date of the enactment of this Act.

10 USC 221 note.

**SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR SKY WARRIOR UNMANNED AERIAL SYSTEMS PROJECT.**

Effective dates.

Effective for fiscal year 2010 and for each fiscal year thereafter, the Secretary of Defense shall ensure that, in the annual budget submission of the Department of Defense to the President, within both the account for procurement and the account for research, development, test, and evaluation, a separate, dedicated line item and program element is designated for the Sky Warrior Unmanned Aerial Systems project, to the extent such accounts include funding for such project.

**SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS FOR THE WARFIGHTER INFORMATION NETWORK–TACTICAL PROGRAM.**

Deadline.

(a) NOTIFICATION REQUIRED.—Not later than five days after the completion of all actions described in subsection (b), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees notice in writing of such completion.

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

(1) Approval by the Under Secretary of a new acquisition program baseline for the Warfighter Information Network–Tactical Increment 3 program (in this section referred to as the "WIN-T Increment 3 program").

(2) Completion of the independent cost estimate for the WIN–T Increment 3 program by the Cost Analysis Improvement

Group, as required by the June 5, 2007, recertification by the Under Secretary.

(3) Completion of the technology readiness assessment of the WIN–T Increment 3 program by the Director, Defense Research and Engineering, as required by the June 5, 2007, recertification by the Under Secretary.

(c) RESTRICTION ON OBLIGATION OF FUNDS PENDING NOTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for research, development, test, and evaluation, Army, for fiscal year 2009 for the WIN–T Increment 3 program, not more than 50 percent of those amounts may be obligated or expended until 15 days after the date on which the notification required by subsection (a) is received by the congressional defense committees.

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

10 USC 2241 note.

(a) LIMITATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 or any fiscal year thereafter for the Army or the Air Force, the Secretary of the Army and the Secretary of the Air Force may fund relevant expenditures for the Joint Cargo Aircraft only through amounts made available for procurement or for research, development, test, and evaluation.

(b) RELEVANT EXPENDITURES FOR THE JOINT CARGO AIRCRAFT DEFINED.—In this section, the term "relevant expenditures for the Joint Cargo Aircraft" means expenditures relating to—

(1) support equipment;

(2) initial spares;

(3) training simulators;

(4) systems engineering and management; and

(5) post-production modifications.

**SEC. 217. REQUIREMENT FOR PLAN ON OVERHEAD NONIMAGING INFRARED SYSTEMS.**

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall develop a comprehensive plan to conduct and support research, development, and demonstration of technologies that could evolve into the next generation of overhead nonimaging infrared systems.

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

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

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

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

(4) The cost and duration of any flight or on-orbit demonstrations of the technologies being developed.

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

(6) An identification of the date by which a decision must be made to begin any follow-on programs and a justification for the date identified.

(7) A schedule for completion of a full analysis of the on-orbit performance characteristics of the Space-Based Infrared System and the Space Tracking and Surveillance

System, and an assessment of how the performance characteristics of such systems will inform the decision to proceed to a next generation overhead nonimaging infrared system.

Deadline.

(c) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THIRD GENERATION INFRARED SURVEILLANCE PROGRAM.—Not more than 50 percent of the amounts authorized to be appropriated for fiscal year 2009 by section 201(3) for research, development, test, and evaluation for the Air Force and available for the Third Generation Infrared Surveillance program may be obligated or expended until the date that is 30 days after the date on which the Secretary submits to Congress the plan required by subsection (a).

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

(a) ROADMAP REQUIRED.—The Secretary of Defense, acting through the Director of Defense Research and Engineering, the Deputy Under Secretary of Defense for Industrial Policy, and service acquisition executives, shall, in coordination with the Secretary of Energy, develop a multi-year roadmap to develop advanced energy storage technologies and sustain domestic advanced energy storage technology manufacturing capabilities and an assured supply chain necessary to ensure that the Department of Defense has assured access to advanced energy storage technologies to support current military requirements and emerging military needs.

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

(1) An identification of current and future capability gaps, performance enhancements, cost savings goals, and assured technology access goals that require advances in energy storage technology and manufacturing capabilities.

(2) Specific research, technology, and manufacturing goals and milestones, and timelines and estimates of funding necessary for achieving such goals and milestones.

(3) A summary of applications for energy storage technologies by the Department of Defense and, for each type of application, an assessment of the demand for such technologies, in terms of quantity and military need.

(4) Specific mechanisms for coordinating the activities of Federal agencies, State and local governments, coalition partners, private industry, and academia covered by the roadmap.

(5) Such other matters as the Secretary of Defense and the Secretary of Energy consider appropriate for purposes of the roadmap.

(c) COORDINATION.—

(1) IN GENERAL.—The roadmap required by subsection (a) shall be developed in coordination with the military departments, appropriate Defense Agencies and other elements and organizations of the Department of Defense, other appropriate Federal, State, and local government organizations, and appropriate representatives of private industry and academia.

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

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

(e) ADVANCED ENERGY STORAGE TECHNOLOGY INITIATIVE INVESTMENT SUMMARY.—Not later than 6 months after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the expenditures for energy storage technologies within the Department of Defense, Defense Agencies, and military departments, for fiscal years 2008 and 2009 and the projected expenditures for such technologies for fiscal year 2010.

Deadline. Reports.

**SEC. 219. MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.**

10 USC 2358 note.

(a) MECHANISMS TO PROVIDE FUNDS.—

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

(A) To fund innovative basic and applied research that is conducted at the defense laboratory and supports military missions.

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

(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with needed scientific and engineering expertise.

(2) CONSULTATION REQUIRED.—The mechanisms established under paragraph (1) shall provide that funding shall be used under paragraph (1) at the discretion of the director of a defense laboratory in consultation with the science and technology executive of the military department concerned.

(b) ANNUAL REPORT ON USE OF AUTHORITY.—

(1) IN GENERAL.—Not later than March 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.

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

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

(B) A statement of the amount of funding made available to each defense laboratory for research described under such subsection.

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

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

(E) A description and assessment of the contributions to the development of needed military capabilities provided by research using funds under such subsection.

(F) A description of any modification to the mechanisms under subsection (a) that would improve the efficacy of the authority under such subsection to support military missions.

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

**SEC. 220. REQUIREMENTS FOR CERTAIN AIRBORNE INTELLIGENCE COLLECTION SYSTEMS.**

Effective date.

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

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

**SEC. 221. LIMITATION ON OBLIGATION OF FUNDS FOR ENHANCED AN/TPQ–36 RADAR SYSTEM PENDING SUBMISSION OF REPORT.**

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

## Subtitle C—Missile Defense Programs

**SEC. 231. ANNUAL DIRECTOR OF OPERATIONAL TEST AND EVALUATION CHARACTERIZATION OF OPERATIONAL EFFECTIVENESS, SUITABILITY, AND SURVIVABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.**

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

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Director of Operational Test and Evaluation shall also each year characterize the operational effectiveness, suitability, and survivability of the ballistic missile defense system, and its elements, that have been fielded or tested before the end of the preceding fiscal year."; and

(3) in paragraph (3), as redesignated by paragraph (1) of this subsection, by inserting "and the characterization under paragraph (2)" after "the assessment under paragraph (1)".

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: "ANNUAL OT&E ASSESSMENT AND CHARACTERIZATION OF CERTAIN BALLISTIC MISSILE DEFENSE MATTERS.—".

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

10 USC 2431 note.

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

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

Deadline. Contracts.

(b) ELEMENTS.—

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

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

(B) Whether any demonstration efforts by the Department of Defense of boost-phase missile defense technology existing as of the date of the study (including the Airborne Laser and the Kinetic Energy Interceptor) have a high probability of performing a boost-phase missile defense mission in an operationally effective, suitable, and survivable manner.

(2) SYSTEMS TO BE EXAMINED.—The study required by subsection (a) shall examine each of the following systems:

(A) The Airborne Laser.

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

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

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

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

(B) Operational issues, including operational effectiveness.

(C) The results of key milestone tests conducted prior to preparation of the report under subsection (c).

(D) Survivability.

(E) Suitability.

(F) Concept of operations, including basing considerations.

(G) Operations and maintenance support.

(H) Command and control considerations, including timelines for detection, decision-making, and engagement.

(I) Shortfall from intercepts.

(J) Force structure requirements.

(K) Effectiveness against countermeasures.

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

(M) Reliability, availability, and maintainability.

(N) Geographic considerations, including limitations on the ability to deploy systems within operational range of potential targets.

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

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

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

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

(5) COMPARISON WITH NON-BOOST SYSTEMS.—The study shall include an assessment of the performance and operational capabilities of non-boost missile defense systems to counter the scenarios identified in paragraph (4). The results under this paragraph shall be compared to the results under paragraph (4). For purposes of this paragraph, non-boost missile defense systems include—

(A) the Patriot PAC–3 system and the Medium Extended Air Defense System follow-on system;

(B) the Aegis Ballistic Missile Defense system, with all variants of the Standard Missile-3 interceptor;

(C) the Terminal High Altitude Area Defense system; and

(D) the Ground-based Midcourse Defense system.

(c) REPORT.—

(1) IN GENERAL.—Upon the completion of the study required by subsection (a), but not later than October 31, 2010, the National Academy of Sciences shall submit to the Secretary of Defense and the congressional defense committees a report on the study. The report shall include such recommendations regarding the future direction of the boost-phase ballistic missile defense programs of the United States as the Academy considers appropriate.

(2) FORM.—The report under paragraph (1) shall be submitted to the congressional defense committees in unclassified form, but may include a classified annex.

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

(e) COOPERATION FROM GOVERNMENT.—In carrying out the study, the National Academy of Sciences shall receive the full and timely cooperation of the Secretary of Defense and any other Federal Government official in providing the Academy with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

**SEC. 233. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.**

10 USC 2431 note.

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

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

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

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

(B) the host nation has signed and ratified the missile defense basing agreement and status of forces agreement that allow for the stationing in such nation of the interceptor site and personnel to carry out the proposed deployment.

(3) In the case of either element of such missile defense system described in paragraph (1) or (2), 45 days have elapsed following the receipt by the congressional defense committees of the report required by section 226(c)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 42).

Reports. Certification.

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2009 may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and the ability to accomplish the mission.

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

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

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

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

(1) The ballistic missile defense policy of the United States in relation to the overall national security policy of the United States.

(2) The ballistic missile defense strategy and objectives of the United States in relation to the national security strategy of the United States and the military strategy of the United States.

(3) The ballistic missile threat to the United States, deployed forces of the United States, and friends and allies of the United States from short, medium, intermediate, and long-range ballistic missile threats.

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

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

(6) The process for determining requirements for missile defense capabilities under such programs, including input from the joint military requirements process.

(7) The process for determining the force structure and inventory objectives for such programs.

(8) Standards for the military utility, operational effectiveness, suitability, and survivability of the ballistic missile defense systems of the United States.

(9) The method in which resources for the ballistic missile defense mission are planned, programmed, and budgeted within the Department of Defense.

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

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

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

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

(14) Any other matters the Secretary determines relevant.

(c) REPORT.—

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

(2) FORM.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

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

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

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

(2) submit to the Secretary of Defense and to Congress an assessment by the Director of the operational effectiveness, suitability, and survivability of the Airborne Laser System.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR LATER AIRBORNE LASER SYSTEM AIRCRAFT.—No funds appropriated pursuant to an

authorization of appropriations or otherwise made available for the Department of Defense may be obligated or expended for the procurement of a second or subsequent aircraft for the Airborne Laser System program until the later of the following dates:

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

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

**SEC. 236. ACTIVATION AND DEPLOYMENT OF AN/TPY–2 FORWARD-BASED X-BAND RADAR.**

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, up to $89,000,000 may be available for Ballistic Missile Defense Sensors for the activation and deployment of the AN/TPY–2 forward-based X-band radar to a classified location.

(b) LIMITATION.—

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

(A) The location of deployment of the radar.

(B) A description of the operational parameters of the deployment of the radar, including planning for force protection.

(C) A description of any recurring and non-recurring expenses associated with the deployment of the radar.

(D) A description of the cost-sharing arrangements between the United States and the country in which the radar will be deployed regarding the expenses described in subparagraph (C).

(E) A description of the other terms and conditions of the agreement between the United States and such country regarding the deployment of the radar.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

# Subtitle D—Reports

**SEC. 241. BIENNIAL REPORTS ON JOINT AND SERVICE CONCEPT DEVELOPMENT AND EXPERIMENTATION.**

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

**"§ 485. Joint and service concept development and experimentation**

"(a) BIENNIAL REPORTS REQUIRED.—Not later than January 1 of each even numbered-year, the Secretary of Defense or the Secretary's designee shall submit to the congressional defense

committees a report on the conduct and outcomes of joint and service concept development and experimentation.

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

"(1) A description of any changes since the latest report submitted under this section to each of the following:

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

"(B) The process for tasking forces (including forces designated as joint experimentation forces) to participate in joint concept development and experimentation, and the specific authority of the organization responsible for executing the mission of joint concept development and experimentation over those forces.

"(C) The resources provided for initial implementation of joint concept development and experimentation, the process for providing such resources to the organization responsible for executing the mission of joint concept development and experimentation, the categories of funding for joint concept development and experimentation, and the authority of the organization responsible for executing the mission of joint concept development and experimentation for budget execution for such activities.

"(D) The assigned role of the organization responsible for executing the mission of joint concept development and experimentation for—

"(i) integrating and testing in joint concept development and experimentation the systems that emerge from warfighting experimentation by the armed forces and the Defense Agencies;

"(ii) assessing the effectiveness of organizational structures, operational concepts, and technologies relating to joint concept development and experimentation; and

"(iii) assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in setting priorities for requirements or acquisition programs in light of joint concept development and experimentation.

"(2) A description of the conduct of joint concept development and experimentation activities, and of concept development and experimentation activities of each of the military departments, during the two-year period ending on the date of such report, including—

"(A) the funding involved;

"(B) the number of activities engaged in;

"(C) the forces involved;

"(D) the national and homeland security challenges addressed;

"(E) the operational concepts assessed;

"(F) the technologies assessed;

"(G) the scenarios and measures of effectiveness utilized; and

"(H) specific interactions under such activities with the commanders of the combatant commands and with

other organizations and entities inside and outside the Department.

"(3) A description of the conduct of joint concept development and experimentation, and of the conduct of concept development and experimentation by each of the military departments, during the two-year period ending on the date of such report with respect to the development of warfighting concepts for operational scenarios more than 10 years in the future, including—

"(A) the funding involved;

"(B) the number of activities engaged in;

"(C) the forces involved;

"(D) the challenges addressed;

"(E) the operational concepts assessed;

"(F) the technologies assessed;

"(G) the scenarios and measures of effectiveness utilized; and

"(H) specific interactions with the commanders of the combatant commands and with other organizations and entities inside and outside the Department.

"(4) A description of the mechanisms used to coordinate joint, service, interagency, Coalition, and other appropriate concept development and experimentation activities.

"(5) An assessment of the return on investment in concept development and experimentation activities, including a description of the following:

"(A) Specific outcomes and impacts within the Department of the results of past joint and service concept development and experimentation in terms of new doctrine, operational concepts, organization, training, materiel, leadership, personnel, or the allocation of resources, or in activities that terminated support for legacy concepts, programs, or systems.

"(B) Specific actions taken to implement the recommendations of the Commander of United States Joint Forces Command based on joint concept development and experimentation activities.

"(6) Such recommendations (based primarily on the results of joint and service concept development and experimentation) as the Secretary considers appropriate for enhancing the development of joint warfighting capabilities by modifying activities throughout the Department relating to—

"(A) the development or acquisition of specific advanced technologies, systems, or weapons or systems platforms;

"(B) key systems attributes and key performance parameters for the development or acquisition of advanced technologies and systems;

"(C) joint or service doctrine, organization, training, materiel, leadership development, personnel, or facilities;

"(D) the reduction or elimination of redundant equipment and forces, including the synchronization of the development and fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts; and

"(E) the development or modification of initial capabilities documents, operational requirements, and relative

priorities for acquisition programs to meet joint requirements.

"(7) With respect to improving the effectiveness of joint concept development and experimentation capabilities, such recommendations (based primarily on the results of joint warfighting experimentation) as the Secretary considers appropriate regarding—

"(A) the conduct of, adequacy of resources for, or development of technologies to support such capabilities; and

"(B) changes in support from other elements of the Department responsible for concept development and experimentation by joint or service organizations.

"(8) The coordination of the concept development and experimentation activities of the Commander of the United States Joint Forces Command with the activities of the Commander of the North Atlantic Treaty Organization Supreme Allied Command Transformation.

"(9) Any other matters that the Secretary consider appropriate.

"(c) COORDINATION AND SUPPORT.—The Secretary of Defense shall ensure that the Secretaries of the military departments and the heads of other appropriate elements of the Department of Defense provide such information and support as is required for the preparation of the reports required by this section.".

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

"485. Joint and service concept development and experimentation.".

**SEC. 242. REPORT ON PARTICIPATION OF THE HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS IN RESEARCH AND EDUCATIONAL PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—The Secretary of Defense shall carry out an independent assessment of the participation of covered educational institutions in research and educational programs and activities of the Department of Defense.

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

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

(1) A description of research, training, technical assistance, infrastructure support, and educational programs and activities conducted by the Department of Defense in support of covered educational institutions.

(2) A survey of the level of participation of covered educational institutions in programs described in paragraph (1), and lessons learned from the survey.

(3) An assessment of the relevance, including outcomes and effects, of the programs and activities identified in paragraph (1) to the research and educational programs, activities, and missions of the Department of Defense.

(4) An assessment of additional activities by the Department of Defense that support covered educational institutions whose primary focus is the training and educating of minority scientists, engineers, and technicians.

(5) An assessment of barriers to the participation of covered educational institutions in the research and educational programs and activities of the Department of Defense.

(6) Recommendations to increase the capacity of covered educational institutions to participate in research and educational programs and activities that are critical to the national security functions of the Department of Defense.

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

(d) COOPERATION OF DEFENSE ORGANIZATIONS.—The Secretary of Defense shall ensure that the relevant elements of the Department of Defense provide all information necessary for the completion of the assessment required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term "covered educational institutions" means—

(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2));

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

(C) a Hispanic-serving institution, as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5));

(D) a Tribal College or University, as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3)); and

(E) other minority postsecondary institutions.

(2) The term "research and educational programs and activities" includes programs and activities relating to research, development, test, and evaluation and education.

**SEC. 243. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE DEFENSE SCIENCE BOARD TASK FORCE ON DIRECTED ENERGY WEAPONS.**

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

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

(1) An analysis of each of the findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(2) A detailed description of the response of the Department of Defense to each finding and recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement such recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of such recommendation; and

(B) for each recommendation that the Secretary does not plan to implement—

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

(ii) a summary of the alternative actions the Secretary plans to take to address the purposes underlying such recommendation.

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

## Subtitle E—Other Matters

### SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIVABILITY TESTING OVERSIGHT BY THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) AUTHORITY TO DESIGNATE ADDITIONAL SYSTEMS AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO TESTING.—Section 2366(e)(1) of title 10, United States Code, is amended to read as follows:

"(1) The term 'covered system' means—

"(A) a vehicle, weapon platform, or conventional weapon system that—

"(i) includes features designed to provide some degree of protection to users in combat; and

"(ii) is a major system as defined in section 2302(5) of this title; or

"(B) any other system or program designated by the Secretary of Defense for purposes of this section.".

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

(1) by inserting "(1)" before "At the conclusion"; and

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

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

"(A) A report describing the status of survivability and live fire testing of that system.

"(B) The report required under paragraph (1).".

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

(1) by striking paragraph (3); and

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

### SEC. 252. TECHNOLOGY-NEUTRAL INFORMATION TECHNOLOGY GUIDELINES AND STANDARDS TO SUPPORT FULLY INTEROPERABLE ELECTRONIC PERSONAL HEALTH INFORMATION FOR THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.

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

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

"(C) A description and analysis of the level of interoperability and security of technologies for sharing healthcare information among the Department of Defense, the Department of Veterans Affairs, and their transaction partners.

"(D) A description and analysis of the problems the Department of Defense and the Department of Veterans Affairs are having with, and the progress such departments are making toward, ensuring interoperable and secure healthcare information systems and electronic healthcare records."; and

(2) by adding at the end the following new subsection:

"(j) TECHNOLOGY-NEUTRAL GUIDELINES AND STANDARDS.—The Director, in consultation with industry and appropriate Federal agencies, shall develop, or shall adopt from industry, technology-neutral information technology infrastructure guidelines and standards for use by the Department of Defense and the Department of Veterans Affairs to enable those departments to effectively select and utilize information technologies to meet the requirements of this section.".

**SEC. 253. ASSESSMENT OF TECHNOLOGY TRANSITION PROGRAMS AND REPEAL OF REPORTING REQUIREMENT.**

(a) ASSESSMENT AND REPORT REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall assess the feasibility of consolidating the various technology transition programs in the Department of Defense into a unified effort managed by a senior official of the Department.

(2) PROGRAMS INCLUDED.—The assessment required by paragraph (1) shall include—

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

(B) as the Under Secretary considers appropriate, the technology transition programs of the military departments.

(3) REPORT.—Not later than October 1, 2009, the Under Secretary shall submit to the congressional defense committees a report on the assessment required by paragraph (1). The report shall include the following:

(A) A description of each of the technology transition programs considered as part of the assessment.

(B) An evaluation of the extent to which each technology transition program fulfills its intended mission and supports effective and efficient technology transition.

(C) For each technology transition program considered in the assessment, a summary of the funding available for the five fiscal years preceding the date on which the report is submitted.

(D) The conclusion of the Under Secretary as to whether there are any benefits in consolidating the technology transition programs into a unified effort managed by a senior official of the Department of Defense.

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

(F) Recommendations regarding the appropriate management structure, fiscal controls, and stakeholder engagement required to ensure that a unified technology transition program will cost-effectively and efficiently enable technology transition.

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

(1) by striking subsection (h); and

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

10 USC 2302 note.

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

(a) VULNERABILITY ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of selected covered acquisition programs to identify vulnerabilities in the supply chain of each program's electronics and information processing systems that potentially compromise the level of trust in the systems. Such assessment shall—

(1) identify vulnerabilities at multiple levels of the electronics and information processing systems of the selected programs, including microcircuits, software, and firmware;

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

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

(4) identify the appropriate lead person, and supporting elements, within the Department of Defense for the development of an integrated strategy for managing risk in the supply chain for covered acquisition programs.

(b) ASSESSMENT OF METHODS FOR VERIFYING THE TRUST OF SEMICONDUCTORS PROCURED FROM COMMERCIAL SOURCES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics, in consultation with appropriate elements of the Department of Defense, the intelligence community, private industry, and academia, shall conduct an assessment of various methods of verifying the trust of semiconductors procured by the Department of Defense from commercial sources for use in mission-critical components of potentially vulnerable defense systems. The assessment shall include the following:

(1) An identification of various methods of verifying the trust of semiconductors, including methods under development at the Defense Agencies, government laboratories, institutions of higher education, and in the private sector.

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

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

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

(c) STRATEGY REQUIRED.—

(1) IN GENERAL.—The lead person identified under subsection (a)(4), in cooperation with the supporting elements also identified under such subsection, shall develop an integrated strategy—

(A) for managing risk—

(i) in the supply chain of electronics and information processing systems for covered acquisition programs; and

(ii) in the procurement of semiconductors; and

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

(2) REQUIREMENTS.—At a minimum, the strategy shall—

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

(B) reflect the priorities identified by such assessment;

(C) provide guidance for the planning, programming, budgeting, and execution process in order to ensure that covered acquisition programs have the necessary resources to implement all appropriate elements of the strategy;

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

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

(F) ensure sufficient oversight in implementation of the plan.

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

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

(2) develop policy requiring that programs whose electronics and information systems are determined to be vital to operational readiness or mission effectiveness are to employ trusted foundry services to fabricate their custom designed integrated circuits, unless the Secretary specifically authorizes otherwise;

(3) incorporate the strategies and policies of the Department of Defense regarding development and use of trusted integrated circuits into all relevant Department directives and instructions related to the acquisition of integrated circuits and programs that use such circuits; and

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

(e) SUBMISSION TO CONGRESS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees— Deadline.

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

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

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

(f) DEFINITIONS.—In this section:

(1) The term "covered acquisition programs" means an acquisition program of the Department of Defense that is a major system for purposes of section 2302(5) of title 10, United States Code.

(2) The terms "trust" and "trusted" refer, with respect to electronic and information processing systems, to the ability of the Department of Defense to have confidence that the systems function as intended and are free of exploitable vulnerabilities, either intentionally or unintentionally designed or inserted as part of the system at any time during its life cycle.

(3) The term "trusted foundry services" means the program of the National Security Agency and the Department of Defense, or any similar program approved by the Secretary of Defense, for the development and manufacture of integrated circuits for critical defense systems in secure industrial environments.

**SEC. 255. CAPABILITIES-BASED ASSESSMENT TO OUTLINE A JOINT APPROACH FOR FUTURE DEVELOPMENT OF VERTICAL LIFT AIRCRAFT AND ROTORCRAFT.**

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a capabilities-based assessment that outlines a joint approach to the future development of vertical lift aircraft and rotorcraft for all of the Armed Forces. The assessment shall—

(1) address critical technologies required for future development, including a technology roadmap;

(2) include the development of a detailed science and technology investment and implementation plan and an identification of the resources required to implement such plan; and

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

(A) formalizes the strategic vision of the Department of Defense for the next generation of vertical lift aircraft and rotorcraft;

(B) establishes joint requirements for the next generation of vertical lift aircraft and rotorcraft technology; and

(C) emphasizes the development of common service requirements.

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

(1) the technology roadmap referred to in subsection (a)(1);

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

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

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

10 USC 2501 note.

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

Deadline. Designation.

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

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

Deadline.

(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, and in accordance with Directive 5101.1, the Secretary of Defense shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

(A) Development and maintenance of a printed circuit board and interconnect technology roadmap that ensures that the Department of Defense has access to the manufacturing capabilities and technical expertise necessary to meet future military requirements regarding such technology.

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

(C) Assessment of the vulnerabilities, trustworthiness, and diversity of the printed circuit board supply chain, including the development of trustworthiness requirements for printed circuit boards used in defense systems, and to develop strategies to address matters that are identified as a result of such assessment.

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

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary of Defense shall ensure that the military departments, Defense Agencies, and other components of the Department of Defense provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) DEFINITIONS.—In this section:

(1) The term "Directive 5101.1" means Department of Defense Directive 5101.1, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(2) The term "executive agent" has the meaning given the term "DoD Executive Agent" in Directive 5101.1.

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

(a) AVAILABILITY OF FUNDS FOR PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.—Notwithstanding any other provision of this Act, funds for conventional prompt global strike capability development are authorized by this Act only for those activities expressly delineated in the expenditure plan for fiscal years 2008 and 2009 that was required by section 243 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 51; 10 U.S.C. 113 note) and submitted to the congressional defense committees and dated March 24, 2008, those activities for which funds are authorized to be appropriated in this Act, or those activities otherwise expressly authorized by Congress.

(b) REPORT ON TECHNOLOGY APPLICATIONS.—Not later than April 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report that contains—

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

(2) for each such technology application, the conventional prompt global strike concept towards which the application could be applied.

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

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

(1) The full cost of demonstrating such concept.

(2) An assessment of any policy, legal, or treaty-related issues that could arise during the course of, or as a result of, deployment of each concept and recommendations to address such issues.

(3) The extent to which the concept could be misconstrued as a nuclear weapon or delivery system and recommendations to mitigate the risk of such a misconstrual.

(4) An assessment of the potential basing and deployment options for the concept.

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

(6) An assessment of the adequacy of the intelligence that would be needed to support an attack involving the concept.

(e) REPORT ON CONVENTIONAL PROMPT GLOBAL STRIKE CONCEPTS.—Not later than September 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the review required by subsection (c).

# TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Authorization for Department of Defense participation in conservation banking programs.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 313. Expand cooperative agreement authority for management of natural resources to include off-installation mitigation.
Sec. 314. Expedited use of appropriate technology related to unexploded ordnance detection.
Sec. 315. Closed loop re-refining of used motor vehicle lubricating oil.
Sec. 316. Comprehensive program for the eradication of the brown tree snake population from military facilities in Guam.

Subtitle C—Workplace and Depot Issues

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

Subtitle D—Energy Security

Sec. 331. Annual report on operational energy management and implementation of operational energy strategy.
Sec. 332. Consideration of fuel logistics support requirements in planning, requirements development, and acquisition processes.
Sec. 333. Study on solar and wind energy for use for expeditionary forces.
Sec. 334. Study on alternative and synthetic fuels.
Sec. 335. Mitigation of power outage risks for Department of Defense facilities and activities.

Subtitle E—Reports

Sec. 341. Comptroller General report on readiness of Armed Forces.
Sec. 342. Report on plan to enhance combat skills of Navy and Air Force personnel.
Sec. 343. Comptroller General report on the use of the Army Reserve and National Guard as an operational reserve.
Sec. 344. Comptroller General report on link between preparation and use of Army reserve component forces to support ongoing operations.
Sec. 345. Comptroller General report on adequacy of funding, staffing, and organization of Department of Defense Military Munitions Response Program.

Subtitle F—Other Matters

Sec. 351. Extension of Enterprise Transition Plan reporting requirement.
Sec. 352. Demilitarization of loaned, given, or exchanged documents, historical artifacts, and condemned or obsolete combat materiel.
Sec. 353. Repeal of requirement that Secretary of Air Force provide training and support to other military departments for A–10 aircraft.
Sec. 354. Display of annual budget requirements for Air Sovereignty Alert Mission.
Sec. 355. Revision of certain Air Force regulations required.
Sec. 356. Transfer of C–12 aircraft to California Department of Forestry and Fire Protection.
Sec. 357. Limitation on treatment of retired B–52 aircraft for Air Combat Command headquarters.
Sec. 358. Increase of domestic breeding of military working dogs used by the Department of Defense.

# Subtitle A—Authorization of Appropriations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(19) For Cooperative Threat Reduction programs, $434,135,000.

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

## Subtitle B—Environmental Provisions

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

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

**"§ 2694c. Participation in conservation banking programs**

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

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

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

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

"(4) any successor or related administrative guidance or regulation.

"(b) COVERED ACTIVITIES.—Payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor under subsection (a) may be made only for the purpose of facilitating one or more of the following activities:

"(1) Military testing, operations, training, or other military activity.

"(2) Military construction.

"(c) TREATMENT OF AMOUNTS FOR CONSERVATION BANKING.—Payments made under subsection (a) to a conservation banking program or 'in-lieu-fee' mitigation sponsor for the purpose of facilitating military construction may be treated as eligible costs of the military construction project.

"(d) SECRETARY CONCERNED DEFINED.—In this section, the term 'Secretary concerned' means—

"(1) the Secretary of a military department; and

"(2) the Secretary of Defense with respect to a Defense Agency.".

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

"2694c. Participation in conservation banking programs.".

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

10 USC 2694c note.

**SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.**

(a) AUTHORITY TO REIMBURSE.—

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

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

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

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

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

(1) by striking "to provide for the" and inserting "to provide for the following:

"(1) The"; and

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

"(2) The maintenance and improvement of natural resources located off of a Department of Defense installation if the purpose of the cooperative agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere with, whether directly or indirectly, current or anticipated military activities.".

10 USC 2710 note.

**SEC. 314. EXPEDITED USE OF APPROPRIATE TECHNOLOGY RELATED TO UNEXPLODED ORDNANCE DETECTION.**

(a) EXPEDITED USE OF APPROPRIATE TECHNOLOGIES.—The Secretary shall expedite the use of appropriate unexploded ordnance detection instrument technology developed through research funded by the Department of Defense or developed by entities other than the Department of Defense.

(b) REPORT.—Not later than October 1, 2009, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing and evaluating the following:

(1) The amounts allocated for research, development, test, and evaluation for unexploded ordnance detection technologies.

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

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

(4) Any impediments to the transition of new unexploded ordnance detection instrument technologies to regular operation in remediation programs.

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

(6) Activities undertaken by the Department to raise public awareness regarding unexploded ordnance.

(c) UNEXPLODED ORDNANCE DEFINED.—In this section, the term "unexploded ordnance" has the meaning given such term in section 101(e)(5) of title 10, United States Code.

**SEC. 315. CLOSED LOOP RE-REFINING OF USED MOTOR VEHICLE LUBRICATING OIL.**

Deadline. Reports.

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

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

7 USC 8503 note.

**SEC. 316. COMPREHENSIVE PROGRAM FOR THE ERADICATION OF THE BROWN TREE SNAKE POPULATION FROM MILITARY FACILITIES IN GUAM.**

The Secretary of Defense shall establish a comprehensive program to control and, to the extent practicable, eradicate the brown tree snake population from military facilities in Guam and to ensure that military activities, including the transport of civilian and military personnel and equipment to and from Guam, do not contribute to the spread of brown tree snakes.

## Subtitle C—Workplace and Depot Issues

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

31 USC 501 note.

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

(1) review the definitions of the term "inherently governmental function" described in subsection (b) to determine whether such definitions are sufficiently focused to ensure that only officers or employees of the Federal Government or members of the Armed Forces perform inherently governmental functions or other critical functions necessary for the mission of a Federal department or agency;

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

(A) address any deficiencies in the existing definitions, as determined pursuant to paragraph (1);

(B) reasonably apply to all Federal departments and agencies; and

(C) ensure that the head of each such department or agency is able to identify each position within that department or agency that exercises an inherently governmental function and should only be performed by officers or employees of the Federal Government or members of the Armed Forces;

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

(A) identify critical functions with respect to the unique missions and structure of that department or agency; and

(B) identify each position within that department or agency that, while the position may not exercise an inherently governmental function, nevertheless should only be performed by officers or employees of the Federal Government or members of the Armed Forces to ensure the department or agency maintains control of its mission and operations;

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

(A) develops and maintains sufficient organic expertise and technical capability;

(B) develops guidance to implement the definition of inherently governmental as described in paragraph (2) and the criteria for critical functions as described in paragraph (3) in a manner that is consistent with agency missions and operational goals; and

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

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

(ii) additional mechanisms and factors, including the management or oversight of awarded contracts, statutory mandates, and international obligations; and

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

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

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

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

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

(4) the Federal Acquisition Regulation; and

(5) any other relevant Federal law or regulation, as determined by the Director of the Office of Management and Budget in consultation with the Chief Acquisition Officers Council and the Chief Human Capital Officers Council.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Acquisition Officers Council and the Chief Human Capital Officers Council, shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Homeland Security and Governmental Affairs in the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the actions taken by the Director under this section. Such report shall contain each of the following:

(1) A description of the actions taken by the Director under this section to develop a single definition of inherently governmental function and criteria for critical functions.

(2) Such legislative recommendations as the Director determines are necessary to further the purposes of this section.

(3) A description of such steps as may be necessary—

(A) to ensure that the single definition and criteria developed under this section are consistently applied through all Federal regulations, circulars, policy letters, agency guidance, and other documents;

(B) to repeal any existing Federal regulations, circular, policy letters, agency guidance and other documents determined to be superseded by the definition and criteria developed under this section; and

(C) to develop any necessary implementing guidance under this section for agency staffing and contracting decisions, along with appropriate milestones.

Deadline.

(d) REGULATIONS.—Not later than 180 days after submission of the report required by subsection (c), the Director of the Office of Management and Budget shall issue regulations to implement actions taken under this section to develop a single definition of inherently governmental function and criteria for critical functions.

**SEC. 322. STUDY ON FUTURE DEPOT CAPABILITY.**

Deadline.
Contracts.

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

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

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

(2) take into consideration direct input from the Secretary of Defense and the logistics and acquisition leadership of the military departments, including materiel support and depot commanders;

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

(4) identify and address each type of activity carried out at depots, installation directorates of logistics, regional sustainment-level maintenance sites, reserve component maintenance capability sites, theater equipment support centers, and Army field support brigade capabilities;

(5) examine relevant guidance provided and regulations prescribed by the Secretary of Defense and the Secretary of each of the military departments, including with respect to programming and budgeting and the annual budget displays provided to Congress; and

(6) examine any relevant applicable laws, including the relevant body of work performed by the Government Accountability Office.

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

(1) The life cycle sustainment maintenance strategies and implementation plans of the Department of Defense and the military departments that cover—

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

(B) business operations;

(C) workload projection;

(D) outcome-based performance management objectives;

(E) the adequacy of information technology systems, including workload management systems;

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

(G) budget and fiscal planning policies; and

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

(2) Current and future maintenance environments, including—

(A) performance-based logistics;
(B) supply chain management;
(C) condition-based maintenance;
(D) reliability-based maintenance;
(E) consolidation and centralization, including—
(i) regionalization;
(ii) two-level maintenance; and
(iii) forward-based depot capacity;
(F) public-private partnerships;
(G) private-sector depot capability and capacity; and
(H) the impact of proprietary technical documentation.

(3) The adequate visibility of the maintenance workload of each military department in reports submitted to Congress, including—

(A) whether the depot budget lines in current budget displays accurately reflect depot level workloads;

(B) the accuracy of core and 50/50 calculations;

(C) the usefulness of current reporting requirements to the oversight function of senior military and congressional leaders; and

(D) whether current budgetary guidelines provide sufficient financial flexibility during the year of execution to permit the heads of the military departments to make best-value decisions between maintenance activities.

(4) Such other information as determined relevant by the entity carrying out the study.

(d) AVAILABILITY OF INFORMATION.—The Secretary of Defense and the Secretaries of each of the military departments shall make available to the entity carrying out the study under subsection (a) all necessary and relevant information to allow the entity to conduct the study in a quantitative and analytical manner.

(e) REPORTS TO COMMITTEES ON ARMED SERVICES.—

(1) INTERIM REPORT.—The contract that the Secretary enters into under subsection (a) shall provide that not later than one year after the commencement of the study conducted under this section, the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives an interim report on the study.

(2) FINAL REPORT.—Such contract shall provide that not later than 22 months after the date on which the Secretary of Defense enters into the contract under subsection (a), the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the study. The report shall include each of the following:

(A) A description of the depot maintenance environment, as of the date of the conclusion of the study, and the anticipated future environment, together with the quantitative data used in conducting the assessment of such environments under the study.

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

(C) Recommendations with respect to any changes to any applicable law that would be appropriate for a post-reset depot maintenance environment.

(D) Recommendations with respect to the methodology of the Department of Defense for determining core logistics requirements, including an assessment of risk.

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

(F) A proposed strategy for enabling, requiring, and monitoring the ability of the Department of Defense depots to produce performance-driven outcomes and meet materiel readiness goals with respect to availability, reliability, total ownership cost, and repair cycle time.

(G) Comments provided by the Secretary of Defense and the Secretaries of the military departments on the findings and recommendations of the study.

(f) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the report under subsection (e)(2) is submitted, the Comptroller General shall review the report and submit to the Committees on Armed Services of the Senate and House of Representatives an assessment of the feasibility of the recommendations and whether the findings are supported by the data and information examined. Deadline. Assessments.

(g) DEFINITIONS.—In this section:

(1) The term "depot-level maintenance and repair" has the meaning given that term under section 2460 of title 10, United States Code.

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

(3) The term "military equipment" includes all weapon systems, weapon platforms, vehicles and munitions of the Department of Defense, and the components of such items.

**SEC. 323. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF HIGH-PERFORMING ORGANIZATIONS.**

Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a review on the high-performing organization initiatives of the Department of Defense. The review shall include each of the following for each such initiative reviewed: Deadline.

(1) Any policies or guidance developed to implement the initiative.

(2) Whether the initiative was undertaken pursuant to the pilot project under section 337 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 113 note) or under Office of Management and Budget Circular A-76.

(3) The cost of development and implementation of the initiative.

(4) Any cost savings and overall financial improvements promised or realized by reason of the initiative and an analysis of how such savings or improvements were calculated.

(5) Whether criteria were developed to measure the performance, efficiency, and effectiveness improvements of the initiative.

(6) The effect of the initiative on the workforce, including any relocations, change in collective bargaining status, or reductions in force that may have resulted.

(7) Whether and to what extent employees and their representatives were consulted in the development and implementation of the initiative.

10 USC 8062 note.

**SEC. 324. CONSOLIDATION OF AIR FORCE AND AIR NATIONAL GUARD AIRCRAFT MAINTENANCE.**

(a) RESTRICTION ON IMPLEMENTATION OF CONSOLIDATION.—The Secretary of the Air Force shall not implement the consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard or the consolidation of aircraft repair facilities and personnel of the Air National Guard with aircraft repair facilities and personnel of the active Air Force unless and until the Secretary of the Air Force submits the reports required by (b) and (c), the Chief of the National Guard Bureau submits the assessment required by subsection (d), and the Secretary of Defense submits the certification required by subsection (e).

(b) REPORT ON CRITERIA.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report stating all the criteria being used by the Department of the Air Force and the Rand Corporation to evaluate the feasibility of consolidating Air Force maintenance functions into organizations that would integrate active, Guard, and Reserve components into a total-force approach. The report shall include the assumptions that were provided to or developed by the Rand Corporation for their study of the feasibility of the consolidation proposal.

(c) REPORT ON FEASIBILITY STUDY.—At least 90 days before any consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the Rand Corporation feasibility study and the Rand Corporation's recommendations, the Air Force's assessment of the findings and recommendations, any plans developed for implementation of the consolidation, and a delineation of all infrastructure costs anticipated as a result of implementation.

Deadline.

(d) ASSESSMENT BY CHIEF OF THE NATIONAL GUARD BUREAU.—Not later than 30 days after the date on which the report required by subsection (c) is submitted, the Chief of the National Guard Bureau shall submit to the Committees on Armed Services of the Senate and House of Representatives a written assessment of—

(1) the proposed actions to consolidate aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard by the Secretary of the Air Force; and

(2) the information included in the report required by subsection (c).

(e) CERTIFICATION BY THE SECRETARY OF DEFENSE.—After the Secretary of the Air Force submits the reports required by subsections (b) and (c), and before any consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard by the Secretary of the Air Force, the Secretary of Defense shall certify that such consolidation is in the national interest and will not adversely affect recruitment, retention, or execution of the Air National Guard mission in the individual States.

**SEC. 325. REPORT ON AIR FORCE CIVILIAN PERSONNEL CONSOLIDATION PLAN.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the Air Force plan for implementing the direction of the Base Realignment and Closure Commission for the consolidation of transactional workloads from the civilian personnel offices within the service components and defense agencies, retaining sufficient positions and personnel at the large civilian centers to perform the personnel management advisory services, including non-transactional functions, necessary to support the civilian workforce.

(b) CONTENTS OF REPORT.—At a minimum, the report required by subsection (a) shall address the steps taken by the Air Force to ensure that such direction is implemented in a manner that best meets the future needs of the Air Force, and shall address each of the following:

(1) The anticipated positive or negative effect on the productivity and mission accomplishment of the managed workforces at the different commands.

(2) The potential future efficiencies to be achieved through an enterprise-wide transformation of civilian personnel services.

(3) The size and complexity of the civilian workforce.

(4) The extent to which mission accomplishment is dependent upon the productivity of the civilian workforce.

(5) Input from the commanders of the large civilian centers regarding the effect of consolidation on workforce productivity and costs.

(6) The status of ongoing consolidation efforts at the Air Force Personnel Center at Randolph Air Force Base, Texas, and the target timelines for delivery of services to the various installations.

(7) The advantages and disadvantages of retaining certain personnel management and advisory services functions at the large civilian centers under local command authority to include on-site control of staffing of positions filled through internal or external recruitment processes, employee management relations, labor force planning and management, and managing workers compensation programs.

(8) The standards and timeliness for transitioning the personnel classifications currently performed by large civilian centers, the transition plan, particularly as it assures ready access to classifications needed for staffing and other purposes by the large civilian centers, and the expected performance and evaluation standards for providing classification services to the large civilian centers once the transition is complete.

Termination date.

(c) UPDATES OF REPORT.—The Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives biannual updates of the report required under subsection (a) until January 3, 2012.

**SEC. 326. REPORT ON REDUCTION IN NUMBER OF FIREFIGHTERS ON AIR FORCE BASES.**

To ensure that the Air Force is meeting the minimum safety standards for staffing, equipment, and training, as required by Department of Defense Installation and Environment Instruction 6055.6, the Secretary of the Air Force shall submit to Congress, by not later than 90 days after the date of the enactment of this Act, a report on the effects of the reduction in the number of fire fighters on Air Force bases during the three fiscal years preceding the fiscal year in which the report is submitted. Such report shall include each of the following:

(1) An evaluation of current fire fighting capability of the Air Force and whether the reduction in the number of fire fighters on Air Force bases has increased the risk of harm to either fire fighters or those they may serve in response to an emergency.

(2) An evaluation of whether adequate capability exists in the municipal communities surrounding the Air Force bases covered by the report to support a base aircraft rescue or to respond to a fire involving a combat aircraft, cargo aircraft, or weapon system.

(3) An evaluation of the effects that the reductions in fire fighting personnel or functions have had on the certifications of Air Force base fire departments.

(4) If the Secretary determines that reductions in the number of fire fighting personnel during the fiscal years covered by the report have negatively affected the ability of fire fighters on Air Forces bases to perform their missions, a plan to restore the fire fighting personnel needed to adequately support such missions.

**SEC. 327. MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.**

(a) ADDITIONAL ARMY DEPOTS.—Subsection (e)(1) of section 2476 of title 10, United States Code, is amended by adding at the end the following new subparagraphs:

"(F) Watervliet Arsenal, New York.

"(G) Rock Island Arsenal, Illinois.

"(H) Pine Bluff Arsenal, Arkansas.".

(b) SEPARATE CONSIDERATION AND REPORTING OF NAVY DEPOTS AND MARINE CORPS DEPOTS.—Such section is further amended—

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

"(D) Separate consideration and reporting of Navy Depots and Marine Corps depots."; and

(2) in subsection (e)(2)—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin;

(B) by inserting after "Department of the Navy:" the following:

"(A) The following Navy depots:";

(C) by inserting after clause (vii), as redesignated by subparagraph (A), the following:

"(B) The following Marine Corps depots:"; and

(D) by redesignating subparagraphs (H) and (I) as clauses (i) and (ii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin.

# Subtitle D—Energy Security

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

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

"(b) ANNUAL REPORT RELATED TO OPERATIONAL ENERGY.—(1) Simultaneous with the annual report required by subsection (a), the Secretary of Defense, acting through the Director of Operational Energy Plans and Programs, shall submit to the congressional defense committees a report on operational energy management and the implementation of the operational energy strategy established pursuant to section 139b of this title.

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

"(A) Statistical information on operational energy demands, in terms of expenditures and consumption, for the preceding five fiscal years, including funding made available in regular defense appropriations Acts and any supplemental appropriation Acts.

"(B) An estimate of operational energy demands for the current fiscal year and next fiscal year, including funding requested to meet operational energy demands in the budget submitted to Congress under section 1105 of title 31 and in any supplemental requests.

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

"(D) An evaluation of progress made by the Department of Defense—

"(i) in implementing the operational energy strategy, including the progress of key initiatives and technology investments related to operational energy demand and management; and

"(ii) in meeting the operational energy goals set forth in the strategy.

"(E) Such recommendations as the Director considers appropriate for additional changes in organization or authority within the Department of Defense to enable further implementation of the energy strategy and such other comments and recommendations as the Director considers appropriate.

"(3) If a report under this subsection is submitted in a classified form, the Secretary shall concurrently submit to the congressional

defense committees an unclassified version of the information required by this subsection.

"(4) In this subsection, the term 'operational energy' means the energy required for training, moving, and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.".

(b) CLERICAL AMENDMENTS.—

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

**"§ 2925. Annual Department of Defense energy management reports".**

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

"2925. Annual Department of Defense energy management reports.".

10 USC 2911 note.

**SEC. 332. CONSIDERATION OF FUEL LOGISTICS SUPPORT REQUIREMENTS IN PLANNING, REQUIREMENTS DEVELOPMENT, AND ACQUISITION PROCESSES.**

(a) PLANNING.—In the case of analyses and force planning processes that are used to establish capability requirements and inform acquisition decisions, the Secretary of Defense shall require that analyses and force planning processes consider the requirements for, and vulnerability of, fuel logistics.

(b) CAPABILITY REQUIREMENTS DEVELOPMENT PROCESS.—The Secretary of Defense shall develop and implement a methodology to enable the implementation of a fuel efficiency key performance parameter in the requirements development process for the modification of existing or development of new fuel consuming systems.

(c) ACQUISITION PROCESS.—The Secretary of Defense shall require that the life-cycle cost analysis for new capabilities include the fully burdened cost of fuel during analysis of alternatives and evaluation of alternatives and acquisition program design trades.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall prepare a plan for implementing the requirements of this section. The plan shall be completed not later than 180 days after the date of the enactment of this Act and provide for the implementation of the requirements by not later than three years after the date of the enactment of this Act.

Deadlines.

(e) PROGRESS REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing progress made to implement the requirements of this section, including an assessment of whether the implementation plan required by section (d) is being carried out on schedule.

(f) NOTIFICATION OF COMPLIANCE.—As soon as practicable during the three-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall notify the congressional defense committees that the Secretary has complied with the requirements of this section. If the Secretary is unable to provide the notification, the Secretary shall submit to the congressional defense committees at the end of the three-year period a report containing—

Reports.

(1) an explanation of the reasons why the requirements, or portions of the requirements, have not been implemented; and

(2) a revised plan under subsection (d) to complete implementation or a rationale regarding why portions of the requirements cannot or should not be implemented.

(g) FULLY BURDENED COST OF FUEL DEFINED.—In this section, the term "fully burdened cost of fuel" means the commodity price for fuel plus the total cost of all personnel and assets required to move and, when necessary, protect the fuel from the point at which the fuel is received from the commercial supplier to the point of use.

**SEC. 333. STUDY ON SOLAR AND WIND ENERGY FOR USE FOR EXPEDITIONARY FORCES.**

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to examine the feasibility of using solar and wind energy to provide electricity for expeditionary forces.

(b) MATTERS EXAMINED.—In conducting the study required by subsection (a), the Secretary shall examine, at a minimum, each of the following:

(1) The potential for solar and wind energy to reduce the fuel supply needed to provide electricity for expeditionary forces and the extent to which such reduction will decrease the risk of casualties by reducing the number of convoys needed to supply fuel to forward operating locations.

(2) The cost of using solar and wind energy to provide electricity.

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

(4) The environmental benefits of using solar and wind energy to provide electricity instead of the current methods.

(5) The sustainability and operating requirements of solar and wind energy systems for providing electricity compared to current methods.

(6) Potential opportunities for experimenting with the use of deployable solar and wind energy systems in current training environments, including remote areas of training ranges.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study required by subsection (a).

**SEC. 334. STUDY ON ALTERNATIVE AND SYNTHETIC FUELS.**

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on alternatives to reduce the life cycle emissions of alternative and synthetic fuels (including coal-to-liquid fuels).

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

(1) The potential clean energy alternatives for powering the conversion processes, including nuclear, solar, and wind energies.

(2) The alternatives for reducing carbon emissions during the conversion processes.

(3) The military utility of domestically-produced alternative and synthetic fuels for military operations and for use by expeditionary forces compared with the military utility and

life cycle emissions of mobile, in-theater synthetic fuel processes.

(4) The goals and progress of the military departments related to the research, testing, and certification for use of alternative or synthetic fuels in military vehicles and aircraft.

(5) An analysis of trends, levels of investment, and the development of refining capacity in the alternative or synthetic fuel industry capable of meeting fuel requirements for the Department of Defense.

(c) USE OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—The Secretary of Defense shall select a federally funded research and development center to perform the study required by subsection (a).

(d) REPORT.—Not later than March 1, 2009, the federally funded research and development center shall submit to the congressional defense committees and the Secretary of Defense a report on the results of the study required by subsection (a).

10 USC 2911 note.

**SEC. 335. MITIGATION OF POWER OUTAGE RISKS FOR DEPARTMENT OF DEFENSE FACILITIES AND ACTIVITIES.**

(a) RISK ASSESSMENT.—The Secretary of Defense shall conduct a comprehensive technical and operational risk assessment of the risks posed to mission critical installations, facilities, and activities of the Department of Defense by extended power outages resulting from failure of the commercial electricity supply or grid and related infrastructure.

(b) RISK MITIGATION PLANS.—

(1) IN GENERAL.—The Secretary of Defense shall develop integrated prioritized plans to eliminate, reduce, or mitigate significant risks identified in the risk assessment under subsection (a).

(2) ADDITIONAL CONSIDERATIONS.—In developing the risk mitigation plans under paragraph (1), the Secretary of Defense shall—

(A) prioritize the mission critical installations, facilities, and activities that are subject to the greatest and most urgent risks; and

(B) consider the cost effectiveness of risk mitigation options.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit a report on the efforts of the Department of Defense to mitigate the risks described in subsection (a) as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) CONTENT.—Each report submitted under paragraph (1) shall describe the integrated prioritized plans developed under subsection (b) and the progress made toward achieving the goals established under such subsection.

# Subtitle E—Reports

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

(a) REPORT REQUIRED.—

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

(2) ONE OR MORE REPORTS.—In complying with the requirements of this section, the Comptroller General may submit a single report addressing all the elements specified in subsection (b) or two or more reports addressing any combination of such elements.

(b) ELEMENTS.—The elements specified in this subsection are the following:

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

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

(3) An analysis of the efforts of the Secretary of each military department to address any major factors affecting the readiness of the regular and reserve components under the jurisdiction of that Secretary.

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

(a) REPORT REQUIRED.—At the same time as the budget for fiscal year 2010 is submitted to Congress under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on—

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

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

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

(1) The criteria that the Secretary of the Air Force and the Secretary of the Navy use to select permanent sites for their Common Battlefield Airmen Training and Expeditionary Combat Skills courses.

(2) An identification of the extent to which the Secretary of the Navy and Secretary of the Air Force coordinated with each other and with the Secretary of the Army and the Commandant of the Marine Corps with respect to their plans to expand combat skills training for members of the Navy and

Air Force, respectively, together with a complete list of bases or locations that were considered as possible sites for the coordinated training.

(3) The estimated implementation and sustainment costs for the Air Force Common Battlefield Airmen Training and Navy Expeditionary Combat Skills courses.

(4) The estimated cost savings, if any, which could result by carrying out such combat skills training at existing Department of Defense facilities or by using existing ground combat training resources.

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

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

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

(1) force structure;

(2) manning;

(3) equipment availability, maintenance, and logistics issues;

(4) training constraints limiting access to—

(A) facilities and ranges, including the Combat Training Centers; and

(B) military schools and skill training; and

(5) any conflicts with requirements under title 32, United States Code.

**SEC. 344. COMPTROLLER GENERAL REPORT ON LINK BETWEEN PREPARATION AND USE OF ARMY RESERVE COMPONENT FORCES TO SUPPORT ONGOING OPERATIONS.**

(a) REPORT REQUIRED.—Not later than June 1, 2009, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the correlation between the preparation and operational use of the Army's reserve component forces.

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

(1) an analysis of the Army's training relative to the employment of reserve component units—

(A) to execute the wartime or primary missions of the Army for which the units are designed; and

(B) to execute missions to which such units are assigned, as of the date of the enactment of this Act, in support of ongoing operations in Iraq and Afghanistan, including factors affecting unit or individual preparation, the effect of notification timelines, and access to training facilities, including the Combat Training Centers;

(2) an analysis of the effect of mobilization and deployment laws, regulations, goals, and policies on the Army's ability

to train and employ reserve component units for the purposes described in paragraph (1); and

(3) any other information that the Comptroller General determines is relevant.

**SEC. 345. COMPTROLLER GENERAL REPORT ON ADEQUACY OF FUNDING, STAFFING, AND ORGANIZATION OF DEPARTMENT OF DEFENSE MILITARY MUNITIONS RESPONSE PROGRAM.**

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the adequacy of the funding, staffing, and organization of the Military Munitions Response Program of the Department of Defense.

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

(1) an analysis of the funding, staffing, and organization of the Military Munitions Response Program; and

(2) an assessment of the Program mechanisms for the accountability, reporting, and monitoring of the progress of munitions response projects and methods to reduce the length of time of such projects.

## Subtitle F—Other Matters

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

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

**SEC. 352. DEMILITARIZATION OF LOANED, GIVEN, OR EXCHANGED DOCUMENTS, HISTORICAL ARTIFACTS, AND CONDEMNED OR OBSOLETE COMBAT MATERIEL.**

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

(1) in paragraph (1), by adding at the end the following new sentence: "The Secretary concerned shall ensure that an item authorized to be donated under this section is demilitarized in the interest of public safety, as determined necessary by the Secretary or the Secretary's delegee."; and

(2) in paragraph (2)(A), by inserting before the period at the end the following: ", including any expense associated with demilitarizing an item under paragraph (1), for which the recipient of the item shall be responsible".

**SEC. 353. REPEAL OF REQUIREMENT THAT SECRETARY OF AIR FORCE PROVIDE TRAINING AND SUPPORT TO OTHER MILITARY DEPARTMENTS FOR A–10 AIRCRAFT.**

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

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

10 USC 221 note.

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

(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—For fiscal year 2010 and each subsequent fiscal year, the Secretary of Defense shall submit to the President, for consideration by the President for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, a consolidated budget justification display that covers all programs and activities of the Air Sovereignty Alert mission of the Air Force.

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

(1) The funding requirements for the Air Sovereignty Alert mission, and the associated Command and Control mission, including such requirements for—

(A) military personnel costs;

(B) flying hours; and

(C) any other associated mission costs.

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

(3) The amount in the budget for the Air National Guard for each such item.

**SEC. 355. REVISION OF CERTAIN AIR FORCE REGULATIONS REQUIRED.**

Deadline.

(a) REVISION REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall revise the Air Freight Transportation Regulation Number 5, dated January 15, 1999, to conform with Defense Transportation Regulations to ensure that freight covered by Air Freight Transportation Regulation Number 5 is carried in accordance with commercial best practices that are based upon a mode-neutral approach.

(b) MODE-NEUTRAL APPROACH DEFINED.—For purposes of this section, the term "mode-neutral approach" means a method of shipment that allows a shipper to choose a carrier with a time-definite performance standard for delivery without specifying a particular mode of conveyance and allows the carrier to select the mode of conveyance using best commercial practices as long as the mode of conveyance can reasonably be expected to ensure the time-definite delivery requested by the shipper.

**SEC. 356. TRANSFER OF C–12 AIRCRAFT TO CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION.**

(a) AUTHORITY.—The Secretary of the Army may convey to the California Department of Forestry and Fire Protection (hereinafter in this section referred to as "CAL FIRE") all right, title, and interest of the United States in three C–12 aircraft that the Secretary has determined are surplus to need.

(b) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of an aircraft authorized by this section shall be made at no cost to the United States. Any costs associated with such conveyance, costs of determining compliance with terms of the conveyance, and costs of operation and maintenance of the aircraft conveyed shall be borne by CAL FIRE.

**SEC. 357. LIMITATION ON TREATMENT OF RETIRED B–52 AIRCRAFT FOR AIR COMBAT COMMAND HEADQUARTERS.**

Section 131(a)(4) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120

Stat. 2111), as amended by section 137(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 32), is further amended by striking "may use not more than 2 such aircraft for maintenance ground training" and inserting "may use not more than 4 such aircraft for maintenance ground training".

**SEC. 358. INCREASE OF DOMESTIC BREEDING OF MILITARY WORKING DOGS USED BY THE DEPARTMENT OF DEFENSE.**

10 USC 2302 note.

(a) INCREASED CAPACITY.—The Secretary of Defense, acting through the Executive Agent for Military Working Dogs (hereinafter in this section referred to as the "Executive Agent"), shall—

(1) identify the number of military working dogs required to fulfill the various missions of the Department of Defense for which such dogs are used, including force protection, facility and check point security, and explosives and drug detection;

(2) take such steps as are practicable to ensure an adequate number of military working dog teams are available to meet and sustain the mission requirements identified in paragraph (1);

(3) ensure that the Department's needs and performance standards with respect to military working dogs are readily available to dog breeders and trainers; and

(4) coordinate with other Federal, State, or local agencies, nonprofit organizations, universities, or private sector entities, as appropriate, to increase the training capacity for military working dog teams.

(b) MILITARY WORKING DOG PROCUREMENT.—The Secretary, acting through the Executive Agent shall work to ensure that military working dogs are procured as efficiently as possible and at the best value to the Government, while maintaining the necessary level of quality and encouraging increased domestic breeding.

(c) MILITARY WORKING DOG DEFINED.—For purposes of this section, the term "military working dog" means a dog used in any official military capacity, as defined by the Secretary of Defense.

# TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Additional waiver authority of limitation on number of reserve component members authorized to be on active duty.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

# Subtitle A—Active Forces

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

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

(1) The Army, 532,400.
(2) The Navy, 326,323.
(3) The Marine Corps, 194,000.
(4) The Air Force, 317,050.

**SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.**

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) For the Army, 532,400.
"(2) For the Navy, 325,300.
"(3) For the Marine Corps, 194,000.
"(4) For the Air Force, 317,050.".

# Subtitle B—Reserve Forces

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

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

(1) The Army National Guard of the United States, 352,600.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 66,700.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 106,756.
(6) The Air Force Reserve, 67,400.
(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 16,170.

(3) The Navy Reserve, 11,099.

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

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

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

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

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

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

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

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

(a) LIMITATIONS.—

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

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

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

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

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

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

**SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

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

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

**SEC. 416. ADDITIONAL WAIVER AUTHORITY OF LIMITATION ON NUMBER OF RESERVE COMPONENT MEMBERS AUTHORIZED TO BE ON ACTIVE DUTY.**

(a) ADDITIONAL WAIVER AUTHORITY.—Subsection (a) of section 123a of title 10, United States Code, is amended—

(1) by inserting "(1)" before "If at the end"; and

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

"(2) When a designation of a major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) is in effect, the President may waive any statutory limit that would otherwise apply during the period of the designation on the number of members of a reserve component who are authorized to be on active duty under subparagraph (A) or (B) of section 115(b)(1) of this title, if the President determines the waiver is necessary to provide assistance in responding to the major disaster or emergency.".

(b) TERMINATION OF WAIVER.—Subsection (b) of such section is amended—

(1) by striking the subsection heading and inserting the following: "TERMINATION OF WAIVER.—(1)";

(2) by striking "subsection (a)" and inserting "subsection (a)(1)"; and

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

Termination date.

"(2) A waiver granted under subsection (a)(2) shall terminate not later than 90 days after the date on which the designation of the major disaster or emergency that was the basis for the waiver expires.".

(c) CLERICAL AMENDMENTS.—

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

**"§ 123a. Suspension of end-strength and other strength limitations in time of war or national emergency".**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 123a and inserting the following new item:

"123a. Suspension of end-strength and other strength limitations in time of war or national emergency.".

# Subtitle C—Authorization of Appropriations

**SEC. 421. MILITARY PERSONNEL.**

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2009 a total of $124,791,336,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

# TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Mandatory separation requirements for regular warrant officers for length of service.
Sec. 502. Requirements for issuance of posthumous commissions and warrants.
Sec. 503. Authorized number of general officers on active duty in the Army and Marine Corps, limited exclusion for joint duty requirements, and increase in number of officers serving in grades above major general and rear admiral.
Sec. 504. Modification of authority on Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 505. Eligibility of reserve officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons.
Sec. 506. Delayed authority to alter distribution requirements for commissioned officers on active duty in general officer and flag officer grades and limitations on authorized strengths of general and flag officers on active duty.

Subtitle B—Reserve Component Management

Sec. 511. Extension to other reserve components of Army authority for deferral of mandatory separation of military technicians (dual status) until age 60.
Sec. 512. Modification of authorized strengths for certain Army National Guard, Marine Corps Reserve, and Air National Guard officers and Army National Guard enlisted personnel serving on full-time reserve component duty.
Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.
Sec. 514. Increase in mandatory retirement age for certain Reserve officers.
Sec. 515. Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service.
Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.
Sec. 517. Modification of authorities on dual duty status of National Guard officers.
Sec. 518. Study and report regarding Marine Corps personnel policies regarding assignments in Individual Ready Reserve.
Sec. 519. Report on collection of information on civilian skills of members of the reserve components of the Armed Forces.

Subtitle C—Joint Qualified Officers and Requirements

Sec. 521. Joint duty requirements for promotion to general or flag officer.
Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.
Sec. 523. Promotion policy objectives for joint qualified officers.
Sec. 524. Length of joint duty assignments.
Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.
Sec. 526. Modification of limitations on authorized strengths of reserve general and flag officers in active status serving in joint duty assignments.
Sec. 527. Reports on joint education courses available through the Department of Defense.

Subtitle D—General Service Authorities

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

Subtitle E—Education and Training

Sec. 540. Authorized strength of military service academies and repeal of prohibition on phased increase in midshipmen and cadet strength limit at Naval Academy and Air Force Academy.
Sec. 541. Promotion of foreign and cultural exchange activities at military service academies.
Sec. 542. Increased authority to enroll defense industry employees in defense product development program.
Sec. 543. Expanded authority for institutions of professional military education to award degrees.

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

Subtitle F—Defense Dependents' Education

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

Subtitle G—Military Justice

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

Subtitle H—Decorations, Awards, and Honorary Promotions

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

Subtitle I—Military Families

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

Subtitle J—Other Matters

Sec. 591. Prohibition on interference in independent legal advice by the Legal Counsel to the Chairman of the Joint Chiefs of Staff.
Sec. 592. Interest payments on certain claims arising from correction of military records.
Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.
Sec. 594. Modification of matching fund requirements under National Guard Youth Challenge Program.
Sec. 595. Military salute for the flag during the national anthem by members of the Armed Forces not in uniform and by veterans.
Sec. 596. Military Leadership Diversity Commission.
Sec. 597. Demonstration project on service of retired nurse corps officers as faculty at civilian nursing schools.
Sec. 598. Report on planning for participation and hosting of the Department of Defense in international sports activities, competitions, and events.

# Subtitle A—Officer Personnel Policy Generally

### SEC. 501. MANDATORY SEPARATION REQUIREMENTS FOR REGULAR WARRANT OFFICERS FOR LENGTH OF SERVICE.

Section 1305(a) of title 10, United States Code, is amended—

(1) by striking "A regular warrant officer who has at least 30 years of active service as a warrant officer that could be

credited to him" and inserting "(1) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to the officer"; and

(2) by adding at the end the following new paragraph: "(2) In the case of a regular Army warrant officer, the calculation of years of active service under paragraph (1) shall include only years of active service as a warrant officer.".

**SEC. 502. REQUIREMENTS FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.**

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

(1) in subsection (a), by striking "in line of duty" each place it appears; and

(2) by adding at the end the following new subsection: "(c) A commission issued under subsection (a) in connection with the promotion of a deceased member to a higher commissioned grade shall require certification by the Secretary concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.".

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

(1) in subsection (a), by striking "in line of duty"; and

(2) by adding at the end the following new subsection: "(c) A warrant issued under subsection (a) in connection with the promotion of a deceased member to a higher grade shall require a finding by the Secretary concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.".

**SEC. 503. AUTHORIZED NUMBER OF GENERAL OFFICERS ON ACTIVE DUTY IN THE ARMY AND MARINE CORPS, LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS, AND INCREASE IN NUMBER OF OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.**

(a) INCREASE IN NUMBER OF ARMY GENERAL OFFICERS.—Section 526(a)(1) of title 10, United States Code, is amended by striking "302" and inserting "307".

(b) INCREASE IN NUMBER OF MARINE CORPS GENERAL OFFICERS.—Section 526(a)(4) of such title is amended by striking "80" and inserting "81".

(c) INCREASE IN EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Section 526(b)(1) of such title is amended by striking "12" and inserting "65".

(d) INCREASE IN NUMBER OF OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Section 525 of such title is amended—

(1) in the first sentence of subsection (a), by striking "that armed force" and inserting "the Army or Air Force, or more than 51 percent of the general officers of the Marine Corps,"; and

(2) in subsection (b)—

(A) in paragraphs (1) and (2)(A), by striking "16.3 percent" each place it appears and inserting "16.4 percent"; and

(B) in paragraph (2)(B), by striking "17.5 percent" and inserting "19 percent".

10 USC 526 note.

(e) ACQUISITION AND CONTRACTING BILLETS.—

(1) RESERVATION OF ARMY INCREASE.—The increase in the number of general officers on active duty in the Army, as authorized by the amendment made by subsection (a) is reserved for general officers in the Army who serve in an acquisition position.

(2) RESERVATION OF PORTION OF INCREASE IN JOINT DUTY ASSIGNMENTS EXCLUDED FROM LIMITATION.—Of the increase in the number of general officer and flag officer joint duty assignments that may be designated for exclusion from the limitations on the number of general officers and flag officers on active duty, as authorized by the amendment made by subsection (c), five of the designated assignments are reserved for general officers or flag officers who serve in an acquisition position, including one assignment in the Defense Contract Management Agency.

**SEC. 504. MODIFICATION OF AUTHORITY ON STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.**

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

(b) EXCLUSION FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525(a) of such title, as amended by section 503, is further amended—

(1) by inserting "(1)" after "(a)"; and

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

"(2) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title is in addition to the number that would otherwise be permitted for the Marine Corps for officers in grades above brigadier general under the first sentence of paragraph (1).".

**SEC. 505. ELIGIBILITY OF RESERVE OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE AND OTHER REASONS.**

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

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(2) in subsection (b), by striking "on active duty" in the matter preceding paragraph (1).

(b) CONFORMING AMENDMENT.—The heading of subsection (a) of such section is amended by striking "ACTIVE DUTY OFFICERS" and inserting "IN GENERAL".

10 USC 525 note.

**SEC. 506. DELAYED AUTHORITY TO ALTER DISTRIBUTION REQUIREMENTS FOR COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL OFFICER AND FLAG OFFICER GRADES AND LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.**

(a) IMPLEMENTATION OF SPECIAL GENERAL OFFICER AND FLAG OFFICER AUTHORITY.—

(1) REPORT ON PROPOSED IMPLEMENTATION.—The Secretary of Defense shall submit to the Committees on Armed Forces of the Senate and House of Representatives a report, reflecting input from the Armed Forces, containing the following:

(A) A statement of the total number of validated and required joint duty assignments for general officers and flag officers and the total number of validated assignments for general officers and flag officers required by the Army, Navy, Air Force, and Marine Corps to meet internal (non-joint) requirements.

(B) A description of the process used by the Secretary of Defense and the Secretary of the military department concerned to validate joint general officer and flag officer requirements and authorizations under the authority provided by this section and how that process will function to make adjustments (increases and reductions) in the numbers of general officers and flag officers required for joint duty assignments and internal requirements of the Armed Force concerned.

(C) A description of how the Secretary of Defense intends to minimize the incremental approaches to increases in the number of general officers and flag officers and the use of exemptions to effect such increases.

(D) A description of how the Secretaries of the military departments intend to manage the increase and development of general officer and flag officer positions under the authority provided by this section.

(E) An explanation of and rationale for the grade distribution of the general and flag officers in the joint pool authorized by subsection (f)(1).

(F) A proposal specifying such legislative changes, including technical and conforming changes, as may be necessary to conform sections 525, 526, and 721 of title 10, United States Code, and such other provisions of such title relating to the management of general officers and flag officers to the authorities provided by this section.

(2) TIME FOR IMPLEMENTATION.—After the end of the one-year period beginning on the date on which the Secretary of Defense submits the report required by paragraph (1), the Secretary of Defense may implement the authorities provided by this section regarding the distribution of commissioned officers on active duty in general officer and flag officer grades and altering the limitations on authorized strengths of general and flag officers on active duty.

(3) EFFECT OF IMPLEMENTATION.—After the implementation date specified in paragraph (2), the authorities provided by this section supersede any requirement of section 525, 526, or 721 of title 10, United States Code, to the contrary.

(b) DISTRIBUTION OF GENERAL AND FLAG OFFICERS.—After the implementation date specified in subsection (a)(2), no appointment of an officer on the active duty list officer may be made—

(1) in the Army, if that appointment would result in more than—

(A) 225 officers serving on active duty above the grade of colonel;

(B) 7 officers in the grade of general;

(C) 45 officers in a grade above the grade of major general; or

(D) 90 officers in the grade of major general;

(2) in the Air Force, if that appointment would result in more than—

(A) 208 officers serving on active duty in a grade above the grade of colonel;

(B) 9 officers in the grade of general;

(C) 43 officers in a grade above the grade of major general; or

(D) 73 officers in the grade of major general;

(3) in the Navy, if that appointment would result in more than—

(A) 160 officers serving on active duty in a grade above the grade of captain;

(B) 6 officers in the grade of admiral;

(C) 32 officers in a grade above the grade of rear admiral; or

(D) 50 officers in the grade of rear admiral; or

(4) in the Marine Corps, if that appointment would result in more than—

(A) 60 officers serving on active duty in a grade above the grade of colonel;

(B) 2 officers in the grade of general;

(C) 15 officers in a grade above the grade of major general; or

(D) 22 officers in the grade of major general.

(c) EXCLUSION OF CERTAIN OFFICERS FROM DISTRIBUTION LIMITS.—

Time period.

(1) JOINT ASSIGNMENTS.—The limitations contained in subsection (b) do not apply to officers serving in joint duty assignments, as designated by the Secretary of Defense under section 526(b) of title 10, United States Code, or this section or for officers released from joint duty assignments, but only during the 60-day period beginning on the date the officer departs the joint duty assignment. Of the officers serving in such joint duty assignments—

(A) the number of officers in the grade of general or admiral may not exceed 20;

(B) the number of officers in a grade above the grade of major general or rear admiral may not exceed 68; and

(C) the number of officers in the grade of major general or rear admiral may not exceed 144.

(2) OFFICERS AFTER RELIEF FROM CERTAIN POSITIONS.—An officer continuing to hold the grade of general or admiral under section 601(b)(4) of title 10 United States Code, after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps shall not be counted for purposes of subsection (b).

(3) ATTENDING PHYSICIAN.—An officer while serving as Attending Physician to the Congress is in addition to the number that would otherwise be permitted for that officer's Armed Force for officers serving on active duty in grades above brigadier general or rear admiral (lower half) under subsection (b).

(4) OFFICERS PENDING RETIREMENT OR AFTER RELIEF AND RELATED CIRCUMSTANCES.—The following officers shall not be counted for purposes of subsection (b):

(A) An officer of an Armed Force in the grade of brigadier general or above or, in the case of the Navy, in the grade of rear admiral (lower half) or above, who is on leave pending the retirement, separation, or release of that officer from active duty, but only during the 60-day period beginning on the date of the commencement of such leave of such officer.

(B) An officer of an Armed Force who has been relieved from a position designated under section 601(a) of title 10, United States Code, and is under orders to assume another such position, but only during the 60-day period beginning on the date on which those orders are published.

(d) APPOINTMENTS IN EXCESS OF DISTRIBUTION LIMITS.—

(1) APPOINTMENT AUTHORITY.—Subject to paragraph (3), the President— President.

(A) may make appointments in the Army, Air Force, and Marine Corps in the grade of lieutenant general and in the Army, Air Force, and Marine Corps in the grade of general in excess of the applicable numbers determined under subsection (b) if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and

(B) may make appointments in the Navy in the grades of vice admiral and admiral in excess of the applicable numbers determined under subsection (b) if each such appointment is made in conjunction with an offsetting reduction under paragraph (2).

(2) OFFSETTING REDUCTIONS.—For each appointment made under the authority of paragraph (1) in the Army, Air Force, or Marine Corps in the grade of lieutenant general or general or in the Navy in the grade of vice admiral or admiral, the number of appointments that may be made in the equivalent grade in one of the other Armed Forces (other than the Coast Guard) shall be reduced by one. When such an appointment is made, the President shall specify the Armed Force in which the reduction required by this paragraph is to be made. President.

(3) MAXIMUM.—The number of officers that may be serving on active duty in the grades of lieutenant general and vice admiral by reason of appointments made under the authority of paragraph (1) may not exceed 15. The number of officers that may be serving on active duty in the grades of general and admiral by reason of appointments made under the authority of paragraph (1) may not exceed 5.

(4) DURATION OF REDUCTION.—Upon the termination of the appointment of an officer in the grade of lieutenant general or vice admiral or general or admiral that was made in connection with an increase under paragraph (1) in the number of officers that may be serving on active duty in that Armed Force in that grade, the reduction made under paragraph (2) in the number of appointments permitted in such grade in another Armed Force by reason of that increase shall no longer be in effect.

(e) AUTHORIZED STRENGTH LIMITS FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—After the implementation date specified in subsection (a)(2), the number of general officers on active duty in the Army, Air Force, and Marine Corps, and the number of flag officers on active duty in the Navy, may not exceed the number specified for the Armed Force concerned as follows:

(1) For the Army, 225.

(2) For the Navy, 160.

(3) For the Air Force, 208.

(4) For the Marine Corps, 60.

(f) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—

(1) DESIGNATION OF POSITIONS.—The Secretary of Defense may designate up to 324 general officer and flag officer positions that are joint duty assignments for the purposes of chapter 38 of title 10, United States Code, for exclusion from the limitations in subsection (e). The Secretary of Defense will allocate these exclusions to the Armed Forces based on the number of general or flag officers required from each Armed Force for assignment to these designated positions.

(2) MINIMUM NUMBER OF POSITIONS.—Unless the Secretary of Defense determines that a lower number is in the best interests of the United States, the minimum number of officers serving in positions designated under paragraph (1) for each Armed Force shall be as follows:

(A) For the Army, 85.

(B) For the Navy, 61.

(C) For the Air Force, 76.

(D) For the Marine Corps, 21.

(g) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—The limitations in subsection (e) do not apply to a general or flag officer assigned to a temporary joint duty assignment billet designated by the Secretary of Defense for purposes of this section. A general or flag officer assigned to a temporary joint duty assignment as described in this subsection may not be excluded under this subsection from the limitations in subsection (e) for a period longer than one year.

(h) EXCLUSION OF CERTAIN RESERVE OFFICERS.—

(1) DISTRIBUTION LIMITS.—The limitations of subsection (b) do not apply to a reserve component general or flag officer who is on active duty and serving in billets other than joint duty assignments under a call or order specifying a period of not longer than two years.

(2) AUTHORIZED STRENGTH LIMITS.—The limitations in subsection (e) do not apply to a reserve component general or flag officer who is on active duty and serving in a position that is a joint duty assignment for the purposes of chapter 38 of title 10, United States Code, for a period not to exceed three years.

(i) PENDING OR AFTER JOINT DUTY ASSIGNMENTS.—Upon determination by the Secretary of Defense that such action is in the national interest, the Secretary may allow the Secretary of a military department to exceed the distribution of general and flag officers established under subsection (b) and the limitation in subsection (e) for up to one year for officers pending assignment to or return from joint duty assignments designated under section 526(b) of title 10, United States Code, or this section.

# Subtitle B—Reserve Component Management

**SEC. 511. EXTENSION TO OTHER RESERVE COMPONENTS OF ARMY AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.**

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

**SEC. 512. MODIFICATION OF AUTHORIZED STRENGTHS FOR CERTAIN ARMY NATIONAL GUARD, MARINE CORPS RESERVE, AND AIR NATIONAL GUARD OFFICERS AND ARMY NATIONAL GUARD ENLISTED PERSONNEL SERVING ON FULL-TIME RESERVE COMPONENT DUTY.**

(a) ARMY NATIONAL GUARD AND MARINE CORPS RESERVE OFFICERS.—The table in section 12011(a) of title 10, United States Code, relating to the number of officers of a reserve component who may be serving in the grades of major, lieutenant colonel, or colonel given the total number of members of that reserve component serving on full-time reserve component duty, is amended by striking the portion of the table relating to the Army National Guard and the Marine Corps Reserve and inserting the following:

"Army National Guard:

| | | | |
|---|---|---|---|
| 20,000 | 1,500 | 850 | 325 |
| 22,000 | 1,650 | 930 | 350 |
| 24,000 | 1,790 | 1,010 | 378 |
| 26,000 | 1,930 | 1,085 | 395 |
| 28,000 | 2,070 | 1,168 | 420 |
| 30,000 | 2,200 | 1,245 | 445 |
| 32,000 | 2,330 | 1,315 | 460 |
| 34,000 | 2,450 | 1,385 | 470 |
| 36,000 | 2,570 | 1,455 | 480 |
| 38,000 | 2,670 | 1,527 | 490 |
| 40,000 | 2,770 | 1,590 | 500 |
| 42,000 | 2,837 | 1,655 | 505 |

"Marine Corps Reserve:

| | | | |
|---|---|---|---|
| 1,000 | 99 | 63 | 20 |
| 1,200 | 103 | 67 | 21 |
| 1,300 | 107 | 70 | 22 |
| 1,400 | 111 | 73 | 23 |
| 1,500 | 114 | 76 | 24 |
| 1,600 | 117 | 79 | 25 |
| 1,700 | 120 | 82 | 26 |
| 1,800 | 123 | 85 | 27 |
| 1,900 | 126 | 88 | 28 |

"Marine Corps Reserve:

| | | | |
|---|---|---|---|
| 2,000 | 129 | 91 | 29 |
| 2,100 | 132 | 94 | 30 |
| 2,200 | 134 | 97 | 31 |
| 2,300 | 136 | 100 | 32 |
| 2,400 | 138 | 103 | 33 |
| 2,500 | 140 | 106 | 34 |
| 2,600 | 142 | 109 | 35". |

(b) AIR NATIONAL GUARD OFFICERS.—The table in such section is further amended by striking the portion of the table relating to the Air National Guard and inserting the following:

"Air National Guard:

| | | | |
|---|---|---|---|
| 5,000 | 333 | 335 | 251 |
| 6,000 | 403 | 394 | 260 |
| 7,000 | 472 | 453 | 269 |
| 8,000 | 539 | 512 | 278 |
| 9,000 | 606 | 571 | 287 |
| 10,000 | 673 | 665 | 313 |
| 11,000 | 740 | 759 | 339 |
| 12,000 | 807 | 827 | 353 |
| 13,000 | 873 | 886 | 363 |
| 14,000 | 939 | 945 | 374 |
| 15,000 | 1,005 | 1,001 | 384 |
| 16,000 | 1,067 | 1,057 | 394 |
| 17,000 | 1,126 | 1,113 | 404 |
| 18,000 | 1,185 | 1,169 | 414 |
| 19,000 | 1,235 | 1,224 | 424 |
| 20,000 | 1,283 | 1,280 | 428". |

(c) ARMY NATIONAL GUARD ENLISTED PERSONNEL.—The table in section 12012(a) of such title, relating to the number of members of a reserve component who may be serving in the grade of E–8 or E–9 given the total number of members of that reserve component serving on full-time reserve component duty, is amended by striking the portion of the table relating to the Army National Guard and inserting the following:

"Army National Guard:

| | | |
|---|---|---|
| 20,000 | 1,650 | 550 |
| 22,000 | 1,775 | 615 |
| 24,000 | 1,950 | 645 |
| 26,000 | 2,100 | 675 |
| 28,000 | 2,250 | 715 |
| 30,000 | 2,400 | 735 |
| 32,000 | 2,500 | 760 |

"Army National Guard:

| | | |
|---|---|---|
| 34,000 | 2,600 | 780 |
| 36,000 | 2,700 | 800 |
| 38,000 | 2,800 | 820 |
| 40,000 | 2,900 | 830 |
| 42,000 | 3,000 | 840". |

**SEC. 513. CLARIFICATION OF AUTHORITY TO CONSIDER FOR A VACANCY PROMOTION NATIONAL GUARD OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) ADDITIONAL EXCEPTION.—Subsection (d) of section 14317 of title 10, United States Code, is amended—

(1) in the first sentence—

(A) by striking "Except" and inserting "(1) Except";

(B) by striking "unless the officer is ordered" and inserting "unless the officer—

"(A) is ordered";

(C) by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following new subparagraph:

"(B) has been ordered to or is serving on active duty in support of a contingency operation."; and

(2) in the second sentence, by striking "If" and inserting the following:

"(2) If".

(b) CONSIDERATION FOR PROMOTION BY EXAMINATION FOR FEDERAL RECOGNITION.—Subsection (e)(1)(B) of such section is amended by inserting before the period at the end the following: ", or by examination for Federal recognition under title 32".

**SEC. 514. INCREASE IN MANDATORY RETIREMENT AGE FOR CERTAIN RESERVE OFFICERS.**

(a) SELECTIVE SERVICE AND PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10, United States Code, is amended by striking "60 years" and inserting "62 years".

(b) CERTAIN RESERVE OFFICERS IN GRADES OF MAJOR THROUGH BRIGADIER GENERAL.—Section 14702(b) of such title is amended—

(1) in the subsection heading, by striking "AT AGE 60" and inserting "FOR AGE"; and

(2) by striking "subsection (a)(1) or (a)(2)." and all that follows through the period at the end of the last sentence and inserting the following: "paragraph (1) or (2) of subsection (a). An officer described in paragraph (1) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 62 years of age. An officer described in paragraph (2) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.".

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 14702 of such title is amended to read as follows:

**"§ 14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general".**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

"14702. Retention on reserve active-status list of certain officers in the grade of major, lieutenant colonel, colonel, or brigadier general.".

**SEC. 515. AGE LIMIT FOR RETENTION OF CERTAIN RESERVE OFFICERS ON ACTIVE-STATUS LIST AS EXCEPTION TO REMOVAL FOR YEARS OF COMMISSIONED SERVICE.**

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

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) RETENTION OF LIEUTENANT GENERALS.—A reserve officer of the Army or Air Force in the grade of lieutenant general who would otherwise be removed from an active status under subsection (c) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 66 years of age.".

**SEC. 516. AUTHORITY TO RETAIN RESERVE CHAPLAINS AND OFFICERS IN MEDICAL AND RELATED SPECIALTIES UNTIL AGE 68.**

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking "67 years" and inserting "68 years".

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(c) Notwithstanding subsection (a)(1), an officer of the National Guard serving as a chaplain, medical officer, dental officer, nurse, veterinarian, Medical Service Corps officer, or biomedical sciences officer may be retained, with the officer's consent, until the date on which the officer becomes 68 years of age.".

**SEC. 517. MODIFICATION OF AUTHORITIES ON DUAL DUTY STATUS OF NATIONAL GUARD OFFICERS.**

(a) DUAL DUTY STATUS AUTHORIZED FOR ANY OFFICER ON ACTIVE DUTY.—Subsection (a)(2) of section 325 of title 32, United States Code, is amended by striking "in command of a National Guard unit".

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

(1) by redesignating subsection (b) as subsection (c); and

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

"(b) ADVANCE AUTHORIZATION AND CONSENT.—The President and the Governor of a State or Territory, or of the Commonwealth of Puerto Rico, or the commanding general of the District of Columbia National Guard, as applicable, may give the authorization or consent required by subsection (a)(2) with respect to an officer in advance for the purpose of establishing the succession of command of a unit.".

**SEC. 518. STUDY AND REPORT REGARDING MARINE CORPS PERSONNEL POLICIES REGARDING ASSIGNMENTS IN INDIVIDUAL READY RESERVE.**

(a) STUDY.—The Secretary of the Navy shall conduct a study to analyze the policies and procedures used by the Marine Corps Reserve during fiscal years 2001 through 2008 to govern the assignment of members of the Marine Corps Reserve in the Individual Ready Reserve.

(b) ELEMENTS.—The study shall contain, at a minimum, the following elements:

(1) A summary of the actual policies and procedures used to assign members of the Marine Corps Reserve to the Individual Ready Reserve and to remove members from the Individual Ready Reserve, to include the grade and authority of the official responsible for making the decision regarding the assignment.

(2) The number of members of the Marine Corps Reserve assigned to the Individual Ready Reserve during fiscal years 2001 through 2008.

(3) The number of members of the Marine Corps Reserve who spent less than 12 months in the Individual Ready Reserve during fiscal years 2001 through 2008, categorized by the reason provided for assigning the members to the Individual Ready Reserve.

(4) The impact of assigning a member of the Marine Corps Reserve to the Individual Ready Reserve on the eligibility of the member for health care coverage under TRICARE.

(5) The policies and procedures used to account for members of the Marine Corps Reserve who are excess to a unit's authorization document, to include members selected for promotion or command who have not yet been promoted or assumed duties as officers in command.

(6) Recommendations for improvements to policies and procedures used to assign members of the Marine Corps Reserve to the Individual Ready Reserve and to remove members from the Individual Ready Reserve.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and House of Representatives a report containing the results of the study.

**SEC. 519. REPORT ON COLLECTION OF INFORMATION ON CIVILIAN SKILLS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.**

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability, utility, and cost effectiveness of the following:

(1) The collection by the Department of Defense of information on the civilian skills, qualifications, and professional certifications of members of the reserve components of the Armed Forces that are relevant to military manpower requirements.

(2) The establishment by each military department, and by the Department of Defense generally, of a system that would match billets and personnel requirements with members of the reserve components of the Armed Forces who have skills,

qualifications, and certifications relevant to such billets and requirements.

(3) The establishment by the Department of Defense of one or more systems accessible by private employers who employ individuals with skills, qualifications, and certifications possessed by members of the reserve components of the Armed Forces to assist such employers in hiring and employing such members.

(4) Actions to ensure that employment information collected for and maintained in the Civilian Employment Information database of the Department of Defense is current and accurate.

(5) Actions to incorporate any matter determined feasible and advisable under paragraphs (1) through (4) into the Defense Integrated Military Human Resources System.

# Subtitle C—Joint Qualified Officers and Requirements

**SEC. 521. JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG OFFICER.**

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

(1) in subsection (a), by striking "unless—" and all that follows through "the joint specialty" and inserting "unless the officer has been designated as a joint qualified officer";

(2) in subsection (b)—

(A) by striking "paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a)," in the matter preceding paragraph (1) and inserting "subsection (a)"; and

(B) in paragraph (4), by striking "within that immediate organization is not less than two years" and inserting "is not less than two years and the officer has successfully completed a program of education described in subsections (b) and (c) of section 2155 of this title"; and

(3) by striking subsection (h).

(b) CLERICAL AMENDMENTS.—

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

**"§ 619a. Eligibility for consideration for promotion: designation as joint qualified officer required before promotion to general or flag grade; exceptions".**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

"619a. Eligibility for consideration for promotion: designation as joint qualified officer required before promotion to general or flag grade; exceptions.".

**SEC. 522. TECHNICAL, CONFORMING, AND CLERICAL CHANGES TO JOINT SPECIALTY TERMINOLOGY.**

(a) REFERENCE TO JOINT QUALIFIED OFFICER.—

(1) IN GENERAL.—Subsection (a) of section 661 of title 10, United States Code, is amended in the second sentence by striking "in such manner as the Secretary of Defense directs"

and inserting "as a joint qualified officer or in such other manner as the Secretary of Defense directs".

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

**"§ 661. Management policies for joint qualified officers".**

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item related to section 661 and inserting the following new item:

"661. Management policies for joint qualified officers.".

(b) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of such title is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "JOINT SPECIALTY" and inserting "JOINT QUALIFIED"; and

(B) by striking "with the joint specialty" and inserting "designated as a joint qualified officer"; and

(2) in subsection (b)(1), by striking "do not have the joint specialty" and inserting "are not designated as a joint qualified officer".

(c) PROCEDURES FOR MONITORING CAREERS OF JOINT QUALIFIED OFFICERS.—

(1) IN GENERAL.—Section 665 of such title is amended—

(A) in subsection (a)(1)(A), by striking "with the joint specialty" and inserting "designated as a joint qualified officer"; and

(B) in subsection (b)(1), by striking "with the joint specialty" and inserting "designated as a joint qualified officer".

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

**"§ 665. Procedures for monitoring careers of joint qualified officers".**

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 38 of such title is amended by striking the item related to section 665 and inserting the following new item:

"665. Procedures for monitoring careers of joint qualified officers.".

(d) JOINT SPECIALTY TERMINOLOGY IN ANNUAL REPORT.—Section 667 of such title is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "selected for the joint specialty" and inserting "designated as a joint qualified officer"; and

(B) in subparagraph (B), by striking "selection for the joint specialty" and inserting "designation as a joint qualified officer,";

(2) in paragraph (2), by striking "with the joint specialty" and inserting "designated as a joint qualified officer";

(3) in paragraph (3), by striking "selected for the joint specialty" each place it appears and inserting "designated as a joint qualified officer";

(4) in paragraph (4)—

(A) in subparagraph (A), by striking "selected for the joint specialty" and inserting "designated as a joint qualified officer"; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) a comparison of the number of officers who were designated as a joint qualified officer who had served in a Joint Duty Assignment List billet and completed Joint Professional Military Education Phase II, with the number designated as a joint qualified officer based on their aggregated joint experiences and completion of Joint Professional Military Education Phase II.";

(5) by striking paragraphs (5) through (10), (13), and (16), and redesignating paragraphs (11), (12), (14), (15), (17), and (18) as paragraphs (7), (8), (9), (10), (12), and (13), respectively;

(6) by inserting after paragraph (4) the following new paragraphs:

"(5) The promotion rate for officers designated as a joint qualified officer, compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category. A similar comparison will be made for officers both below the promotion zone and above the promotion zone.

"(6) An analysis of assignments of officers after their designation as a joint qualified officer."; and

(7) by inserting after paragraph (10), as redesignated by paragraph (5) of this subsection, the following new paragraph (11):

"(11) The number of officers in the grade of captain (or in the case of the Navy, lieutenant) and above certified at each level of joint qualification as established in regulation and policy by the Secretary of Defense with the advice of the Chairman of the Joint Chiefs of Staff. Such numbers shall be reported by service and grade of the officer.".

**SEC. 523. PROMOTION POLICY OBJECTIVES FOR JOINT QUALIFIED OFFICERS.**

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

(1) in subsection (a)(2), by striking "officers who are serving or have served in joint duty assignments" and inserting "officers in the grade of major (or in the case of the Navy, lieutenant commander) or above who have been designated as a joint qualified officer"; and

(2) in subsection (b), by inserting after "joint duty assignments" the following: "or on the Joint Staff, and officers who have been designated as a joint qualified officer in the grades of major (or in the case of the Navy, lieutenant commander) through colonel (or in the case of the Navy, captain)".

**SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENTS.**

(a) SERVICE EXCLUDED FROM TOUR LENGTH.—Subsection (d) of section 664 of title 10, United States Code, is amended—

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

"(D) a qualifying reassignment from a joint duty assignment—

"(i) for unusual personal reasons, including extreme hardship and medical conditions, beyond the control of the officer or the armed forces; or

"(ii) to another joint duty assignment immediately after—

"(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

"(II) the officer's position was eliminated in a reorganization."; and

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

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

(b) COMPUTING AVERAGE LENGTH OF JOINT DUTY ASSIGNMENTS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph (2):

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

"(A) Service described in subsection (c).

"(B) Service described in subsection (d).

"(C) Service described in subsection (f)(6).".

(c) COMPLETION OF TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) in paragraph (3), by striking "Cumulative service" and inserting "Accrued joint experience";

(2) in paragraph (4), by striking "(except" and all that follows through "any time)"; and

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

"(6) A second and subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.".

(d) ACCRUED JOINT EXPERIENCE AS FULL TOUR OF DUTY.—Subsection (g) of such section is amended to read as follows:

"(g) ACCRUED JOINT EXPERIENCE.—For the purposes of subsection (f)(3), the Secretary of Defense may prescribe, by regulation, certain joint experience, such as temporary duty in joint assignments, joint individual training, and participation in joint exercises, that may be aggregated to equal a full tour of duty. The Secretary shall prescribe the regulations with the advice of the Chairman of the Joint Chiefs of Staff.".

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

(1) in paragraph (1), by striking "subsection (f)(1), (f)(2), (f)(4), or (g)(2)" and inserting "paragraphs (1), (2), and (4) of subsection (f)"; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

**SEC. 525. DESIGNATION OF GENERAL AND FLAG OFFICER POSITIONS ON JOINT STAFF AS POSITIONS TO BE HELD ONLY BY RESERVE COMPONENT OFFICERS.**

Section 526(b)(2)(A) of title 10, United States Code, is amended by striking "a general and flag officer position" and inserting "up to three general and flag officer positions".

**SEC. 526. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF RESERVE GENERAL AND FLAG OFFICERS IN ACTIVE STATUS SERVING IN JOINT DUTY ASSIGNMENTS.**

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

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

(b) EXCLUSION OF NAVY OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (c) of such section is amended—

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

(2) in paragraph (1), by striking "(1)" and all that follows through "as follows:" and inserting the following:

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

"(A) Those counted under section 526 of this title.

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

"(2) Of the number of Navy reserve officers authorized by subsection (a), 40 are distributed among the line and staff corps as follows:".

(c) EXCLUSION OF MARINE CORPS OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (d) of such section is amended to read as follows:

"(d) The following Marine Corps reserve officers shall not be counted for purposes of this section:

"(1) Those counted under section 526 of this title.

"(2) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Marine Corps in subsection (a).".

**SEC. 527. REPORTS ON JOINT EDUCATION COURSES AVAILABLE THROUGH THE DEPARTMENT OF DEFENSE.**

(a) REPORTS REQUIRED.—Not later than April 1 of each of 2009, 2010, and 2011, the Chairman of the Joint Chiefs of Staff shall submit to Congress a report setting forth information on the joint education courses available through the Department of Defense for purposes of the pursuit of joint careers by officers in the Armed Forces.

(b) ELEMENTS.—Each report under subsection (a) shall include, for the preceding year covered by the report, the following:

(1) A list and description of the joint education courses available during the year covered by the report.

(2) A list and description of the joint education courses listed under paragraph (1) that are available to, and may be completed by, officers of the reserve components of the Armed Forces in other than an in-resident duty status under title 10 or 32, United States Code.

(3) For each joint education course listed under paragraph (1), the number of officers from each Armed Force who pursued the course during the year covered by the report, including the number of officers of the Army National Guard and Air National Guard who pursued the course.

## Subtitle D—General Service Authorities

### SEC. 531. INCREASE IN MAXIMUM PERIOD OF REENLISTMENT OF REGULAR MEMBERS OF THE ARMED FORCES.

(a) INCREASE TO EIGHT-YEAR MAXIMUM.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking "six years" and inserting "eight years"; and

(2) in paragraph (3)(A), by striking "six years" and inserting "eight years".

(b) CONFORMING AMENDMENT REGARDING REENLISTMENT BONUS.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking "not to exceed six".

### SEC. 532. PATERNITY LEAVE FOR MEMBERS OF THE ARMED FORCES.

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

"(j)(1) Under regulations prescribed by the Secretary concerned, a married member of the armed forces on active duty whose wife gives birth to a child shall receive 10 days of leave to be used in connection with the birth of the child. Regulations.

"(2) Leave under paragraph (1) is in addition to other leave authorized under this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and applies only with respect to children born on or after that date. 10 USC 701 note.

### SEC. 533. PILOT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES. 10 USC 701 note.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out pilot programs under which officers and enlisted members of the regular components of the Armed Forces under the jurisdiction of such Secretary may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

(2) PURPOSE.—The purpose of the pilot programs under this section shall be to evaluate whether permitting inactivation from active duty and greater flexibility in career paths for members of the Armed Forces will provide an effective means to enhance retention of members of the Armed Forces and

the capacity of the Department of Defense to respond to the personal and professional needs of individual members of the Armed Forces.

(b) LIMITATION ON ELIGIBLE MEMBERS.—A member of the Armed Forces is not eligible to participate in a pilot program under this section during any period of service required of the member—

(1) under an agreement upon entry of the member on active duty; or

(2) due to receipt by the member of a retention bonus as a member qualified in a critical military skill or assigned to a high priority unit under section 355 of title 37, United States Code.

(c) LIMITATION ON NUMBER OF PARTICIPANTS.—Not more than 20 officers and 20 enlisted members of each Armed Force may be selected during each of calendar years 2009 through 2012 to participate in the pilot programs under this section.

(d) PERIOD OF INACTIVATION FROM ACTIVE DUTY; EFFECT OF INACTIVATION.—

(1) LIMITATION.—The period of inactivation from active duty under a pilot program under this section of a member participating in the pilot program shall be such period as the Secretary of the military department concerned shall specify in the agreement of the member under subsection (e), except that such period may not exceed three years.

(2) EXCLUSION FROM COMPUTATION OF RESERVE OFFICER'S TOTAL YEARS OF SERVICE.—Any service by a Reserve officer while participating in a pilot program under this section shall be excluded from computation of the officer's total years of service pursuant to section 14706(a) of title 10, United States Code.

(3) RETIREMENT AND RELATED PURPOSES.—Any period of participation of a member in a pilot program under this section shall not count toward—

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

(B) computation of retired or retainer pay under chapter 71 or 1223 of title 10, United States Code.

(e) AGREEMENT.—Each member of the Armed Forces who participates in a pilot program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement that member shall agree as follows:

(1) To accept an appointment or enlist, as applicable, and serve in the Ready Reserve of the Armed Force concerned during the period of the member's inactivation from active duty under the pilot program.

(2) To undergo during the period of the inactivation of the member from active duty under the pilot program such inactive duty training as the Secretary concerned shall require in order to ensure that the member retains proficiency, at a level determined by the Secretary concerned to be sufficient, in the member's military skills, professional qualifications, and physical readiness during the inactivation of the member from active duty.

(3) Following completion of the period of the inactivation of the member from active duty under the pilot program, to serve two months as a member of the Armed Forces on active duty for each month of the period of the inactivation of the member from active duty under the pilot program.

(f) CONDITIONS OF RELEASE.—The Secretary of Defense shall issue regulations specifying the guidelines regarding the conditions of release that must be considered and addressed in the agreement required by subsection (e). At a minimum, the Secretary shall prescribe the procedures and standards to be used to instruct a member on the obligations to be assumed by the member under paragraph (2) of such subsection while the member is released from active duty.

Regulations. Guidelines.

Procedures. Standards.

(g) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary of the military department concerned, a member of the Armed Forces participating in a pilot program under this section may, in the discretion of such Secretary, be required to terminate participation in the pilot program and be ordered to active duty.

Regulations.

(h) PAY AND ALLOWANCES.—

(1) BASIC PAY.—During each month of participation in a pilot program under this section, a member who participates in the pilot program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the member when the member commences participation in the pilot program.

(2) PROHIBITION ON RECEIPT OF SPECIAL AND INCENTIVE PAYS.—

(A) PROHIBITION ON RECEIPT DURING PARTICIPATION.—A member who participates in a pilot program shall not, while participating in the pilot program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(B) TREATMENT OF REQUIRED SERVICE.—The inactivation from active duty of a member participating in a pilot program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(3) REVIVAL OF SPECIAL PAYS UPON RETURN TO ACTIVE DUTY.—

(A) REVIVAL REQUIRED.—Subject to subparagraph (B), upon the return of a member to active duty after completion by the member of participation in a pilot program—

(i) any agreement entered into by the member under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the pilot program shall be revived, with the term of such agreement after revival being the period

of the agreement remaining to run when the member commenced participation in the pilot program; and

(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

(B) LIMITATIONS.—

(i) LIMITATION AT TIME OF RETURN TO ACTIVE DUTY.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active duty as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active duty.

(ii) CESSATION DURING LATER SERVICE.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the member under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

(C) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37, United States Code.

(D) CONSTRUCTION OF REQUIRED SERVICE.—Any service required of a member under an agreement covered by this paragraph after the member returns to active duty as described in subparagraph (A) shall be in addition to any service required of the member under an agreement under subsection (e).

(4) CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES.—

(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a pilot program is entitled, while participating in the pilot program, to the travel and transportation allowances authorized by section 404 of title 37, United States Code, for—

(i) travel performed from the member's residence, at the time of release from active duty to participate in the pilot program, to the location in the United States designated by the member as his residence during the period of participation in the pilot program; and

(ii) travel performed to the member's residence upon return to active duty at the end of the member's participation in the pilot program.

(B) LIMITATION.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

(i) PROMOTION.—

(1) OFFICERS.—

(A) LIMITATION ON PROMOTION.—An officer participating in a pilot program under this section shall not, while participating in the pilot program, be eligible for consideration for promotion under chapter 36 or 1405 of title 10, United States Code.

(B) PROMOTION AND RANK UPON RETURN TO ACTIVE DUTY.—Upon the return of an officer to active duty after completion by the officer of participation in a pilot program—

(i) the Secretary of the military department concerned shall adjust the officer's date of rank in such manner as the Secretary of Defense shall prescribe in regulations for purposes of this section; and Regulations.

(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

(2) ENLISTED MEMBERS.—An enlisted member participating in a pilot program shall not be eligible for consideration for promotion during the period that— Time period.

(A) begins on the date of the member's inactivation from active duty under the pilot program; and

(B) ends at such time after the return of the member to active duty under the pilot program that the member is treatable as eligible for promotion by reason of time in grade and such other requirements as the Secretary of the military department concerned shall prescribe in regulations for purposes of the pilot program.

(j) MEDICAL AND DENTAL CARE.—A member participating in a pilot program under this section shall, while participating in the pilot program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of the entitlement of the member and the member's dependents to medical and dental care under the provisions of chapter 55 of title 10, United States Code. Time period.

(k) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1, 2011, and June 1, 2013, the Secretary of each military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs conducted by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs conducted under this section.

(3) ELEMENTS OF REPORT.—Each interim report and the final report under this subsection shall include the following:

(A) A description of each pilot program conducted under this section, including a description of the number of applicants for such pilot program and the criteria used to select individuals for participation in such pilot program.

(B) An assessment by the Secretary concerned of the pilot programs, including an evaluation of whether—

(i) the authorities of the pilot programs provided an effective means to enhance the retention of members

of the Armed Forces possessing critical skills, talents, and leadership abilities;

(ii) the career progression in the Armed Forces of individuals who participate in the pilot program has been or will be adversely affected; and

(iii) the usefulness of the pilot program in responding to the personal and professional needs of individual members of the Armed Forces.

(C) Such recommendations for legislative or administrative action as the Secretary concerned considers appropriate for the modification or continuation of the pilot programs.

(l) DURATION OF PROGRAM AUTHORITY.—The authority to conduct a pilot program under this section shall commence on January 1, 2009. No member of the Armed Forces may be released from active duty under a pilot program under this section after December 31, 2012.

# Subtitle E—Education and Training

**SEC. 540. AUTHORIZED STRENGTH OF MILITARY SERVICE ACADEMIES AND REPEAL OF PROHIBITION ON PHASED INCREASE IN MIDSHIPMEN AND CADET STRENGTH LIMIT AT NAVAL ACADEMY AND AIR FORCE ACADEMY.**

(a) MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended by striking "4,000 or such higher number" and inserting "4,400 or such lower number".

(b) NAVAL ACADEMY.—Section 6954 of such title is amended—

(1) in subsection (a), by striking "4,000 or such higher number" and inserting "4,400 or such lower number"; and

(2) in subsection (h)(1), by striking the last sentence.

(c) AIR FORCE ACADEMY.—Section 9342 of such title is amended—

(1) in subsection (a), by striking "4,000 or such higher number" and inserting "4,400 or such lower number"; and

(2) in subsection (j)(1), by striking the last sentence.

10 USC 4342 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to academic years at the United States Military Academy, the United States Naval Academy, and the Air Force Academy after the 2007-2008 academic year.

**SEC. 541. PROMOTION OF FOREIGN AND CULTURAL EXCHANGE ACTIVITIES AT MILITARY SERVICE ACADEMIES.**

(a) UNITED STATES MILITARY ACADEMY.—

(1) IN GENERAL.—Chapter 403 of title 10, United States Code, is amended by inserting after section 4345 the following new section:

**"§ 4345a. Foreign and cultural exchange activities**

"(a) ATTENDANCE AUTHORIZED.—The Secretary of the Army may authorize the Academy to permit students, officers, and other representatives of a foreign country to attend the Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

"(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Academy under subsection (a).

"(c) EFFECT OF ATTENDANCE.—Persons attending the Academy under subsection (a) are not considered to be students enrolled at the Academy and are in addition to persons receiving instruction at the Academy under section 4344 or 4345 of this title.

"(d) SOURCE OF FUNDS; LIMITATION.—(1) The Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Academy and from such additional funds as may be available to the Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

"(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4345 the following new item:

"4345a. Foreign and cultural exchange activities.".

(b) NAVAL ACADEMY.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by inserting after section 6957a the following new section:

**"§ 6957b. Foreign and cultural exchange activities**

"(a) ATTENDANCE AUTHORIZED.—The Secretary of the Navy may authorize the Naval Academy to permit students, officers, and other representatives of a foreign country to attend the Naval Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of midshipmen.

"(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Naval Academy under subsection (a).

"(c) EFFECT OF ATTENDANCE.—Persons attending the Naval Academy under subsection (a) are not considered to be students enrolled at the Naval Academy and are in addition to persons receiving instruction at the Naval Academy under section 6957 or 6957a of this title.

"(d) SOURCE OF FUNDS; LIMITATION.—(1) The Naval Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Naval Academy and from such additional funds as may be available to the Naval Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

"(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6957a the following new item:

"6957b. Foreign and cultural exchange activities.".

(c) AIR FORCE ACADEMY.—

(1) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9345 the following new section:

**"§ 9345a. Foreign and cultural exchange activities**

"(a) ATTENDANCE AUTHORIZED.—The Secretary of the Air Force may authorize the Air Force Academy to permit students, officers, and other representatives of a foreign country to attend the Air Force Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

"(b) COSTS AND EXPENSES.—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Air Force Academy under subsection (a).

"(c) EFFECT OF ATTENDANCE.—Persons attending the Air Force Academy under subsection (a) are not considered to be students enrolled at the Air Force Academy and are in addition to persons receiving instruction at the Air Force Academy under section 9344 or 9345 of this title.

"(d) SOURCE OF FUNDS; LIMITATION.—(1) The Air Force Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Air Force Academy and from such additional funds as may be available to the Air Force Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

"(2) Expenditures from appropriated funds in support of activities under this section may not exceed $40,000 during any fiscal year.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9345 the following new item:

"9345a. Foreign and cultural exchange activities.".

**SEC. 542. INCREASED AUTHORITY TO ENROLL DEFENSE INDUSTRY EMPLOYEES IN DEFENSE PRODUCT DEVELOPMENT PROGRAM.**

Section 7049(a) of title 10, United States Code, is amended by striking "25" and inserting "125".

**SEC. 543. EXPANDED AUTHORITY FOR INSTITUTIONS OF PROFESSIONAL MILITARY EDUCATION TO AWARD DEGREES.**

(a) NATIONAL DEFENSE INTELLIGENCE COLLEGE.—

(1) IN GENERAL.—Section 2161 of title 10, United States Code, is amended to read as follows:

**"§ 2161. Degree granting authority for National Defense Intelligence College**

Regulations.

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense Intelligence College may, upon the recommendation of the faculty of the National Defense Intelligence College, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the National Defense Intelligence College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives— Reports.

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and Assessments.

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the National Defense Intelligence College to award any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 108 of such title is amended by striking the item relating to section 2161 and inserting the following new item:

"2161. Degree granting authority for National Defense Intelligence College.".

(b) NATIONAL DEFENSE UNIVERSITY.—

(1) IN GENERAL.—Section 2163 of such title is amended to read as follows:

### "§ 2163. Degree granting authority for National Defense University

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the President of the National Defense University may, upon the recommendation of the faculty of the National Defense University, confer appropriate degrees upon graduates who meet the degree requirements. Regulations.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the National Defense University is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

Reports.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

Assessments.

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the National Defense University to award any new or existing degree.".

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

"2163. Degree granting authority for National Defense University.".

(c) UNITED STATES ARMY COMMAND AND GENERAL STAFF COLLEGE.—

(1) IN GENERAL.—Section 4314 of such title is amended to read as follows:

**"§ 4314. Degree granting authority for United States Army Command and General Staff College**

Regulations.

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army Command and General Staff College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the United States Army Command and General Staff College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

Reports.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section,

the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and Assessments.

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the United States Army Command and General Staff College to award any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4314 and inserting the following new item:

"4314. Degree granting authority for United States Army Command and General Staff College.".

(d) UNITED STATES ARMY WAR COLLEGE.—

(1) IN GENERAL.—Section 4321 of title 10, United States Code, is amended to read as follows:

**"§ 4321. Degree granting authority for United States Army War College**

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College may, upon the recommendation of the faculty and dean of the college, confer appropriate degrees upon graduates who meet the degree requirements. Regulations.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the United States Army War College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives— Reports.

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted Assessments.

to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the United States Army War College to award any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 401 of such title is amended by striking the item relating to section 4321 and inserting the following new item:

"4321. Degree granting authority for United States Army War College.".

(e) UNITED STATES NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Section 7048 of such title is amended to read as follows:

**"§ 7048. Degree granting authority for United States Naval Postgraduate School**

Regulations.

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval Postgraduate School may, upon the recommendation of the faculty of the Naval Postgraduate School, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the Naval Postgraduate School is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

Reports.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

Assessments.

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the Naval Postgraduate School to award any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 605 of such title is amended by striking the item relating to section 7048 and inserting the following new item:

"7048. Degree granting authority for United States Naval Postgraduate School.".

(f) NAVAL WAR COLLEGE.—

(1) IN GENERAL.—Section 7101 of such title is amended to read as follows:

**"§ 7101. Degree granting authority for Naval War College**

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Naval War College may, upon the recommendation of the faculty of the Naval War College components, confer appropriate degrees upon graduates who meet the degree requirements. Regulations.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the Naval War College is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives— Reports.

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and Assessments.

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives

a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the Naval War College to award any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7101 and inserting the following new item:

"7101. Degree granting authority for Naval War College.".

(g) MARINE CORPS UNIVERSITY.—

(1) IN GENERAL.—Section 7102 of such title is amended to read as follows:

**"§ 7102. Degree granting authority for Marine Corps University**

Regulations.

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Navy, the President of the Marine Corps University may, upon the recommendation of the directors and faculty of the Marine Corps University, confer appropriate degrees upon graduates who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the Marine Corps University is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

Reports.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

Assessments.

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the Marine Corps University to award any new or existing degree.

Establishment.

"(d) BOARD OF ADVISORS.—The Secretary of the Navy shall establish a board of advisors for the Marine Corps University. The Secretary shall ensure that the board is established so as to meet all requirements of the appropriate regional accrediting association.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 609 of such title is amended by striking the item relating to section 7102 and inserting the following new item:

"7102. Degree granting authority for Marine Corps University.".

(h) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—

(1) IN GENERAL.—Section 9314 of such title is amended to read as follows:

**"§ 9314. Degree granting authority for United States Air Force Institute of Technology**

"(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Air Force, the commander of the Air University may, upon the recommendation of the faculty of the United States Air Force Institute of Technology, confer appropriate degrees upon graduates of the United States Air Force Institute of Technology who meet the degree requirements.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the United States Air Force Institute of Technology is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives— Reports.

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and Assessments.

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the United States Air Force Institute of Technology to award any new or existing degree.

"(d) CIVILIAN FACULTY.—(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and with Department of Defense personnel limits.

"(2) The Secretary shall prescribe regulations determining— Regulations.

"(A) titles and duties of civilian members of the faculty; and

"(B) pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5373 of title 5.

"(e) REIMBURSEMENT AND TUITION.—(1) The Department of the Army, the Department of the Navy, and the Department of Homeland Security shall bear the cost of the instruction at the Air Force Institute of Technology that is received by members of the armed forces detailed for that instruction by the Secretaries of the Army, Navy, and Homeland Security, respectively.

"(2) Members of the Army, Navy, Marine Corps, and Coast Guard may only be detailed for instruction at the Institute on a space-available basis.

"(3) In the case of an enlisted member of the Army, Navy, Marine Corps, and Coast Guard permitted to receive instruction at the Institute, the Secretary of the Air Force shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space-available basis).

"(f) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

"(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

"(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

"(4) The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant of the Institute shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

"(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Institute may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

Regulations.

"(6) The Secretary shall prescribe regulations for the administration of this subsection.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9314 and inserting the following new item:

"9314. Degree granting authority for United States Air Force Institute of Technology.".

(i) AIR UNIVERSITY.—

(1) IN GENERAL.—Section 9317 of such title is amended to read as follows:

**"§ 9317. Degree granting authority for Air University**

"(a) AUTHORITY.—Except as provided in sections 9314 and 9315 of this title, under regulations prescribed by the Secretary of the Air Force, the commander of the Air University may, upon the recommendation of the faculty of the Air University components, confer appropriate degrees upon graduates who meet the degree requirements. Regulations.

"(b) LIMITATION.—A degree may not be conferred under this section unless—

"(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

"(2) the Air University is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

"(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives— Reports.

"(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and Assessments.

"(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

"(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

"(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the Air University to award any new or existing degree.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 901 of such title is amended by striking the item relating to section 9317 and inserting the following new item:

"9317. Degree granting authority for Air University.".

(j) EFFECTIVE DATE.—The amendments made by this section shall apply to any degree granting authority established, modified, or redesignated on or after the date of enactment of this Act for an institution of professional military education referred to in such amendments.

**SEC. 544. TUITION FOR ATTENDANCE OF FEDERAL EMPLOYEES AT THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.**

Subsection (e) of section 9314 of title 10, United States Code, as amended by section 543(h), is further amended by adding at the end the following new paragraphs:

"(4)(A) The Institute shall charge tuition for the cost of providing instruction at the Institute for any civilian employee of a military department (other than a civilian employee of the Department of the Air Force), of another component of the Department of Defense, or of another Federal agency who receives instruction at the Institute.

"(B) The cost of any tuition charged an individual under this paragraph shall be borne by the department, agency, or component sending the individual for instruction at the Institute.

"(5) Amounts received by the Institute for the instruction of students under this subsection shall be retained by the Institute. Such amounts shall be available to the Institute to cover the costs of such instruction. The source and disposition of such amounts shall be specifically identified in the records of the Institute.".

**SEC. 545. INCREASE IN NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES AIR FORCE ACADEMY.**

Section 9331(b)(4) of title 10, United States Code, is amended by striking "21 permanent professors" and inserting "23 permanent professors".

**SEC. 546. REQUIREMENT OF COMPLETION OF SERVICE UNDER HONORABLE CONDITIONS FOR PURPOSES OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS.**

(a) REQUIREMENT OF HONORABLE SERVICE.—Section 16164(a)(2) of title 10, United States Code, is amended by striking "other than dishonorable conditions" and inserting "honorable conditions".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a person described in section 16163 of title 10, United States Code, who—

(1) separates from a reserve component on or after January 28, 2008, the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008; and

(2) as of the date of the enactment of this Act, has not used any of the person's entitlement to educational assistance under chapter 1607 of such title.

**SEC. 547. CONSISTENT EDUCATION LOAN REPAYMENT AUTHORITY FOR HEALTH PROFESSIONALS IN REGULAR COMPONENTS AND SELECTED RESERVE.**

Section 16302(c) of title 10, United States Code, is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The annual maximum amount of a loan that may be repaid under this section shall be the same as the maximum amount in effect for the same year under subsection (e)(2) of section 2173 of this title for the education loan repayment program under such section.".

**SEC. 548. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.**

Deadline.

(a) PLAN FOR INCREASE.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support, not later than September 30, 2020, not less than 3,700 units of the Junior Reserve Officers' Training Corps.

(b) EXCEPTIONS.—The requirement imposed in subsection (a) shall not apply—

(1) if the Secretary fails to receive an adequate number or requests for Junior Reserve Officers' Training Corps units by public and private secondary educational institutions; or

(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

(c) COOPERATION.—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers' Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(d) REPORT ON PLAN.—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees containing, at a minimum, the following:

(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers' Training Corps specified in subsection (a), including how many units will be established per year by each service.

(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers' Training Corps unit that are on a waiting list.

(4) Efforts to improve the increased distribution of units geographically across the United States.

(5) Efforts to increase distribution of units in educationally and economically deprived areas.

(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

(e) TIME FOR SUBMISSION.—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees not later than March 31, 2009. The Secretary of Defense shall submit an up-dated report annually thereafter until the minimum number of units of the Junior Reserve Officers' Training Corps specified in subsection (a) is achieved.

**SEC. 549. CORRECTION OF ERRONEOUS ARMY COLLEGE FUND BENEFIT AMOUNTS.**

(a) CORRECTION AND PAYMENT AUTHORITY.—

(1) CONSIDERATION OF REQUESTS FOR CORRECTION.—The Secretary of the Army may consider, through the Army Board for the Correction of Military Records, a request for the correction of military records relating to the amount of the Army College Fund benefit to which a member or former member of the Armed Forces may be entitled under an Army Incentive Program contract.

(2) PAYMENT AUTHORITY.—If the Secretary of the Army determines that the correction of military records is appropriate in response to a request received under paragraph (1), the

Secretary may pay such amounts as the Secretary considers necessary to ensure fairness and equity with regard to the request.

(b) EXCEPTION TO PAYMENT LIMITS.—A payment under subsection (a)(2) may be made without regard to any limits on the total combined amounts established for the Army College Fund and the Montgomery G.I. Bill.

(c) FUNDING SOURCE.—Payments under subsection (a)(2) shall be made solely from funds appropriated for military personnel programs for fiscal year 2009.

(d) TERMINATION DATE.—No payment may be made under subsection (a)(2) after December 31, 2009.

**SEC. 550. ENHANCING EDUCATION PARTNERSHIPS TO IMPROVE ACCESSIBILITY AND FLEXIBILITY FOR MEMBERS OF THE ARMED FORCES.**

(a) AUTHORITY.—The Secretary of a military department may enter into one or more education partnership agreements with educational institutions in the United States for the purpose of—

(1) developing plans to improve the accessibility and flexibility of college courses available to eligible members of the Armed Forces;

(2) improving the application process for the Armed Forces tuition assistance programs and raising awareness regarding educational opportunities available to such members;

(3) developing curriculum, distance education programs, and career counseling designed to meet the professional, financial, academic, and social needs of such members; and

(4) assessing how resources may be applied more effectively to meet the educational needs of such members.

(b) COST.—Except as provided in this section, execution of an education partnership agreement with an educational institution shall be at no cost to the Government.

(c) EDUCATIONAL INSTITUTION DEFINED.—In this section, the term "educational institution" means an accredited college, university, or technical school in the United States.

## Subtitle F—Defense Dependents' Education

**SEC. 551. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for

fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

**SEC. 552. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.**

Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

**SEC. 553. TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.**

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

"(d) TRANSITION OF MILITARY DEPENDENTS AMONG LOCAL EDUCATIONAL AGENCIES.—(1) The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.

"(2) The Secretary of Defense may use funds of the Department of Defense Education Activity for the following purposes:

"(A) To share expertise and experience of the Activity with local educational agencies as military dependent students make the transitions described in paragraph (1), including transitions resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

"(B) To provide programs for local educational agencies with military dependent students undergoing the transitions described in paragraph (1), including—

"(i) distance learning programs; and

"(ii) training programs to improve the ability of military dependent students who attend public schools in the United States and their teachers to meet the educational needs of such students.

"(3) The authority provided by this subsection expires September 30, 2013.". Expiration date.

**SEC. 554. CALCULATION OF PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN UNDER DEPARTMENT OF EDUCATION'S IMPACT AID PROGRAM.**

In fiscal year 2009, section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) shall be applied by substituting "5,000" for "6,500". Applicability.

# Subtitle G—Military Justice

**SEC. 561. EFFECTIVE PERIOD OF MILITARY PROTECTIVE ORDERS.**

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

**"SEC. 1567. DURATION OF MILITARY PROTECTIVE ORDERS.**

"A military protective order issued by a military commander shall remain in effect until such time as the military commander terminates the order or issues a replacement order.".

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

"1567. Duration of military protective orders.".

**SEC. 562. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.**

(a) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1567, as added by section 561, the following new section:

**"SEC. 1567a. MANDATORY NOTIFICATION OF ISSUANCE OF MILITARY PROTECTIVE ORDER TO CIVILIAN LAW ENFORCEMENT.**

"(a) INITIAL NOTIFICATION.—In the event a military protective order is issued against a member of the armed forces and any individual involved in the order does not reside on a military installation at any time during the duration of the military protective order, the commander of the military installation shall notify the appropriate civilian authorities of—

"(1) the issuance of the protective order; and

"(2) the individuals involved in the order.

"(b) NOTIFICATION OF CHANGES OR TERMINATION.—The commander of the military installation also shall notify the appropriate civilian authorities of—

"(1) any change made in a protective order covered by subsection (a); and

"(2) the termination of the protective order.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1567 the following new item:

"1567a. Mandatory notification of issuance of military protective order to civilian law enforcement.".

**SEC. 563. IMPLEMENTATION OF INFORMATION DATABASE ON SEXUAL ASSAULT INCIDENTS IN THE ARMED FORCES.**

(a) DATABASE REQUIRED.—The Secretary of Defense shall implement a centralized, case-level database for the collection, in a manner consistent with Department of Defense regulations for restricted reporting, and maintenance of information regarding sexual assaults involving a member of the Armed Forces, including information, if available, about the nature of the assault, the victim, the offender, and the outcome of any legal proceedings in connection with the assault.

(b) AVAILABILITY OF DATABASE.—The database required by subsection (a) shall be available to personnel of the Sexual Assault Prevention and Response Office of the Department of Defense.

(c) IMPLEMENTATION.— Deadlines.

(1) PLAN FOR IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to provide for the implementation of the database required by subsection (a).

(2) RELATION TO DEFENSE INCIDENT-BASED REPORTING SYSTEM.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(A) a description of the current status of the Defense Incident-Based Reporting System; and

(B) an explanation of how the Defense Incident-Based Reporting System will relate to the database required by subsection (a).

(3) COMPLETION.—Not later than 15 months after the date of enactment of this Act, the Secretary shall complete implementation of the database required by subsection (a).

(d) REPORTS.—The database required by subsection (a) shall be used to develop and implement congressional reports, as required by—

(1) section 577(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375);

(2) section 596(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163);

(3) section 532 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364); and

(4) sections 4361, 6980, and 9361 of title 10, United States Code.

(e) TERMINOLOGY.—Section 577(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended by adding at the end the following new paragraph: 10 USC 113 note.

"(12) The Secretary shall implement clear, consistent, and streamlined sexual assault terminology for use throughout the Department of Defense.".

# Subtitle H—Decorations, Awards, and Honorary Promotions

**SEC. 571. REPLACEMENT OF MILITARY DECORATIONS.**

(a) REPLACEMENT REQUIRED.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 1135. Replacement of military decorations**

"(a) REPLACEMENT.—In addition to other authorities available to the Secretary concerned to replace a military decoration, the Secretary concerned shall replace, on a one-time basis and without charge, a military decoration upon the request of the recipient of the military decoration or the immediate next of kin of a deceased recipient.

"(b) MILITARY DECORATION DEFINED.—In this section, the term 'decoration' means any decoration or award (other than the medal

of honor) that may be presented or awarded by the President or the Secretary concerned to a member of the armed forces.".

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

"1135. Replacement of military decorations.".

**SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO RICHARD L. ETCHBERGER FOR ACTS OF VALOR DURING THE VIETNAM WAR.**

President.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 8744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 8741 of such title to former Chief Master Sergeant Richard L. Etchberger for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Chief Master Sergeant Richard L. Etchberger as Ground Radar Superintendent of Detachment 1, 1043rd Radar Evaluation Squadron on March 11, 1968, during the Vietnam War for which he was originally awarded the Air Force Cross.

# Subtitle I—Military Families

**SEC. 581. PRESENTATION OF BURIAL FLAG TO THE SURVIVING SPOUSE AND CHILDREN OF DECEASED MEMBERS OF THE ARMED FORCES.**

(a) INCLUSION OF SURVIVING SPOUSE AND CHILDREN; CONSOLIDATION OF FLAG-RELATED AUTHORITIES.—Subsection (e) of section 1482 of title 10, United States Code, is amended—

(1) by designating the current text as paragraph (2) and redesignating current paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting before paragraph (2), as so designated, the following:

"(e) PRESENTATION OF FLAG OF THE UNITED STATES.—(1) In the case of a decedent covered by section 1481 of this title, the Secretary concerned may pay the necessary expenses for the presentation of a flag of the United States to the following persons:

"(A) The person designated under subsection (c) to direct disposition of the remains of the decedent.

"(B) The parents or parent of the decedent, if the person to be presented a flag under subparagraph (A) is other than a parent of the decedent.

"(C) The surviving spouse of the decedent (including a surviving spouse who remarries after the decedent's death), if the person to be presented a flag under subparagraph (A) is other than the surviving spouse.

"(D) Each child of the decedent, regardless of whether the person to be presented a flag under subparagraph (A) is a child of the decedent."; and

(3) by inserting at the end the following new paragraphs:

"(3) A flag to be presented to a person under subparagraph (B), (C), or (D) of paragraph (1) shall be of equal size to the flag presented under subparagraph (A) of such paragraph to the person designated to direct disposition of the remains of the decedent.

"(4) This subsection does not apply to a military prisoner who dies while in the custody of the Secretary concerned and while under a sentence that includes a discharge.

"(5) In this subsection:

"(A) The term 'parent' includes a natural parent, a stepparent, a parent by adoption, or a person who for a period of not less than one year before the death of the decedent stood in loco parentis to the decedent. Preference under paragraph (1)(B) shall be given to the persons who exercised a parental relationship at the time of, or most nearly before, the death of the decedent.

"(B) The term 'child' has the meaning prescribed by section 1477(d) of this title.".

(b) REPEAL OF SUPERSEDED PROVISIONS.—Subsection (a) of such section is amended by striking paragraphs (10) and (11).

**SEC. 582. EDUCATION AND TRAINING OPPORTUNITIES FOR MILITARY SPOUSES.**

(a) EMPLOYMENT AND PORTABLE CAREER OPPORTUNITIES FOR SPOUSES.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1784 the following new section:

### "§ 1784a. Education and training opportunities for military spouses to expand employment and portable career opportunities

"(a) PROGRAMS AND TUITION ASSISTANCE.—(1) The Secretary of Defense may establish programs to assist the spouse of a member of the armed forces described in subsection (b) in achieving—

"(A) the education and training required for a degree or credential at an accredited college, university, or technical school in the United States that expands employment and portable career opportunities for the spouse; or

"(B) the education prerequisites and professional licensure or credential required, by a government or government sanctioned licensing body, for an occupation that expands employment and portable career opportunities for the spouse.

"(2) As an alternative to, or in addition to, establishing a program under this subsection, the Secretary may provide tuition assistance to an eligible spouse who is pursuing education, training, or a license or credential to expand the spouse's employment and portable career opportunities.

"(b) ELIGIBLE SPOUSES.—Assistance under this section is limited to a spouse of a member of the armed forces who is serving on active duty.

"(c) EXCEPTIONS.—Subsection (b) does not include—

"(1) a person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or territorial possession of the United States; and

"(2) a spouse of a member of the armed forces who is also a member of the armed forces.

"(d) PORTABLE CAREER OPPORTUNITIES DEFINED.—In this section, the term 'portable career' includes an occupation identified by the Secretary of Defense, in consultation with the Secretary of Labor, as requiring education and training that results in a credential that is recognized nationwide by industry or specific businesses.

"(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to govern the availability and use of assistance under this section. The Secretary shall ensure that programs established under this section do not result in inequitable treatment for spouses of members of the armed forces who are also members, since they are excluded from participation in the programs under subsection (c)(2).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1784 the following new item:

"1784a. Education and training opportunities for military spouses to expand employment and portable career opportunities.".

**SEC. 583. SENSE OF CONGRESS REGARDING HONOR GUARD DETAILS FOR FUNERALS OF VETERANS.**

It is the sense of Congress that the Secretaries of the military departments should, to the maximum extent practicable, provide honor guard details for the funerals of veterans as is required under section 1491 of title 10, United States Code, as added by section 567(b) of Public Law 105–261 (112 Stat. 2030).

## Subtitle J—Other Matters

**SEC. 591. PROHIBITION ON INTERFERENCE IN INDEPENDENT LEGAL ADVICE BY THE LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.**

Section 156(d) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The Legal Counsel"; and

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

"(2) No officer or employee of the Department of Defense may interfere with the ability of the Legal Counsel to give independent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff.".

**SEC. 592. INTEREST PAYMENTS ON CERTAIN CLAIMS ARISING FROM CORRECTION OF MILITARY RECORDS.**

(a) INTEREST PAYABLE ON CLAIMS.—Subsection (c) of section 1552 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) If the correction of military records under this section involves setting aside a conviction by court-martial, the payment of a claim under this subsection in connection with the correction of the records shall include interest at a rate to be determined by the Secretary concerned, unless the Secretary determines that the payment of interest is inappropriate under the circumstances. If the payment of the claim is to include interest, the interest shall be calculated on an annual basis, and compounded, using the amount of the lost pay, allowances, compensation, emoluments, or other pecuniary benefits involved, and the amount of any fine

or forfeiture paid, beginning from the date of the conviction through the date on which the payment is made.".

(b) CLERICAL AMENDMENTS.—Subsection (c) of such section is further amended—

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

(2) by inserting "(1)" after "(c)";

(3) by striking "If the claimant" and inserting the following: "(2) If the claimant"; and

(4) by striking "A claimant's acceptance" and inserting the following:

"(3) A claimant's acceptance".

(c) RETROACTIVE EFFECTIVENESS OF AMENDMENTS.—The amendment made by subsection (a) shall apply with respect to any sentence of a court-martial set aside by a Corrections Board on or after October 1, 2007, when the Corrections Board includes an order or recommendation for the payment of a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, that arose as a result of the conviction. In this subsection, the term "Corrections Board" has the meaning given that term in section 1557 of title 10, United States Code.

Applicability.

**SEC. 593. EXTENSION OF LIMITATION ON REDUCTIONS OF PERSONNEL OF AGENCIES RESPONSIBLE FOR REVIEW AND CORRECTION OF MILITARY RECORDS.**

Section 1559(a) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "December 31, 2010".

**SEC. 594. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.**

(a) IN GENERAL.—Subsection (d) of section 509 of title 32, United States Code, is amended to read as follows:

"(d) MATCHING FUNDS REQUIRED.—(1) The amount of assistance provided by the Secretary of Defense to a State program of the Program for a fiscal year under this section may not exceed 60 percent of the costs of operating the State program during that fiscal year.

"(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

**SEC. 595. MILITARY SALUTE FOR THE FLAG DURING THE NATIONAL ANTHEM BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.**

Section 301(b)(1) of title 36, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

"(A) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note;

"(B) members of the Armed Forces and veterans who are present but not in uniform may render the military

salute in the manner provided for individuals in uniform; and

"(C) all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart; and".

**SEC. 596. MILITARY LEADERSHIP DIVERSITY COMMISSION.**

(a) ESTABLISHMENT OF COMMISSION.—There is hereby established a commission to be known as the "Military Leadership Diversity Commission" (in this section referred to as the "commission").

(b) COMPOSITION.—

(1) MEMBERSHIP.—The commission shall be composed of the following members:

(A) The Director of the Defense Manpower Management Center.

(B) The Director of the Defense Equal Opportunity Management Institute.

(C) A commissioned officer from each of the Army, Navy, Air Force, and Marine Corps who serves or has served in a leadership position with either a military department command or combatant command.

(D) A retired general or flag officer from each of the Army, Navy, Air Force, and Marine Corps.

(E) A retired noncommissioned officer from each of the Army, Navy, Air Force, and Marine Corps.

(F) Five retired commissioned officers who served in leadership positions with either a military department command or combatant command, of whom no less than three shall represent the views of minority veterans.

(G) Four individuals with expertise in cultivating diverse leaders in private or non-profit organizations.

(H) An attorney with appropriate experience and expertise in constitutional and legal matters related to the duties and responsibilities of the commission.

(2) APPOINTMENT.—The members of the commission referred to in subparagraphs (C) through (H) of paragraph (1) shall be appointed by the Secretary of Defense.

(3) CHAIRMAN.—The Secretary of Defense shall designate one member described in paragraphs (1)(F) or (1)(G) as chairman of the commission.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the commission. Any vacancy in the commission shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENT.—All members of the commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(6) QUORUM.—Fifteen members of the commission shall constitute a quorum but a lesser number may hold hearings.

(c) MEETINGS.—

Deadline.

(1) INITIAL MEETING.—The commission shall conduct its first meeting not later than 30 days after the date on which a majority of the appointed members of the commission have been appointed.

(2) MEETINGS.—The commission shall meet at the call of the chairman.

(d) DUTIES.—

(1) STUDY.—The commission shall conduct a comprehensive evaluation and assessment of policies that provide opportunities for the promotion and advancement of minority members of the Armed Forces, including minority members who are senior officers.

(2) SCOPE OF STUDY.—In carrying out the study, the commission shall examine the following:

(A) The efforts to develop and maintain diverse leadership at all levels of the Armed Forces.

(B) The successes and failures of developing and maintaining a diverse leadership, particularly at the general and flag officer positions.

(C) The effect of expanding Department of Defense secondary educational programs to diverse civilian populations, to include military service academy preparatory schools.

(D) The ability of current recruitment and retention practices to attract and maintain a diverse pool of qualified individuals in sufficient numbers in officer pre-commissioning programs.

(E) The ability of current activities to increase continuation rates for ethnic-and gender-specific members of the Armed Forces.

(F) The benefits of conducting an annual conference attended by civilian military, active-duty and retired military, and corporate leaders on diversity, to include a review of current policy and the annual demographic data from the Defense Equal Opportunity Management Institute.

(G) The status of prior recommendations made to the Department of Defense and to Congress concerning diversity initiatives within the Armed Forces.

(H) The incorporation of private sector practices that have been successful in cultivating diverse leadership.

(I) The establishment and maintenance of fair promotion and command opportunities for ethnic- and gender-specific members of the Armed Forces at the O–5 grade level and above.

(J) An assessment of pre-command billet assignments of ethnic-specific members of the Armed Forces.

(K) An assessment of command selection of ethnic-specific members of the Armed Forces.

(L) The development of a uniform definition, to be used throughout the Department of Defense, of diversity that is congruent with the core values and vision of the Department for the future workforce.

(M) The existing metrics and milestones for evaluating the diversity plans of the Department (including the plans of the military departments) and for facilitating future evaluation and oversight.

(N) The existence and maintenance of fair promotion, assignment, and command opportunities for ethnic- and gender-specific members of the Armed Forces at the levels of warrant officer, chief warrant officer, company and junior grade, field and mid-grade, and general and flag officer.

(O) The current institutional structure of the Office of Diversity Management and Equal Opportunity of the Department, and of similar officers of the military departments, and their ability to ensure effective and accountable diversity management across the Department.

(P) The options available for improving the substance or implementation of current plans and policies of the Department and the military departments.

(3) CONSULTATION WITH PRIVATE PARTIES.—In carrying out the study under this subsection, the commission may consult with appropriate private, for profit, and non-profit organizations and advocacy groups to learn methods for developing, implementing, and sustaining senior diverse leadership within the Department of Defense.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 12 months after the date on which the commission first meets, the commission shall submit to the President and Congress a report on the study. The report shall include the following:

(A) The findings and conclusions of the commission.

(B) The recommendations of the commission for improving diversity within the Armed Forces.

(C) Such other information and recommendations as the commission considers appropriate.

(2) INTERIM REPORTS.—The commission may submit to the President and Congress interim reports as the Commission considers appropriate.

(f) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers appropriate.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chairman of the commission, any department or agency of the Federal Government may provide information that the commission considers necessary to carry out its duties.

(g) INCLUSION OF COAST GUARD.—

(1) COAST GUARD REPRESENTATION.—In addition to the members of the commission required by subsection (b), the commission shall include two additional members, appointed by the Secretary of Homeland Security, in consultation with the Commandant of the Coast Guard, as follows:

(A) A retired flag officer of the Coast Guard.

(B) A commissioned officer or noncommissioned officer of the Coast Guard on active duty.

(2) ARMED FORCES DEFINED.—In this section, the term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(h) TERMINATION OF COMMISSION.—The commission shall terminate 60 days after the date on which the commission submits the report under subsection (e)(1).

**SEC. 597. DEMONSTRATION PROJECT ON SERVICE OF RETIRED NURSE CORPS OFFICERS AS FACULTY AT CIVILIAN NURSING SCHOOLS.**

(a) IN GENERAL.—The Secretary of Defense may conduct a demonstration project to encourage retired military nurses to serve as faculty at civilian nursing schools.

(b) ELIGIBILITY REQUIREMENTS.—

(1) INDIVIDUAL.—An individual is eligible to participate in the demonstration project if the individual—

(A) is a retired nurse corps officer of one of the Armed Forces;

(B) has had at least 26 years of active Federal commissioned service before retiring; and

(C) possesses a doctoral or master degree in nursing that qualifies the officer to become a full faculty member of an accredited school of nursing.

(2) INSTITUTION.—An accredited school of nursing is eligible to participate in the demonstration project if the school or its parent institution of higher education—

(A) is a school of nursing that is accredited to award, at a minimum, a bachelor of science in nursing and provides educational programs leading to such degree;

(B) has a resident Reserve Officers' Training Corps unit at the institution of higher education that fulfils the requirements of sections 2101 and 2102 of title 10, United States Code;

(C) does not prevent Reserve Officers' Training Corps access or military recruiting on campus, as defined in section 983 of title 10, United States Code;

(D) provides any retired nurse corps officer participating in the demonstration project a salary and other compensation at the level to which other similarly situated faculty members of the accredited school of nursing are entitled, as determined by the Secretary of Defense; and

(E) agrees to comply with subsection (d).

(c) COMPENSATION.—The Secretary of Defense may authorize a Secretary of a military department to authorize qualified institutions of higher education to employ as faculty those eligible individuals (as described in subsection (b)) who are receiving retired pay, whose qualifications are approved by the Secretary and the institution of higher education concerned, and who request such employment, subject to the following:

(1) A retired nurse corps officer so employed is entitled to receive the officer's retired pay without reduction by reason of any additional amount paid to the officer by the institution of higher education concerned. In the case of payment of any such additional amount by the institution of higher education concerned, the Secretary of the military department concerned may pay to that institution the amount equal to one-half the amount paid to the retired officer by the institution for any period, up to a maximum of one-half of the difference between the officer's retired pay for that period and the active duty pay and allowances that the officer would have received for that period if on active duty. Payments by the Secretary concerned under this paragraph shall be made from funds specifically appropriated for that purpose.

(2) Notwithstanding any other provision of law contained in title 10, title 32, or title 37, United States Code, such a retired nurse corps officer is not, while so employed, considered to be on active duty or inactive duty training for any purpose.

Applicability.

(d) SCHOLARSHIPS FOR NURSE OFFICER CANDIDATES.—For purposes of the eligibility of an institution under subsection (b)(2)(E), the following requirements apply:

(1) Each accredited school of nursing at which a retired nurse corps officer serves on the faculty under this section shall provide full academic scholarships to individuals undertaking an educational program at such school leading to a bachelor of science in nursing degree who agree, upon completion of such program, to accept a commission as an officer in the nurse corps of one of the Armed Forces.

(2) The total number of scholarships provided by an accredited school of nursing under paragraph (1) for each officer serving on the faculty of that school under this section shall be such number as the Secretary of Defense shall specify for purposes of this section.

Payments.

(3) Each accredited school of nursing shall pay to the Department of Defense an amount equal to the value of the scholarship for every nurse officer candidate who fails to be accessed as a nurse corps officer into one of the Armed Forces within one year of receiving a bachelor of science degree in nursing from that school.

(4) The Secretary concerned is authorized to discontinue the demonstration project authorized in this section at any institution of higher education that fails to fulfill the requirements of paragraph (3).

(e) REPORT.—

(1) IN GENERAL.—Not later than 24 months after the commencement of any demonstration project under this section, the Secretary of Defense shall submit to the congressional defense committees a report on the demonstration project. The report shall include a description of the project and a description of plans for the continuation of the project, if any.

(2) ELEMENTS.—The report shall also include, at a minimum, the following:

(A) The current number of retired nurse corps officers who have at least 26 years of active Federal commissioned service who would be eligible to participate in the program.

(B) The number of retired nurse corps officers participating in the demonstration project.

(C) The number of accredited schools of nursing participating in the demonstration project.

(D) The number of nurse officer candidates who have accessed into the military as commissioned nurse corps officers.

(E) The number of scholarships awarded to nurse officer candidates.

(F) The number of nurse officer candidates who have failed to access into the military, if any.

(G) The amount paid to the Department of Defense in the event any nurse officer candidates awarded scholarships by the accredited school of nursing fail to access into the military as commissioned nurse corps officers.

(H) The funds expended in the operation of the demonstration project.

(I) The recommendation of the Secretary of Defense as to whether the demonstration project should be extended.

(f) DEFINITIONS.—In this section, the terms "school of nursing" and "accredited" have the meeting given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).

(g) SUNSET.—The authority in this section shall expire on June 30, 2014.

**SEC. 598. REPORT ON PLANNING FOR PARTICIPATION AND HOSTING OF THE DEPARTMENT OF DEFENSE IN INTERNATIONAL SPORTS ACTIVITIES, COMPETITIONS, AND EVENTS.**

(a) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan for the following:

(1) The participation by personnel of the Department of Defense in international sports activities, competitions, and events (including the Pan American Games, the Olympic Games, the Paralympic Games, the Military World Games, other activities of the International Military Sports Council (CISM), and the Interallied Confederation of Reserve Officers (CIOR)) through fiscal year 2015.

(2) The hosting by the Department of Defense of military international sports activities, competitions, and events through fiscal year 2015.

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

(1) A discussion of the military international sports activities, competitions, and events that the Department of Defense intends to seek to host, an estimate of the costs of hosting such activities, competitions, and events that the Department intends to seek to host, and a description of the sources of funding for such costs.

(2) A discussion of the use and replenishment of funds in the account in the Treasury for the Support for International Sporting Competitions for the hosting of such activities, competitions, and events that the Department intends to seek to host.

(3) A discussion of the support that may be obtained from other departments and agencies of the Federal Government, State and local governments, and private entities in encouraging participation of members of the Armed Forces in international sports activities, competitions, and events or in hosting of military international sports activities, competitions, and events.

(4) Such recommendations for legislative or administrative action as the Secretary considers appropriate to implement or enhance planning for the matters described in subsection (a).

# TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

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

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 615. Extension of authorities relating to payment of referral bonuses.
Sec. 616. Increase in maximum bonus and stipend amounts authorized under Nurse Officer Candidate Accession Program and health professions stipend program.
Sec. 617. Maximum length of nuclear officer incentive pay agreements for service.
Sec. 618. Technical changes regarding consolidation of special pay, incentive pay, and bonus authorities of the uniformed services.
Sec. 619. Use of new skill incentive pay and proficiency bonus authorities to encourage training in critical foreign languages and foreign cultural studies and authorization of incentive pay for members of precommissioning programs pursuing foreign language proficiency.
Sec. 620. Accession and retention bonuses for the recruitment and retention of officers in certain health professions.

Subtitle C—Travel and Transportation Allowances

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

Subtitle D—Retired Pay and Survivor Benefits

Sec. 631. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.
Sec. 632. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

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

Subtitle F—Other Matters

Sec. 651. Continuation of entitlement to bonuses and similar benefits for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.

## Subtitle A—Pay and Allowances

### SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2009 required by section

1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent. Effective date.

**SEC. 602. PERMANENT EXTENSION OF PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.**

Section 402(h) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking "during any month covered by paragraph (3)" and all that follows through "this section"; and

(2) by striking paragraph (3).

**SEC. 603. INCREASE IN MAXIMUM AUTHORIZED PAYMENT OR REIMBURSEMENT AMOUNT FOR TEMPORARY LODGING EXPENSES.**

Section 404a(e) of title 37, United States Code, is amended by striking "$180 a day" and inserting "$290 a day".

**SEC. 604. AVAILABILITY OF SECOND FAMILY SEPARATION ALLOWANCE FOR MARRIED COUPLES WITH DEPENDENTS.**

(a) AVAILABILITY.—Section 427(d) of title 37, United States Code, is amended—

(1) by inserting "(1)" before "A member";

(2) by striking "Section 421" and inserting the following: "(3) Section 421";

(3) by striking "However" and inserting "Except as provided in paragraph (2)"; and

(4) by inserting before paragraph (3), as so designated, the following new paragraph:

"(2) If a married couple, both of whom are members of the uniformed services, with dependents are simultaneously assigned to duties described in subparagraph (A), (B), or (C) of subsection (a)(1) and the members resided together with their dependents immediately before their assignments, the Secretary concerned shall pay each of the members the full amount of the monthly allowance specified in such subsection until one of the members is no longer assigned to duties described in such subparagraphs. Upon expiration of the additional allowance, paragraph (1) shall continue to apply to the remaining member so long as the member is assigned to duties described in subparagraph (A), (B), or (C) of such subsection.". Applicability.

(b) APPLICATION OF AMENDMENT.—Paragraph (2) of subsection (d) of section 427 of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the uniformed services described in such paragraph who perform service covered by subparagraph (A), (B), or (C) of subsection (a)(1) such section on or after October 1, 2008.

**SEC. 605. EXTENSION OF AUTHORITY FOR INCOME REPLACEMENT PAYMENTS FOR RESERVE COMPONENT MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATION FOR ACTIVE DUTY SERVICE.**

Section 910(g) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

# Subtitle B—Bonuses and Special and Incentive Pays

**SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308h(e) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

**SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.**

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended—

(1) by striking "before" and inserting "on or before"; and

(2) by striking "January 1, 2009" and inserting "December 31, 2009".

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

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

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

**SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.**

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

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

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

**SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.**

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by section 661(c) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

**SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.**

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is

amended by striking "December 31, 2008" and inserting "December 31, 2009".

**SEC. 616. INCREASE IN MAXIMUM BONUS AND STIPEND AMOUNTS AUTHORIZED UNDER NURSE OFFICER CANDIDATE ACCESSION PROGRAM AND HEALTH PROFESSIONS STIPEND PROGRAM.**

(a) BONUS UNDER NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended—

(1) by striking "$10,000" and inserting "$20,000"; and

(2) by striking "$5,000" and inserting "$10,000".

(b) MONTHLY STIPEND UNDER NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(2) of title is amended by striking "of not more than $1,000" and inserting "in an amount not to exceed the stipend rate in effect under section 2121(d) of this title".

(c) MONTHLY STIPEND FOR STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS UNDER HEALTH PROFESSIONS STIPEND PROGRAM.—Section 16201(e)(2)(A) of title is amended by striking "stipend of $100 per month" and inserting "monthly stipend in an amount not to exceed the stipend rate in effect under section 2121(d) of this title".

**SEC. 617. MAXIMUM LENGTH OF NUCLEAR OFFICER INCENTIVE PAY AGREEMENTS FOR SERVICE.**

Section 312(a)(3) of title 37, United States Code, is amended by striking "three, four, or five years" and inserting "not less than three years".

**SEC. 618. TECHNICAL CHANGES REGARDING CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES OF THE UNIFORMED SERVICES.**

(a) ELIGIBILITY REQUIREMENTS FOR NUCLEAR OFFICER BONUS AND INCENTIVE PAY.—Section 333 of title 37, United States Code, is amended—

(1) in subsection (a)(2), by striking "and operational"; and

(2) in subsection (b)(2), by striking "and operational".

(b) RELATIONSHIP OF AVIATION INCENTIVE PAY TO OTHER PAY AND ALLOWANCES.—Section 334(f)(1) of such title is amended by striking "section 351" and inserting "section 351(a)(2)".

(c) HEALTH PROFESSIONS INCENTIVE PAY.—Section 335(e)(1)(D)(i) of such title is amended by striking "dental surgeons" and inserting "dental officers".

(d) NO PRO-RATED PAYMENT OF CERTAIN HAZARDOUS DUTY PAYS.—Section 351(c) of such title is amended by striking "subsection (a)" and inserting "paragraph (1) or (3) of subsection (a)".

(e) AVAILABILITY OF HAZARDOUS DUTY PAY.—Section 351(f) of such title is amended—

(1) by striking "in administering subsection (a)" and inserting "in connection with determining whether a triggering event has occurred for the provision of hazardous duty pay under subsection (a)(1)"; and

(2) by striking the last sentence.

**SEC. 619. USE OF NEW SKILL INCENTIVE PAY AND PROFICIENCY BONUS AUTHORITIES TO ENCOURAGE TRAINING IN CRITICAL FOREIGN LANGUAGES AND FOREIGN CULTURAL STUDIES AND AUTHORIZATION OF INCENTIVE PAY FOR MEMBERS OF PRECOMMISSIONING PROGRAMS PURSUING FOREIGN LANGUAGE PROFICIENCY.**

(a) ELIGIBILITY FOR SKILL PROFICIENCY BONUS.—

(1) ELIGIBILITY.—Subsection (b) of section 353 of title 37, United States Code, is amended to read as follows:

"(b) SKILL PROFICIENCY BONUS.—

"(1) AVAILABILITY; ELIGIBLE PERSONS.—The Secretary concerned may pay a proficiency bonus to a member of a regular or reserve component of the uniformed services who—

"(A) is entitled to basic pay under section 204 of this title or compensation under section 206 of this title or is enrolled in an officer training program; and

"(B) is determined to have, and maintains, certified proficiency under subsection (d) in a skill designated as critical by the Secretary concerned or is in training to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

"(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—A proficiency bonus may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. During the period covered by the proficiency bonus, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under section 2103a of title 10. However, if the student receives incentive pay under subsection (g)(2) for the same period, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.".

(2) AVAILABILITY OF INCENTIVE PAY FOR PARTICIPATION IN FOREIGN LANGUAGE EDUCATION OR TRAINING PROGRAMS.—Such section is further amended—

(A) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively; and

(B) by inserting after subsection (f) the following new subsection (g):

"(g) FOREIGN LANGUAGE STUDIES IN OFFICER TRAINING PROGRAMS.—

"(1) AVAILABILITY OF INCENTIVE PAY.—The Secretary concerned may pay incentive pay to a person enrolled in an officer training program to also participate in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical by the Secretary concerned.

"(2) INCLUSION OF CERTAIN SENIOR ROTC MEMBERS.—Incentive pay may be paid under this subsection to a student who is enrolled in the Senior Reserve Officers' Training Corps program even though the student is in the first year of the four-year course under the program. While the student receives the incentive pay, the student shall also be entitled to a monthly subsistence allowance under section 209(c) of this title even though the student has not entered into an agreement under

section 2103a of title 10. However, if the student receives a proficiency bonus under subsection (b)(2) covering the same month, the student may receive only a single monthly subsistence allowance under section 209(c) of this title.

"(3) CRITICAL FOREIGN LANGUAGE DEFINED.—In this section, the term 'critical foreign language' includes Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, or other language designated as critical by the Secretary concerned.".

(b) INCENTIVE PAY AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 316 the following new section:

**"§ 316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency**

"(a) INCENTIVE PAY.—The Secretary of Defense may pay incentive pay under this section to an individual who—

"(1) is enrolled as a member of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as determined in accordance with regulations prescribed by the Secretary of Defense under subsection (e); and

"(2) participates in a language immersion program approved for purposes of the Senior Reserve Officers' Training Corps, or in study abroad, or is enrolled in an academic course that involves instruction in a foreign language of strategic interest to the Department of Defense as designated by the Secretary of Defense for purposes of this section.

"(b) PERIOD OF PAYMENT.—Incentive pay is payable under this section to an individual described in subsection (a) for the period of the individual's participation in the language program or study described in paragraph (2) of that subsection.

"(c) AMOUNT.—The amount of incentive pay payable to an individual under this section may not exceed $3,000 per year.

"(d) REPAYMENT.—An individual who is paid incentive pay under this section but who does not satisfactorily complete participation in the individual's language program or study as described in subsection (a)(2), or who does not complete the requirements of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as applicable, shall be subject to the repayment provisions of section 303a(e) of this title.

"(e) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

"(f) REPORTS.—Not later than January 1, 2010, and annually thereafter through 2014, the Secretary of Defense shall submit to the Director of the Office of Management and Budget, and to Congress, a report on the payment of incentive pay under this section during the preceding fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

"(1) The number of individuals paid incentive pay under this section, the number of individuals commencing receipt of incentive pay under this section, and the number of individuals ceasing receipt of incentive pay under this section.

"(2) The amount of incentive pay paid to individuals under this section.

"(3) The aggregate amount recouped under section 303a(e) of this title in connection with receipt of incentive pay under this section.

"(4) The languages for which incentive pay was paid under this section, including the total amount paid for each such language.

"(5) The effectiveness of incentive pay under this section in assisting the Department of Defense in securing proficiency in foreign languages of strategic interest to the Department of Defense, including a description of how recipients of pay under this section are assigned and utilized following completion of the program of study.

"(g) TERMINATION OF AUTHORITY.—No incentive pay may be paid under this section after December 31, 2013.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 316 the following new item:

"316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency.".

(c) PILOT PROGRAM FOR FOREIGN LANGUAGE PROFICIENCY TRAINING FOR RESERVE MEMBERS.—

(1) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall conduct a pilot program to provide a skill proficiency bonus under section 353(b) of title 37, United States Code, to a member of a reserve component of the uniformed services who is entitled to compensation under section 206 of such title while the member participates in an education or training program to acquire proficiency in a critical foreign language or expertise in foreign cultural studies or a related skill designated as critical under such section 353.

(2) DURATION OF PILOT PROGRAM.—The Secretary shall conduct the pilot program during the period beginning on October 1, 2008, and ending on December 31, 2013. Incentive pay may not be provided under the pilot program after December 31, 2013.

(3) REPORTING REQUIREMENT.—Not later than March 31, 2012, the Secretary shall submit to Congress a report containing the results of the pilot program and the recommendations of the Secretary regarding whether to continue or expand the pilot program.

(d) EXPEDITED IMPLEMENTATION.—Notwithstanding section 662 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 180; 37 U.S.C. 301 note), the Secretary of a military department may immediately implement the amendments made by subsection (a) in order to ensure the prompt availability of proficiency bonuses and incentive pay under section 353 of title 37, United States Code, as amended by such subsections, for persons enrolled in officer training programs.

**SEC. 620. ACCESSION AND RETENTION BONUSES FOR THE RECRUITMENT AND RETENTION OF OFFICERS IN CERTAIN HEALTH PROFESSIONS.**

(a) TARGETED BONUS AUTHORITY TO INCREASE DIRECT ACCESSIONS.—

(1) DESIGNATION OF CRITICALLY SHORT WARTIME HEALTH SPECIALTIES.—For purposes of section 335 of title 37, United States Code, as added by section 661 of the National Defense

Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 169), the following health professions are designated as a critically short wartime specialty under subsection (a)(2) of such section:

(A) Psychologists who have been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology and are fully licensed and such other mental health practitioners as the Secretary concerned determines to be necessary.

(B) Registered nurses.

(2) SPECIAL AGREEMENT AUTHORITY.—Under the authority provided by this section, the Secretary concerned may enter into an agreement under subsection (f) of section 335 of title 37, United States Code, to pay a health professions bonus under such section to a person who accepts a commission or appointment as an officer and whose health profession specialty is specified in paragraph (1) of this subsection.

(3) SECRETARY CONCERNED DEFINED.—In this subsection, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

Expiration date.

(4) EFFECTIVE PERIOD.—The designations made by this subsection and the authority to enter into an agreement under paragraph (2) of this subsection expire on September 30, 2010.

(b) ACCESSION AND RETENTION BONUSES FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302c the following new section:

**"§ 302c-1. Special pay: accession and retention bonuses for psychologists**

"(a) ACCESSION BONUS.—

"(1) ACCESSION BONUS AUTHORIZED.—A person described in paragraph (2) who executes a written agreement described in subsection (d) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount, subject to subsection (c)(1), determined by the Secretary concerned.

"(2) ELIGIBLE PERSONS.—A person described in paragraph (1) is any person who—

"(A) is a graduate of an accredited school of psychology; and

"(B) holds a valid State license to practice as a doctoral level psychologist.

"(3) LIMITATION ON ELIGIBILITY.—A person may not be paid a bonus under this subsection if—

"(A) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in psychology; or

"(B) the Secretary concerned determines that the person is not qualified to become and remain certified as a psychologist.

"(b) MULTIYEAR RETENTION BONUS.—

"(1) RETENTION BONUS AUTHORIZED.—An officer described in paragraph (2) who executes a written agreement described

in subsection (d) to remain on active duty for up to four years after completion of any other active-duty service commitment may, upon acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(2) ELIGIBLE OFFICERS.—An officer described in paragraph (1) is an officer of the armed forces who—

"(A) is a psychologist of the armed forces;

"(B) is in a pay grade below pay grade O–7;

"(C) has at least eight years of creditable service (computed as described in section 302b(f) of this title) or has completed any active-duty service commitment incurred for psychology education and training;

"(D) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into the agreement under this subsection); and

"(E) holds a valid State license to practice as a doctoral level psychologist.

"(c) MAXIMUM AMOUNT OF BONUS.—

"(1) ACCESSION BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

"(2) RETENTION BONUS.—The amount of a retention bonus under subsection (b) may not exceed $25,000 for each year of the agreement of the officer concerned.

"(d) AGREEMENT.—The agreement referred to in subsections (a) and (b) shall provide that, consistent with the needs of the armed force concerned, the person or officer executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of such armed force as a psychologist.

"(e) REPAYMENT.—

"(1) ACCESSION BONUS.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become licensed as a psychologist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

"(2) RETENTION BONUS.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b) shall be subject to the repayment provisions of section 303a(e) of this title.

"(f) TERMINATION OF AUTHORITY.—No agreement under subsection (a) or (b) may be entered into after December 31, 2009.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302c the following new item:

"302c–1. Special pay: accession and retention bonuses for psychologists.".

# Subtitle C—Travel and Transportation Allowances

### SEC. 621. SPECIAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF PROFESSIONAL BOOKS AND EQUIPMENT FOR SPOUSES.

Section 406(b)(1)(D) of title 37, United States Code, is amended—

(1) by inserting "(i)" after "(D)";

(2) in the second sentence of clause (i), as designated by paragraph (1), by striking "this subparagraph" and inserting "this clause";

(3) by designating the last sentence as clause (iii) and indenting the margin of such clause, as so designated, two ems from the left margin; and

(4) by inserting after clause (i), as designated by paragraph (1), the following new clause:

"(ii) In addition to the weight allowance authorized for such member with dependents under paragraph (C), the Secretary concerned may authorize up to an additional 500 pounds in weight allowance for shipment of professional books and equipment belonging to the spouse of such member.".

**SEC. 622. SHIPMENT OF FAMILY PETS DURING EVACUATION OF PERSONNEL.**

Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(H)(i) Except as provided in paragraph (2) and subject to clause (iii), in connection with an evacuation from a permanent station located in a foreign area, a member is entitled to transportation (including shipment and payment of any quarantine costs) of family household pets.

"(ii) A member entitled to transportation under clause (i) may be paid reimbursement or, at the member's request, a monetary allowance in accordance with the provisions of subparagraph (F) if the member secures by commercial means shipment and any quarantining of the pets otherwise subject to transportation under clause (i).

Regulations.

"(iii) The provision of transportation under clause (i) and the payment of reimbursement under clause (ii) shall be subject to such regulations as the Secretary of Defense shall prescribe with respect to members of the armed forces for purposes of this subparagraph. Such regulations may specify limitations on the types, size, and number of pets for which transportation may be provided or reimbursement paid.".

# Subtitle D—Retired Pay and Survivor Benefits

**SEC. 631. EXTENSION TO SURVIVORS OF CERTAIN MEMBERS WHO DIE ON ACTIVE DUTY OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR PERSONS AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) EXTENSION.—Subsection (m) of section 1450 of title 10, United States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008, is amended in paragraph (1)(B) by striking "section 1448(a)(1) of this title" and inserting "subsection (a)(1) of section 1448 of this title or by reason of coverage under subsection (d) of such section".

Effective date.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to the month beginning on October 1, 2008, and subsequent months as provided by paragraph (6) of subsection (m) of section 1450 of title 10, United

States Code, as added by section 644 of the National Defense Authorization Act for Fiscal Year 2008.

**SEC. 632. CORRECTION OF UNINTENDED REDUCTION IN SURVIVOR BENEFIT PLAN ANNUITIES DUE TO PHASED ELIMINATION OF TWO-TIER ANNUITY COMPUTATION AND SUPPLEMENTAL ANNUITY.**

Effective as of October 28, 2004, and as if included therein as enacted, section 644(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1961; 10 U.S.C. 1450 note) is amended by adding at the end the following new paragraph: Effective date.

"(3) SAVINGS PROVISION.—If, as a result of the recomputation of annuities under section 1450 of title 10, United States Code, and supplemental survivor annuities under section 1457 of such title, as required by paragraph (1), the total amount of both annuities to be paid to an annuitant for a month would be less (because of the offset required by section 1450(c) of such title for dependency and indemnity compensation) than the amount that would be paid to the annuitant in the absence of recomputation, the Secretary of Defense shall take such actions as are necessary to adjust the annuity amounts to eliminate the reduction.".

# Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

**SEC. 641. USE OF COMMISSARY STORES SURCHARGES DERIVED FROM TEMPORARY COMMISSARY INITIATIVES FOR RESERVE COMPONENT AND RETIRED MEMBERS.**

Section 2484(h) of title 10, United States Code, is amended—

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

(2) in such paragraph (4), as so redesignated, by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (3)"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3)(A) The Secretary of Defense may use the proceeds derived from surcharges imposed under subsection (d) in connection with sales of commissary merchandise through initiatives described in subparagraph (B) to offset the cost of such initiatives.

"(B) Subparagraph (A) applies with respect to initiatives, utilizing temporary and mobile equipment, intended to provide members of reserve components, retired members, and other persons eligible for commissary benefits, but without reasonable access to commissary stores, improved access to commissary merchandise.". Applicability.

**SEC. 642. ENHANCED ENFORCEMENT OF PROHIBITION ON SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL ON MILITARY INSTALLATIONS.**

(a) ESTABLISHMENT OF RESALE ACTIVITIES REVIEW BOARD.—Section 2495b of title 10, United States Code, is amended—

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

(2) by inserting after subsection (b) the following new subsection:

"(c) RESALE ACTIVITIES REVIEW BOARD.—(1) The Secretary of Defense shall establish a nine-member board to make recommendations to the Secretary regarding whether material sold or rented, or proposed for sale or rental, on property under the jurisdiction of the Department of Defense is barred from sale or rental by subsection (a).

"(2)(A) The Secretary of Defense shall appoint six members of the board to broadly represent the interests of the patron base served by the defense commissary system and the exchange system. The Secretary shall appoint one of the members to serve as the chairman of the board. At least one member appointed under this subparagraph shall be a person with experience managing or advocating for military family programs and who is also an eligible patron of the defense commissary system and the exchange system.

"(B) The Secretary of each of the military departments shall appoint one member of the board.

"(C) A vacancy on the board shall be filled in the same manner as the original appointment.

"(3) The Secretary of Defense may detail persons to serve as staff for the board. At a minimum, the Secretary shall ensure that the board is assisted at meetings by military resale and legal advisors.

Public information.

"(4) The recommendations made by the board under paragraph (1) shall be made available to the public. The Secretary of Defense shall publicize the availability of such recommendations by such means as the Secretary considers appropriate.

"(5) Members of the board shall be allowed travel expense, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of services for the board.".

(b) DEADLINE FOR ESTABLISHMENT AND INITIAL MEETING.—

(1) ESTABLISHMENT.—The board required by subsection (c) of section 2495b of title 10, United States Code, as added by subsection (a), shall be established, and its initial nine members appointed, not later than 120 days after the date of the enactment of this Act.

(2) MEETINGS.—The board shall conduct an initial meeting within one year after the date of the appointment of the initial members of the board. At the discretion of the board, the board may consider all materials previously reviewed under such section as available for reconsideration for a minimum of 180 days following the initial meeting of the board.

## Subtitle F—Other Matters

**SEC. 651. CONTINUATION OF ENTITLEMENT TO BONUSES AND SIMILAR BENEFITS FOR MEMBERS OF THE UNIFORMED SERVICES WHO DIE, ARE SEPARATED OR RETIRED FOR DISABILITY, OR MEET OTHER CRITERIA.**

(a) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES.—Section 303a(e) of title 37, United States Code, is amended—

(1) in the subsection heading, by inserting "; TERMINATION OF ENTITLEMENT TO UNPAID AMOUNTS" after "MET";

(2) in paragraph (1)—

(A) by striking "A member" and inserting "(A) Except as provided in paragraph (2), a member"; and

(B) by striking "the requirements, except in certain circumstances authorized by the Secretary concerned." and inserting "the eligibility requirements and may not receive any unpaid amounts of the bonus or similar benefit after the member fails to satisfy the requirements, unless the Secretary concerned determines that the imposition of the repayment requirement and termination of the payment of unpaid amounts of the bonus or similar benefit with regard to the member would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States."; and

(3) by redesignating paragraph (2) as subparagraph (B) of paragraph (1).

(b) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—Section 303a(e) of title 37, United States Code, is amended by inserting after paragraph (1), as amended by subsection (a), the following new paragraph (2):

"(2)(A) If a member of the uniformed services dies or is retired or separated with a combat-related disability, the Secretary concerned—

"(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus or similar benefit previously paid to the member; and

"(ii) shall require the payment to the member or the member's estate of the remainder of any bonus or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

"(B) Subparagraph (A) does not apply if the death or disability of the member is the result the member's misconduct.

"(C) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus or similar benefit as if the member continued to be entitled to the bonus or similar benefit following the death, retirement, or separation.

"(D) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.

Deadline.

"(E) In this paragraph, the term 'combat-related disability' has the meaning given that term in section 1413a(e) of title 10.".

(c) CONFORMING AMENDMENTS REFLECTING CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—

(1) CONFORMING AMENDMENTS.—Section 373 of title 37, United States Code, as added by section 661 of the National Defense Authorization Act for Fiscal Year 2008, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by inserting "AND TERMINATION" after "REPAYMENT"; and

(ii) by inserting before the period at the end the following: ", and the member may not receive any unpaid amounts of the bonus, incentive pay, or similar benefit after the member fails to satisfy such service or eligibility requirement"; and

(B) by striking subsection (b) and inserting the following new subsection:

"(b) EXCEPTIONS.—

Regulations.

"(1) DISCRETION TO PROVIDE EXCEPTION TO TERMINATION AND REPAYMENT REQUIREMENTS.—Pursuant to the regulations prescribed to administer this section, the Secretary concerned may grant an exception to the repayment requirement and requirement to terminate the payment of unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that the imposition of the repayment and termination requirements with regard to a member of the uniformed services would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

"(2) MANDATORY PAYMENT OF UNPAID AMOUNTS UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UNEARNED AMOUNTS.—(A) If a member of the uniformed services dies or is retired or separated with a combat-related disability, the Secretary concerned—

"(i) shall not require repayment by the member or the member's estate of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

"(ii) shall require the payment to the member or the member's estate of the remainder of any bonus, incentive pay, or similar benefit that was not yet paid to the member, but to which the member was entitled immediately before the death, retirement, or separation of the member, and would be paid if not for the death, retirement, or separation of the member.

"(B) Subparagraph (A) does not apply if the death or disability of the member is the result the member's misconduct.

"(C) The amount to be paid under subparagraph (A)(ii) shall be equal to the full amount specified by the agreement or contract applicable to the bonus, incentive pay, or similar benefit as if the member continued to be entitled to the bonus, incentive pay, or similar benefit following the death, retirement, or separation.

Deadline.

"(D) Amounts to be paid to a member or the member's estate under subparagraph (A)(ii) shall be paid in a lump

sum not later than 90 days after the date of the death, retirement, or separation of the member, whichever applies.

"(E) In this paragraph, the term 'combat-related disability' has the meaning given that term in section 1413a(e) of title 10.".

(2) CLERICAL AMENDMENTS.—

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

**"§ 373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met".**

(B) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by striking the item relating to section 373 and inserting the following new item:

"373. Repayment of unearned portion of bonus, incentive pay, or similar benefit, and termination of remaining payments, when conditions of payment not met.".

# TITLE VII—HEALTH CARE AND WOUNDED WARRIORS PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.
Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Sec. 703. Chiropractic health care for members on active duty.
Sec. 704. Calculation of monthly premiums for coverage under TRICARE Reserve Select after 2008.
Sec. 705. Program for health care delivery at military installations projected to grow.
Sec. 706. Guidelines for combined medical facilities of the Department of Defense and the Department of Veterans Affairs.

Subtitle B—Preventive Care

Sec. 711. Waiver of copayments for preventive services for certain TRICARE beneficiaries.
Sec. 712. Military health risk management demonstration project.
Sec. 713. Smoking cessation program under TRICARE.
Sec. 714. Preventive health allowance.
Sec. 715. Additional authority for studies and demonstration projects relating to delivery of health and medical care.

Subtitle C—Wounded Warrior Matters

Sec. 721. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.
Sec. 722. Clarification to center of excellence relating to military eye injuries.
Sec. 723. Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries and Amputations.
Sec. 724. Additional responsibilities for the wounded warrior resource center.
Sec. 725. Sense of Congress on research on traumatic brain injury.
Sec. 726. Extension of Senior Oversight Committee with respect to wounded warrior matters.
Sec. 727. Modification of utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.

Subtitle D—Other Matters

Sec. 731. Report on providing the Extended Care Health Option Program to dependents of military retirees.

Sec. 732. Increase in cap on extended benefits under extended health care option (ECHO).
Sec. 733. Department of Defense task force on the prevention of suicide by members of the Armed Forces.
Sec. 734. Transitional health care for certain members of the Armed Forces who agree to serve in the Selected Reserve of the Ready Reserve.
Sec. 735. Enhancement of medical and dental readiness of members of the Armed Forces.

# Subtitle A—Improvements to Health Benefits

**SEC. 701. ONE-YEAR EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS FOR MEMBERS OF THE UNIFORMED SERVICES.**

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking "September 30, 2008" and inserting "September 30, 2009".

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking "September 30, 2008" and inserting "September 30, 2009".

**SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.**

Time period.

During the period beginning on October 1, 2008, and ending on September 30, 2009, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.
(2) In the case of formulary agents, $9.
(3) In the case of nonformulary agents, $22.

**SEC. 703. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.**

Deadline.

Not later than September 30, 2009, the Secretary of Defense shall provide chiropractic services to active duty military personnel at 11 additional military treatment facilities that do not currently provide chiropractic services.

**SEC. 704. CALCULATION OF MONTHLY PREMIUMS FOR COVERAGE UNDER TRICARE RESERVE SELECT AFTER 2008.**

(a) CALCULATION OF MONTHLY PREMIUMS FOR YEARS AFTER 2009.—Section 1076d(d)(3) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(3)";
(2) in subparagraph (A), as so designated—
(A) by striking "that the Secretary determines" and inserting "determined"; and
(B) by striking the second sentence; and
(3) by adding at the end the following new subparagraph:

"(B) The appropriate actuarial basis for purposes of subparagraph (A) shall be determined, for each calendar year after calendar year 2009, by utilizing the actual cost of providing benefits under this section to members and their dependents during the calendar years preceding such calendar year.".

(b) CALCULATION OF MONTHLY PREMIUMS FOR 2009.—For purposes of section 1076d(d)(3) of title 10, United States Code, the appropriate actuarial basis for purposes of subparagraph (A) of that section shall be determined for calendar year 2009 by utilizing the reported cost of providing benefits under that section to members and their dependents during calendar years 2006 and 2007, except that the monthly amount of the premium determined pursuant to this subsection may not exceed the amount in effect for the month of March 2007.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 1, 2008.

**SEC. 705. PROGRAM FOR HEALTH CARE DELIVERY AT MILITARY INSTALLATIONS PROJECTED TO GROW.** Plan.

(a) PROGRAM.—The Secretary of Defense is authorized to develop a plan to establish a program to build cooperative health care arrangements and agreements between military installations projected to grow and local and regional non-military health care systems.

(b) REQUIREMENTS OF PLAN.—In developing the plan, the Secretary of Defense shall—

(1) identify and analyze health care delivery options involving the private sector and health care services in military facilities located on military installations;

(2) develop methods for determining the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector;

(3) develop requirements for Department of Defense health care providers to deliver health care in civilian community hospitals; and

(4) collaborate with State and local authorities to create an arrangement to share and exchange, between the Department of Defense and nonmilitary health care systems, personal health information, and data of military personnel and their families.

(c) COORDINATION WITH OTHER ENTITIES.—The plan shall include requirements for coordination with Federal, State, and local entities, TRICARE managed care support contractors, and other contracted assets around installations selected for participation in the program.

(d) CONSULTATION REQUIREMENTS.—The Secretary of Defense shall develop the plan in consultation with the Secretaries of the military departments.

(e) SELECTION OF MILITARY INSTALLATIONS.—Each selected military installation shall meet the following criteria:

(1) The military installation has members of the Armed Forces on active duty and members of reserve components of the Armed Forces that use the installation as a training and operational base, with members routinely deploying in support of the global war on terrorism.

(2) The military population of an installation will significantly increase by 2013 due to actions related to either Grow the Force initiatives or recommendations of the Defense Base Realignment and Closure Commission.

(3) There is a military treatment facility on the installation that has—

(A) no inpatient or trauma center care capabilities; and

(B) no current or planned capacity that would satisfy the proposed increase in military personnel at the installation.

(4) There is a civilian community hospital near the military installation, and the military treatment facility has—

(A) no inpatient services or limited capability to expand inpatient care beds, intensive care, and specialty services; and

(B) limited or no capability to provide trauma care.

(f) REPORTS.—Not later than one year after the date of the enactment of this Act, and every year thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report on any plan developed under subsection (a).

**SEC. 706. GUIDELINES FOR COMBINED MEDICAL FACILITIES OF THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS.**

Contracts.

Before a facility may be designated a combined Federal medical facility of the Department of Defense and the Department of Veterans Affairs, the Secretary of Defense and the Secretary of Veterans Affairs shall execute a signed agreement that specifies, at a minimum, a binding operational agreement on the following areas:

(1) Governance.
(2) Patient priority categories.
(3) Budgeting.
(4) Staffing and training.
(5) Construction.
(6) Physical plant management.
(7) Contingency planning.
(8) Quality assurance.
(9) Information technology.

# Subtitle B—Preventive Care

**SEC. 711. WAIVER OF COPAYMENTS FOR PREVENTIVE SERVICES FOR CERTAIN TRICARE BENEFICIARIES.**

Regulations.

(a) WAIVER OF CERTAIN COPAYMENTS.—Subject to subsection (b) and under regulations prescribed by the Secretary of Defense, the Secretary shall—

(1) waive all copayments under sections 1079(b) and 1086(b) of title 10, United States Code, for preventive services for all beneficiaries who would otherwise pay copayments; and

(2) ensure that a beneficiary pays nothing for preventive services during a year even if the beneficiary has not paid the amount necessary to cover the beneficiary's deductible for the year.

(b) EXCLUSION FOR MEDICARE-ELIGIBLE BENEFICIARIES.—Subsection (a) shall not apply to a medicare-eligible beneficiary.

(c) REFUND OF COPAYMENTS.—

Regulations.

(1) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary may pay a refund to a medicare-eligible beneficiary excluded by subsection (b), subject to

the availability of appropriations specifically for such refunds, consisting of an amount up to the difference between—

(A) the amount the beneficiary pays for copayments for preventive services during fiscal year 2009; and

(B) the amount the beneficiary would have paid during such fiscal year if the copayments for preventive services had been waived pursuant to subsection (a) during that year.

(2) COPAYMENTS COVERED.—The refunds under paragraph (1) are available only for copayments paid by medicare-eligible beneficiaries during fiscal year 2009.

(d) DEFINITIONS.—In this section:

(1) PREVENTIVE SERVICES.—The term "preventive services" includes, taking into consideration the age and gender of the beneficiary:

(A) Colorectal screening.

(B) Breast screening.

(C) Cervical screening.

(D) Prostate screening.

(E) Annual physical exam.

(F) Vaccinations.

(G) Other services as determined by the Secretary of Defense.

(2) MEDICARE-ELIGIBLE.—The term "medicare-eligible" has the meaning provided by section 1111((b) of title 10, United States Code.

**SEC. 712. MILITARY HEALTH RISK MANAGEMENT DEMONSTRATION PROJECT.**

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project designed to evaluate the efficacy of providing incentives to encourage healthy behaviors on the part of eligible military health system beneficiaries.

(b) ELEMENTS OF DEMONSTRATION PROJECT.—

(1) WELLNESS ASSESSMENT.—The Secretary shall develop a wellness assessment to be offered to beneficiaries enrolled in the demonstration project. The wellness assessment shall incorporate nationally recognized standards for health and healthy behaviors and shall be offered to determine a baseline and at appropriate intervals determined by the Secretary. The wellness assessment shall include the following:

(A) A self-reported health risk assessment.

(B) Physiological and biometric measures, including at least—

(i) blood pressure;

(ii) glucose level;

(iii) lipids;

(iv) nicotine use; and

(v) weight.

(2) POPULATION ENROLLED.—Non-medicare eligible retired beneficiaries of the military health system and their dependents who are enrolled in TRICARE Prime and who reside in the demonstration project service area shall be offered the opportunity to enroll in the demonstration project.

(3) GEOGRAPHIC COVERAGE OF DEMONSTRATION PROJECT.—The demonstration project shall be conducted in at least three geographic areas within the United States where TRICARE

Prime is offered, as determined by the Secretary. The area covered by the project shall be referred to as the demonstration project service area.

(4) PROGRAMS.—The Secretary shall develop programs to assist enrollees to improve healthy behaviors, as identified by the wellness assessment.

(5) INCLUSION OF INCENTIVES REQUIRED.—For the purpose of conducting the demonstration project, the Secretary may offer monetary and non-monetary incentives to enrollees to encourage participation in the demonstration project.

(c) EVALUATION OF DEMONSTRATION PROJECT.—The Secretary shall annually evaluate the demonstration project for the following:

(1) The extent to which the health risk assessment and the physiological and biometric measures of beneficiaries are improved from the baseline (as determined in the wellness assessment).

(2) In the case of baseline health risk assessments and physiological and biometric measures that reflect healthy behaviors, the extent to which the measures are maintained.

Deadline.

(d) IMPLEMENTATION PLAN.—The Secretary of Defense shall submit a plan to implement the health risk management demonstration project required by this section not later than 90 days after the date of the enactment of this Act.

(e) DURATION OF PROJECT.—The health risk management demonstration project shall be implemented for a period of three years, beginning not later than March 1, 2009, and ending three years after that date.

(f) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an annual report on the effectiveness of the health risk management demonstration project in improving the health risk measures of military health system beneficiaries enrolled in the demonstration project. The first report shall be submitted not later than one year after the date of the enactment of this Act, and subsequent reports shall be submitted for each year of the demonstration project with the final report being submitted not later than 90 days after the termination of the demonstration project.

(2) MATTERS COVERED.—Each report shall address, at a minimum, the following:

(A) The number of beneficiaries who were enrolled in the project.

(B) The number of enrolled beneficiaries who participate in the project.

(C) The incentives to encourage healthy behaviors that were provided to the beneficiaries in each beneficiary category, and the extent to which the incentives encouraged healthy behaviors.

(D) An assessment of the effectiveness of the demonstration project.

(E) Recommendations for adjustments to the demonstration project.

(F) The estimated costs avoided as a result of decreased health risk conditions on the part of each of the beneficiary categories.

(G) Recommendations for extending the demonstration project or implementing a permanent wellness assessment program.

(H) Identification of legislative authorities required to implement a permanent program.

**SEC. 713. SMOKING CESSATION PROGRAM UNDER TRICARE.**

(a) TRICARE SMOKING CESSATION PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a smoking cessation program under the TRICARE program, to be made available to all beneficiaries under the TRICARE program, subject to subsection (b). The Secretary may prescribe such regulations as may be necessary to implement the program. Deadline.

(b) EXCLUSION FOR MEDICARE-ELIGIBLE BENEFICIARIES.—The smoking cessation program shall not be made available to medicare-eligible beneficiaries.

(c) ELEMENTS.—The program shall include, at a minimum, the following elements:

(1) The availability, at no cost to the beneficiary, of pharmaceuticals used for smoking cessation, with a limitation on the availability of such pharmaceuticals to the national mail-order pharmacy program under the TRICARE program if appropriate.

(2) Counseling.

(3) Access to a toll-free quit line that is available 24 hours a day, 7 days a week.

(4) Access to printed and Internet web-based tobacco cessation material.

(d) CHAIN OF COMMAND INVOLVEMENT.—In establishing the program, the Secretary of Defense shall provide for involvement by officers in the chain of command of participants in the program who are on active duty.

(e) PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan to implement the program. Deadline.

(f) REFUND OF COPAYMENTS.—

(1) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary may pay a refund to a medicare-eligible beneficiary otherwise excluded by this section, subject to the availability of appropriations specifically for such refunds, consisting of an amount up to the difference between— Regulations.

(A) the amount the beneficiary pays for copayments for smoking cessation services described in subsection (c) during fiscal year 2009; and

(B) the amount the beneficiary would have paid during such fiscal year if the beneficiary had not been excluded under subsection (b) from the smoking cessation program under subsection (a).

(2) COPAYMENTS COVERED.—The refunds under paragraph (1) are available only for copayments paid by medicare-eligible beneficiaries during fiscal year 2009.

(g) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report covering the following:

(1) The status of the program.

(2) The number of participants in the program.

(3) The cost of the program.

(4) The costs avoided that are attributed to the program.

(5) The success rates of the program compared to other nationally recognized smoking cessation programs.

(6) Findings regarding the success rate of participants in the program.

(7) Recommendations to modify the policies and procedures of the program.

(8) Recommendations concerning the future utility of the program.

(h) DEFINITIONS.—In this section:

(1) TRICARE PROGRAM.—The term "TRICARE program" has the meaning provided by section 1072(7) of title 10, United States Code.

(2) MEDICARE-ELIGIBLE.—The term "medicare-eligible" has the meaning provided by section 1111(b) of title 10, United States Code.

**SEC. 714. PREVENTIVE HEALTH ALLOWANCE.**

(a) ALLOWANCE.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

**"§ 438. Preventive health services allowance**

Time period.

"(a) DEMONSTRATION PROJECT.—During the period beginning on January 1, 2009, and ending on December 31, 2011, the Secretary of Defense shall conduct a demonstration project designed to evaluate the efficacy of providing an annual allowance (to be known as a 'preventive health services allowance') to members of the armed forces described in subsection (b) to increase the use of preventive health services by such members and their dependents.

"(b) ELIGIBLE MEMBERS.—(1) Subject to the numerical limitations specified in paragraph (2), a member of the armed forces who is serving on active duty for a period of more than 30 days and meets the medical and dental readiness requirements for the armed force of the member may receive a preventive health services allowance.

"(2) Not more than 1,500 members of each of the Army, Navy, Air Force, and Marine Corps may receive a preventive health services allowance during any year, of which half in each armed force shall be members without dependents and half shall be members with dependents.

"(c) AMOUNT OF ALLOWANCE.—The Secretary of the military department concerned shall pay a preventive health services allowance to a member selected to receive the allowance in an amount equal to—

"(1) $500 per year, in the case of a member without dependents; and

"(2) $1,000 per year, in the case of a member with dependents.

"(d) AUTHORIZED PREVENTIVE HEALTH SERVICES.—(1) The Secretary of Defense shall specify the types of preventive health services that may be procured using a preventive health services allowance and the frequency at which such services may be procured.

"(2) At a minimum, authorized preventive health services shall include, taking into consideration the age and gender of the member and dependents of the member:

"(A) Colorectal screening.

"(B) Breast screening.

"(C) Cervical screening.
"(D) Prostate screening.
"(E) Annual physical exam.
"(F) Annual dental exam.
"(G) Weight and body mass screening.
"(H) Vaccinations.

"(3) The Secretary of Defense shall ensure that members selected to receive the preventive health services allowance and their dependents are provided a reasonable opportunity to receive the services authorized under this subsection in their local area.

"(e) DATA COLLECTION.—At a minimum, the Secretary of Defense shall monitor and record the health of members receiving a preventive health services allowance and their dependents and the results of the testing required to qualify for payment of the allowance, if conducted. The Secretary shall assess the medical utility of the testing required to qualify for payment of a preventive health allowance.

"(f) REPORTING REQUIREMENT.—Not later than March 31, 2010, and March 31, 2012, the Secretary of Defense shall submit to Congress a report on the status of the demonstration project, including findings regarding the medical status of participants, recommendations to modify the policies and procedures of the program, and recommendations concerning the future utility of the project.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

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

"438. Preventive health care allowance.".

**SEC. 715. ADDITIONAL AUTHORITY FOR STUDIES AND DEMONSTRATION PROJECTS RELATING TO DELIVERY OF HEALTH AND MEDICAL CARE.**

Section 1092(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(3) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards and incentives to members of the armed forces and covered beneficiaries who obtain health promotion and disease prevention health care services under the TRICARE program in accordance with terms and schedules prescribed by the Secretary. Such awards and incentives may include cash awards and, in the case of members of the armed forces, personnel incentives.

"(4)(A) The Secretary of Defense may, in consultation with the other administering Secretaries, include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards or incentives to individual health care professionals under the authority of such Secretaries, including members of the uniformed services, Federal civilian employees, and contractor personnel, to encourage and reward effective implementation of innovative health care programs designed to improve quality, cost-effectiveness, health promotion, medical readiness, and other priority objectives. Such awards and incentives may include cash awards and, in the case of members of the armed forces and Federal civilian employees, personnel incentives.

"(B) Amounts available for the pay of members of the uniformed services shall be available for awards and incentives under this paragraph with respect to members of the uniformed services.

"(5) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the medical and dental readiness of members of reserve components of the armed forces, including the provision of health care services to such members for which they are not otherwise entitled or eligible under this chapter.

"(6) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the continuity of health care services for family members of mobilized members of the reserve components of the armed forces who are eligible for such services under this chapter, including payment of a stipend for continuation of employer-provided health coverage during extended periods of active duty.".

# Subtitle C—Wounded Warrior Matters

Establishment.

**SEC. 721. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF HEARING LOSS AND AUDITORY SYSTEM INJURIES.**

(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injury to carry out the responsibilities specified in subsection (c).

(b) PARTNERSHIPS.—The Secretary shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The center shall—

(A) implement a comprehensive plan and strategy for the Department of Defense, as developed by the Secretary of Defense, for a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of hearing loss and auditory system injury incurred by a member of the Armed Forces while serving on active duty;

(B) ensure the electronic exchange with the Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A); and

(C) enable the Secretary of Veterans Affairs to access the registry and add information pertaining to additional treatments or surgical procedures and eventual hearing outcomes for veterans who were entered into the registry and subsequently received treatment through the Veterans Health Administration.

(2) DESIGNATION OF REGISTRY.—The registry under this subsection shall be known as the "Hearing Loss and Auditory System Injury Registry" (hereinafter referred to as the "Registry").

(3) CONSULTATION IN DEVELOPMENT.—The center shall develop the Registry in consultation with audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Defense and the audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Veterans Affairs. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other hearing loss.

(4) MECHANISMS.—The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of hearing loss and auditory system injury described in that paragraph as follows (to the extent applicable): Deadlines.

(A) Not later than 30 days after surgery or other operative intervention, including a surgery or other operative intervention carried out as a result of a follow-up examination.

(B) Not later than 180 days after the hearing loss and auditory system injury is reported or recorded in the medical record.

(5) COORDINATION OF CARE AND BENEFITS.—(A) The center shall provide notice to the National Center for Rehabilitative Auditory Research (NCRAR) of the Department of Veterans Affairs and to the auditory system impairment services of the Veterans Health Administration on each member of the Armed Forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of ongoing auditory system rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the Armed Forces. Notice.

(B) A member of the Armed Forces described in this subparagraph is a member of the Armed Forces with significant hearing loss or auditory system injury incurred while serving on active duty, including a member with auditory dysfunction related to traumatic brain injury.

(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Registry is available to appropriate audiologists, speech and language pathologists, otolaryngologists, and other specialist personnel of the Department of Defense and the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on hearing loss or auditory system injury incurred by members of the Armed Forces.

(e) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Registry such records of members of the Armed Forces who incurred a hearing loss or auditory system injury while serving on active duty on or after September 11, 2001, but before the establishment of the Registry, as the Secretary considers appropriate for purposes of the Registry.

**SEC. 722. CLARIFICATION TO CENTER OF EXCELLENCE RELATING TO MILITARY EYE INJURIES.**

*Ante*, p. 455.

Section 1623(d) of Public Law 110–181 is amended by striking "in combat" at the end.

Establishment.

**SEC. 723. CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.**

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(b) PARTNERSHIPS.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates with the Department of Defense, the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—The center shall have the responsibilities as follows:

(1) To implement a comprehensive plan and strategy for the Department of Defense and the Department of Veterans Affairs for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(2) To conduct research to develop scientific information aimed at saving injured extremities, avoiding amputations, and preserving and restoring the function of injured extremities. Such research shall address military medical needs and include the full range of scientific inquiry encompassing basic, translational, and clinical research.

(3) To carry out such other activities to improve and enhance the efforts of the Department of Defense and the Department of Veterans Affairs for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations as the Secretary of Defense and the Secretary of Veterans Affairs consider appropriate.

(d) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the activities of the center.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) In the case of the first report under this subsection, a description of the implementation of the requirements of this Act.

(B) A description and assessment of the activities of the center during the one-year period ending on the date of such report, including an assessment of the role of such activities in improving and enhancing the efforts of the Department of Defense and the Department of Veterans Affairs for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

**SEC. 724. ADDITIONAL RESPONSIBILITIES FOR THE WOUNDED WARRIOR RESOURCE CENTER.**

Section 1616(a) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C. 1071 note) is amended in the first sentence by inserting "receiving legal assistance referral information (where appropriate), receiving other appropriate referral information," after "receiving benefits information,".

**SEC. 725. SENSE OF CONGRESS ON RESEARCH ON TRAUMATIC BRAIN INJURY.**

It is the sense of Congress that the requirement under section 1621(c)(7) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 453; 10 U.S.C. 1071 note) to conduct basic science and translational research on traumatic brain injury includes pilot programs designed to test the efficacy of clinical approaches, including the use of pharmacological agents. Congress urges continued studies of the efficacy of pharmacological agents for treatment of traumatic brain injury and supports continued joint research with the National Institutes of Health in this area.

**SEC. 726. EXTENSION OF SENIOR OVERSIGHT COMMITTEE WITH RESPECT TO WOUNDED WARRIOR MATTERS.**

Termination date.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take such actions as are appropriate, including the allocation of appropriate personnel, funding, and other resources, to continue the operations of the Senior Oversight Committee until December 31, 2009.

(b) REPORT ON FURTHER EXTENSION OF COMMITTEE.—Not later than August 31, 2009, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the joint recommendation of the Secretaries as to the advisability of continuing the operations of the Senior Oversight Committee after December 31, 2009. If the Secretaries recommend that continuing the operations of the Senior Oversight Committee after December 31, 2009, is advisable, the report may include such recommendations for the modification of the responsibilities, composition, or support of the Senior Oversight Committee as the Secretaries jointly consider appropriate.

(c) SENIOR OVERSIGHT COMMITTEE DEFINED.—In this section, the term "Senior Oversight Committee" means the Senior Oversight Committee jointly established by the Secretary of Defense and the Secretary of Veterans Affairs in May 2007. The Senior Oversight Committee was established to address concerns related to the treatment of wounded, ill, and injured members of the Armed Forces and veterans and serves as the single point of contact for oversight, strategy, and integration of proposed strategies for the efforts of the Department of Defense and the Department of Veterans Affairs to improve support throughout the recovery, rehabilitation, and reintegration of wounded, ill, or injured members of the Armed Forces.

**SEC. 727. MODIFICATION OF UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.**

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1201(b)(3)(B)(i) of title 10, United States Code, is amended—

(1) by striking "the member has six months or more of active military service and"; and

(2) by striking "(unless compelling evidence" and all that follows through "active duty)" and inserting "(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)".

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended—

(1) by striking "the member has six months or more of active military service, and"; and

(2) by striking "(unless compelling evidence" and all that follows through "active duty)" and inserting "(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)".

## Subtitle D—Other Matters

**SEC. 731. REPORT ON PROVIDING THE EXTENDED CARE HEALTH OPTION PROGRAM TO DEPENDENTS OF MILITARY RETIREES.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on including dependents of military retirees in the ECHO program for a limited transitional period following retirement.

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

(1) The most current data on the number of military retirees with dependents who are eligible to receive extended benefits under the ECHO program and an estimate of the number of future military retirees with dependents who are eligible to receive such benefits.

(2) The cost estimates of providing extended benefits under the ECHO program to dependents of all current and future military retirees.

(3) The feasibility of including dependents of military retirees in any ongoing demonstration or pilot programs within the ECHO program.

(4) The statutory and regulatory impediments to including dependents of military retirees in the ECHO program.

(c) ECHO PROGRAM.—In this section, the term "ECHO program" means the Extended Care Health Option program provided pursuant to subsections (d), (e), and (f) of section 1079 of title 10, United States Code.

**SEC. 732. INCREASE IN CAP ON EXTENDED BENEFITS UNDER EXTENDED HEALTH CARE OPTION (ECHO).**

Section 1079(f) of title 10, United States Code is amended—

(1) in paragraph (2)(A), by striking "month shall not exceed $2,500," and inserting "year shall not exceed $36,000, prorated as determined by the Secretary of Defense,"; and

(2) in paragraph (2)(B), by striking "month" and inserting "year.".

**SEC. 733. DEPARTMENT OF DEFENSE TASK FORCE ON THE PREVENTION OF SUICIDE BY MEMBERS OF THE ARMED FORCES.**

(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters relating to prevention of suicide by members of the Armed Forces.

(b) COMPOSITION.—

(1) MEMBERS.—The task force shall consist of not more than 14 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in the area of suicide prevention and response.

(2) RANGE OF MEMBERS.—The individuals appointed to the task force shall include—

(A) at least one member of each of the Army, Navy, Air Force, and Marine Corps;

(B) a number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the task force;

(C) persons who have experience in—

(i) national suicide prevention policy;

(ii) military personnel policy;

(iii) research in the field of suicide prevention;

(iv) clinical care in mental health; or

(v) military chaplaincy or pastoral care; and

(D) at least one family member of a member of the Armed Forces who has experience working with military families.

(3) INDIVIDUALS APPOINTED OUTSIDE DEPARTMENT OF DEFENSE.—Individuals appointed to the task force from outside the Department of Defense may include officers or employees of other departments or agencies of the Federal Government, officers or employees of State and local governments, or individuals from the private sector.

(4) DEADLINE FOR APPOINTMENT.—All appointments of individuals to the task force shall be made not later than 180 days after the date of the enactment of this Act.

(5) CO-CHAIRS OF TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Defense at the time of appointment from among the Department of Defense personnel appointed to the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by members so appointed.

(c) ASSESSMENT AND RECOMMENDATIONS ON SUICIDE PREVENTION POLICY.—

Deadline.
Reports.

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary a report containing recommendations regarding a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(2) UTILIZATION OF OTHER EFFORTS.—In preparing the report, the task force shall take into consideration completed and ongoing efforts by the military departments to improve the efficacy of suicide prevention programs.

(3) ELEMENTS.—The recommendations (including recommendations for legislative or administrative action) shall include measures to address the following:

(A) Methods to identify trends and common causal factors in suicides by members of the Armed Forces.

(B) Methods to establish or update suicide education and prevention programs conducted by each military department based on identified trends and causal factors.

(C) An assessment of current suicide education and prevention programs of each military department.

(D) An assessment of suicide incidence by military occupation to include identification of military occupations with a high incidence of suicide.

(E) The appropriate type and method of investigation to determine the causes and factors surrounding each suicide by a member of the Armed Forces.

(F) The qualifications of the individual appointed to conduct an investigation of a suicide by a member of the Armed Forces.

(G) The required information to be determined by an investigation in order to determine the causes and factors surrounding suicides by members of the Armed Forces.

(H) The appropriate reporting requirements following an investigation conducted on a suicide by a member of the Armed Forces.

(I) The appropriate official or executive agent within the military department and Department of Defense to receive and analyze reports on investigations of suicides by members of the Armed Forces.

(J) The appropriate use of the information gathered during investigations of suicides by members of the Armed Forces.

(K) Methods for protecting confidentiality of information contained in reports of investigations of suicides by members of the Armed Forces.

(d) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) ADMINISTRATIVE SUPPORT.—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the task force.

(4) ACCESS TO FACILITIES.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and facilities for purposes of the discharge of the duties of the task force.

(e) REPORT.—

(1) IN GENERAL.—The task force shall submit to the Secretary of Defense a report on its activities under this section. The report shall include—

(A) a description of the activities of the task force;

(B) the assessment and recommendations required by subsection (c); and

(C) such other matters relating to the activities of the task force that the task force considers appropriate.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary shall transmit the report to the Committees on Armed Services of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) PLAN REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall develop a plan based on the recommendations of the task force and submit the plan to the congressional defense committees. Deadline.

(g) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to Congress under subsection (e)(2).

**SEC. 734. TRANSITIONAL HEALTH CARE FOR CERTAIN MEMBERS OF THE ARMED FORCES WHO AGREE TO SERVE IN THE SELECTED RESERVE OF THE READY RESERVE.**

(a) PROVISION OF TRANSITIONAL HEALTH CARE.—Section 1145(a)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(F) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.".

(b) EFFECTIVE DATE.—Subparagraph (F) of section 1145(a)(2) of title 10, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces separated from active duty after the date of the enactment of this Act.

**SEC. 735. ENHANCEMENT OF MEDICAL AND DENTAL READINESS OF MEMBERS OF THE ARMED FORCES.**

(a) EXPANSION OF AVAILABILITY OF MEDICAL AND DENTAL SERVICES FOR RESERVES.—

(1) EXPANSION OF AVAILABILITY FOR RESERVES ASSIGNED TO UNITS SCHEDULED FOR DEPLOYMENT WITHIN 75 DAYS OF MOBILIZATION.—Subsection (d)(1) of section 1074a of title 10, United States Code, is amended by striking "The Secretary of the Army shall provide to members of the Selected Reserve of the Army" and inserting "The Secretary concerned shall provide to members of the Selected Reserve". Deadline.

(2) AVAILABILITY FOR CERTAIN OTHER RESERVES.—Such section is further amended by adding at the end the following new subsection:

"(g)(1) The Secretary concerned may provide to any member of the Selected Reserve not described in subsection (d)(1) or (f), and to any member of the Individual Ready Reserve described in section 10144(b) of this title the medical and dental services specified in subsection (d)(1) if the Secretary determines that the receipt of such services by such member is necessary to ensure that the member meets applicable standards of medical and dental readiness.

"(2) Services may not be provided to a member under this subsection for a condition that is the result of the member's own misconduct.

"(3) The services provided under this subsection shall be provided at no cost to the member.".

(3) FUNDING.—Such section is further amended by adding at the end the following new subsection:

"(h) Amounts available for operation and maintenance of a reserve component of the armed forces may be available for purposes of this section to ensure the medical and dental readiness of members of such reserve component.".

(b) WAIVER OF CERTAIN COPAYMENTS FOR DENTAL CARE FOR RESERVES FOR READINESS PURPOSES.—Section 1076a(e) of such title is amended—

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

(2) by striking "A member or dependent" and inserting "(1) Except as provided pursuant to paragraph (2), a member or dependent"; and

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

Regulations.
Waiver authority.

"(2)(A) During a national emergency declared by the President or Congress and subject to regulations prescribed by the Secretary of Defense, the Secretary may waive, in whole or in part, the charges otherwise payable by a member of the Selected Reserve of the Ready Reserve or a member of the Individual Ready Reserve under paragraph (1) for the coverage of the member alone under the dental insurance plan established under subsection (a)(1) if the Secretary determines that such waiver of the charges would facilitate or ensure the readiness of a unit or individual for deployment.

"(B) The waiver under subparagraph (A) may apply only with respect to charges for coverage of dental care required for readiness.".

(c) REPORT ON POLICIES AND PROCEDURES IN SUPPORT OF MEDICAL AND DENTAL READINESS.—

(1) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the policies and procedures of the Department of Defense to ensure the medical and dental readiness of members of the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the current standards of each military department with respect to the medical and dental readiness of individual members of the Armed Forces

(including members of the regular components and members of the reserve components), and with respect to the medical and dental readiness of units of the Armed Forces (including units of the regular components and units of the reserve components), under the jurisdiction of such military department.

(B) A description of the manner in which each military department applies the standards described under subparagraph (A) with respect to each of the following:

(i) Performance evaluation.

(ii) Promotion.

(iii) In the case of the members of the reserve components, eligibility to attend annual training.

(iv) Continued retention in the Armed Forces.

(v) Such other matters as the Secretary considers appropriate.

(C) A statement of the number of members of the Armed Forces (including members of the regular components and members of the reserve components) who were determined to be not ready for deployment at any time during the period beginning on October 1, 2001, and ending on September 30, 2008, due to failure to meet applicable medical or dental standards, and an assessment of whether the unreadiness of such members for deployment could reasonably have been mitigated by actions of the members concerned to maintain individual medical or dental readiness.

(D) A description of any actual or perceived barriers to the achievement of full medical and dental readiness in the Armed Forces (including among the regular components and the reserve components), including barriers associated with the following:

(i) Quality or cost of, or access to, medical and dental care.

(ii) Availability of programs and incentives intended to prevent medical or dental problems.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate to ensure the medical and dental readiness of individual members of the Armed Forces and units of the Armed Forces, including recommendations regarding the following:

(i) The advisability of requiring that fitness reports of members of the Armed Forces include—

(I) a statement of whether or not a member meets medical and dental readiness standards for deployment; and

(II) in cases in which a member does not meet such standard, a statement of actions being taken to ensure that the member meets such standards and the anticipated schedule for meeting such standards.

(ii) The advisability of establishing a mandatory promotion standard relating to individual medical and dental readiness and, in the case of a unit commander, unit medical and dental readiness.

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

Subtitle A—Acquisition Policy and Management

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

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

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

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

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

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

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

Subtitle E—Department of Defense Contractor Matters

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

Subtitle F—Matters Relating to Iraq and Afghanistan

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

Subtitle G—Governmentwide Acquisition Improvements

Sec. 861. Short title.

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

Subtitle H—Other Matters

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

# Subtitle A—Acquisition Policy and Management

### SEC. 801. ASSESSMENT OF URGENT OPERATIONAL NEEDS FULFILLMENT.

Study. Reports.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall commission a study and report by an independent commission or a federally funded research and development center to assess the effectiveness of the processes used by the Department of Defense for the generation of urgent operational need requirements, and the acquisition processes used to fulfill such requirements. Such assessment shall include the following:

(1) A description and evaluation of the effectiveness of the procedures used to generate, validate, and fulfill warfighting requirements through the urgent operational need and joint urgent operational need processes, including—

(A) the extent to which joint and urgent operational need statements are used to document required capability gaps or are used to request specific acquisition outcomes, such as specific systems or equipment;

(B) the effectiveness of the processes used by each of the military departments and the various elements of the Department of Defense to prioritize and fulfill joint and urgent operational needs, including the rapid acquisition processes of the military departments, as well as the joint improvised explosive device defeat organization and the joint rapid acquisition cell; and

(C) the timeliness and responsiveness of the processes used by the military departments and the various elements of the Department of Defense to review and validate urgent operational needs statements and joint urgent operational needs statements.

(2) An evaluation of the extent to which joint urgent operational need statements are used to avoid using service-specific urgent operational need and acquisition processes or to document non-urgent capability gaps.

(3) An evaluation of the extent to which joint acquisition entities maintain oversight, once a military department or defense agency has been designated as responsible for execution and fielding of a capability in response to a joint urgent operational need statement, including oversight of—

(A) the responsiveness of the military department or agency in execution;

(B) the field performance of the capability delivered in response to the joint urgent operational need statement; and

(C) the concurrent development of a long term acquisition and sustainment strategy.

(8) Recommendations regarding—

(A) best practices and process improvements to ensure that urgent operational needs statements and joint urgent operational needs statements are presented to appropriate authorities for review and validation not later than 60 days after the documents are submitted;

(B) common definitions and standards for urgent operational needs statements and joint urgent operational need statements;

(C) best practices and process improvements for the creation, evaluation, prioritization, and fulfillment of urgent operational need statements and joint urgent operational need statements; and

(D) the extent to which rapid acquisition processes should be consolidated or expanded.

Deadline. Reports.

(b) SUBMISSION TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the report resulting from the study conducted pursuant to subsection (a).

**SEC. 802. IMPLEMENTATION OF STATUTORY REQUIREMENTS REGARDING THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.**

Deadline.

(a) GUIDANCE REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance regarding—

(1) the appropriate application of the authority in sections 2304(b) and 2304(c)(3)(A) of title 10, United States Code, in connection with major defense acquisition programs; and

(2) the appropriate timing and performance of the requirement in section 2440 of title 10, United States Code, to consider the national technology and industrial base in the development and implementation of acquisition plans for each major defense acquisition program.

(b) DEFINITIONS.—In this section;

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term "major defense acquisition program" has the meaning provided in section 2430 of title 10, United States Code.

(2) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—The term "national technology and industrial base" has the meaning provided in section 2500(1) of title 10, United States Code.

**SEC. 803. COMMERCIAL SOFTWARE REUSE PREFERENCE.**

(a) IN GENERAL.—The Secretary of Defense shall ensure that contracting officials identify and evaluate, at all stages of the acquisition process (including concept refinement, concept decision, and technology development), opportunities for the use of commercial computer software and other non-developmental software.

(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on actions taken to implement subsection (a), including a description of any relevant regulations and policy guidance.

**SEC. 804. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.**

(a) INCLUSION OF ADDITIONAL NON-DEFENSE AGENCIES IN REVIEW.—The covered non-defense agencies specified in subsection (c) of this section shall be considered covered non-defense agencies as defined in subsection (i) of section 817 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2326) for purposes of such section.

(b) DEADLINES AND APPLICABILITY FOR ADDITIONAL NON-DEFENSE AGENCIES.—For each covered non-defense agency specified in subsection (c) of this section, section 817 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2326) shall apply to such agency as follows:

(1) The review and determination required by subsection (a)(1) of such section shall be completed by not later than March 15, 2009.

(2) The review and determination required by subsection (a)(2) of such section, if necessary, shall be completed by not later than June 15, 2010, and such review and determination shall be a review and determination of such agency's procurement of property and services on behalf of the Department of Defense in fiscal year 2009.

(3) The memorandum of understanding required by subsection (c)(1) of such section shall be entered into by not later than 60 days after the date of the enactment of this Act.

(4) The limitation specified in subsection (d)(1) of such section shall apply after March 15, 2009, and before June 16, 2010.

(5) The limitation specified in subsection (d)(2) of such section shall apply after June 15, 2010.

(6) The limitation required by subsection (d)(3) of such section shall commence, if necessary, on the date that is 60 days after the date of the enactment of this Act.

(c) DEFINITION OF COVERED NON-DEFENSE AGENCY.—In this section, the term "covered non-defense agency" means each of the following:

(1) The Department of Commerce.

(2) The Department of Energy.

(d) MODIFICATION OF CERTAIN ADDITIONAL AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF DOD.—Section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 202; 10 U.S.C. 2304 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking "each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration" and inserting "the Department of the Interior"; and

(B) by adding at the end the following new subparagraph:

Deadline.

"(D) In the case of each of the Department of Commerce and the Department of Energy, by not later than March 15, 2015."; and

(2) in subsection (f)(2)—

(A) by striking subparagraphs (B) and (D);

(B) by redesignating subparagraphs (C), (E), and (F) as subparagraphs (B), (C), and (D), respectively; and

(C) by adding at the end the following new subparagraphs:

"(E) The Department of Commerce.

"(F) The Department of Energy.".

# Subtitle B—Provisions Relating to Major Defense Acquisition Programs

**SEC. 811. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER ACQUISITION REPORTING REQUIREMENTS.**

(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2430 the following new section:

**"§ 2430a. Major subprograms**

"(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—(1) If the Secretary of Defense determines that a major defense acquisition program requires the delivery of two or more categories of end items which differ significantly from each other in form and function, the Secretary may designate each such category of end items as a major subprogram for the purposes of acquisition reporting under this chapter.

Notification.
Deadline.

"(2) The Secretary shall notify the congressional defense committees in writing of any proposed designation pursuant to paragraph (1) not less than 30 days before the date such designation takes effect.

"(b) REPORTING REQUIREMENTS.—If the Secretary designates a major subprogram of a major defense acquisition program in accordance with subsection (a), Selected Acquisition Reports, unit cost reports, and program baselines under this chapter shall reflect cost, schedule, and performance information—

"(1) for the major defense acquisition program as a whole; and

"(2) for each major subprogram of the major defense acquisition program so designated.

"(c) REQUIREMENT TO COVER ENTIRE MAJOR DEFENSE ACQUISITION PROGRAM.—If a subprogram of a major defense acquisition program is designated as a major subprogram under subsection

(a), all other elements of the major defense acquisition program shall be appropriately organized into one or more subprograms under the major defense acquisition program, each of which subprograms, as so organized, shall be treated as a major subprogram under subsection (a).

"(d) DEFINITIONS.—Notwithstanding paragraphs (1) and (2) of section 2432(a) of this title, in the case of a major defense acquisition program for which the Secretary has designated one or more major subprograms under this section for the purposes of this chapter—

"(1) the term 'program acquisition unit cost' applies at the level of the subprogram and means the total cost for the development and procurement of, and specific military construction for, the major defense acquisition program that is reasonably allocable to each such major subprogram, divided by the relevant number of fully-configured end items to be produced under such major subprogram;

"(2) the term 'procurement unit cost' applies at the level of the subprogram and means the total of all funds programmed to be available for obligation for procurement for each such major subprogram, divided by the number of fully-configured end items to be procured under such major subprogram;

"(3) the term 'major contract', with respect to a designated major subprogram, means each of the six largest prime, associate, or Government furnished equipment contracts under the subprogram that is in excess of $40,000,000 and that is not a firm-fixed price contract; and

"(4) the term 'life cycle cost', with respect to a designated major subprogram, means all costs of development, procurement, military construction, and operations and support, without regard to funding source or management control.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2430 the following new item:

"2430a. Major subprograms.".

(b) CONFORMING AMENDMENTS TO SECTION 2432.—Section 2432 of such title is amended—

(1) in subsection (b)(2)(A), by inserting "for the program (or for each designated subprogram under the program)" after "procurement unit cost";

(2) in subsection (c)—

(A) in paragraph (1)(B)—

(i) by inserting "or designated major subprogram" after "for each major defense acquisition program"; and

(ii) by inserting "or subprogram" after "the program";

(B) in paragraph (1)(C)—

(i) by inserting "or designated major subprogram" after "major defense acquisition program"; and

(ii) by inserting "or subprogram" after "the program"; and

(C) in paragraph (3)(A), by inserting "and each designated major subprogram" after "for each major defense acquisition program";

(3) in subsection (e)—

(A) in paragraph (3), by inserting before the period the following: "for the program (or for each designated major subprogram under the program)";

(B) in paragraph (5), by inserting before the period the following: "(or for each designated major subprogram under the program)";

(C) in paragraph (7), by inserting "or subprogram" after "of the program" each place it appears; and

(D) in paragraph (8), by inserting "and designated major subprograms under the program" after "the program";

(4) in subsection (g)—

(A) by inserting "or designated major subprogram" after "major defense acquisition program"; and

(B) by inserting "or subprogram" after "the program" each place it appears; and

(5) in subsection (h)(2)(C), by inserting "and designated major subprograms under the program" after "the development program".

(c) CONFORMING AMENDMENTS TO SECTION 2433.—Section 2433 of such title is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "The terms" and inserting "Except as provided in section 2430a(c) of this title, the terms";

(B) in paragraph (2)—

(i) by inserting "or designated major subprogram" after "major defense acquisition program"; and

(ii) by inserting "or subprogram" after "the program";

(C) in paragraph (4)—

(i) by inserting "or designated major defense subprogram" after "major defense acquisition program" each place it appears; and

(ii) by inserting "or subprogram" after "for the program" each place it appears; and

(D) in paragraph (5)—

(i) by inserting "or designated major defense subprogram" after "major defense acquisition program" each place it appears; and

(ii) by inserting "or subprogram" after "for the program" each place it appears;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "(or of each designated major subprogram under the program)" after "unit costs of the program";

(B) in paragraph (1), by inserting before the period the following: "for the program (or for each designated major subprogram under the program)";

(C) in paragraph (2), by inserting before the period the following: "for the program (or for each designated major subprogram under the program)"; and

(D) in paragraph (5), by inserting "or subprogram" after "the program" each place it appears (other than the last place it appears);

(3) in subsection (c)—

(A) by striking "the program acquisition unit cost for the program or the procurement unit cost for the program" and inserting "the program acquisition unit cost for the program (or for a designated major subprogram under the program) or the procurement unit cost for the program (or for such a subprogram)"; and

(B) by striking "for the program" after "significant cost growth threshold";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting "or any designated major subprogram under the program" after "major defense acquisition program"; and

(ii) by inserting "or subprogram" after "for the program" each place it appears;

(B) in paragraph (2)—

(i) by inserting "or any designated major subprogram under the program" after "major defense acquisition program"; and

(ii) by inserting "or subprogram" after "for the program" each place it appears; and

(C) in paragraph (3), by striking "such program" and inserting "the program or subprogram concerned";

(5) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting "or designated major subprogram" after "major defense acquisition program"; and

(II) by inserting "or subprogram" after "for the program"; and

(ii) in subparagraph (B)—

(I) by inserting "or designated major subprogram" after "major defense acquisition program"; and

(II) by inserting "or subprogram" after "that program"; and

(B) in paragraph (2), in the matter preceding subparagraph (A)—

(i) by inserting "or designated major subprogram" after "major defense acquisition program"; and

(ii) by inserting "or subprogram" after "for the program"; and

(6) in subsection (g)—

(A) in paragraph (1)—

(i) in subparagraph (D)—

(I) by inserting "(and for each designated major subprogram under the program)" after "for the program"; and

(II) by inserting "or subprogram" after "in which the program";

(ii) in subparagraph (E), by inserting "for the program (and for each designated major subprogram under the program)" after "program acquisition cost";

(iii) in subparagraph (F), by inserting before the period the following: "for the program (or for any designated major subprogram under the program)";

(iv) in subparagraph (G)—

(I) by inserting "and each designated major subprogram under the program" after of "the program"; and

(II) by inserting "or subprogram" after "for the program" each place it appears;

(v) in subparagraph (H)—

(I) by inserting "and each designated major subprogram under the program" after "the program" the first place it appears; and

(II) by inserting "or subprogram" after "the program" the second place it appears;

(vi) in subparagraph (J), by inserting "for the program (or for each designated major subprogram under the program)" after "program acquisition unit cost";

(vii) in subparagraph (K), by inserting "for the program (or for each designated major subprogram under the program)" after "procurement unit cost" each place it appears;

(viii) in subparagraph (O), by inserting before the period the following: "for the program (or for any designated major subprogram under the program)";

(ix) in subparagraph (P)—

(I) by inserting "or subprogram" after "the program" the first place it appears; and

(II) by inserting "and any designated major subprogram under the program" after "the program" the second place it appears; and

(x) in subparagraph (Q), by inserting "or any designated major subprogram under the program" after "the program"; and

(B) in paragraph (2)—

(i) by inserting "or designated major subprogram" after "major defense acquisition program";

(ii) by inserting "or subprogram" after "the entire program"; and

(iii) by inserting "or subprogram" after "a program".

(d) CONFORMING AMENDMENTS TO SECTION 2435.—Section 2435 of such title is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "and for each designated major subprogram under the program" after "major defense acquisition program"; and

(B) in paragraph (2), by inserting "or designated major subprogram" after "major defense acquisition program";

(2) in subsection (b)—

(A) by inserting "or any designated major subprogram under the program" after "major defense acquisition program"; and

(B) by inserting "or subprogram" after "the program";

(3) in subsection (c)—

(A) by inserting "or any designated major subprogram under the program" after "major defense acquisition program"; and

(B) by inserting "or subprogram" after "the program" each place it appears;

(4) in subsection (d)—

(A) by inserting "or any designated major subprogram under the program" after "major defense acquisition program" each place it appears;

(B) in paragraph (1)—

(i) by inserting "or subprogram" after "the program" each place it appears; and

(ii) by inserting "or subprogram" after "at program"; and

(C) in paragraph (2), by inserting "or subprogram" after "for the program" each place it appears; and

(5) in subsection (e)—

(A) by inserting "(or in the case of a major defense acquisition program with one or more designated major subprograms, approved baseline descriptions for such subprograms)" after "baseline description";

(B) by striking "the baseline" and inserting "any such baseline description"; and

(C) by inserting "or subprogram" after "of the program".

**SEC. 812. INCLUSION OF CERTAIN MAJOR INFORMATION TECHNOLOGY INVESTMENTS IN ACQUISITION OVERSIGHT AUTHORITIES FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.**

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 2445a of title 10, United States Code, is amended—

(A) in subsection (a), by striking "IN GENERAL" and inserting "MAJOR AUTOMATED INFORMATION SYSTEM PROGRAM"; and

(B) by adding at the end the following new subsection:

"(d) OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAM.—In this chapter, the term 'other major information technology investment program' means the following:

"(1) An investment that is designated by the Secretary of Defense, or a designee of the Secretary, as a 'pre-Major Automated Information System' or 'pre-MAIS' program.

"(2) Any other investment in automated information system products or services that is expected to exceed the thresholds established in subsection (a), as adjusted under subsection (b), but is not considered to be a major automated information system program because a formal acquisition decision has not yet been made with respect to such investment.".

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

**"§ 2445a. Definitions".**

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144A of such title is amended by striking the item relating to section 2445a and inserting the following new item:

"2445a. Definitions.".

(b) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—Section 2445b of such title is amended—

(1) in subsection (a), by inserting "and each other major information technology investment program" after "each major automated information system program";

(2) in subsection (b), by inserting "REGARDING MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS" after "ELEMENTS"; and

(3) by adding at the end the following new subsection:

"(d) ELEMENTS REGARDING OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAMS.—With respect to each other major information technology investment program, the information required by subsection (a) may be provided in the format that is most appropriate to the current status of the program.".

(c) QUARTERLY REPORTS.—Section 2445c of such title is amended—

(1) in subsection (a)—

(A) by inserting "or other major information technology investment program" after "major automated information system program"; and

(B) by inserting "or information technology investment" after "the major automated information system";

(2) in subsection (b)—

(A) by inserting "or other major information technology investment program" after "major automated information system program" in the matter preceding paragraph (1); and

(B) by inserting "or information technology investment" after "automated information system" each place it appears in paragraphs (1) and (2);

(3) in subsection (d)—

(A) in paragraph (1) and in paragraph (2) in the matter preceding subparagraph (A), by inserting "or other major information technology investment program" after "major automated information system program"; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

"(A) the automated information system or information technology investment failed to achieve initial operational capability within five years after funds were first obligated for the program;";

(ii) in subparagraph (B), by inserting before the semicolon the following: "or section 2445b(d) of this title, as applicable";

(iii) in subparagraph (C), by inserting before the semicolon the following: "or section 2445b(d) of this title, as applicable"; and

(iv) in subparagraph (D)—

(I) by inserting "or major information technology investment" after "major automated information system"; and

(II) by inserting before the period the following: "or section 2445b(d) of this title, as applicable";

(4) in subsection (e), by inserting "or other major information technology investment program" after "major automated information system program"; and

(5) in subsection (f)—

(A) by inserting "or other major information technology investment program" after "major automated information system program" in the matter preceding paragraph (1);

(B) in paragraph (1), by inserting "or information technology investment" after "automated information system";

(C) in paragraph (2), by inserting "or information technology investment" after "the system"; and

(D) in paragraph (3), by inserting "or information technology investment, as applicable," after "the program and system".

**SEC. 813. TRANSFER OF SECTIONS OF TITLE 10 RELATING TO MILESTONE A AND MILESTONE B FOR CLARITY.**

(a) REVERSAL OF ORDER OF SECTIONS.—Section 2366b of title 10, United States Code, is transferred so as to appear before section 2366a of such title.

(b) REDESIGNATION OF SECTIONS.—Section 2366b (relating to Milestone A) and section 2366a (relating to Milestone B) of such title, as so transferred, are redesignated as sections 2366a and 2366b, respectively.

(c) TECHNICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of title 10, United States Code, is amended by striking the items relating sections 2366a and 2366b and inserting the following new items:

"2366a. Major defense acquisition programs: certification required before Milestone A or Key Decision Point A approval.
"2366b. Major defense acquisition programs: certification required before Milestone B or Key Decision Point B approval.".

(d) CONFORMING AMENDMENTS.—

(1) SECTION 181 OF TITLE 10, UNITED STATES CODE.—Section 181(b)(4) of title 10, United States Code, is amended by striking "section 2366a(a)(4), section 2366b(b)," and inserting "section 2366a(b), section 2366b(a)(4),".

(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

(A) in section 212(1) by striking "2366a" and inserting "2366b"; and *Ante*, p. 35.

(B) in section 816— *Ante*, p. 223.

(i) in subsection (a)(2) by striking "2366a" and inserting "2366b";

(ii) in subsection (a)(3) by striking "2366b of title 10, United States Code, as added by section 943 of this Act" and inserting "2366a of title 10, United States Code"; and

(iii) in subsection (c)(2) by striking "2366a" each place such term appears (including in the paragraph heading) and inserting "2366b".

(3) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended in section 812 (120 Stat. 2317), in each of subsections (c)(2)(A) and (d)(2), by striking "2366a" and inserting "2366b". 10 USC 2302 note.

(e) ADDITIONAL TECHNICAL AMENDMENTS.—

(1) Section 2366a of title 10, United States Code, as transferred and redesignated by this section, is amended—

(A) in paragraphs (1), (2), and (4) of subsection (a), by striking "system" each place it appears and inserting "program";

(B) in paragraph (3) of subsection (a)—

(i) by striking "if the system" and inserting "if the program"; and

(ii) by striking "such system" and inserting "such program";

(C) in subsection (b)—

(i) by striking "major system" and inserting "major defense acquisition program"; and

(ii) by striking "the system" each place it appears and inserting "the program"; and

(D) in paragraph (1) of subsection (c)—

(i) by striking "major system" and inserting "major defense acquisition program"; and

(ii) by striking "2302(5)" and inserting "2430".

(2) Section 943 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 288) is amended—

(A) in subsection (b), by striking "major weapon system" and inserting "major defense acquisition program"; and

(B) in subsection (c)—

(i) by striking "major systems" and inserting "major defense acquisition programs"; and

(ii) by adding at the end the following: "In the case of the certification required by paragraph (2) of subsection (a) of such section, during the period prior to the completion of the first quadrennial roles and missions review required by section 118b of title 10, United States Code, the certification required by that paragraph shall be that the system is being executed by an entity with a relevant core competency as identified by the Secretary of Defense.".

**SEC. 814. CONFIGURATION STEERING BOARDS FOR COST CONTROL UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) CONFIGURATION STEERING BOARDS.—Each Secretary of a military department shall establish one or more boards (to be known as a "Configuration Steering Board") for the major defense acquisition programs of such department.

(b) COMPOSITION.—

(1) CHAIR.—Each Configuration Steering Board under this section shall be chaired by the service acquisition executive of the military department concerned.

(2) PARTICULAR MEMBERS.—Each Configuration Steering Board under this section shall include a representative of the following:

(A) The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Chief of Staff of the Armed Force concerned.

(C) Other Armed Forces, as appropriate.

(D) The Joint Staff.

(E) The Comptroller of the military department concerned.

(F) The military deputy to the service acquisition executive concerned.

(G) The program executive officer for the major defense acquisition program concerned.

(H) Other senior representatives of the Office of the Secretary of Defense and the military department concerned, as appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Configuration Steering Board for a major defense acquisition program under this section shall be responsible for the following:

(A) Preventing unnecessary changes to program requirements and system configuration that could have an adverse impact on program cost or schedule.

(B) Mitigating the adverse cost and schedule impact of any changes to program requirements or system configuration that may be required.

(C) Ensuring that the program delivers as much planned capability as possible, at or below the relevant program baseline.

(2) DISCHARGE OF RESPONSIBILITIES.—In discharging its responsibilities under this section with respect to a major defense acquisition program, a Configuration Steering Board shall—

(A) review and approve or disapprove any proposed changes to program requirements or system configuration that have the potential to adversely impact program cost or schedule; and

(B) review and recommend proposals to reduce program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives.

(3) PRESENTATION OF RECOMMENDATIONS ON REDUCTION IN REQUIREMENTS.—Any recommendation for a proposed reduction in requirements that is made by a Configuration Steering Board under paragraph (2)(B) shall be presented to appropriate organizations of the Joint Staff and the military departments responsible for such requirements for review and approval in accordance with applicable procedures.

(4) ANNUAL CONSIDERATION OF EACH MAJOR DEFENSE ACQUISITION PROGRAM.—The Secretary of the military department concerned shall ensure that a Configuration Steering Board under this section meets to consider each major defense acquisition program of such military department at least once each year.

(5) CERTIFICATION OF COST AND SCHEDULE DEVIATIONS DURING SYSTEM DESIGN AND DEVELOPMENT.—For a major defense acquisition program that received an initial Milestone B approval during fiscal year 2008, a Configuration Steering Board may not approve any proposed alteration to program requirements or system configuration if such an alteration would—

(A) increase the cost (including any increase for expected inflation or currency exchange rates) for system development and demonstration by more than 25 percent; or

(B) extend the schedule for key events by more than 15 percent of the total number of months between the award of the system development and demonstration contract and the scheduled Milestone C approval date,

unless the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees, and includes in the certification supporting rationale, that approving such alteration to program requirements or system configuration is in the best interest of the Department of Defense despite the cost and schedule impacts to system development and demonstration of such program.

(d) APPLICABILITY.—

(1) IN GENERAL.—The requirements of this section shall apply with respect to any major defense acquisition program that is commenced before, on, or after the date of the enactment of this Act.

Deadline.

(2) CURRENT PROGRAMS.—In the case of any major defense acquisition program that is ongoing as of the date of the enactment of this Act, a Configuration Steering Board under this section shall be established for such program not later than 60 days after the date of the enactment of this Act.

(e) GUIDANCE ON AUTHORITIES OF PROGRAM MANAGERS AFTER MILESTONE B.—

(1) MODIFICATION OF GUIDANCE ON AUTHORITIES.—Paragraph (2) of section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2343) is amended to read as follows:

10 USC 2430 note.

"(2) authorities available to the program manager, including—

"(A) the authority to object to the addition of new program requirements that would be inconsistent with the parameters established at Milestone B (or Key Decision Point B in the case of a space program) and reflected in the performance agreement, unless such requirements are approved by the appropriate Configuration Steering Board; and

"(B) the authority to recommend to the appropriate Configuration Steering Board reduced program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives; and".

Deadline.

(2) APPLICABILITY.—The Secretary of Defense shall modify the guidance described in section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 in order to take into account the amendment made by paragraph (1) not later than 60 days after the date of the enactment of this Act.

(f) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term "major defense acquisition program" has the meaning given that term in section 2430(a) of title 10, United States Code.

**SEC. 815. PRESERVATION OF TOOLING FOR MAJOR DEFENSE ACQUISITION PROGRAMS.**

Deadline.

(a) GUIDANCE REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance requiring the preservation and storage of unique

tooling associated with the production of hardware for a major defense acquisition program through the end of the service life of the end item associated with such a program. Such guidance shall—

(1) require that the milestone decision authority approve a plan, including the identification of any contract clauses, facilities, and funding required, for the preservation and storage of such tooling prior to Milestone C approval;

(2) require that the milestone decision authority periodically review the plan required by paragraph (1) prior to the end of the service life of the end item, to ensure that the preservation and storage of such tooling remains adequate and in the best interest of the Department of Defense;

(3) provide a mechanism for the Secretary to waive the requirement for preservation and storage of unique production tooling, or any category of unique production tooling, if the Secretary—

(A) makes a written determination that such a waiver is in the best interest of the Department of Defense; and Determination.

(B) notifies the congressional defense committees of the waiver upon making such determination; and Notification.

(4) provide such criteria as necessary to guide a determination made pursuant to paragraph (3)(A).

(b) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term "major defense acquisition program" has the meaning provided in section 2430 of title 10, United States Code.

(2) MILESTONE DECISION AUTHORITY.—The term "milestone decision authority" has the meaning provided in section 2366a(f)(2) of such title.

(3) MILESTONE C APPROVAL.—The term "Milestone C approval" has the meaning provided in section 2366(e)(8) of such title.

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

### SEC. 821. DEFINITION OF SYSTEM FOR DEFENSE ACQUISITION CHALLENGE PROGRAM.

Section 2359b of title 10, United States Code, is amended by adding at the end the following new subsection:

"(l) SYSTEM DEFINED.—In this section, the term 'system'—

"(1) means—

"(A) the organization of hardware, software, material, facilities, personnel, data, and services needed to perform a designated function with specified results (such as the gathering of specified data, its processing, and its delivery to users); or

"(B) a combination of two or more interrelated pieces (or sets) of equipment arranged in a functional package to perform an operational function or to satisfy a requirement; and

"(2) includes a major system (as defined in section 2302(5) of this title).".

**SEC. 822. TECHNICAL DATA RIGHTS.**

Deadline.

(a) POLICY GUIDANCE.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall issue policy guidance with respect to rights in technical data under a non-FAR agreement. The guidance shall—

(1) establish criteria for defining the legitimate interests of the United States and the party concerned in technical data pertaining to an item or process to be developed under the agreement;

(2) require that specific rights in technical data be established during agreement negotiations and be based upon negotiations between the United States and the potential party to the agreement, except in any case in which the Secretary of Defense determines, on the basis of criteria established in such policy guidance, that the establishment of rights during or through agreement negotiations would not be practicable; and

(3) require the program manager for a major weapon system or an item of personnel protective equipment that is to be developed using a non-FAR agreement to assess the long-term technical data needs of such system or item.

(b) REQUIREMENT TO INCLUDE PROVISIONS IN NON-FAR AGREEMENTS.—A non-FAR agreement shall contain appropriate provisions relating to rights in technical data consistent with the policy guidance issued pursuant to subsection (a).

(c) DEFINITIONS.—In this section:

(1) The term "non-FAR agreement" means an agreement that is not subject to laws pursuant to which the Federal Acquisition Regulation is prescribed, including—

(A) a transaction authorized under section 2371 of this title; and

(B) a cooperative research and development agreement.

(2) The term "party", with respect to a non-FAR agreement, means a non-Federal entity and includes any of the following:

(A) A contractor and its subcontractors (at any tier).

(B) A joint venture.

(C) A consortium.

(d) REPORT ON LIFE CYCLE PLANNING FOR TECHNICAL DATA NEEDS.—Not later than 270 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements in section 2320(e) of title 10, United States Code, for the assessment of long-term technical data needs to sustain major weapon systems. Such report shall include—

(1) a description of all relevant guidance or policies issued;

(2) a description of the extent to which program managers have received training to better assess the long-term technical data needs of major weapon systems and subsystems; and

(3) a description of one or more examples, if any, where a priced contract option has been used on major weapon systems for the future delivery of technical data and one or more examples, if any, where all relevant technical data were acquired upon contract award.

**SEC. 823. REVISION TO THE APPLICATION OF COST ACCOUNTING STANDARDS.**

(a) REQUIREMENT FOR REVIEW OF EXEMPTIONS TO THE COST ACCOUNTING STANDARDS.—The Cost Accounting Standards Board shall—

(1) review the inapplicability of the cost accounting standards, in accordance with existing exemptions, to any contract or subcontract that is executed and performed outside the United States when such a contract or subcontract is performed by a contractor that, but for the fact that the contract or subcontract is being executed and performed entirely outside the United States, would be required to comply with such standards; and

(2) determine whether the application of the standards to such a contract or subcontract (or any category of such contracts and subcontracts) would benefit the Government.

(b) PUBLICATION OF REQUEST FOR INFORMATION.—The Cost Accounting Standards Board shall publish a request for information as part of the review required by subsection (a) and shall provide a copy of the request to the appropriate committees of Congress not less than five days before the publication of such request. Deadline.

(c) REPORT TO CONGRESS UPON COMPLETION OF THE REVIEW.—Not later than 270 days after the date of the enactment of this Act, the Cost Accounting Standards Board shall submit to the appropriate committees of Congress a report containing—

(1) any revision to the cost accounting standards proposed as a result of the review required by subsection (a) and a copy of any proposed rulemaking implementing the revision; or

(2) if no revision and rulemaking are proposed, a detailed justification for such decision.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means the Committees on Armed Services of the Senate and of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives.

(2) The term "cost accounting standards" means the standards promulgated under section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422).

(3) The term "Cost Accounting Standards Board" means the Board established pursuant to section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422).

**SEC. 824. MODIFICATION AND EXTENSION OF PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS UNDER AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.**

(a) EXPANSION OF SCOPE OF PILOT PROGRAM.—Paragraph (1) of section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking "under prototype projects carried out under this section" and inserting "developed under prototype projects carried out under this section or research projects carried out pursuant to section 2371 of title 10, United States Code".

(b) TWO-YEAR EXTENSION OF AUTHORITY.—Paragraph (4) of such section is amended by striking "September 30, 2008" and inserting "September 30, 2010".

**SEC. 825. CLARIFICATION OF STATUS OF GOVERNMENT RIGHTS IN THE DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, CRAFT, AND COMPONENTS THEREOF.**

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 7317. Status of Government rights in the designs of vessels, boats, and craft, and components thereof**

"(a) IN GENERAL.—Government rights in the design of a vessel, boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard equipment and systems, shall be determined solely as follows:

"(1) In the case of a vessel, boat, craft, or component procured through a contract, in accordance with the provisions of section 2320 of this title.

"(2) In the case of a vessel, boat, craft, or component procured through an instrument not governed by section 2320 of this title, by the terms of the instrument (other than a contract) under which the design for such vessel, boat, craft, or component, as applicable, was developed for the Government.

"(b) CONSTRUCTION OF SUPERSEDING AUTHORITIES.—This section may be modified or superseded by a provision of statute only if such provision expressly refers to this section in modifying or superseding this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by adding at the end the following new item:

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

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

**SEC. 831. DEVELOPMENT OF GUIDANCE ON PERSONAL SERVICES CONTRACTS.**

Deadline.

(a) GUIDANCE REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall develop guidance related to personal services contracts to—

(1) require a clear distinction between employees of the Department of Defense and employees of Department of Defense contractors;

(2) provide appropriate safeguards with respect to when, where, and to what extent the Secretary may enter into a contract for the procurement of personal services; and

(3) assess and take steps to mitigate the risk that, as implemented and administered, non-personal services contracts may become personal services contracts.

(b) DEFINITION OF PERSONAL SERVICES CONTRACT.—In this section, the term "personal services contract" has the meaning given that term in section 2330a(g)(5) of title 10, United States Code.

**SEC. 832. SENSE OF CONGRESS ON PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF CERTAIN FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.**

It is the sense of Congress that—

(1) security operations for the protection of resources (including people, information, equipment, and supplies) in uncontrolled or unpredictable high-threat environments should ordinarily be performed by members of the Armed Forces if they will be performed in highly hazardous public areas where the risks are uncertain and could reasonably be expected to require deadly force that is more likely to be initiated by personnel performing such security operations than to occur in self-defense;

(2) it should be in the sole discretion of the commander of the relevant combatant command to determine whether or not the performance by a private security contractor under a contract awarded by any Federal agency of a particular activity, a series of activities, or activities in a particular location, within a designated area of combat operations is appropriate and such a determination should not be delegated to any person who is not in the military chain of command;

(3) the Secretaries of the military departments and the Chiefs of Staff of the Armed Forces should ensure that the United States Armed Forces have appropriate numbers of trained personnel to perform the functions described in paragraph (1) without the need to rely upon private security contractors; and

(4) the regulations issued by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) should ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

**SEC. 833. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.**

Section 1705 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) EXPEDITED HIRING AUTHORITY.—

"(1) For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

"(A) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

"(B) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

"(2) The Secretary may not appoint a person to a position of employment under this subsection after September 30, 2012.". Termination date.

**SEC. 834. CAREER PATH AND OTHER REQUIREMENTS FOR MILITARY PERSONNEL IN THE ACQUISITION FIELD.**

(a) ACQUISITION PERSONNEL REQUIREMENTS.—

(1) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1722 the following new section:

**"§ 1722a. Special requirements for military personnel in the acquisition field**

"(a) REQUIREMENT FOR POLICY AND GUIDANCE REGARDING MILITARY PERSONNEL IN ACQUISITION.—The Secretary of Defense shall require the Secretary of each military department (with respect to such military department) and the Under Secretary of Defense for Acquisition, Technology, and Logistics (with respect to the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and the Defense Field Activities) to establish policies and issue guidance to ensure the proper development, assignment, and employment of members of the armed forces in the acquisition field to achieve the objectives of this section as specified in subsection (b).

"(b) OBJECTIVES.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:

"(1) A career path in the acquisition field that attracts the highest quality officers and enlisted personnel.

"(2) A number of command positions and senior noncommissioned officer positions, including acquisition billets reserved for general officers and flag officers under subsection (c), sufficient to ensure that members of the armed forces have opportunities for promotion and advancement in the acquisition field.

"(3) A number of qualified, trained members of the armed forces eligible for and active in the acquisition field sufficient to ensure the optimum management of the acquisition functions of the Department of Defense and the appropriate use of military personnel in contingency contracting.

"(c) RESERVATION OF ACQUISITION BILLETS FOR GENERAL OFFICERS AND FLAG OFFICERS.—(1) The Secretary of Defense shall—

"(A) establish for each military department a sufficient number of billets coded or classified for acquisition personnel that are reserved for general officers and flag officers that are needed for the purpose of ensuring the optimum management of the acquisition functions of the Department of Defense; and

"(B) ensure that the policies established and guidance issued pursuant to subsection (a) by the Secretary of each military department reserve at least that minimum number of billets and fill the billets with qualified and trained general officers and flag officers who have significant acquisition experience.

"(2) The Secretary of Defense shall ensure—

"(A) a sufficient number of billets for acquisition personnel who are general officers or flag officers exist within the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and the Defense Field Activities to ensure the optimum management of the acquisition functions of the Department of Defense; and

"(B) that the policies established and guidance issued pursuant to subsection (a) by the Secretary reserve within the Office of the Secretary of Defense, the unified combatant commands, the Defense Agencies, and the Defense Field Activities at least that minimum number of billets and fill the billets with qualified and trained general officers and flag officers who have significant acquisition experience.

"(3) The Secretary of Defense shall ensure that a portion of the billets referred to in paragraphs (1) and (2) involve command of organizations primarily focused on contracting and are reserved for general officers and flag officers who have significant contracting experience.

"(d) RELATIONSHIP TO LIMITATION ON PREFERENCE FOR MILITARY PERSONNEL.—Any designation or reservation of a position for a member of the armed forces as a result of a policy established or guidance issued pursuant to this section shall be deemed to meet the requirements for an exception under paragraph (2) of section 1722(b) of this title from the limitation in paragraph (1) of such section.

"(e) REPORT.—Not later than January 1 of each year, the Secretary of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report describing how the Secretary fulfilled the objectives of this section in the preceding calendar year. The report shall include information on the reservation of acquisition billets for general officers and flag officers within the department concerned.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 87 of such title is amended by inserting after the item relating to section 1722 the following new item:

"1722a. Special requirements for military personnel in the acquisition field.".

(b) ADDITIONAL ITEM IN STRATEGIC PLAN.—Section 543(f)(3)(E) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat 116) is amended by inserting after "officer assignments and grade requirements" the following: ", including requirements relating to the reservation of billets in the acquisition field for general and flag officers,".

(c) ANNUAL REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, and not later than March 1 of 2010, 2011, and 2012, the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) the number acquisition and contracting billets in each of the Armed Forces and joint activities that are reserved for general officers and flag officers; and

(2) the extent to which these billets have been filled by general officers and flag officers with significant acquisition experience and significant contracting experience, as applicable.

# Subtitle E—Department of Defense Contractor Matters

### SEC. 841. ETHICS SAFEGUARDS RELATED TO CONTRACTOR CONFLICTS OF INTEREST.

(a) POLICY ON PERSONAL CONFLICTS OF INTEREST BY EMPLOYEES OF FEDERAL GOVERNMENT CONTRACTORS.—Not later than 270 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall develop and issue a standard policy to prevent personal conflicts of interest by contractor employees performing acquisition functions closely associated with inherently governmental functions (including the development, award, and administration of Government contracts) for or on behalf of a Federal agency or department. Deadline.

(1) ELEMENTS OF POLICY.—The policy required under subsection (a) shall—

(A) provide a definition of the term "personal conflict of interest" as it relates to contractor employees performing acquisition functions closely associated with inherently governmental functions; and

(B) require each contractor whose employees perform acquisition functions closely associated with inherently governmental functions to—

(i) identify and prevent personal conflicts of interest for employees of the contractor who are performing such functions;

(ii) prohibit contractor employees who have access to non-public government information obtained while performing such functions from using such information for personal gain;

(iii) report any personal conflict-of-interest violation by such an employee to the applicable contracting officer or contracting officer's representative as soon as it is identified;

(iv) maintain effective oversight to verify compliance with personal conflict-of-interest safeguards;

(v) have procedures in place to screen for potential conflicts of interest for all employees performing such functions; and

(vi) take appropriate disciplinary action in the case of employees who fail to comply with policies established pursuant to this section.

(2) CONTRACT CLAUSE.—

(A) The Administrator shall develop a personal conflicts-of-interest clause or a set of clauses for inclusion in solicitations and contracts (and task or delivery orders) for the performance of acquisition functions closely associated with inherently governmental functions that sets forth the personal conflicts-of-interest policy developed under this subsection and that sets forth the contractor's responsibilities under such policy.

Effective date. Applicability.

(B) Subparagraph (A) shall take effect 300 days after the date of the enactment of this Act and shall apply to—

(i) contracts entered into on or after that effective date; and

(ii) task or delivery orders awarded on or after that effective date, regardless of whether the contracts pursuant to which such task or delivery orders are awarded are entered before, on, or after the date of the enactment of this Act.

(3) APPLICABILITY.—

(A) Except as provided in subparagraph (B), this subsection shall apply to any contract for an amount in excess of the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) if the contract is for the performance of acquisition functions closely associated with inherently governmental functions.

(B) If only a portion of a contract described in subparagraph (A) is for the performance of acquisition functions

described in that subparagraph, then this subsection applies only to that portion of the contract.

(b) REVIEW OF FEDERAL ACQUISITION REGULATION RELATING TO CONFLICTS OF INTEREST.—

(1) REVIEW.—Not later than 12 months after the date of the enactment of this Act, the Administrator for Federal Procurement Policy, in consultation with the Director of the Office of Government Ethics, shall review the Federal Acquisition Regulation to— Deadline.

(A) identify contracting methods, types and services that raise heightened concerns for potential personal and organizational conflicts of interest; and

(B) determine whether revisions to the Federal Acquisition Regulation are necessary to—

(i) address personal conflicts of interest by contractor employees with respect to functions other than those described in subsection (a); or

(ii) achieve sufficiently rigorous, comprehensive, and uniform government-wide policies to prevent and mitigate organizational conflicts of interest in Federal contracting.

(2) REGULATORY REVISIONS.—If the Administrator determines pursuant to the review under paragraph (1)(B) that revisions to the Federal Acquisition Regulation are necessary, the Administrator shall work with the Federal Acquisition Regulatory Council to prescribe appropriate revisions to the regulations, including the development of appropriate contract clauses.

(3) REPORT.—Not later than March 1, 2010, the Administrator shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Homeland Security and Governmental Affairs in the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report setting forth such findings and determinations under subparagraphs (A) and (B) of paragraph (1), together with an assessment of any revisions to the Federal Acquisition Regulation that may be necessary.

(c) BEST PRACTICES.—The Administrator for Federal Procurement Policy shall, in consultation with the Director of the Office Government Ethics, develop and maintain a repository of best practices relating to the prevention and mitigation of organizational and personal conflicts of interest in Federal contracting.

**SEC. 842. INFORMATION FOR DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.**

(a) IN GENERAL.—The Secretary of Defense shall ensure that contractors of the Department of Defense inform their employees in writing of employee whistleblower rights and protections under section 2409 of title 10, United States Code, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) CONTRACTOR DEFINED.—In this section, the term "contractor" has the meaning given that term in section 2409(e)(4) of title 10, United States Code.

**SEC. 843. REQUIREMENT FOR DEPARTMENT OF DEFENSE TO ADOPT AN ACQUISITION STRATEGY FOR DEFENSE BASE ACT INSURANCE.**

(a) IN GENERAL.—The Secretary of Defense shall adopt an acquisition strategy for insurance required by the Defense Base Act (42 U.S.C. 1651 et seq.) which minimizes the cost of such insurance to the Department of Defense and to defense contractors subject to such Act.

(b) CRITERIA.—The Secretary shall ensure that the acquisition strategy adopted pursuant to subsection (a) addresses the following criteria:

(1) Minimize overhead costs associated with obtaining such insurance, such as direct or indirect costs for contract management and contract administration.

(2) Minimize costs for coverage of such insurance consistent with realistic assumptions regarding the likelihood of incurred claims by contractors of the Department.

(3) Provide for a correlation of premiums paid in relation to claims incurred that is modeled on best practices in government and industry for similar kinds of insurance.

(4) Provide for a low level of risk to the Department.

(5) Provide for a competitive marketplace for insurance required by the Defense Base Act to the maximum extent practicable.

(c) OPTIONS.—In adopting the acquisition strategy pursuant to subsection (a), the Secretary shall consider such options (including entering into a single Defense Base Act insurance contract) as the Secretary deems to best satisfy the criteria identified under subsection (b).

(d) REPORT.—(1) Not later than 270 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the acquisition strategy adopted pursuant to subsection (a).

(2) The report shall include a discussion of each of the options considered pursuant to subsection (c) and the extent to which each option addresses the criteria identified under subsection (b), and shall include a plan to implement within 18 months after the date of enactment of this Act the acquisition strategy adopted by the Secretary.

Deadline.

(e) REVIEW OF ACQUISITION STRATEGY.—As considered appropriate by the Secretary, but not less often than once every 3 years, the Secretary shall review and, as necessary, update the acquisition strategy adopted pursuant to subsection (a) to ensure that it best addresses the criteria identified under subsection (b).

**SEC. 844. REPORT ON USE OF OFF-SHORE SUBSIDIARIES BY DEFENSE CONTRACTORS.**

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall provide a report to the Committees on Armed Services of the Senate and the House of Representatives on the use of off-shore subsidiaries by contractors of the Department of Defense.

(b) MATTERS COVERED.—The report shall comprehensively examine the rationale, implications, and costs and benefits for both

the contractor and the Department of Defense in using off-shore subsidiaries, particularly in respect to—

(1) tax liability (including corporate income taxes and payroll taxes);

(2) legal liability;

(3) compliance with cost accounting standards;

(4) efficiency in contract performance;

(5) contract management and contract oversight; and

(6) such other areas as the Comptroller General determines appropriate.

**SEC. 845. DEFENSE INDUSTRIAL SECURITY.**

(a) DEFENSE INDUSTRIAL SECURITY.—

(1) IN GENERAL.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 438. Defense industrial security**

Classified information.

"(a) RESPONSIBILITY FOR DEFENSE INDUSTRIAL SECURITY.—The Secretary of Defense shall be responsible for the protection of classified information disclosed to contractors of the Department of Defense.

"(b) CONSISTENCY WITH EXECUTIVE ORDERS AND DIRECTIVES.—The Secretary shall carry out the responsibility assigned under subsection (a) in a manner consistent with Executive Order 12829 (or any successor order to such executive order) and consistent with policies relating to the National Industrial Security Program (or any successor to such program).

"(c) PERFORMANCE OF INDUSTRIAL SECURITY FUNCTIONS FOR OTHER AGENCIES.—The Secretary may perform industrial security functions for other agencies of the Federal government upon request or upon designation of the Department of Defense as executive agent for the National Industrial Security Program (or any successor to such program).

"(d) REGULATIONS AND POLICY GUIDANCE.—The Secretary shall prescribe, and from time to time revise, such regulations and policy guidance as are necessary to ensure the protection of classified information disclosed to contractors of the Department of Defense.

"(e) DEDICATION OF RESOURCES.—The Secretary shall ensure that sufficient resources are provided to staff, train, and support such personnel as are necessary to fully protect classified information disclosed to contractors of the Department of Defense.

"(f) BIENNIAL REPORT.—The Secretary shall report biennially to the congressional defense committees on expenditures and activities of the Department of Defense in carrying out the requirements of this section. The Secretary shall submit the report at or about the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code, in odd numbered years. The report shall be in an unclassified form (with a classified annex if necessary) and shall cover the activities of the Department of Defense in the preceding two fiscal years, including the following:

"(1) The workforce responsible for carrying out the requirements of this section, including the number and experience of such workforce; training in the performance of industrial security functions; performance metrics; and resulting assessment of overall quality.

"(2) A description of funds authorized, appropriated, or reprogrammed to carry out the requirements of this section, the budget execution of such funds, and the adequacy of budgets provided for performing such purpose.

"(3) Statistics on the number of contractors handling classified information of the Department of Defense, and the percentage of such contractors who are subject to foreign ownership, control, or influence.

"(4) Statistics on the number of violations identified, enforcement actions taken, and the percentage of such violations occurring at facilities of contractors subject to foreign ownership, control, or influence.

"(5) An assessment of whether major contractors implementing the program have adequate enforcement programs and have trained their employees adequately in the requirements of the program.

"(6) Trend data on attempts to compromise classified information disclosed to contractors of the Department of Defense to the extent that such data are available.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new item:

"438. Defense industrial security.".

(b) SUBMISSION OF FIRST BIENNIAL REPORT.—Notwithstanding the deadline in subsection (f) of section 438 of title 10, United States Code, as added by this section, the first biennial report submitted after the date of the enactment of this Act pursuant to such subsection shall be submitted not later than September 1, 2009, and shall address the period from the date of the enactment of this Act to the issuance of such report.

(c) REPORT ON IMPROVING INDUSTRIAL SECURITY.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on improving industrial security, including, at a minimum, the following:

(1) The actions taken or actions planned to implement the recommendations of the Comptroller General as embodied in the report entitled "Industrial Security: DOD Cannot Ensure Its Oversight of Contractors Under Foreign Influence Is Sufficient" (GAO-05-681; July 2005).

(2) Other actions taken or action planned to improve industrial security.

(3) An analysis of the impact of emerging financial arrangements such as sovereign wealth funds, hedge funds, and other new financial debt and credit arrangements on the Department's ability to identify and mitigate foreign ownership, control, or influence.

(4) Any recommendations of the Secretary for modifying regulations and policy guidance prescribed pursuant to section 438(d) of title 10, United States Code, or other regulations or policy guidance addressing industrial security, to extend best practices for industrial security across the broadest possible range of defense contractors, and to improve industrial security generally.

# Subtitle F—Matters Relating to Iraq and Afghanistan

**SEC. 851. CLARIFICATION AND MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.**

(a) NATURE OF COMMISSION.—Subsection (a) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by inserting "in the legislative branch" after "There is hereby established".

(b) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—Subsection (e) of such is amended by adding at the end the following new paragraph:

"(8) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, a co-chairman of the Commission may exercise, with respect to the members and staff of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.".

(c) EFFECTIVE DATE.—

(1) NATURE OF COMMISSION.—The amendment made by subsection (a) shall take effect as of January 28, 2008, as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2008.

(2) PAY AND ANNUITIES.—The amendment made by subsection (b) shall apply to members and staff of the Commission on Wartime Contracting in Iraq and Afghanistan appointed or employed, as the case may be, on or after that date. Applicability.

**SEC. 852. COMPREHENSIVE AUDIT OF SPARE PARTS PURCHASES AND DEPOT OVERHAUL AND MAINTENANCE OF EQUIPMENT FOR OPERATIONS IN IRAQ AND AFGHANISTAN.**

(a) AUDITS REQUIRED.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall each conduct thorough audits to identify potential waste, fraud, and abuse in the performance of the following:

(1) Department of Defense contracts, subcontracts, and task and delivery orders for—

(A) depot overhaul and maintenance of equipment for the military in Iraq and Afghanistan; and

(B) spare parts for military equipment used in Iraq and Afghanistan; and

(2) Department of Defense in-house overhaul and maintenance of military equipment used in Iraq and Afghanistan.

(b) COMPREHENSIVE AUDIT PLAN.—

(1) PLANS.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall, in coordination with the Inspector General of the Department of Defense, develop a comprehensive plan for a series of audits to discharge the requirements of subsection (a).

(2) INCORPORATION INTO REQUIRED AUDIT PLAN.—The plan developed under paragraph (1) shall be submitted to the

Inspector General of the Department of Defense for incorporation into the audit plan required by section 842(b)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 234; 10 U.S.C. 2302 note).

(c) INDEPENDENT CONDUCT OF AUDIT FUNCTIONS.—All audit functions performed under this section, including audit planning and coordination, shall be performed in an independent manner.

(d) AVAILABILITY OF RESULTS.—All audit reports resulting from audits under this section shall be made available to the Commission on Wartime Contracting in Iraq and Afghanistan established pursuant to section 841 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 230).

(e) CONSTRUCTION.—Nothing in this section shall be construed to require any agency of the Federal Government to duplicate audit work that an agency of the Federal Government has already performed.

**SEC. 853. ADDITIONAL MATTERS REQUIRED TO BE REPORTED BY CONTRACTORS PERFORMING SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.**

Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) is amended—

(1) in subsection (a)(2)(D)—

(A) by striking "or" at the end of clause (ii); and

(B) by inserting after clause (iii) the following new clauses:

"(iv) a weapon is discharged against personnel performing private security functions in an area of combat operations or personnel performing such functions believe a weapon was so discharged; or

"(v) active, non-lethal countermeasures (other than the discharge of a weapon) are employed by the personnel performing private security functions in an area of combat operations in response to a perceived immediate threat to such personnel;"; and

(2) in subsection (b)(2)(B) in the matter preceding clause (i)—

(A) by inserting "comply with and" before "ensure"; and

(B) by striking "comply with—" and inserting "act in accordance with—".

**SEC. 854. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.**

(a) IN GENERAL.—Section 861(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended by adding the following new paragraphs:

"(7) Mechanisms for ensuring that contractors are required to report offenses described in paragraph (6) that are alleged to have been committed by or against contractor personnel to appropriate investigative authorities.

"(8) Responsibility for providing victim and witness protection and assistance to contractor personnel in connection with alleged offenses described in paragraph (6).

"(9) Development of a requirement that a contractor shall provide to all contractor personnel who will perform work on a contract in Iraq or Afghanistan, before beginning such work, information on the following:

"(A) How and where to report an alleged offense described in paragraph (6).

"(B) Where to seek the assistance required by paragraph (8).".

(b) IMPLEMENTATION.—

(1) THROUGH MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding required by section 861(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) shall be modified to address the requirements under the amendment made by subsection (a) not later than 120 days after the date of the enactment of this Act. Deadline.

(2) AS CONDITION OF CURRENT AND FUTURE CONTRACTS.—The requirements under the amendment made by subsection (a) shall be included in each contract in Iraq or Afghanistan (as defined in section 864(a)(2) of Public Law 110–181; 2302 note) awarded on or after the date that is 180 days after the date of the enactment of this Act. Federal agencies shall make best efforts to provide for the inclusion of such requirements in covered contracts awarded before such date.

(c) REPORTING REQUIREMENT.—Beginning not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall make publicly available a numerical accounting of alleged offenses described in section 861(b)(6) of Public Law 110–181 that have been reported under that section that occurred after the date of the enactment of this Act. The information shall be updated no less frequently than semi-annually.

(d) DEFINITIONS.—Section 864(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended—

(1) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) CONTRACTOR PERSONNEL.—The term 'contractor personnel' means any person performing work under contract for the Department of Defense, the Department of State, or the United States Agency for International Development, in Iraq or Afghanistan, including individuals and subcontractors at any tier.".

**SEC. 855. SUSPENSION OF STATUTES OF LIMITATIONS WHEN CONGRESS AUTHORIZES THE USE OF MILITARY FORCE.**

Section 3287 of title 18, United States Code, is amended—

(1) by inserting "or Congress has enacted a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b))," after "is at war";

(2) by inserting "or directly connected with or related to the authorized use of the Armed Forces" after "prosecution of the war";

(3) by striking "three years" and inserting "5 years";

(4) by striking "proclaimed by the President" and inserting "proclaimed by a Presidential proclamation, with notice to Congress,"; and

(5) by adding at the end the following: "For purposes of applying such definitions in this section, the term 'war' includes a specific authorization for the use of the Armed Forces, as described in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).".

Clean Contracting Act of 2008.

# Subtitle G—Governmentwide Acquisition Improvements

**SEC. 861. SHORT TITLE.**

This subtitle may be cited as the "Clean Contracting Act of 2008".

**SEC. 862. LIMITATION ON LENGTH OF CERTAIN NONCOMPETITIVE CONTRACTS.**

(a) CIVILIAN AGENCY CONTRACTS.—Section 303(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(d)) is amended by adding at the end the following new paragraph:

"(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an executive agency pursuant to the authority provided under subsection (c)(2)—

"(i) may not exceed the time necessary—

"(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

"(II) for the executive agency to enter into another contract for the required goods or services through the use of competitive procedures; and

"(ii) may not exceed one year unless the head of the executive agency entering into such contract determines that exceptional circumstances apply.

Applicability.

"(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold.".

(b) DEFENSE CONTRACTS.—Section 2304(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) The contract period of a contract described in subparagraph (B) that is entered into by an agency pursuant to the authority provided under subsection (c)(2)—

"(i) may not exceed the time necessary—

"(I) to meet the unusual and compelling requirements of the work to be performed under the contract; and

"(II) for the agency to enter into another contract for the required goods or services through the use of competitive procedures; and

"(ii) may not exceed one year unless the head of the agency entering into such contract determines that exceptional circumstances apply.

Applicability.

"(B) This paragraph applies to any contract in an amount greater than the simplified acquisition threshold.".

**SEC. 863. REQUIREMENTS FOR PURCHASE OF PROPERTY AND SERVICES PURSUANT TO MULTIPLE AWARD CONTRACTS.**

(a) REGULATIONS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require enhanced competition in the purchase of property and services by all executive agencies pursuant to multiple award contracts. Deadline.

(b) CONTENT OF REGULATIONS.—

(1) IN GENERAL.—The regulations required by subsection (a) shall provide, at a minimum, that each individual purchase of property or services in excess of the simplified acquisition threshold that is made under a multiple award contract shall be made on a competitive basis unless a contracting officer—

(A) waives the requirement on the basis of a determination that—

(i) one of the circumstances described in paragraphs (1) through (4) of section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) or section 2304c(b) of title 10, United States Code, applies to such individual purchase; or

(ii) a law expressly authorizes or requires that the purchase be made from a specified source; and

(B) justifies the determination in writing.

(2) COMPETITIVE BASIS PROCEDURES.—For purposes of this subsection, an individual purchase of property or services is made on a competitive basis only if it is made pursuant to procedures that—

(A) except as provided in paragraph (3), require fair notice of the intent to make that purchase (including a description of the work to be performed and the basis on which the selection will be made) to be provided to all contractors offering such property or services under the multiple award contract; and

(B) afford all contractors responding to the notice a fair opportunity to make an offer and have that offer fairly considered by the official making the purchase.

(3) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding paragraph (2), and subject to subparagraph (B), notice may be provided to fewer than all contractors offering such property or services under a multiple award contract as described in subsection (d)(2)(A) if notice is provided to as many contractors as practicable.

(B) LIMITATION ON EXCEPTION.—A purchase may not be made pursuant to a notice that is provided to fewer than all contractors under subparagraph (A) unless—

(i) offers were received from at least 3 qualified contractors; or

(ii) a contracting officer of the executive agency determines in writing that no additional qualified contractors were able to be identified despite reasonable efforts to do so.

(c) PUBLIC NOTICE REQUIREMENTS RELATED TO SOLE SOURCE TASK OR DELIVERY ORDERS.—

Deadline.

(1) PUBLIC NOTICE REQUIRED.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require the head of each executive agency to—

Publication.
Deadline.

(A) publish on FedBizOpps notice of all sole source task or delivery orders in excess of the simplified acquisition threshold that are placed against multiple award contracts not later than 14 days after such orders are placed, except in the event of extraordinary circumstances or classified orders; and

(B) disclose the determination required by subsection (b)(1) related to sole source task or delivery orders in excess of the simplified acquisition threshold placed against multiple award contracts through the same mechanism and to the same extent as the disclosure of documents containing a justification and approval required by section 2304(f)(1) of title 10, United States Code, and section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)), except in the event of extraordinary circumstances or classified orders.

(2) EXEMPTION.—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

(d) DEFINITIONS.—In this section:

(1) The term "executive agency" has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(2) The term "individual purchase" means a task order, delivery order, or other purchase.

(3) The term "multiple award contract" means—

(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

(B) a multiple award task order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

(C) any other indefinite delivery, indefinite quantity contract that is entered into by the head of an executive agency with 2 or more sources pursuant to the same solicitation.

(4) The term "sole source task or delivery order" means any order that does not follow the competitive procedures in subsection (b)(2) or (b)(3).

(e) APPLICABILITY.—The regulations required by subsection (a) shall apply to all individual purchases of property or services that are made under multiple award contracts on or after the effective date of such regulations, without regard to whether the multiple award contracts were entered into before, on, or after such effective date.

(f) REPEAL OF REDUNDANT PROVISION.—Section 803 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2304 note) is repealed.

**SEC. 864. REGULATIONS ON THE USE OF COST-REIMBURSEMENT CONTRACTS.**

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to address the use of cost-reimbursement contracts. Deadline.

(b) CONTENT.—The regulations promulgated under subsection (a) shall include, at a minimum, guidance regarding—

(1) when and under what circumstances cost-reimbursement contracts are appropriate;

(2) the acquisition plan findings necessary to support a decision to use cost-reimbursement contracts; and

(3) the acquisition workforce resources necessary to award and manage cost-reimbursement contracts.

(c) INSPECTOR GENERAL REVIEW.—Not later than one year after the regulations required by subsection (a) are promulgated, the Inspector General for each executive agency shall review the use of cost-reimbursement contracts by such agency for compliance with such regulations and shall include the results of the review in the Inspector General's next semiannual report. Deadline.

(d) REPORT.—Subject to subsection (f), the Director of the Office of Management and Budget shall submit an annual report to Congressional committees identified in subsection (e) on the use of cost-reimbursement contracts and task or delivery orders by all executive agencies. The report shall be submitted no later than March 1 and shall cover the fiscal year ending September 30 of the prior year. The report shall include—

(1) the total number and value of contracts awarded and orders issued during the covered fiscal year;

(2) the total number and value of cost-reimbursement contracts awarded and orders issued during the covered fiscal year; and

(3) an assessment of the effectiveness of the regulations promulgated pursuant to subsection (a) in ensuring the appropriate use of cost-reimbursement contracts.

(e) CONGRESSIONAL COMMITTEES DEFINED.—The report required by subsection (d) shall be submitted to the Committee on Oversight and Government Reform of the House of Representatives; the Committee on Homeland Security and Governmental Affairs of the Senate; the Committees on Appropriations of the House of Representatives and the Senate; and, in the case of the Department of Defense and the Department of Energy, the Committees on Armed Services of the Senate and the House of Representatives.

(f) REQUIREMENTS LIMITED TO CERTAIN AGENCIES AND YEARS.—

(1) AGENCIES.—The requirement in subsection (c) shall apply only to those executive agencies that awarded contracts or issued orders (under contracts previously awarded) in a total amount of at least $1,000,000,000 in the fiscal year proceeding the fiscal year in which the assessments and reports are submitted. Applicability.

(2) YEARS.—The report required by subsection (d) shall be submitted from March 1, 2009, until March 1, 2014. Submission dates.

(g) EXECUTIVE AGENCY DEFINED.—In this section, the term "executive agency" has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

**SEC. 865. PREVENTING ABUSE OF INTERAGENCY CONTRACTS.**

(a) OFFICE OF MANAGEMENT AND BUDGET POLICY GUIDANCE.—

(1) REPORT AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(A) submit to Congress a comprehensive report on interagency acquisitions, including their frequency of use, management controls, cost-effectiveness, and savings generated; and

(B) issue guidelines to assist the heads of executive agencies in improving the management of interagency acquisitions.

(2) MATTERS COVERED BY GUIDELINES.—For purposes of paragraph (1)(B), the Director shall include guidelines on the following matters:

(A) Procedures for the use of interagency acquisitions to maximize competition, deliver best value to executive agencies, and minimize waste, fraud, and abuse.

(B) Categories of contracting inappropriate for interagency acquisition.

(C) Requirements for training acquisition workforce personnel in the proper use of interagency acquisitions.

(b) REGULATIONS REQUIRED.—

Deadline.

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require that all interagency acquisitions—

(A) include a written agreement between the requesting agency and the servicing agency assigning responsibility for the administration and management of the contract;

(B) include a determination that an interagency acquisition is the best procurement alternative; and

(C) include sufficient documentation to ensure an adequate audit.

Deadline.

(2) MULTI-AGENCY CONTRACTS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require any multi-agency contract entered into by an executive agency after the effective date of such regulations to be supported by a business case analysis detailing the administration of such contract, including an analysis of all direct and indirect costs to the Federal Government of awarding and administering such contract and the impact such contract will have on the ability of the Federal Government to leverage its purchasing power.

(c) AGENCY REPORTING REQUIREMENT.—The senior procurement executive for each executive agency shall, as directed by the Director of the Office of Management and Budget, submit to the Director annual reports on the actions taken by the executive agency pursuant to the guidelines issued under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term "executive agency" has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)), except that, in the case of a military department, it means the Department of Defense.

(2) The term "head of executive agency" means the head of an executive agency except that, in the case of a military department, the term means the Secretary of Defense.

(3) The term "interagency acquisition" means a procedure by which an executive agency needing supplies or services (the requesting agency) obtains them from another executive agency (the servicing agency). The term includes acquisitions under section 1535 of title 31, United States Code (commonly referred to as the "Economy Act"), Federal Supply Schedules above $500,000, and Governmentwide acquisition contracts.

(4) The term "multi-agency contract" means a task or delivery order contract established for use by more than one executive agency to obtain supplies and services, consistent with section 1535 of title 31, United States Code (commonly referred to as the "Economy Act").

**SEC. 866. LIMITATIONS ON TIERING OF SUBCONTRACTORS.**

(a) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended, for executive agencies other than the Department of Defense, to minimize the excessive use by contractors of subcontractors, or of tiers of subcontractors, that add no or negligible value, and to ensure that neither a contractor nor a subcontractor receives indirect costs or profit on work performed by a lower-tier subcontractor to which the higher-tier contractor or subcontractor adds no, or negligible, value (but not to limit charges for indirect costs and profit based on the direct costs of managing lower-tier subcontracts). Deadline.

(b) COVERED CONTRACTS.—This section applies to any cost-reimbursement type contract or task or delivery order in an amount greater than the simplified acquisition threshold (as defined by section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the ability of the Department of Defense to implement more restrictive limitations on the tiering of subcontractors.

(d) APPLICABILITY.—The Department of Defense shall continue to be subject to guidance on limitations on tiering of subcontractors issued by the Department pursuant to section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2340).

(e) EXECUTIVE AGENCY DEFINED.—In this section, the term "executive agency" has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

**SEC. 867. LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.**

(a) GUIDANCE FOR EXECUTIVE AGENCIES ON LINKING OF AWARD AND INCENTIVE FEES TO ACQUISITION OUTCOMES.—Not later than 1 year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to provide executive agencies other than the Department of Defense with instructions, including definitions, on the appropriate use of award and incentive fees in Federal acquisition programs. Deadline. Regulations.

(b) ELEMENTS.—The regulations under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to acquisition outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be "excellent" or "superior" and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be "acceptable", "average", "expected", "good", or "satisfactory";

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure consistent use of guidelines and definitions relating to award and incentive fees across the Federal Government;

(8) ensure that each executive agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis;

(9) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(10) provide mechanisms for sharing proven incentive strategies for the acquisition of different types of products and services among contracting and program management officials.

(c) GUIDANCE FOR DEPARTMENT OF DEFENSE.—The Department of Defense shall continue to be subject to guidance on award and incentive fees issued by the Secretary of Defense pursuant to section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2321).

(d) EXECUTIVE AGENCY DEFINED.—In this section, the term "executive agency" has the meaning given such term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

**SEC. 868. MINIMIZING ABUSE OF COMMERCIAL SERVICES ITEM AUTHORITY.**

Deadline.

(a) REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended with respect to the procurement of commercial services.

(b) APPLICABILITY OF COMMERCIAL PROCEDURES.—

(1) SERVICES OF A TYPE SOLD IN MARKETPLACE.—The regulations modified pursuant to subsection (a) shall ensure that services that are not offered and sold competitively in substantial quantities in the commercial marketplace, but are of a type offered and sold competitively in substantial quantities

in the commercial marketplace, may be treated as commercial items for purposes of section 254b of title 41, United States Code (relating to truth in negotiations), only if the contracting officer determines in writing that the offeror has submitted sufficient information to evaluate, through price analysis, the reasonableness of the price for such services.

(2) INFORMATION SUBMITTED.—To the extent necessary to make a determination under paragraph (1), the contracting officer may request the offeror to submit—

(A) prices paid for the same or similar commercial items under comparable terms and conditions by both government and commercial customers; and

(B) if the contracting officer determines that the information described in subparagraph (A) is not sufficient to determine the reasonableness of price, other relevant information regarding the basis for price or cost, including information on labor costs, material costs, and overhead rates.

**SEC. 869. ACQUISITION WORKFORCE DEVELOPMENT STRATEGIC PLAN.**

(a) PURPOSE.—The purpose of this section is to authorize the preparation and completion of a plan (to be known as the "Acquisition Workforce Development Strategic Plan") for Federal agencies other than the Department of Defense to develop a specific and actionable 5-year plan to increase the size of the acquisition workforce, and to operate a government-wide acquisition intern program, for such Federal agencies.

(b) ESTABLISHMENT OF PLAN.—The Associate Administrator for Acquisition Workforce Programs designated under section 855(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 251; 41 U.S.C. 433(a)) shall be responsible for the management, oversight, and administration of the Acquisition Workforce Development Strategic Plan in cooperation and consultation with the Office of Federal Procurement Policy and the assistance of the Federal Acquisition Institute.

(c) CRITERIA.—The Acquisition Workforce Development Strategic Plan shall include, at a minimum, an examination of the following matters:

(1) The variety and complexity of acquisitions conducted by each Federal agency covered by the plan, and the workforce needed to effectively carry out such acquisitions.

(2) The development of a sustainable funding model to support efforts to hire, retain, and train an acquisition workforce of appropriate size and skill to effectively carry out the acquisition programs of the Federal agencies covered by the plan, including an examination of interagency funding methods and a discussion of how the model of the Defense Acquisition Workforce Development Fund could be applied to civilian agencies.

(3) Any strategic human capital planning necessary to hire, retain, and train an acquisition workforce of appropriate size and skill at each Federal agency covered by the plan.

(4) Methodologies that Federal agencies covered by the plan can use to project future acquisition workforce personnel hiring requirements, including an appropriate distribution of such personnel across each category of positions designated

as acquisition workforce personnel under section 37(j) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(j)).

(5) Government-wide training standards and certification requirements necessary to enhance the mobility and career opportunities of the Federal acquisition workforce within the Federal agencies covered by the plan.

(6) If the Associate Administrator recommends as part of the plan a growth in the acquisition workforce of the Federal agencies covered by the plan below 25 percent over the next 5 years, an examination of each of the matters specified in paragraphs (1) through (5) in the context of a 5-year plan that increases the size of such acquisition workforce by not less than 25 percent, or an explanation why such a level of growth would not be in the best interest of the Federal Government.

(d) DEADLINE FOR COMPLETION.—The Acquisition Workforce Development Strategic Plan shall be completed not later than one year after the date of the enactment of this Act and in a fashion that allows for immediate implementation of its recommendations and guidelines.

(e) FUNDS.—The Acquisition Workforce Development Strategic Plan shall be funded from the Acquisition Workforce Training Fund under section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)).

**SEC. 870. CONTINGENCY CONTRACTING CORPS.**

(a) ESTABLISHMENT.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

**"SEC. 44. CONTINGENCY CONTRACTING CORPS.**

"(a) ESTABLISHMENT.—The Administrator of General Services, pursuant to policies established by the Office of Management and Budget, and in consultation with the Secretary of Defense and the Secretary of Homeland Security, shall establish a Government-wide Contingency Contracting Corps (in this section referred to as the 'Corps'). The members of the Corps shall be available for deployment in responding to an emergency or major disaster, or a contingency operation, both within or outside the continental United States.

"(b) APPLICABILITY.—The authorities provided in this section apply with respect to any procurement of property or services by or for an executive agency that, as determined by the head of such executive agency, are to be used—

"(1) in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code; or

"(2) to respond to an emergency or major disaster as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

"(c) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all Federal employees and members of the Armed Forces who are members of the Federal acquisition workforce.

"(d) EDUCATION AND TRAINING.—The Administrator may, in consultation with the Director of the Federal Acquisition Institute and the Chief Acquisition Officers Council, establish educational and training requirements for members of the Corps. Education and training carried out pursuant to such requirements shall be

paid for from funds available in the acquisition workforce training fund established pursuant to section 37(h)(3) of this Act.

"(e) SALARY.—The salary for a member of the Corps shall be paid—

"(1) in the case of a member of the Armed Forces, out of funds available to the Armed Force concerned; and

"(2) in the case of a Federal employee, out of funds available to the employing agency.

"(f) AUTHORITY TO DEPLOY THE CORPS.—(1) The Director of the Office of Management and Budget shall have the authority, upon request by an executive agency, to determine when members of the Corps shall be deployed, with the concurrence of the head of the agency or agencies employing the members to be deployed.

"(2) Nothing in this section shall preclude the Secretary of Defense or the Secretary's designee from deploying members of the Armed Forces or civilian personnel of the Department of Defense in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

"(g) ANNUAL REPORT.—

"(1) IN GENERAL.—The Administrator of General Services shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate and the Committee on Oversight and Government Reform and the Committee on Armed Services of the House of Representatives an annual report on the status of the Contingency Contracting Corps as of September 30 of each fiscal year.

"(2) CONTENT.—At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the total cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.".

(b) CLERICAL AMENDMENT.—The table of contents for that Act (contained in section 1(b) of that Act) is amended by adding at the end the following new item:

"Sec. 44. Contingency Contracting Corps.".

**SEC. 871. ACCESS OF GOVERNMENT ACCOUNTABILITY OFFICE TO CONTRACTOR EMPLOYEES.**

(a) CIVILIAN AGENCIES.—Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) is amended in subsection (c)(1) by inserting before the period the following: "and to interview any current employee regarding such transactions".

(b) DEFENSE AGENCIES.—Section 2313 of title 10, United States Code, is amended in subsection (c)(1) by inserting before the period the following: "and to interview any current employee regarding such transactions".

**SEC. 872. DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.**

(a) IN GENERAL.—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish, not later than one year after the date of the enactment of this Act, and maintain a database of information regarding the integrity and performance

Deadline.

of certain persons awarded Federal agency contracts and grants for use by Federal agency officials having authority over contracts and grants.

(b) PERSONS COVERED.—The database shall cover the following:

(1) Any person awarded a Federal agency contract or grant in excess of $500,000, if any information described in subsection (c) exists with respect to such person.

(2) Any person awarded such other category or categories of Federal agency contract as the Federal Acquisition Regulation may provide, if such information exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a covered person the database shall include information (in the form of a brief description) for the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract or grant with the Federal Government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(C) In an administrative proceeding, a finding of fault and liability that results in—

(i) the payment of a monetary fine or penalty of $5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(D) To the maximum extent practicable and consistent with applicable laws and regulations, in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the person if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(6) Such other information as shall be provided for purposes of this section in the Federal Acquisition Regulation.

(7) To the maximum extent practical, information similar to the information covered by paragraphs (1) through (4) in connection with the award or performance of a contract or grant with a State government.

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Administrator shall design and maintain the database in a manner that allows the appropriate Federal agency officials to directly input and

update information in the database relating to actions such officials have taken with regard to contractors or grant recipients.

(2) TIMELINESS AND ACCURACY.—The Administrator shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) the timely notification of any covered person when information relevant to the person is entered into the database; and

(C) opportunities for any covered person to submit comments pertaining to information about such person for inclusion in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Administrator shall ensure that the information in the database is available to appropriate acquisition officials of Federal agencies, to such other government officials as the Administrator determines appropriate, and, upon request, to the Chairman and Ranking Member of the committees of Congress having jurisdiction.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract or grant in excess of the simplified acquisition threshold under section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), the Federal agency official responsible for awarding the contract or grant shall review the database and shall consider all information in the database with regard to any offer or proposal, and, in the case of a contract, shall consider other past performance information available with respect to the offeror in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of a Federal agency in excess of the simplified acquisition threshold shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than one year after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to require that persons with Federal agency contracts and grants valued in total greater than $10,000,000 shall— Deadline.

(1) submit to the Administrator, in a manner determined appropriate by the Administrator, the information subject to inclusion in the database as listed in subsection (c) current as of the date of submittal of such information under this subsection; and

(2) update such information on a semiannual basis.

(g) RULEMAKING.—The Administrator shall promulgate such regulations as may be necessary to carry out this section.

**SEC. 873. ROLE OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION.** 31 USC 6101 note.

(a) REQUIREMENT.—The Interagency Committee on Debarment and Suspension shall—

(1) resolve issues regarding which of several Federal agencies is the lead agency having responsibility to initiate suspension or debarment proceedings;

(2) coordinate actions among interested agencies with respect to such action;

(3) encourage and assist Federal agencies in entering into cooperative efforts to pool resources and achieve operational efficiencies in the Governmentwide suspension and debarment system;

Recommendations.

(4) recommend to the Office of Management and Budget changes to Government suspension and debarment system and its rules, if such recommendations are approved by a majority of the Interagency Committee;

Guidelines.

(5) authorize the Office of Management and Budget to issue guidelines that implement those recommendations;

(6) authorize the chair of the Committee to establish subcommittees as appropriate to best enable the Interagency Committee to carry out its functions; and

Deadline.
Reports.

(7) submit to Congress an annual report on—

(A) the progress and efforts to improve the suspension and debarment system;

(B) member agencies' active participation in the committee's work; and

(C) a summary of each agency's activities and accomplishments in the Governmentwide debarment system.

(b) DEFINITION.—The term "Interagency Committee on Debarment and Suspension" means such committee constituted under sections 4 and 5 and of Executive Order No. 12549.

**SEC. 874. IMPROVEMENTS TO THE FEDERAL PROCUREMENT DATA SYSTEM.**

41 USC 405 note.
Deadline.

(a) ENHANCED TRANSPARENCY ON INTERAGENCY CONTRACTING AND OTHER TRANSACTIONS.—Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall direct appropriate revisions to the Federal Procurement Data System or any successor system to facilitate the collection of complete, timely, and reliable data on interagency contracting actions and on transactions other than contracts, grants, and cooperative agreements issued pursuant to section 2371 of title 10, United States Code, or similar authorities. The Director shall ensure that data, consistent with what is collected for contract actions, is obtained on—

(1) interagency contracting actions, including data at the task or delivery-order level; and

(2) other transactions, including the initial award and any subsequent modifications awarded or orders issued (other than transactions that are reported through the Federal Assistance Awards Data System).

(b) AMENDMENT.—Subsection (d) of section 19 of the Office of Federal Procurement Policy Act (41 U.S.C. 417(d)) is amended to read as follows:

"(d) TRANSMISSION AND DATA ENTRY OF INFORMATION.—The head of each executive agency shall ensure the accuracy of the information included in the record established and maintained by such agency under subsection (a) and shall transmit in a timely manner such information to the General Services Administration

for entry into the Federal Procurement Data System referred to in section 6(d)(4), or any successor system.".

(c) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to Congress a report.

(2) CONTENTS OF REPORT.—The report shall contain the following:

(A) A list of all databases that include information about Federal contracting and Federal grants.

(B) Recommendations for further legislation or administrative action that the Administrator considers appropriate to create a centralized, comprehensive Federal contracting and Federal grant database.

# Subtitle H—Other Matters

**SEC. 881. EXPANSION OF AUTHORITY TO RETAIN FEES FROM LICENSING OF INTELLECTUAL PROPERTY.**

Section 2260 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting "or the Secretary of Homeland Security" after "Secretary of Defense"; and

(2) in subsection (f)—

(A) by striking "(f) DEFINITIONS.—In this section, the" and inserting the following:

"(f) DEFINITIONS.—In this section:

"(1) The"; and

(B) by adding at the end the following new paragraph:

"(2) The term 'Secretary concerned' has the meaning provided in section 101(a)(9) of this title and also includes—

"(A) the Secretary of Defense, with respect to matters concerning the Defense Agencies and Department of Defense Field Activities; and

"(B) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.".

**SEC. 882. REPORT ON MARKET RESEARCH.**

Not later than October 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of section 826 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2377 note) and the amendments made by that section. The report shall address—

(1) actions taken by the Department of Defense to implement the amendments made by section 826(a) of such Act to section 2377 of title 10, United States Code, with a particular focus on—

(A) the guidance issued by the Department on the performance of market research;

(B) the market research being performed pursuant to such guidance; and

(C) the results of such guidance and market research;

(2) training tools the Secretary of Defense has developed to assist contracting officials in performing market research in accordance with section 826(b) of such Act;

(3) actions the Department of Defense intends to take to further implement such section 826 and the amendments made by that section, including dissemination of best practices and corrective actions where necessary; and

(4) such other matters as the Secretary considers appropriate.

**SEC. 883. REPORT RELATING TO MUNITIONS.**

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report detailing how 60mm and 81mm munitions used by the Armed Forces are procured, including, where relevant, an explanation of the decision to procure such munitions from non-domestic sources and the justification for awarding contracts to non-domestic sources.

10 USC 2302 note.

**SEC. 884. MOTOR CARRIER FUEL SURCHARGES.**

(a) PASS THROUGH TO COST BEARER.—The Secretary of Defense shall take appropriate actions to ensure that, to the maximum extent practicable, in all carriage contracts in which a fuel-related adjustment is provided for, any fuel-related adjustment is passed through to the person who bears the cost of the fuel that the adjustment relates to.

(b) USE OF CONTRACT CLAUSE.—The actions taken by the Secretary under subsection (a) shall include the insertion of a contract clause, with appropriate flow-down requirements, into all contracts with motor carriers, brokers, or freight forwarders providing or arranging truck transportation or services in which a fuel-related adjustment is provided for.

(c) DISCLOSURE.—The Secretary shall publicly disclose any decision by the Department of Defense to pay fuel-related adjustments under contracts (or a category of contracts) covered by this section.

(d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the committees on Armed Services of the Senate and the House of Representatives a report on the actions taken in accordance with the requirements of subsection (a).

**SEC. 885. PROCUREMENT BY STATE AND LOCAL GOVERNMENTS OF EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.**

(a) EXPANSION OF PROCUREMENT AUTHORITY TO INCLUDE EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES.—

(1) PROCEDURES.—Subsection (a)(1) of section 381 of title 10, United States Code, is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "law enforcement"; and

(II) by inserting ", homeland security, and emergency response" after "counter-drug";

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting ", homeland security, or emergency response" after "counter-drug"; and

(II) in clause (i), by striking "law enforcement";

(iii) in subparagraph (C), by striking "law enforcement" each place it appears; and

(iv) in subparagraph (D), by striking "law enforcement".

(2) GSA CATALOG.—Subsection (c) of such section is amended—

(A) by striking "law enforcement"; and

(B) by inserting ", homeland security, and emergency response" after "counter-drug".

(3) DEFINITIONS.—Subsection (d) of such section is amended—

(A) in paragraph (2), by inserting "or emergency response" after "law enforcement" both places it appears; and

(B) in paragraph (3)—

(i) by striking "law enforcement";

(ii) by inserting ", homeland security, and emergency response" after "counter-drug"; and

(iii) by inserting "and, in the case of equipment for homeland security activities, may not include any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security" after "purposes".

(b) CLERICAL AMENDMENTS.—

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

**"§ 381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities".**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381 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.".

**SEC. 886. REVIEW OF IMPACT OF COVERED SUBSIDIES ON ACQUISITION OF KC-45 AIRCRAFT.**

(a) REVIEW OF COVERED SUBSIDIES REQUIRED.—The Secretary of Defense, not later than 10 days after a ruling by the World Trade Organization that the United States, the European Union, or any political entity within the United States or the European Union, has provided a covered subsidy to a manufacturer of large commercial aircraft, shall begin a review, as described in subsection (b), of the impact of such covered subsidy on the source selection for the KC-45 Aerial Refueling Aircraft Program. Deadline.

(b) PERFORMANCE OF THE REVIEW.—In performing the review required by subsection (a), the Secretary of Defense shall consult with experts within the Department of Defense, the Office of Management and Budget, the Office of the United States Trade Representative, and other agencies and offices of the Federal Government, and with such other experts outside the Government as the Secretary considers appropriate, on the potential impact of a covered subsidy on the source selection process for the KC-45 Aerial Refueling Aircraft Program. Consultation.

Deadline.

(c) COMPLETION OF REVIEW.—The Secretary of Defense shall complete the review required by subsection (a) not later than 90 days after the World Trade Organization has completed ruling on all cases involving the allegation of a covered subsidy provided to a manufacturer of large commercial aircraft pending at the World Trade Organization as of the date of the enactment of this Act.

Recommendations.

(d) REPORT ON REVIEW.—Not later than 30 days after the completion of the review required by subsection (a), the Secretary of Defense shall provide a report to the congressional defense committees on the findings of the review, together with any recommendations the Secretary considers appropriate.

(e) DEFINITIONS.—In this section:

(1) The term "covered subsidy" means a subsidy found to constitute a violation of the Agreement on Subsidies and Countervailing Measures.

(2) The term "Agreement on Subsidies and Countervailing Measures" means the agreement described in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12)).

(3) The term "source selection", with respect to a program of the Department of Defense, means the selection, through the use of competitive procedures or such other procurement procedures as may be applicable, of a contractor to perform a contract to carry out the program.

**SEC. 887. REPORT ON THE IMPLEMENTATION OF EARNED VALUE MANAGEMENT AT THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—The Secretary of Defense shall prepare a report on the implementation by the Department of Defense of earned value management. The report shall include, at a minimum, the following:

(1) A discussion of the regulations and guidance of the Department applicable to the use and implementation of earned value management.

(2) A discussion of the relative value of earned value management as a tool for program managers and senior Department officials.

(3) A discussion of specific challenges the Department faces in successfully using earned value management because of the nature of the culture, history, systems, and activities of the Department, particularly with regard to requirements and funding instability.

(4) A discussion of the methodology of the Department for earned value management implementation, including data quality issues, training, and information technology systems used to integrate and transmit earned value management data.

(5) An evaluation of the accuracy of the earned value management data provided by vendors to the Federal Government concerning acquisition categories I and II programs, with a discussion of the impact of this data on the ability of the Department to achieve program objectives.

(6) A description of the criteria used by the Department to evaluate the success of earned value management in delivering program objectives, with illustrative data and examples covering not less than three years.

(7) Recommendations for improving earned value management and its implementation within the Department, including a discussion of the merits of possible alternatives.

(b) SUBMISSION OF REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit the report required by subsection (a) to the Committees on Armed Services of the Senate and of the House of Representatives.

(c) DEFINITION.—In this section, the term "earned value management" has the meaning given that term in section 300 of part 7 of Office of Management and Budget Circular A-11 as published in June 2008.

# TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

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

Subtitle B—Space Activities

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

Subtitle C—Chemical Demilitarization Program

Sec. 921. Responsibilities for Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky.
Sec. 922. Cost-benefit analysis of future treatment of hydrolysate at Pueblo Chemical Depot, Colorado.

Subtitle D—Intelligence-Related Matters

Sec. 931. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.
Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 933. Technical amendments relating to the Associate Director of the CIA for Military Affairs.

Subtitle E—Other Matters

Sec. 941. Enhancement of authorities relating to Department of Defense regional centers for security studies.
Sec. 942. Restriction on obligation of funds for United States Southern Command development assistance activities.
Sec. 943. Authorization of non-conventional assisted recovery capabilities.
Sec. 944. Report on homeland defense and civil support issues.
Sec. 945. Report on National Guard resource requirements.

# Subtitle A—Department of Defense Management

**SEC. 901. PLAN REQUIRED FOR PERSONNEL MANAGEMENT OF SPECIAL OPERATIONS FORCES.**

(a) REQUIREMENT FOR PLAN.—The commander of the special operations command, in consultation with the secretaries of the military departments, shall prepare and submit to the Secretary of Defense a plan relating to personnel management of special operations forces.

(b) MATTERS COVERED.—The plan under subsection (a) shall address the following:

(1) Coordination among the military departments in order to enhance the manpower management and improve overall readiness of special operations forces.

(2) Coordination by the commander of the special operations command with the Secretaries of the military departments in order to better execute his responsibility to maintain readiness of special operations forces, including in the areas of accessions, assignments, compensation, promotions, professional development, retention, sustainment, and training.

Deadline.

(c) SUBMISSION OF PLAN TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit the plan required under subsection (a) to the congressional defense committees, together with such additional comments as the Secretary and the Chairman of the Joint Chiefs of Staff consider appropriate.

**SEC. 902. DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS.**

(a) ESTABLISHMENT OF POSITION; DUTIES.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139a the following new section:

**"§ 139b. Director of Operational Energy Plans and Programs**

President.

"(a) APPOINTMENT.—There is a Director of Operational Energy Plans and Programs in the Department of Defense (in this section referred to as the 'Director'), appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director.

"(b) DUTIES.—The Director shall—

"(1) provide leadership and facilitate communication regarding, and conduct oversight to manage and be accountable for, operational energy plans and programs within the Department of Defense and the Army, Navy, Air Force, and Marine Corps;

"(2) establish the operational energy strategy;

"(3) coordinate and oversee planning and program activities of the Department of Defense and the Army, Navy, Air Force, and the Marine Corps related to—

"(A) implementation of the operational energy strategy;

"(B) the consideration of operational energy demands in defense planning, requirements, and acquisition processes; and

"(C) research and development investments related to operational energy demand and supply technologies; and

"(4) monitor and review all operational energy initiatives in the Department of Defense.

"(c) PRINCIPAL ADVISOR FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—(1) The Director is the principal adviser to the Secretary of Defense and the Deputy Secretary of Defense regarding operational energy plans and programs and the principal policy official within the senior management of the Department of Defense regarding operational energy plans and programs.

"(2) The Director may communicate views on matters related to operational energy plans and programs and the operational energy strategy required by subsection (d) directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

"(d) OPERATIONAL ENERGY STRATEGY.—(1) The Director shall be responsible for the establishment and maintenance of a department-wide transformational strategy for operational energy. The strategy shall establish near-term, mid-term, and long-term goals, performance metrics to measure progress in meeting the goals, and a plan for implementation of the strategy within the military departments, the Office of the Secretary of Defense, and Defense Agencies.

Deadline. Designation.

"(2) Not later than 90 days after the date on which the Director is first appointed, the Secretary of each of the military departments shall designate a senior official within each armed force under the jurisdiction of the Secretary who will be responsible for operational energy plans and programs for that armed force. The officials shall be responsible for coordinating with the Director and implementing initiatives pursuant to the strategy with regard to that official's armed force.

Procedures.

Consultation.

"(3) By authority of the Secretary of Defense, the Director shall prescribe policies and procedures for the implementation of the strategy. The Director shall provide guidance to, and consult with, the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the officials designated under paragraph (2) with respect to specific operational energy plans and programs to be carried out pursuant to the strategy.

Deadline.

"(4) The initial strategy shall be submitted to the congressional defense committees not later than 180 days after the date on which the Director is first appointed. Subsequent updates to the strategy shall be submitted to the congressional defense committees as soon as practicable after the modifications to the strategy are made.

Recommendations.

"(e) BUDGETARY AND FINANCIAL MATTERS.—(1) The Director shall review and make recommendations to the Secretary of Defense regarding all budgetary and financial matters relating to the operational energy strategy.

"(2) The Secretary of Defense shall require that the Secretary of each military department and the head of each Defense Agency with responsibility for executing activities associated with the strategy transmit their proposed budget for those activities for a fiscal year to the Director for review before submission of the proposed budget to the Under Secretary of Defense (Comptroller).

Deadline. Reports. Certification.

"(3) The Director shall review a proposed budget transmitted under paragraph (2) for a fiscal year and, not later than January 31 of the preceding fiscal year, shall submit to the Secretary of Defense a report containing the comments of the Director with respect to the proposed budget, together with the certification of the Director regarding whether the proposed budget is adequate for implementation of the strategy.

Deadline. Reports.

"(4) Not later than 10 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to Congress a report on the proposed budgets for that fiscal year that the Director has not certified under paragraph (3). The report shall include the following:

"(A) A discussion of the actions that the Secretary proposes to take, together with any recommended legislation that the Secretary considers appropriate, to address the inadequacy of the proposed budgets.

"(B) Any additional comments that the Secretary considers appropriate regarding the inadequacy of the proposed budgets.

"(5) The report required by paragraph (4) shall also include a separate statement of estimated expenditures and requested appropriations for that fiscal year for the activities of the Director in carrying out the duties of the Director.

"(f) ACCESS TO INITIATIVE RESULTS AND RECORDS.—(1) The Secretary of a military department shall submit to the Director the results of all studies and initiatives conducted by the military department in connection with the operational energy strategy.

"(2) The Director shall have access to all records and data in the Department of Defense (including the records and data of each military department) necessary in order to permit the Director to carry out the duties of the Director.

"(g) STAFF.—The Director shall have a dedicated professional staff of military and civilian personnel in a number sufficient to enable the Director to carry out the duties and responsibilities of the Director.

"(h) DEFINITIONS.—In this section:

"(1) OPERATIONAL ENERGY.—The term 'operational energy' means the energy required for training, moving, and sustaining military forces and weapons platforms for military operations. The term includes energy used by tactical power systems and generators and weapons platforms.

"(2) OPERATIONAL ENERGY STRATEGY.—The terms 'operational energy strategy' and 'strategy' mean the operational energy strategy developed under subsection (d).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 139a the following new item:

"139b. Director of Operational Energy Plans and Programs.".

10 USC 2228 note.

**SEC. 903. CORROSION CONTROL AND PREVENTION EXECUTIVES FOR THE MILITARY DEPARTMENTS.**

Deadline.

(a) REQUIREMENT TO DESIGNATE CORROSION CONTROL AND PREVENTION EXECUTIVE.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of each military department with responsibility for acquisition, technology, and logistics shall designate an employee of the military department as the corrosion control and prevention executive. Such executive shall

be the senior official in the department with responsibility for coordinating department-level corrosion control and prevention program activities (including budget programming) with the military department and the Office of the Secretary of Defense, the program executive officers of the military departments, and relevant major subordinate commands of the military departments.

(b) DUTIES.—(1) The corrosion control and prevention executive of a military department shall ensure that corrosion control and prevention is maintained in the department's policy and guidance for management of each of the following:

(A) System acquisition and production, including design and maintenance.

(B) Research, development, test, and evaluation programs and activities.

(C) Equipment standardization programs, including international standardization agreements.

(D) Logistics research and development initiatives.

(E) Logistics support analysis as it relates to integrated logistic support in the materiel acquisition process.

(F) Military infrastructure design, construction, and maintenance.

(2) The corrosion control and prevention executive of a military department shall be responsible for identifying the funding levels necessary to accomplish the items listed in subparagraphs (A) through (F) of paragraph (1).

(3) The corrosion control and prevention executive of a military department shall, in cooperation with the appropriate staff of the department, develop, support, and provide the rationale for resources—

(A) to initiate and sustain an effective corrosion control and prevention program in the department;

(B) to evaluate the program's effectiveness; and

(C) to ensure that corrosion control and prevention requirements for materiel are reflected in budgeting and policies of the department for the formulation, management, and evaluation of personnel and programs for the entire department, including its reserve components.

(4) The corrosion control and prevention executive of a military department shall be the principal point of contact of the department to the Director of Corrosion Policy and Oversight (as assigned under section 2228 of title 10, United States Code).

Deadlines. Reports.

(5) The corrosion control and prevention executive of a military department shall submit an annual report, not later than December 31 of each year, to the Secretary of Defense containing recommendations pertaining to the corrosion control and prevention program of the military department, including corrosion-related funding levels to carry out all of the duties of the executive under this section.

**SEC. 904. PARTICIPATION OF DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE ON DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.**

(a) PARTICIPATION.—Subsection (a) of section 186 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Deputy Chief Management Officer of the Department of Defense."; and

(3) by striking paragraph (7), as redesignated by paragraph (1), and inserting the following new paragraph:

"(7) The Chief Management Officers of the military departments and the heads of such Defense Agencies as may be designated by the Secretary of Defense.".

(b) SERVICE AS VICE CHAIRMAN.—The second sentence of subsection (b) of such section is amended to read as follows: "The Deputy Chief Management Officer of the Department of Defense shall serve as the vice chairman of the Committee, and shall act as chairman in the absence of the Deputy Secretary of Defense.".

**SEC. 905. MODIFICATION OF STATUS OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.**

Section 142 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) The Assistant to the Secretary shall be considered an Assistant Secretary of Defense for purposes of section 138(d) of this title.".

**SEC. 906. REQUIREMENT FOR THE SECRETARY OF DEFENSE TO PREPARE A STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES.**

Deadline.

(a) PLAN.—Not later than April 1, 2009, the Secretary of Defense shall prepare a plan for enhancing the roles of the National Guard and Reserve—

(1) when federalized in the case of the National Guard, or activated in the case of the Reserves, in support of operations conducted under title 10, United States Code, including the transition of the reserve component of the Armed Forces from a strategic force to an operational reserve;

(2) in support of operations conducted under title 32, United States Code, or in support to civil authorities; and

(3) with respect to the achievement of a fully-integrated total force (including further development of a continuum of service).

(b) CONSULTATION.—In preparing the plan under subsection (a), the Secretary of Defense shall take into consideration the advice of the Chairman of the Joint Chiefs of Staff, the Secretary and Chief of Staff of the Army, the Secretary and Chief of Staff of the Air Force, the commander of the United States Northern Command, the Chief of the National Guard Bureau, and other appropriate officials, as determined by the Secretary of Defense.

(c) MATTERS TO BE ASSESSED.—In preparing the plan, the Secretary shall assess—

(1) the findings, conclusions, and recommendations of the Final Report to Congress and the Secretary of Defense of the Commission on the National Guard and Reserves, dated January 31, 2008, and titled "Transforming the National Guard and Reserves into a 21st-Century Operational Force"; and

(2) the provisions of H.R. 5603 and S. 2706 of the 110th Congress, as introduced on March 13, 2008 (the National Guard Empowerment and State-National Defense Integration Act of 2008).

(d) REPORT.—Not later than April 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan required under this section. The report shall include recommendations on—

(1) any changes to the current Department of Defense organization, structure, command relationships, budget authority, procurement authority, and compensation and benefits;

(2) any legislation that the Secretary considers necessary; and

(3) any other matter the Secretary considers appropriate.

**SEC. 907. GENERAL COUNSEL TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.**

Establishment.

Section 8 of the Inspector General Act of 1978 (50 U.S.C. App. 8) is amended by adding at the end the following new subsection:

5 USC app. 8.

"(h)(1) There is a General Counsel to the Inspector General of the Department of Defense, who shall be appointed by the Inspector General of the Department of Defense.

"(2)(A) Notwithstanding section 140(b) of title 10, United States Code, the General Counsel is the chief legal officer of the Office of the Inspector General.

"(B) The Inspector General is the exclusive legal client of the General Counsel.

"(C) The General Counsel shall perform such functions as the Inspector General may prescribe.

"(D) The General Counsel shall serve at the discretion of the Inspector General.

"(3) There is an Office of the General Counsel to the Inspector General of the Department of Defense. The Inspector General may appoint to the Office to serve as staff of the General Counsel such legal counsel as the Inspector General considers appropriate.".

**SEC. 908. BUSINESS TRANSFORMATION INITIATIVES FOR THE MILITARY DEPARTMENTS.**

10 USC 2222 note.

(a) IN GENERAL.—The Secretary of each military department shall, acting through the Chief Management Officer of such military department, carry out an initiative for the business transformation of such military department.

(b) OBJECTIVES.—The objectives of the business transformation initiative of a military department under this section shall include, at a minimum, the following:

(1) The development of a comprehensive business transformation plan, with measurable performance goals and objectives, to achieve an integrated management system for the business operations of the military department.

(2) The development of a well-defined enterprise-wide business systems architecture and transition plan encompassing end-to-end business processes and capable of providing accurately and timely information in support of business decisions of the military department.

(3) The implementation of the business transformation plan developed pursuant to paragraph (1) and the business systems architecture and transition plan developed pursuant to paragraph (2).

(c) BUSINESS TRANSFORMATION OFFICES.—

Deadline.

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall establish within such military department an office (to be known as the "Office of Business Transformation" of such military department) to assist the Chief Management Officer of such military department in carrying out the initiative required by this section for such military department.

(2) HEAD.—The Office of Business Transformation of a military department under this subsection shall be headed by a Director of Business Transformation, who shall be appointed by the Chief Management Officer of the military department, in consultation with the Director of the Business Transformation Agency of the Department of Defense, from among individuals with significant experience managing large-scale organizations or business transformation efforts.

(3) SUPERVISION.—The Director of Business Transformation of a military department under paragraph (2) shall report directly to the Chief Management Officer of the military department, subject to policy guidance from the Director of the Business Transformation Agency of the Department of Defense.

(4) AUTHORITY.—In carrying out the initiative required by this section for a military department, the Director of Business Transformation of the military department under paragraph (2) shall have the authority to require elements of the military department to carry out actions that are within the purpose and scope of the initiative.

(d) RESPONSIBILITIES OF BUSINESS TRANSFORMATION OFFICES.—The Office of Business Transformation of a military department established pursuant to subsection (b) may be responsible for the following:

(1) Transforming the budget, finance, accounting, and human resource operations of the military department in a manner that is consistent with the business transformation plan developed pursuant to subsection (b)(1).

(2) Eliminating or replacing financial management systems of the military department that are inconsistent with the business systems architecture and transition plan developed pursuant to subsection (b)(2).

(3) Ensuring that the business transformation plan and the business systems architecture and transition plan are implemented in a manner that is aggressive, realistic, and accurately measured.

(4) Such other responsibilities as the Secretary of that military department determines are appropriate.

(e) REQUIRED ELEMENTS.—In carrying out the initiative required by this section for a military department, the Chief Management Officer and the Director of Business Transformation of the military department shall ensure that each element of the initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed by the Secretary of Defense pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(f) REPORTS ON IMPLEMENTATION.—

(1) INITIAL REPORTS.—Not later than nine months after the date of the enactment of this Act, the Chief Management Officer of each military department shall submit to the congressional defense committees a report on the actions taken, and on the actions planned to be taken, by such military department to implement the requirements of this section.

(2) UPDATES.—Not later than March 1 of each of 2010, 2011, and 2012, the Chief Management Officer of each military department shall submit to the congressional defense committees a current update of the report submitted by such Chief Management Officer under paragraph (1).

# Subtitle B—Space Activities

**SEC. 911. EXTENSION OF AUTHORITY FOR PILOT PROGRAM FOR PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO ENTITIES OUTSIDE UNITED STATES GOVERNMENT.**

Section 2274(i) of title 10, United States Code, is amended by striking "September 30, 2009" and inserting "September 30, 2010".

**SEC. 912. INVESTMENT AND ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE CAPABILITIES.**

(a) REQUIREMENT.—The Secretary of Defense shall conduct an assessment to determine a recommended investment and acquisition strategy for commercial satellite capabilities.

(b) ELEMENTS.—The assessment required under subsection (a) shall include the following:

(1) Review of national and defense policy relevant to the requirements for, acquisition of, and use of commercial satellite capabilities, and the relationship with commercial satellite providers.

(2) Assessment of the manner in which commercial satellite capabilities are used by the Department of Defense and options for expanding such use or identifying new means to leverage commercial satellite capabilities, such as hosting payloads.

(3) Review of military requirements for satellite communications and remote sensing by quantity, quality, timeline, and any other metric considered appropriate.

(4) Description of current and planned commercial satellite capabilities and an assessment of their ability to meet the requirements identified in paragraph (3).

(5) Assessment of the ability of commercial satellite capabilities to meet other military requirements not identified in paragraph (3).

(6) Description of the use of and resources allocated to commercial satellite communications and remote sensing needed to meet the requirements identified in paragraph (3) during—

(A) the five-year period preceding the date of the assessment;

(B) the period from the date of the assessment through the fiscal years covered under the future-years defense

program under section 221 of title 10, United States Code; and

(C) the period beyond the fiscal years covered under the future-years defense program under such section 221.

(7) Assessment of purchasing patterns that may lead to recommendations in which the Department may consolidate requirements, centralize operations, aggregate purchases, or leverage purchasing power (including the use of multiyear contracting).

(8) Assessment of various models for acquiring commercial satellite capabilities, including funding, management, and operations models.

(c) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the assessment required under subsection (a) and provide recommendations, including—

(A) the recommended investment and acquisition strategy of the Department for commercial satellite capabilities;

(B) how the investment and acquisition strategy should be addressed in fiscal years after fiscal year 2010; and

(C) a proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite capabilities.

(2) FORM.—The report shall be in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term "commercial satellite capabilities" means the system, capability, or service provided by a commercial satellite provider.

(2) The term "commercial satellite provider" refers to privately owned and operated space systems, their technology, components, products, data, services, and related information, as well as foreign systems whose products and services are sold commercially.

**SEC. 913. SPACE POSTURE REVIEW.**

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace and protection.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Integration of space and ground control and user equipment.

(G) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) Military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(E) Export control policy.

(F) Industrial base policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term "posture review period" means the 10-year period beginning on February 1, 2009.

# Subtitle C—Chemical Demilitarization Program

### SEC. 921. RESPONSIBILITIES FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

Transfer authority.

"(f) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1) Notwithstanding subsections (b), (g), and (h), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1566; 50 U.S.C. 1521 note), the Secretary of the Army shall transfer responsibilities for the Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky to the Program Manager for Assembled Chemical Weapons Alternatives.

"(2) In carrying out the responsibilities transferred under paragraph (1), the Program Manager for Assembled Chemical Weapons Alternatives shall take appropriate actions to ensure that each Commission referred to in paragraph (1) retains the capacity to receive citizen and State concerns regarding the ongoing chemical demilitarization program in the State concerned.

"(3) A representative of the Office of the Assistant to the Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall meet with each Commission referred to in paragraph (1) not less often than twice a year.

"(4) Funds appropriated for the Assembled Chemical Weapons Alternatives Program shall be available for travel and associated travel costs for Commissioners on the Commissions referred to in paragraph (1) when such travel is conducted at the invitation of the Special Assistant for Chemical and Biological Defense and Chemical Demilitarization Programs of the Department of Defense.".

**SEC. 922. COST-BENEFIT ANALYSIS OF FUTURE TREATMENT OF HYDROLYSATE AT PUEBLO CHEMICAL DEPOT, COLORADO.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Pueblo Chemical Agent Destruction Pilot Plant, Colorado, is not planned to begin chemical agent destruction operations until 2015.

(2) There will be no hydrolysate byproduct of chemical agent neutralization at the Pueblo Chemical Depot, Colorado, until after chemical agent destruction operations begin.

(3) The Department of Defense has no plans to produce, treat, store, or transport hydrolysate at the Pueblo Chemical Depot, Colorado, during fiscal year 2009.

(4) A January 10, 2007, Department of Defense Acquisition Decision Memorandum requires the Program Manager for the Assembled Chemical Weapons Alternatives to continue to pursue off-site treatment and disposal of hydrolysate as long as doing so would be safe, efficient, and economically beneficial.

(b) COST-BENEFIT ANALYSIS.—The Secretary of Defense shall perform a cost-benefit analysis of future on-site and off-site options for treatment and disposal of hydrolysate expected to be produced at the Pueblo Chemical Depot, Colorado.

(c) REPORT.—Together with the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the Secretary of Defense shall submit to the congressional defense

committees a report containing the results of the cost-benefit analysis required by subsection (b).

(d) NOTICE AND WAIT.—After the submission of the report required by subsection (c), if the Secretary of Defense decides to transport hydrolysate from Pueblo Chemical Depot, Colorado, to an off-site location during fiscal year 2009, the Department shall not commence such transport until 60 days after the Secretary provides written notice to the congressional defense committees of the Department's intent to conduct such transport.

## Subtitle D—Intelligence-Related Matters

### SEC. 931. TECHNICAL CHANGES FOLLOWING THE REDESIGNATION OF NATIONAL IMAGERY AND MAPPING AGENCY AS NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TECHNICAL CHANGES TO UNITED STATES CODE.—

(1) TITLE 5.—Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency". 5 USC 2302 *et seq.*

(2) TITLE 44.—Title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency". 44 USC 1336.

(b) TECHNICAL CHANGES TO OTHER ACTS.—

(1) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (Public Law 95–521; 5 U.S.C. App. 4) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency". 5 USC app. 105.

(2) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) is amended—

(A) in subsection (a)(1)(A), by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency"; and

(B) in subsection (g)(1), by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(3) EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(4) LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993.—Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (Public Law 102–392; 44 U.S.C. 501 note), is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(5) HOMELAND SECURITY ACT OF 2002.—Section 201(e)(2) of the Homeland Security Act of 2002 (6 U.S.C. 121(e)(2)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

**SEC. 932. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.**

(a) REFERENCES TO HEAD OF INTELLIGENCE COMMUNITY.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of National Intelligence" in the following:

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) CLERICAL AMENDMENTS.—Such title is further amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" each place it appears and inserting "DIRECTOR OF NATIONAL INTELLIGENCE" in the following:

(1) Section 441(c).
(2) Section 443(d).

(c) REFERENCE TO HEAD OF CENTRAL INTELLIGENCE AGENCY.—Section 444 of such title is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of the Central Intelligence Agency".

**SEC. 933. TECHNICAL AMENDMENTS RELATING TO THE ASSOCIATE DIRECTOR OF THE CIA FOR MILITARY AFFAIRS.**

Section 528(c) of title 10, United States Code, is amended—

(1) in the heading, by striking "MILITARY SUPPORT" and inserting "MILITARY AFFAIRS"; and

(2) by striking "Military Support" and inserting "Military Affairs".

## Subtitle E—Other Matters

**SEC. 941. ENHANCEMENT OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.**

(a) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—

(1) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) Funds available to carry out this section, including funds accepted under paragraph (4) and funds available under paragraph (5), shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.".

Applicability.
10 USC 184 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 184 of title

10, United States Code (as so amended), that begin on or after that date.

(b) TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL.— 10 USC 184 note.

(1) AUTHORITY FOR TEMPORARY WAIVER.—In fiscal years 2009 and 2010, the Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under subsection (f) of section 184 of title 10, United States Code, of the costs of activities of Regional Centers under such section for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

(2) LIMITATION.—The amount of reimbursement that may be waived under paragraph (1) in any fiscal year may not exceed $1,000,000.

(3) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report under section 184(h) of title 10, United States Code, in 2010 and 2011 information on the attendance of personnel of nongovernmental and international organizations in activities of the Regional Centers during the preceding fiscal year for which a waiver of reimbursement was made under paragraph (1), including information on the costs incurred by the United States for the participation of personnel of each nongovernmental or international organization that so attended.

**SEC. 942. RESTRICTION ON OBLIGATION OF FUNDS FOR UNITED STATES SOUTHERN COMMAND DEVELOPMENT ASSISTANCE ACTIVITIES.**

(a) REPORT AND CERTIFICATION REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the development assistance activities carried out by the United States Southern Command during fiscal year 2008 and planned for fiscal year 2009 and containing a certification by the Secretary that such development assistance activities—

(1) will not adversely diminish the ability of the United States Southern Command or its components to carry out its combat or military missions;

(2) do not divert resources from funded or unfunded requirements of the United States Southern Command in connection with the role of the Department of Defense under section 124 of title 10, United States Code, as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States;

(3) are not unnecessarily duplicative of activities already conducted or planned to be conducted by any other Federal department or agency during fiscal year 2009; and

(4) are designed, planned, and conducted to complement joint training and exercises, host-country capacity building, or similar activities directly connected to the responsibilities of the United States Southern Command.

(b) RESTRICTION ON OBLIGATION OF FUNDS PENDING CERTIFICATION.—Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for operation and maintenance for the United States Southern Command, not more than 90 percent may be obligated or expended until 30 days after the certification required by subsection (a) is received by the congressional defense committees.

(c) DEVELOPMENT ASSISTANCE ACTIVITIES DEFINED.—In this section, the term "development assistance activities" means assistance activities carried out by the United States Southern Command that are comparable to the assistance activities carried out by the United States under—

(1) chapters 1, 10, 11, and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151, 2293, 2295, and 2296 et seq.); and

(2) any other provision of law for purposes comparable to the purposes for which assistance activities are carried out under the provisions of law referred to in paragraph (1).

**SEC. 943. AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.**

(a) NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.—Upon a determination by a commander of a combatant command that an action is necessary in connection with a non-conventional assisted recovery effort, and with the concurrence of the relevant Chief of Mission or Chiefs of Mission, an amount not to exceed $20,000,000 of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for "Operation and Maintenance, Navy" may be used to establish, develop, and maintain non-conventional assisted recovery capabilities.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

Notification.

(c) AUTHORIZED ACTIVITIES.—Non-conventional assisted recovery capabilities authorized under subsection (a) may, in limited and special circumstances, include the provision of support to foreign forces, irregular forces, groups, or individuals in order to facilitate the recovery of Department of Defense or Coast Guard military or civilian personnel, or other individuals who, while conducting activities in support of United States military operations, become separated or isolated and cannot rejoin their units without the assistance authorized in subsection (a). Such support may include the provision of limited amounts of equipment, supplies, training, transportation, or other logistical support or funding.

Deadline.

(d) NOTICE TO CONGRESS ON USE OF AUTHORITY.—Upon using the authority in subsection (a) to make funds available for support of non-conventional assisted recovery activities, the Secretary of Defense shall notify the congressional defense committees within 72 hours of the use of such authority with respect to support of such activities. Any such notice shall be in writing.

(e) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under that subsection during that fiscal year. Each such report shall describe the support

provided, including a statement of the recipient of support and the amount obligated to provide the support.

(f) LIMITATION ON INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(g) LIMITATION ON FOREIGN ASSISTANCE ACTIVITIES.—This section does not constitute authority—

(1) to build the capacity of foreign military forces or provide security and stabilization assistance, as described in sections 1206 and 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456 and 3458), respectively; and

(2) to provide assistance that is otherwise prohibited by any other provision in law, including any provision of law relating to the control of exports of defense articles or defense services.

(h) PERIOD OF AUTHORITY.—The authority under this section is in effect during each of the fiscal years 2009 through 2011.

**SEC. 944. REPORT ON HOMELAND DEFENSE AND CIVIL SUPPORT ISSUES.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on certain homeland defense and civil support issues.

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

(1) A description of the progress made by the Department of Defense to address the concerns related to the United States Northern Command identified in the Comptroller General reports GAO-08-251 and GAO-08-252, including improved coordination with other agencies.

(2) A detailed description of the plans and progress made by the Department of Defense to establish forces assigned the mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

**SEC. 945. REPORT ON NATIONAL GUARD RESOURCE REQUIREMENTS.**

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Chief of the National Guard Bureau shall submit to the Secretary of Defense a report—

(1) detailing the extent to which the various provisions in title XVIII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) have been effective in giving the Chief of the National Guard Bureau the authorities and resources needed to perform the responsibilities and duties of the Chief; and

(2) assessing the adequacy of Department of Defense funding for the resource requirements of the National Guard.

(b) REPORT TO CONGRESS.—Not later than 30 days after the Secretary of Defense receives the report under subsection (a), the Secretary shall submit to Congress such report, along with any explanatory comments the Secretary considers necessary.

# TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

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

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Conveyance, Navy drydock, Aransas Pass, Texas.
Sec. 1012. Report on repair of naval vessel in foreign shipyards.
Sec. 1013. Report on plan for disposal of certain vessels stricken from the Naval Vessel Register.
Sec. 1014. Reimbursement of expenses for certain Navy mess operations.
Sec. 1015. Policy relating to major combatant vessels of the strike forces of the United States Navy.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.
Sec. 1022. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1023. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and continuation of numerical limitation on assignment of United States personnel.
Sec. 1024. Expansion and extension of authority to provide additional support for counter-drug activities of certain foreign governments.
Sec. 1025. Comprehensive Department of Defense strategy for counter-narcotics efforts for United States Africa Command.
Sec. 1026. Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions.

Subtitle D—Miscellaneous Authorities and Limitations

Sec. 1031. Enhancement of the capacity of the United States Government to conduct complex operations.
Sec. 1032. Crediting of admiralty claim receipts for damage to property funded from a Department of Defense working capital fund.
Sec. 1033. Minimum annual purchase requirements for charter air transportation services from carriers participating in the Civil Reserve Air Fleet.
Sec. 1034. Semi-annual reports on status of Navy Next Generation Enterprise Networks program.
Sec. 1035. Sense of Congress on nuclear weapons management.
Sec. 1036. Sense of Congress on joint Department of Defense-Federal Aviation Administration executive committee on conflict and dispute resolution.
Sec. 1037. Sense of Congress on sale of new outsize cargo, strategic airlift aircraft for civilian use.

Subtitle E—Studies and Reports

Sec. 1041. Report on corrosion control and prevention.
Sec. 1042. Study on using Modular Airborne Fire Fighting Systems (MAFFS) in a Federal response to wildfires.
Sec. 1043. Study on rotorcraft survivability.
Sec. 1044. Report on nuclear weapons.
Sec. 1045. Report on compliance by Department of Defense with Guam tax and licensing laws.
Sec. 1046. Report on detention operations in Iraq.
Sec. 1047. Review of bandwidth capacity requirements of the Department of Defense and the intelligence community.
Sec. 1048. Review of findings and recommendations applicable to the Department of Defense regarding electromagnetic pulse attack.

Subtitle F—Other Matters

Sec. 1051. Additional information under annual submissions of information regarding information technology capital assets.
Sec. 1052. Submission to Congress of revision to regulation on enemy prisoners of war, retained personnel, civilian internees, and other detainees.

Sec. 1053. Barnegat Inlet to Little Egg Inlet, New Jersey.
Sec. 1054. Standing advisory panel on improving coordination among the Department of Defense, the Department of State, and the United States Agency for International Development on matters of national security.
Sec. 1055. Reports on strategic communication and public diplomacy activities of the Federal Government.
Sec. 1056. Prohibitions relating to propaganda.
Sec. 1057. Sense of Congress on interrogation of detainees by contractor personnel.
Sec. 1058. Sense of Congress with respect to videotaping or otherwise electronically recording strategic intelligence interrogations of persons in the custody of or under the effective control of the Department of Defense.
Sec. 1059. Modification of deadlines for standards required for entry to military installations in the United States.
Sec. 1060. Extension of certain dates for Congressional Commission on the Strategic Posture of the United States.
Sec. 1061. Technical and clerical amendments.
Sec. 1062. Notification of Committees on Armed Services with respect to certain nonproliferation and proliferation activities.
Sec. 1063. Assessment of security measures at consolidated center for North American Aerospace Defense Command and United States Northern Command.

# Subtitle A—Financial Matters

**SEC. 1001. GENERAL TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,200,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

**SEC. 1002. ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.**

(a) REDUCTION OF PAYMENTS.—Notwithstanding any other provision of law, any amounts that would otherwise be payable from the fund to individuals for the month of August 2013 (with

disbursements scheduled for September 2013) shall be reduced by 1 percent.

Effective date.

(b) REVERSION.—Beginning on September 1, 2013 (with disbursements beginning in October 2013), amounts payable to individuals from the fund shall revert back to amounts as specified in law as if the reduction in subsection (a) did not take place.

(c) REFUND.—Any individual who has a payment reduced under subsection (a) shall receive a one-time payment, from the fund, in an amount equal to the amount of such reduction. This one-time payment shall be included with disbursements from the fund scheduled for October 2013.

(d) FUND.—In this section, the term "fund" refers to the Department of Defense Military Retirement Fund established by section 1461 of title 10, United States Code.

Deadline.

(e) TRANSFER.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $40,000,000 from the unobligated balances of the National Defense Stockpile Transaction Fund to the Miscellaneous Receipts Fund of the United States Treasury to offset estimated costs arising from section 702 and the amendments made by such section.

**SEC. 1003. MANAGEMENT OF PURCHASE CARDS.**

(a) PENALTIES FOR VIOLATIONS.—Section 2784(c)(1) of title 10, United States Code, is amended by striking "(1) provide for" and inserting the following:

"(1) provide—

"(A) for the reimbursement of charges for unauthorized or erroneous purchases, in appropriate cases; and

"(B) for".

(b) REQUIRED REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing actions to be taken by the Department of Defense to implement the recommendations of the Government Accountability Office in its report titled "Actions Needed to Strengthen Internal Controls to Reduce Fraudulent, Improper, and Abusive Purchases" (GAO-08-333) to improve safeguards and internal controls on the use of agency purchase cards.

**SEC. 1004. CODIFICATION OF RECURRING AUTHORITY ON UNITED STATES CONTRIBUTIONS TO THE NORTH ATLANTIC TREATY ORGANIZATION COMMON-FUNDED BUDGETS.**

(a) CODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2263. United States contributions to the North Atlantic Treaty Organization common-funded budgets**

"(a) IN GENERAL.—The total amount contributed by the Secretary of Defense in any fiscal year for the common-funded budgets of NATO may be an amount in excess of the maximum amount that would otherwise be applicable to those contributions in such fiscal year under the fiscal year 1998 baseline limitation.

"(b) REPORTS.—(1) Not later than October 30 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the contributions made by the Secretary

to the common-funded budgets of NATO in the preceding fiscal year.

"(2) Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

"(A) The amounts contributed by the Secretary to each of the separate budgets and programs of the North Atlantic Treaty Organization under the common-funded budgets of NATO.

"(B) For each budget and program to which the Secretary made such a contribution, the percentage of such budget or program during the fiscal year that such contribution represented.

"(c) DEFINITIONS.—In this section:

"(1) COMMON-FUNDED BUDGETS OF NATO.—The term 'common-funded budgets of NATO' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

"(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term 'fiscal year 1998 baseline limitation' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

"2263. United States contributions to the North Atlantic Treaty Organization common-funded budgets.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply to fiscal years that begin on or after that date. 10 USC 2263 note.

**SEC. 1005. INCORPORATION OF FUNDING DECISIONS INTO LAW.**

(a) AMOUNTS SPECIFIED IN JOINT EXPLANATORY STATEMENT ARE AUTHORIZED BY LAW.—Wherever a funding table in the Joint Explanatory Statement which is to be printed in the Congressional Record on or about September 23, 2008, to explain the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 specifies a dollar amount for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the indicated project, program, or activity is hereby authorized by law to be carried out to the same extent as if included in the text of the Act, subject to the availability of appropriations. Deadline.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—This section does not prevent an amount covered by

this section from being transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount incorporated into the Act by this section shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex to the Joint Explanatory Statement referred to in subsection (a).

(e) ORAL AND WRITTEN COMMUNICATION.—No oral or written communication concerning any amount specified in the Joint Explanatory Statement referred to in subsection (a) shall supersede the requirements of this section.

## Subtitle B—Policy Relating to Vessels and Shipyards

**SEC. 1011. CONVEYANCE, NAVY DRYDOCK, ARANSAS PASS, TEXAS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy is authorized to convey the floating drydock AFDL–23, located in Aransas Pass, Texas, to Gulf Copper Ship Repair, that company being the current lessee of the drydock.

(b) CONDITION OF CONVEYANCE.—The Secretary shall require as a condition of the conveyance under subsection (a) that the drydock remain at the facilities of Gulf Copper Ship Repair, at Aransas Pass, Texas, until at least September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance of the drydock under subsection (a), the purchaser shall provide compensation to the United States the value of which, as determined by the Secretary, is equal to the fair market value of the drydock, as determined by the Secretary. The Secretary shall take into account amounts paid by, or due and owing from, the lessee.

Applicability.

(d) TRANSFER AT NO COST TO UNITED STATES.—The provisions of section 7306(c) of title 10, United States Code, shall apply to the conveyance under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 1012. REPORT ON REPAIR OF NAVAL VESSEL IN FOREIGN SHIPYARDS.**

Section 7310 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) REPORT.—(1) The Secretary of the Navy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, a report listing all repairs and maintenance performed on any covered naval vessel that has undergone work for the repair of the vessel in any shipyard outside the United States or Guam (in this section referred to as a 'foreign shipyard') during the fiscal year preceding the fiscal year in which the report is submitted.

"(2) The report shall include the percentage of the annual ship repair budget of the Navy that was spent on repair of covered

naval vessels in foreign shipyards during the fiscal year covered by the report.

"(3) The report also shall include the following with respect to each covered naval vessel:

"(A) The justification under law for the repair in a foreign shipyard.

"(B) The name and class of vessel repaired.

"(C) The category of repair and whether the repair qualified as voyage repair as defined in Commander Military Sealift Command Instruction 4700.15C (September 13, 2007) or Joint Fleet Maintenance Manual (Commander Fleet Forces Command Instruction 4790.3 Revision A, Change 7), Volume III. Scheduled availabilities are to be considered as a composite and reported as a single entity without individual repair and maintenance items listed separately.

"(D) The shipyard where the repair work was carried out.

"(E) The number of days the vessel was in port for repair.

"(F) The cost of the repair and the amount (if any) that the cost of the repair was less than or greater than the cost of the repair provided for in the contract.

"(G) The schedule for repair, the amount of work accomplished (stated in terms of work days), whether the repair was accomplished on schedule, and, if not so accomplished, the reason for the schedule over-run.

"(H) The homeport or location of the vessel prior to its voyage for repair.

"(I) Whether the repair was performed under a contract awarded through the use of competitive procedures or procedures other than competitive procedures.

"(4) In this subsection, the term 'covered naval vessel' means any of the following:

"(A) A naval vessel.

"(B) Any other vessel under the jurisdiction of the Secretary of the Navy.".

**SEC. 1013. REPORT ON PLAN FOR DISPOSAL OF CERTAIN VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Administrator of the Maritime Administration, shall submit to the congressional defense committees a report containing—

(1) a plan for the sale and disposal of each vessel over 50,000 tons light ship displacement stricken from the Naval Vessel Register but not yet disposed of by the Navy or the Maritime Administration; and

(2) the estimated contribution to the domestic market for steel and other metals that might be made from the scrapping of such vessels.

**SEC. 1014. REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.**

(a) AUTHORITY FOR PAYMENT.—Of the amounts appropriated for operation and maintenance for the Navy, not more that $1,000,000 may be used to pay the charge established under section 1011 of title 37, United States Code, for meals sold by messes for United States Navy and Naval Auxiliary vessels to the following:

(1) Members of nongovernmental organizations and officers or employees of host and foreign nations when participating

in or providing support to United States civil-military operations.

(2) Foreign national patients treated on Naval vessels during the conduct of United States civil-military operations, and their escorts.

(b) EXPIRATION OF AUTHORITY.—The authority to pay for meals under subsection (a) shall expire on September 30, 2010.

(c) REPORT.—Not later than March 31 of each year during which the authority to pay for meals under subsection (a) is in effect, the Secretary of Defense shall submit to Congress a report on the use of such authority.

**SEC. 1015. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.**

*Ante,* p. 303.

Section 1012(c)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended by adding at the end the following:

"(D) Amphibious assault ships, including dock landing ships (LSD), amphibious transport–dock ships (LPD), helicopter assault ships (LHA/LHD), and amphibious command ships (LCC), if such vessels exceed 15,000 dead weight ton light ship displacement.".

## Subtitle C—Counter-Drug Activities

**SEC. 1021. EXTENSION OF REPORTING REQUIREMENT REGARDING DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.**

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1024 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2383), is further amended by striking "and February 15, 2008" and inserting "February 15, 2008, and February 15, 2009".

**SEC. 1022. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.**

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), is amended by striking "2008" and inserting "2009".

**SEC. 1023. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA AND CONTINUATION OF NUMERICAL LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL.**

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a), by striking "2008" and inserting "2009"; and

(2) in subsection (c), by striking "2008" and inserting "2009".

**SEC. 1024. EXPANSION AND EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.**

(a) EXTENSION OF AUTHORITY.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136, 117 Stat. 1593), section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2137), and section 1022 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 304), is further amended by striking "2008" and inserting "2009".

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

"(19) The Government of Guinea–Bissau.

"(20) The Government of Senegal.

"(21) The Government of El Salvador.

"(22) The Government of Honduras.".

(c) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended—

(1) by striking "or" after "2006,"; and

(2) by striking the period at the end and inserting ", or $75,000,000 during fiscal year 2009.".

(d) CONDITION ON PROVISION OF SUPPORT.—Subsection (f) of such section is amended—

(1) in paragraph (2), by inserting after "In the case of" the following: "funds appropriated for fiscal year 2009 to carry out this section and"; and

(2) in paragraph (4)(B), by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(e) COUNTER-DRUG PLAN.—Subsection (h) of such section is amended—

(1) in the matter preceding paragraph (1), by striking "fiscal year 2004" and inserting "fiscal year 2009"; and

(2) in subparagraph (7), by striking "For the first fiscal year" and inserting "For fiscal year 2009, and thereafter, for the first fiscal year".

**SEC. 1025. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS FOR UNITED STATES AFRICA COMMAND.**

(a) REPORT REQUIRED.—Not later than June 30, 2009, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy of the Department of the Defense with regard to counter-narcotics efforts in Africa, with an emphasis on West Africa and the Maghreb. The Secretary of Defense shall prepare the strategy in consultation with the Secretary of State.

(b) MATTERS TO BE INCLUDED.—The comprehensive strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) A description of the overall United States counter-narcotics policy for Africa.

(2) The roles and missions of the Department of Defense in support of the overall United States counter-narcotics policy for Africa.

(3) The priorities for the Department of Defense to meet programmatic objectives one-year, three-years, and five-years after the end of fiscal year 2009, including a description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(4) The efforts of the Secretary of Defense to coordinate the Department of Defense counter-narcotics activities in Africa with Department of Defense building capacity programs, including programs carried out under the authority of the Secretary under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456).

(5) The efforts to coordinate the counter-narcotics activities of the Department of Defense with the counter-narcotics activities of the governments eligible to receive support under section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881) and the counter-narcotics activities in Africa of European countries and other international and regional partners.

(c) PLANS.—The comprehensive strategy shall also include the following plans:

(1) A detailed and comprehensive plan to utilize the capabilities and assets of the combatant commands that geographically surround the United States Africa Command for the counter-narcotics efforts and activities of the United States Africa Command on a temporary basis until the United States Africa Command develops its own commensurate capabilities and assets, including in the plan a description of what measures will be taken to effectuate the transition of the missions.

(2) A detailed and comprehensive plan to enhance cooperation with certain African countries, which are often geographically contiguous to other African countries that have a significant narcotics-trafficking challenges, to increase the effectiveness of the counter-narcotics activities of the Department of Defense and its international and regional partners.

**SEC. 1026. COMPREHENSIVE DEPARTMENT OF DEFENSE STRATEGY FOR COUNTER-NARCOTICS EFFORTS IN SOUTH AND CENTRAL ASIAN REGIONS.**

(a) REPORT REQUIRED.—Not later than June 30, 2009, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy of the Department of the Defense with regard to counter-narcotics efforts in the South and Central Asian regions, including the countries of Afghanistan, Turkmenistan, Tajikistan, Kyrgyzstan, Kazakhstan, Pakistan, and India, as well as the countries of Armenia, Azerbaijan, and China.

(b) MATTERS TO BE INCLUDED.—The comprehensive strategy shall consist of a general overview and a separate detailed section for each of the following:

(1) The roles and missions of the Department of Defense in support of the overall United States counter-narcotics policy for countries of the South and Central Asian regions and the other countries specified in subsection (a).

(2) The priorities for the Department of Defense to meet programmatic objectives for fiscal year 2010, including a

description of the expected allocation of resources of the Department of Defense to accomplish these priorities.

(3) The ongoing and planned counter-narcotics activities funded by the Department of Defense for such regions and countries.

(4) The efforts to coordinate the counter-narcotics activities of the Department of Defense with the counter-narcotics activities of such regions and countries and the counter-narcotics activities of other international partners in such regions and countries.

(5) The specific metrics used by the Department of Defense to evaluate progress of activities to reduce the production and trafficking of illicit narcotics in such regions and countries.

# Subtitle D—Miscellaneous Authorities and Limitations

**SEC. 1031. ENHANCEMENT OF THE CAPACITY OF THE UNITED STATES GOVERNMENT TO CONDUCT COMPLEX OPERATIONS.**

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 409. Center for Complex Operations**

"(a) CENTER AUTHORIZED.—The Secretary of Defense may establish a center to be known as the 'Center for Complex Operations' (in this section referred to as the 'Center').

"(b) PURPOSES.—The purposes of the Center established under subsection (a) shall be the following:

"(1) To provide for effective coordination in the preparation of Department of Defense personnel and other United States Government personnel for complex operations.

"(2) To foster unity of effort during complex operations among—

"(A) the departments and agencies of the United States Government;

"(B) foreign governments and militaries;

"(C) international organizations and international nongovernmental organizations; and

"(D) domestic nongovernmental organizations.

"(3) To conduct research; collect, analyze, and distribute lessons learned; and compile best practices in matters relating to complex operations.

"(4) To identify gaps in the education and training of Department of Defense personnel, and other relevant United States Government personnel, relating to complex operations, and to facilitate efforts to fill such gaps.

"(c) CONCURRENCE OF THE SECRETARY OF STATE.—The Secretary of Defense shall seek the concurrence of the Secretary of State to the extent the efforts and activities of the Center involve the entities referred to in subparagraphs (B) and (C) of subsection (b)(2).

"(d) SUPPORT FROM OTHER UNITED STATES GOVERNMENT DEPARTMENTS OR AGENCIES.—The head of any non-Department of Defense department or agency of the United States Government may—

"(1) provide to the Secretary of Defense services, including personnel support, to support the operations of the Center; and

"(2) transfer funds to the Secretary of Defense to support the operations of the Center.

"(e) ACCEPTANCE OF GIFTS AND DONATIONS.—(1) Subject to paragraph (3), the Secretary of Defense may accept from any source specified in paragraph (2) any gift or donation for purposes of defraying the costs or enhancing the operations of the Center.

"(2) The sources specified in this paragraph are the following:

"(A) The government of a State or a political subdivision of a State.

"(B) The government of a foreign country.

"(C) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

"(D) Any source in the private sector of the United States or a foreign country.

"(3) The Secretary may not accept a gift or donation under this subsection if acceptance of the gift or donation would compromise or appear to compromise—

"(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

"(B) the integrity of any program of the Department or of any person involved in such a program.

"(4) The Secretary shall provide written guidance setting forth the criteria to be used in determining the applicability of paragraph (3) to any proposed gift or donation under this subsection.

"(f) CREDITING OF FUNDS TRANSFERRED OR ACCEPTED.—Funds transferred to or accepted by the Secretary of Defense under this section shall be credited to appropriations available to the Department of Defense for the Center, and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged. Any funds so transferred or accepted shall remain available until expended.

"(g) DEFINITIONS.—In this section:

"(1) The term 'complex operation' means an operation as follows:

"(A) A stability operation.

"(B) A security operation.

"(C) A transition and reconstruction operation.

"(D) A counterinsurgency operation.

"(E) An operation consisting of irregular warfare.

"(2) The term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).".

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

"409. Center for Complex Operations.".

**SEC. 1032. CREDITING OF ADMIRALTY CLAIM RECEIPTS FOR DAMAGE TO PROPERTY FUNDED FROM A DEPARTMENT OF DEFENSE WORKING CAPITAL FUND.**

Section 7623(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) in paragraph (1), as so designated, by striking the last sentence; and

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

"(2)(A) Except as provided in subparagraph (B), amounts received under this section shall be covered into the Treasury as miscellaneous receipts.

"(B) Amounts received under this section for damage or loss to property operated and maintained with funds from a Department of Defense working capital fund or account shall be credited to that fund or account.".

**SEC. 1033. MINIMUM ANNUAL PURCHASE REQUIREMENTS FOR CHARTER AIR TRANSPORTATION SERVICES FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.**

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 9515. Charter air transportation services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet**

"(a) IN GENERAL.—The Secretary of Defense shall take steps to—

"(1) improve the predictability in Department of Defense charter requirements;

"(2) strengthen Civil Reserve Airlift Fleet participation to assure adequate capacity is available to meet steady-state, surge and mobilization requirements; and

"(3) provide incentives for commercial air passenger carriers to provide newer, more efficient and reliable aircraft for Department of Defense service rather than older, fully depreciated aircraft.

"(b) CONSIDERATION OF RECOMMENDATIONS.—In carrying out subsection (a), the Secretary of Defense shall consider the recommendations on courses of action for the Civil Reserve Air Fleet as outlined in the report required by Section 356 of the National Defense Authorization Act for 2008 (Public Law 110-181).

"(c) CONTRACTS FOR CHARTER AIR TRANSPORTATION SERVICES.—The Secretary of Defense may award to an air carrier or an air carrier contractor team arrangement participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for charter air transportation services with a minimum purchase amount under such contract determined in accordance with this section.

"(d) ELIGIBLE CHARTER AIR TRANSPORTATION CARRIERS.—In order to be eligible for payments under the minimum purchase amount provided by this section, an air carrier (or any air carrier participating in an air carrier contractor team arrangement)—

"(1) if under contract with the Department of Defense in the prior fiscal year, shall have an average on-time pick up rate, based on factors within such air carrier's control, of at least 90 percent;

"(2) shall offer such amount of commitment to the Civil Reserve Air Fleet in excess of the minimum required for participation in the Civil Reserve Air Fleet as the Secretary of Defense shall specify for purposes of this section; and

"(3) may not have refused a Department of Defense request to act as a host for other Civil Reserve Air Fleet carriers at intermediate staging bases during the prior fiscal year.

"(e) AGGREGATE MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (c) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the average annual expenditure of the Department of Defense for charter air transportation services during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

"(2) In calculating the average annual expenditure of the Department of Defense for charter air transportation services for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for charter air transportation services if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated charter air transportation services for purposes of that paragraph.

"(f) ALLOCATION OF MINIMUM PURCHASE AMONG CHARTER AIR TRANSPORTATION CONTRACTS.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (c) for a fiscal year, as determined under subsection (e), shall be allocated among all air carriers and air carrier contractor team arrangements awarded contracts under subsection (c) for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

"(2) In determining the minimum purchase amount payable under paragraph (1) under a contract under subsection (c) for charter air transportation services provided by an air carrier or air carrier contractor team arrangement during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to such carrier or arrangement under paragraph (2) to take into account periods during such fiscal year when charter air transportation services of such carrier or a carrier in such arrangement are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when such carrier is placed in nonuse status pursuant to section 2640 of this title for safety reasons.

"(g) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of charter air transportation services from a carrier or air carrier contractor team arrangement for a fiscal year under a contract under subsection (c) is not utilized to purchase charter air transportation services from the carrier or arrangement in such fiscal year, such amount shall be provided to the carrier or arrangement before the first day of the following fiscal year.

"(h) COMMITMENT OF FUNDS.—(1) The Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for the payment of minimum purchase amounts under all contracts awarded under subsection (c) for such fiscal year equivalent to the percentage of the anticipated use of charter

air transportation services by such military department during such fiscal year from all carriers under contracts awarded under subsection (c) for such fiscal year.

"(2) Any amounts required to be transferred under paragraph (1) shall be transferred by the last day of the fiscal year concerned to meet the requirements of subsection (g) unless minimum purchase amounts have already been distributed by the Secretary of Defense under subsection (g) as of that date.

"(i) AVAILABILITY OF AIRLIFT SERVICES.—(1) From the total amount of charter air transportation services available for a fiscal year under all contracts awarded under subsection (c) for such fiscal year, a military department shall be entitled to obtain a percentage of such services equal to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (h).

"(2) A military department may transfer any entitlement to charter air transportation services under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

"(j) DEFINITION.—In this section, the term 'charter air transportation' has the meaning given such term in section 40102(14) of title 49, United States Code, except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel.

"(k) SUNSET.—The authorities in this section shall expire on December 31, 2015.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 941 of such title is amended by adding at the end the following new item:

"9515. Charter air transportation services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.".

(c) REPORT TO CONGRESS; LIMITATION ON EXERCISE OF AUTHORITY.— 10 USC 9515 note.

(1) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a written report on the actions taken under subsections (a) and (b) of section 9515 of title 10, United States Code, as added by subsection (a), along with the anticipated risks and benefits of such actions.

(2) LIMITATION.—No authority under subsections (c) through (I) of such section may be implemented until 30 days after the date on which the Secretary submits the report required under paragraph (1).

**SEC. 1034. SEMI-ANNUAL REPORTS ON STATUS OF NAVY NEXT GENERATION ENTERPRISE NETWORKS PROGRAM.**

(a) SEMI-ANNUAL REPORTS REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees semi-annual reports on the status of the development, testing, and deployment of the Navy Next Generation Enterprise Networks program and the transition of the capabilities provided by the Navy Marine Corps Intranet program to the Next Generation Enterprise Networks program. Each such report shall cover such status during the two fiscal quarters preceding the fiscal quarter in which the report is submitted.

(b) COORDINATION.—The Secretary of Defense shall develop each of the semi-annual reports required under subsection (a) in coordination with the Secretary of the Navy, the Under Secretary

of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Networks and Information Integration, and the Director of Operational Test and Evaluation.

(c) CONTENTS OF REPORTS.—Each of the reports required under subsection (a) shall address the following matters for the period covered by the report:

(1) For each Next Generation Enterprise Networks contract entered into by the Secretary of Defense—

(A) the metrics used for quantitatively measuring the performance of the entity with which the Secretary has entered into the contract and, based on such metrics, an assessment of the performance of such entity during such period;

(B) the qualitative measures used to assess the performance of such entity and, based on such qualitative measures, an assessment of the performance of such entity during such period;

(C) the mechanisms for providing incentives to improve the performance of such entity, the processes for determining incentive payments, and the use of incentive payments made during such period; and

(D) the mechanisms for penalizing such entity for poor performance, the processes for determining penalties, and the use of such penalties during such period.

(2) Any progress made during such period to transition information technology services from the Navy Marine Corps Intranet program to the Next Generation Enterprise Networks program, including the transfer of intellectual property and infrastructure, and a description of contracting mechanisms used to facilitate such transition and the provision of services related to such transition.

(3) An assessment of any issues arising during such period that relate to the valuation and ownership of intellectual property and infrastructure in the Navy Marine Corps Intranet program.

(4) Any activities carried out by the Next Generation Enterprise Networks Governance Board to resolve issues related to the Next Generation Enterprise Network program.

(5) An assessment of the operational effectiveness and suitability of the Next Generation Enterprise Networks program during such period based on testing activities and other assessments.

(6) A description of the information security and information assurance posture and performance of the Next Generation Enterprise Networks program during such period.

(7) The schedule, status, and goals of the early transition activities between the Navy Marine Corps Intranet program and the Next Generation Enterprise Networks program carried out during such period.

(8) A description of the role of the Next Generation Enterprise Networks program with the Navy's network environment.

(9) An updated acquisition milestone schedule, including any changes from previous planned schedules, the status of achieving milestones, and mitigation strategies for maintaining program schedule performance.

(d) DEADLINE FOR SUBMITTAL OF REPORTS.—The Secretary of Defense shall submit the semi-annual reports required under this

section by not later than April 1 and October 1 of each year, and shall submit the first report required under this section by not later than April 1, 2009.

(e) TERMINATION.—The requirement to submit semi-annual reports under this section shall terminate on the date that is one year after the date on which the Secretary of Defense completes the full transition of the provision of services from the Navy Marine Corps Intranet program and other transition programs to the Next Generation Enterprise Networks program.

**SEC. 1035. SENSE OF CONGRESS ON NUCLEAR WEAPONS MANAGEMENT.**

(a) FINDINGS.—Congress makes the following findings:

(1) The unauthorized transfer of nuclear weapons from Minot Air Force Base, North Dakota, to Barksdale Air Force Base, Louisiana, in August 2007 was an extraordinary breach of the command and control and security of nuclear weapons.

(2) The reviews conducted following that unauthorized transfer found that the ability of the Department of Defense to provide oversight of nuclear weapons matters had degenerated and that senior level attention to nuclear weapons management is minimal at best.

(3) The lack of attention to nuclear weapons and related equipment by the Department of Defense was demonstrated again when it was discovered in March 2008 that classified equipment from Minuteman III intercontinental ballistic missiles was inadvertently shipped to Taiwan in 2006.

(4) The Department of Defense has insufficient capability and staffing in the Office of the Under Secretary of Defense for Policy to provide the necessary oversight of the nuclear weapons functions of the Department.

(5) The key senior position responsible for nuclear weapons matters in the Department of Defense, the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, a position filled by appointment by and with the advice and consent of the Senate, was vacant for more than 18 months before being filled in July 2008.

(6) The inability to provide consistent senior level emphasis on nuclear weapons policy has contributed to an erosion in the level of attention paid to nuclear weapons matters across the Department of Defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should maintain clear and unambiguous command and control of its nuclear weapons;

(2) the safety and security of nuclear weapons and related equipment should be a high priority as long as the United States maintains a stockpile of nuclear weapons;

(3) these objectives will be more successfully attained if greater attention is paid to nuclear weapons matters within the Office of the Secretary of Defense, the Office of the Under Secretary of Defense for Policy, and the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics;

(4) the Secretary of Defense should consider establishing and filling a senior position, at the level of Assistant Secretary of Defense or Deputy Under Secretary of Defense, within the Office of the Under Secretary of Defense for Policy to hold

primary responsibility for the strategic and nuclear weapons policy of the Department of Defense; and

(5) the Secretary of Defense should clarify the lines of responsibility and accountability for nuclear weapons matters within the Office of the Secretary of Defense to place greater emphasis on strategic and nuclear weapons policy and management.

**SEC. 1036. SENSE OF CONGRESS ON JOINT DEPARTMENT OF DEFENSE-FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.**

(a) FINDINGS.—Congress makes the following findings:

(1) Unmanned aerial systems (UAS) of the Department of Defense, like the Predator and the Global Hawk, have become a critical component of military operations. Unmanned aerial systems are indispensable in the conflict against terrorism and the campaigns in Afghanistan and Iraq.

(2) Unmanned aerial systems of the Department of Defense must operate in the National Airspace System (NAS) for training, operational support to the combatant commands, and support to domestic authorities in emergencies and national disasters.

(3) The Department of Defense has been lax in developing certifications of airworthiness for unmanned aerial systems, qualifications for operators of unmanned aerial systems, databases on safety matters relating to unmanned aerial systems, and standards, technology, and procedures that are necessary for routine access of unmanned aerial systems to the National Airspace System.

(4) As recognized in a Memorandum of Agreement for Operation of Unmanned Aircraft Systems in the National Airspace System signed by the Deputy Secretary of Defense and the Administrator of the Federal Aviation Administration in September 2007, it is vital for the Department of Defense and the Federal Aviation Administration to collaborate closely to achieve progress in gaining access for unmanned aerial systems to the National Airspace System to support military requirements.

(5) The Department of Defense and the Federal Aviation Administration have jointly and separately taken significant actions to improve the access of unmanned aerial systems of the Department of Defense to the National Airspace System, but overall, the pace of progress in access of such systems to the National Airspace System has been insufficient and poses a threat to national security.

(6) Techniques and procedures can be rapidly acquired or developed to temporarily permit safe operations of unmanned aerial systems in the National Airspace System until permanent safe operations of such systems in the National Airspace System can be achieved.

(7) Identifying, developing, approving, implementing, and monitoring the adequacy of these techniques and procedures may require the establishment of a joint Department of Defense-Federal Aviation Administration executive committee reporting to the highest levels of the Department of Defense and the Federal Aviation Administration on matters relating

to the access of unmanned aerial systems of the Department of Defense to the National Airspace System.

(8) Joint management attention at the highest levels of the Department of Defense and the Federal Aviation Administration may also be required on other important issues, such as type ratings for aerial refueling aircraft.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should seek an agreement with the Administrator of the Federal Aviation Administration to jointly establish within the Department of Defense and the Federal Aviation Administration a joint Department of Defense–Federal Aviation Administration executive committee on conflict and dispute resolution which would—

(1) act as a focal point for the resolution of disputes on matters of policy and procedures between the Department of Defense and the Federal Aviation Administration with respect to—

(A) airspace, aircraft certifications, and aircrew training; and

(B) other issues brought before the joint executive committee by the Department of Defense or the Department of Transportation;

(2) identify solutions to the range of technical, procedural, and policy concerns arising in the disputes described in paragraph (1); and

(3) identify solutions to the range of technical, procedural, and policy concerns arising in the integration of Department of Defense unmanned aerial systems into the National Airspace System in order to achieve the increasing, and ultimately routine, access of such systems into the National Airspace System.

**SEC. 1037. SENSE OF CONGRESS ON SALE OF NEW OUTSIZE CARGO, STRATEGIC AIRLIFT AIRCRAFT FOR CIVILIAN USE.**

(a) FINDINGS.—Congress makes the following findings:

(1) The 2006 Quadrennial Defense Review and the 2005 Mobility Capability Study determined that the United States Transportation Command requires a force of 292 to 383 organic strategic airlift aircraft, augmented by procurement of airlift service from commercial air carriers participating in the Civil Reserve Air Fleet, to meet the demands of the National Military Strategy. Congress has authorized and appropriated funds for 316 strategic airlift aircraft.

(2) The commander of the United States Transportation Command has testified to Congress that it is essential to safeguard the capabilities and capacity of the Civil Reserve Air Fleet to meet wartime surge demands in connection with major combat operations and that procurement by the Air Force of excess organic strategic airlift aircraft could be harmful to the health of the Civil Reserve Air Fleet.

(3) The C–17 aircraft is used extensively by the Air Mobility Command in the Global War on Terror. Production of the C–17 aircraft is scheduled to cease in August, 2010.

(4) The Federal Aviation Administration has informed Congress that no fewer than six commercial operators have expressed interest in operating a commercial variant of the C–17 aircraft. Commercial sale of the new C–17 aircraft would require that the Department of Defense determine that it is

in the national interest for the Federal Aviation Administration to proceed with the issuance of a type certificate for C-17 aircraft in accordance with section 21.27 of title 14, Code of Federal Regulations.

(5) New C–17 aircraft sold for commercial use could be made available to the Civil Reserve Air Fleet, thus strengthening the capabilities and capacity of the Civil Reserve Air Fleet.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of Transportation, should—

(1) review the benefits and feasibility of pursuing a new production commercial cargo capability with new C–17 commercial variant aircraft and determine whether such capability is in the national interest; and

(2) if the Secretary of Defense determines that such a capability is in the national interest, take appropriate actions to coordinate with the Federal Aviation Administration to achieve the type certification for a commercial variant of the C-17 required by section 21.27 of title 14, Code of Federal Regulations.

## Subtitle E—Studies and Reports

**SEC. 1041. REPORT ON CORROSION CONTROL AND PREVENTION.**

(a) REPORT REQUIRED.—The Secretary of Defense, acting through the Director of Corrosion Policy and Oversight, shall prepare and submit to the Committees on Armed Services of the Senate and the House of Representatives a report on corrosion control and prevention in weapons systems and equipment.

(b) MATTERS COVERED.—The report shall include the comments and recommendations of the Department of Defense regarding potential improvements in corrosion control and prevention through earlier planning. In particular, the report shall include an evaluation and business case analysis of options for improving corrosion control and prevention in the requirements and acquisition processes of the Department of Defense for weapons systems and equipment. The evaluation shall include an analysis of the impact of such potential improvements on system acquisition costs and life cycle sustainment. The options for improved corrosion control and prevention shall include corrosion control and prevention—

(1) as a key performance parameter for assessing the selection of materials and processes;

(2) as a key performance parameter for sustainment;

(3) as part of the capability development document in the joint capabilities integration and development system; and

(4) as a requirement for weapons systems managers to assess their corrosion control and prevention requirements over a system's life cycle and incorporate the results into their acquisition strategies prior to issuing a solicitation for contracts.

(c) DEADLINE.—The report shall be submitted not later than 120 days after the date of the enactment of this Act.

(d) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General shall review the report required under subsection (a), including the methodology used in the Department's analysis, and shall provide the results of the review to the Committees on Armed Services

of the Senate and the House of Representatives not later than 60 days after the Department submits the report.

**SEC. 1042. STUDY ON USING MODULAR AIRBORNE FIRE FIGHTING SYSTEMS (MAFFS) IN A FEDERAL RESPONSE TO WILDFIRES.**

(a) IN GENERAL.—The Secretary of Defense shall carry out a study to determine—

(1) how to utilize the Department's Modular Airborne Fire Fighting Systems (MAFFS) in all contingencies where there is a Federal response to wildfires; and

(2) how to decrease the costs of using the Department's MAFFS when supporting National Interagency Fire Center (NIFC) fire fighting operations.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study.

**SEC. 1043. STUDY ON ROTORCRAFT SURVIVABILITY.**

(a) STUDY REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall carry out a study on Department of Defense rotorcraft survivability. The study shall—

(1) with respect to actual losses of rotorcraft in combat—

(A) identify the rates of such losses from 1965 through 2008, measured in total annual losses by type of aircraft and by cause, with rates for loss per flight hour and loss per sortie provided;

(B) identify by category of hostile action (such as small arms, Man-Portable Air Defense Systems, and so on), the causal factors for the losses; and

(C) propose candidate solutions for survivability (such as training, tactics, speed, countermeasures, maneuverability, lethality, technology, and so on), in a prioritized list with explanations, to mitigate each such causal factor, along with recommended funding adequate to achieve rates at least equal to the experience in the Vietnam conflict;

(2) with respect to actual losses of rotorcraft in combat theater not related to hostile action—

(A) identify the causal factors of loss in a ranked list; and

(B) propose candidate solutions for survivability (such as training, tactics, speed, countermeasures, maneuverability, lethality, technology, and so on), in a prioritized list, to mitigate each such causal factor, along with recommended funding adequate to achieve the Secretary's Mishap Reduction Initiative goal of not more than 0.5 mishaps per 100,000 flight hours;

(3) with respect to losses of rotorcraft in training or other non-combat operations during peacetime or interwar years—

(A) identify by category (such as inadvertent instrument meteorological conditions, wire strike, and so on) the causal factors of loss in a ranked list; and

(B) identify candidate solutions for survivability and performance (such as candidate solutions referred to in paragraph (2)(B) as well as maintenance, logistics, systems development, and so on) in a prioritized list, to mitigate each such causal factor, along with recommended funding adequate to achieve the goal of rotorcraft loss rates to non-combat causes being reduced to 1.0;

(4) identify the key technical factors (causes of mishaps that are not related to human factors) negatively impacting the rotorcraft mishap rates and survivability trends, to include reliability, availability, maintainability, and other logistical considerations; and

(5) identify what TACAIR is and has done differently to have such a decrease in losses per sortie when compared to rotorcraft, to include—

(A) examination of aircraft, aircraft maintenance, logistics, operations, and pilot and operator training;

(B) an emphasis on the development of common service requirements that TACAIR has implemented already which are minimizing losses within TACAIR; and

(C) candidate solutions, in a prioritized list, to mitigate each causal factor with recommended funding adequate to achieve the goal of rotorcraft loss rates stated above.

(b) REPORT.—Not later than August 1, 2009, the Secretary and the Chairman shall submit to the congressional defense committees a report on the results of the study.

**SEC. 1044. REPORT ON NUCLEAR WEAPONS.**

(a) FINDINGS.—Congress finds that—

(1) numerous nuclear weapons are held in the arsenals of various countries around the world;

(2) some of these weapons make attractive targets for theft and for use by terrorist organizations;

(3) the United States should identify, track, and monitor these weapons as a matter of national security;

(4) the United States should assess the security risks associated with existing stockpiles of nuclear weapons and should assess the risks of nuclear weapons being developed, acquired, or utilized by other countries, particularly rogue states, and by terrorists and other non-state actors; and

(5) the United States should work cooperatively with other countries to improve the security of nuclear weapons and to promote multilateral reductions in the numbers of nuclear weapons.

President.

(b) REVIEW.—The President, in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Energy, and the Director of National Intelligence, shall conduct a review of nuclear weapons world-wide that includes—

(1) an inventory of the nuclear arsenals of all countries that possess, or are believed to possess, nuclear weapons, which indicates, as accurately as possible, the nuclear weapons that are known, or are believed, to exist according to nationality, type, yield, and form of delivery, and an assessment of the methods that are currently employed to identify, track, and monitor nuclear weapons and their component materials;

(2) an assessment of the risks associated with the deployment, transfer, and storage of nuclear weapons deemed to be attractive to terrorists, rogue states, and other state or non-state actors on account of their size or portability, or on account of their accessibility due to the manner of their deployment or storage; and

(3) recommendations for—

(A) mechanisms and procedures to improve security and safeguards for the nuclear weapons deemed to be

attractive to terrorists, rogue states, and other state or non-state actors;

(B) mechanisms and procedures to improve the ability of the United States to identify, track, and monitor the nuclear weapons deemed to be attractive to terrorists, rogue states, and other state or non-state actors;

(C) mechanisms and procedures for implementing transparent multilateral reductions in nuclear weapons arsenals; and

(D) methods for consolidating, dismantling, and disposing of the nuclear weapons in each country that possesses, or is believed to possess, nuclear weapons, including methods of monitoring and verifying consolidation, dismantlement, and disposal.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the President shall submit to Congress a report on the findings and recommendations of the review required under subsection (b). President.

(2) CLASSIFICATION OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but it may be accompanied by a classified annex.

**SEC. 1045. REPORT ON COMPLIANCE BY DEPARTMENT OF DEFENSE WITH GUAM TAX AND LICENSING LAWS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy and the Joint Guam Program Office, shall submit to the congressional defense committees a report on the steps that the Department of Defense is taking to ensure that contractors of the Department performing work on Guam comply with local tax and licensing requirements.

**SEC. 1046. REPORT ON DETENTION OPERATIONS IN IRAQ.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on detention operations at theater internment facilities in Iraq.

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

(1) A detailed description of how counterinsurgency doctrine has been incorporated at theater internment facilities in Iraq.

(2) A detailed description of the policies and programs instituted to prepare detainees for reintegration following their release from detention in theater internment facilities in Iraq.

(3) A description and assessment of the effects of changes in detention operations and reintegration programs at theater internment facilities in Iraq during the period beginning on January 1, 2007, and ending on the date of the completion of the report, including changes in levels of violence within internment facilities and in rates of recapture of detainees released from detention in internment facilities.

(4) A description of—

(A) the lessons learned regarding detention operations in a counterinsurgency operation, an assessment of how such lessons could be applied to detention operations elsewhere (including in Afghanistan and at Guantanamo Bay, Cuba); and

(B) any efforts to integrate such lessons into Department of Defense directives, joint doctrine, mission rehearsal exercises for deploying forces, and training for units involved in detention and interrogation operations.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1047. REVIEW OF BANDWIDTH CAPACITY REQUIREMENTS OF THE DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.**

(a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall conduct a joint review of the bandwidth capacity requirements of the Department of Defense and the intelligence community in the near term, mid term, and long term.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the following:

(1) The current bandwidth capacities and capabilities of the Department of Defense and the intelligence community to transport data, including Government and commercial ground networks, airborne relays, and satellite systems.

(2) The bandwidth capacities and capabilities anticipated to be available to the Department of Defense and the intelligence community to transport data in the near term, mid term, and long term.

(3) Innovative technologies available to the Department of Defense and the intelligence community to increase data transport capacity of existing bandwidth (such as compression techniques or intelligent software agents) that can be applied in the near term, mid term, and long term.

(4) The bandwidth and data requirements of current major operational systems of the Department of Defense and the intelligence community, including an assessment of—

(A) whether such requirements are being appropriately met by the bandwidth capacities and capabilities described in paragraph (1); and

(B) the degree to which any such requirements are not being met by such bandwidth capacities and capabilities.

(5) The anticipated bandwidth and data requirements of major operational systems of the Department of Defense and the intelligence community planned for each of the near term, mid term, and long term, including an assessment of—

(A) whether such anticipated requirements will be appropriately met by the bandwidth capacities and capabilities described in paragraph (2); and

(B) the degree to which any such requirements are not anticipated to be met by such bandwidth capacities and capabilities.

(6) Any mitigation concepts that could be used to satisfy any unmet bandwidth and data requirements.

(7) The costs of meeting the bandwidth and data requirements described in paragraphs (4) and (5).

(8) Any actions necessary to integrate or consolidate the information networks of the Department of Defense and the intelligence community.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the results of the review required by subsection (a).

(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that— 10 USC 2366a note.

(1) the bandwidth requirements needed to support such program are or will be met; and

(2) a determination will be made with respect to how to meet the bandwidth requirements for such program.

(e) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) LONG TERM.—The term "long term" means the five-year period beginning on the date that is 10 years after the date of the enactment of this Act.

(3) MID TERM.—The term "mid term" means the five-year period beginning on the date that is five years after the date of the enactment of this Act.

(4) NEAR TERM.—The term "near term" means the five-year period beginning on the date of the enactment of this Act.

**SEC. 1048. REVIEW OF FINDINGS AND RECOMMENDATIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE REGARDING ELECTROMAGNETIC PULSE ATTACK.**

(a) REVIEW.—The Secretary of Defense shall conduct a review of the findings and recommendations applicable to the Department of Defense made in the reports of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack established under title XIV of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 165A–345).

(b) REPORTS.—

(1) IN GENERAL.—The Secretary shall submit to the congressional defense committees a report on the review required by subsection (a) that shall include the following:

(A) A description of the findings and recommendations described in that subsection that are applicable to the Department of Defense.

(B) A plan for addressing the applicable findings and implementing the applicable recommendations to the extent practicable and feasible.

(C) If the Secretary determines that it is not practicable or feasible to address an applicable finding or implement an applicable recommendation, an explanation clearly explaining each such determination.

(D) A description of the capabilities of the Department of Defense needed to protect and recover from an electromagnetic pulse attack.

(E) Any research and development needed to address any applicable finding or recommendation to enable the Department of Defense to implement such recommendations in the future.

(F) A description of the plans and programs that the Department of Defense has in place or plans to put in place to address the threat from electromagnetic pulse attack.

(G) A description of the organizational and management structure that the Department of Defense has in place or plans to have in place to address the threat from an electromagnetic pulse attack.

(H) A description of any impediments to implementing any applicable recommendations.

(2) SUBMITTAL DATES.—The report required by paragraph (1) shall be submitted not later than September 1 of each odd numbered year beginning in 2009 and ending in 2015.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

# Subtitle F—Other Matters

**SEC. 1051. ADDITIONAL INFORMATION UNDER ANNUAL SUBMISSIONS OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.**

Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (1);

(C) in paragraph (1), as so redesignated, by striking "and an estimated total life cycle cost" and inserting "or an estimated total cost"; and

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

"(2) Information technology capital assets not covered by paragraph (1) that have been determined by the Chief Information Officer of the Department of Defense to be significant investments.";

(2) by striking subsection (b);

(3) by redesignating subsection (c) as subsection (b);

(4) in subsection (b), as so redesignated, by striking "subsection (a)(2)" and inserting "subsection (a)(1)";

(5) by inserting after subsection (b) the following new subsection (c):

"(c) REQUIRED INFORMATION FOR SIGNIFICANT INVESTMENTS.—With respect to each information technology capital asset not covered by paragraph (1) of subsection (a), but covered by paragraph (2) of that subsection, the Secretary of Defense shall include such information in a format that is appropriate to the current status of such asset."; and

(6) in subsection (d), by striking "life cycle".

**SEC. 1052. SUBMISSION TO CONGRESS OF REVISION TO REGULATION ON ENEMY PRISONERS OF WAR, RETAINED PERSONNEL, CIVILIAN INTERNEES, AND OTHER DETAINEES.**

(a) SUBMISSION TO CONGRESS.—A successor regulation to Army Regulation 190–8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (dated October 1, 1997) may not be carried out or implemented until the date that is 60 days after the date on which the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives such successor regulation.

(b) SAVINGS CLAUSE.—Nothing in this section shall affect the continued effectiveness of Army Regulation 190–8 Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees (dated October 1, 1997).

**SEC. 1053. BARNEGAT INLET TO LITTLE EGG INLET, NEW JERSEY.**

(a) PROJECT MODIFICATION.—The project for hurricane and storm damage reduction, Barnegat Inlet to Little Egg Inlet, New Jersey, authorized by section 101(a)(1) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary of the Army to undertake, at Federal expense, such measures as the Secretary determines to be necessary and appropriate in the public interest to address the handling of munitions placed on the beach during construction of the project before the date of enactment of this section.

(b) TREATMENT OF COSTS.—Costs incurred in carrying out subsection (a) shall not be considered to be a cost of constructing the project.

(c) CREDIT.—The Secretary shall credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the cost of the project the costs incurred by the non-Federal interest with respect to the removal and handling of the munitions referred to in subsection (a).

(d) ELIGIBLE ACTIVITIES.—Measures authorized by subsection (a) include monitoring, removal, and disposal of the munitions referred to in subsection (a).

**SEC. 1054. STANDING ADVISORY PANEL ON IMPROVING COORDINATION AMONG THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT ON MATTERS OF NATIONAL SECURITY.**

(a) ESTABLISHMENT OF ADVISORY PANEL.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development (USAID) may jointly establish an advisory panel to advise, review, and make recommendations on ways to improve coordination among the Department of Defense, the Department of State, and the United States Agency for International Development on matters relating to national security, including reviewing their respective roles and responsibilities.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The advisory panel shall be composed of 12 members, of whom—

(A) three shall be appointed by the Secretary of Defense, in consultation with the Secretary of State and the Administrator;

(B) three shall be appointed by the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, and in consultation with the Secretary of State and the Administrator;

(C) three shall be appointed by the Secretary of State, in consultation with the Secretary of Defense and the Administrator; and

(D) three shall be appointed by the Administrator, in consultation with the Secretary of Defense and the Secretary of State.

(2) CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as chairman.

(3) VICE CHAIRMAN.—The Secretary of Defense, the Secretary of State, and the Administrator shall jointly designate one member as vice chairman. The vice chairman may not be a member appointed to the advisory panel under paragraph (1) by the same Secretary or Administrator who appointed the member under such paragraph who is designated as the chairman under paragraph (2).

(4) EXPERTISE.—Members of the advisory panel shall be private citizens of the United States with national recognition and significant experience in the Federal Government, the Armed Forces, public administration, foreign affairs, or development.

(5) DEADLINE FOR APPOINTMENT.—All members of the advisory panel should be appointed not earlier than January 20, 2009, and not later than March 20, 2009.

(6) TERMS.—The term of each member of the advisory panel is for the life of the advisory panel.

Deadline.

(7) VACANCIES.—A vacancy in the advisory panel shall be filled not later than 30 days after such vacancy occurs and in the manner in which the original appointment was made.

(8) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the advisory panel in expeditiously providing to the members and staff of the advisory panel appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(9) STATUS.—A member of the advisory panel who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee, except for the purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(10) EXPENSES.—The members of the advisory panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the advisory panel.

(c) MEETINGS AND PROCEDURES.—

(1) INITIAL MEETING.—The advisory panel shall conduct its first meeting not later than 30 days after the date that all appointments to the advisory panel have been made under subsection (b). Deadline.

(2) MEETINGS.—The advisory panel shall meet not less often than once every three months. The advisory panel may also meet at the call of the Secretary of Defense, the Secretary of State, or the Administrator.

(3) PROCEDURES.—The advisory panel shall carry out its duties under procedures established under subsection (d).

(d) SUPPORT OF FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.—If the advisory panel is established under subsection (a), the Secretary of Defense, in consultation with the Secretary of State and the Administrator, shall, not later than 60 days after the date of the final appointment of the members of the advisory panel pursuant to subsection (b)(5), enter into a contract with a federally funded research and development center for the provision of administrative and logistical support and assistance to the advisory panel in carrying out its duties under this section. Such support and assistance shall include the establishment of the procedures of the advisory panel. Deadline. Contracts.

(e) DUTIES OF PANEL.—The advisory panel shall—

(1) analyze the roles and responsibilities of the Department of Defense, the Department of State, and the USAID regarding—

(A) stability operations;

(B) foreign assistance (including security assistance); and

(C) other areas the Secretary of Defense, the Secretary of State, and the Administrator jointly agree are appropriate;

(2) review—

(A) the structures and systems that coordinate policymaking;

(B) the national security-related roles and responsibilities of the Department of Defense, the Department of State, USAID, and, as appropriate, other relevant agencies to ensure effective coordination;

(C) the efforts of the Department of Defense, the Department of State, USAID, and such other relevant agencies to ensure that lessons learned and expertise that is developed in carrying out programs related to national security are shared among the departments and agencies of the Federal Government, as appropriate; and

(D) the coordination of activities conducted abroad and carried out by personnel of the Department of Defense, Department of State, USAID, and such other relevant agencies; and

(3) provide advice and make recommendations for otherwise improving coordination between and among the Department of Defense, the Department of State and USAID on matters of national security.

(f) COOPERATION OF OTHER AGENCIES.—Upon request by the advisory panel, any department or agency of the Federal Government shall provide information that the advisory panel considers necessary to carry out its duties.

(g) REPORTS.—

(1) INTERIM REPORT.—Not later than 180 days after the first meeting of the advisory panel, the advisory panel shall submit to the Secretary of Defense, the Secretary of State, and the Administrator a report that identifies—

(A) aspects of the interagency structure and processes relating to matters of national security that should take priority in any effort to improve the coordination among the Department of Defense, the Department of State, and USAID; and

(B) methods to better coordinate the interagency structure and processes relating to matters of national security.

(2) ANNUAL REPORTS.—Not later than December 31 of the year in which the interim report is submitted under paragraph (1), the advisory panel shall submit to the Secretary of Defense, the Secretary of State, and the Administrator a report on—

(A) the activities of the advisory panel;

(B) any deficiencies relating to coordination among the Department of Defense, Department of States and USAID and other relevant agencies on matters of national security;

(C) any improvements made during the period covered by the report to the coordination among the Department of Defense, the Department of State, USAID, and other relevant agencies on matters of national security;

(D) methods to better coordinate the interagency structure and processes among the Department of Defense, the Department of State, USAID, and other relevant agencies on matters relating to national security; and

(E) such findings, conclusions, and recommendations as the advisory panel considers appropriate.

(3) SUBMISSION OF REPORT TO CONGRESS.—The Secretary of Defense, the Secretary of State, and the Administrator shall submit to the appropriate congressional committees the reports required under this subsection and any additional information considered appropriate.

Deadline.

(4) CONGRESSIONAL BRIEFINGS.—Not later than 30 days after the submission of each report required under this subsection, the members of the advisory panel shall make themselves available to meet with the appropriate congressional committees to brief such committees on the matters contained in the report.

(5) APPROPRIATE COMMITTEES.—For the purposes of this subsection, the appropriate congressional committees are the following:

(A) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

(B) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.

(h) TERMINATION OF ADVISORY PANEL.—The advisory panel shall terminate on December 31, 2012.

(i) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Agency for International Development.

(2) STABILITY OPERATIONS.—The term "stability operations" means stability and reconstruction operations conducted by departments or agencies of the Federal Government described by Department of Defense Directive 3000.05, National Security

Presidential Directive 1, or National Security Presidential Directive 44.

(3) FEDERAL AGENCY.—The term "Federal agency" means any entity included in chapter 1 of title 5, United States code.

**SEC. 1055. REPORTS ON STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY ACTIVITIES OF THE FEDERAL GOVERNMENT.**

(a) REPORT BY PRESIDENT.—

(1) INITIAL REPORT.—Not later than December 31, 2009, the President shall submit to the appropriate committees of Congress a report on a comprehensive interagency strategy for public diplomacy and strategic communication of the Federal Government, including benchmarks and a timetable for achieving such benchmarks.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall include the following elements:

(A) STRATEGY.—A comprehensive interagency strategy, which shall include the following:

(i) Prioritizing the mission of supporting specific foreign policy objectives, such as counterterrorism and efforts to combat extremist ideology, in parallel and in complement with, as appropriate, the broad mission of communicating the policies and values of the United States to foreign audiences.

(ii) Consolidating and elevating, as appropriate, Federal Government leadership to prioritize, manage, and implement the strategy required by this subsection, including consideration of whether to establish strategic communication and public diplomacy positions at the National Security Council and to establish a single office to coordinate strategic communication and public diplomacy efforts.

(iii) Improving coordination across departments and agencies of the Federal Government on strategic communications and public diplomacy.

(iv) Consideration of whether resources devoted to strategic communication and public diplomacy efforts should be increased.

(B) STUDY.—A study of whether to establish an independent, not-for-profit organization responsible for providing independent assessment and strategic guidance to the Federal Government on strategic communication and public diplomacy, as recommended by the Task Force on Strategic Communication of the Defense Science Board.

(C) ROLES OF DEPARTMENTS OR AGENCIES OF THE FEDERAL GOVERNMENT.—A description of the respective roles of the National Security Council, the Department of Defense, and the Department of State regarding strategic communication and public diplomacy, including—

(i) a description of the roles of the offices within the National Security Council, the Department of Defense, and the Department of State engaged in message outreach to audiences abroad; and

(ii) an explanation of how the National Security Council, the Department of Defense, and the Department of State coordinate strategic communication and public diplomacy activities.

(3) SUBSEQUENT REPORT.—Two years after the submission of the initial report under paragraph (1), the President shall submit to the appropriate committees of Congress a report on—

(A) the status of the implementation of the strategy;

(B) progress toward achievement of benchmarks; and

(C) any changes to the strategy since the submission of the initial report.

(b) REPORT BY SECRETARY OF DEFENSE.—Not later than December 31, 2009, the Secretary of Defense shall review, and submit to the congressional defense committees a report on, the organizational structure within the Department of Defense for advising the Secretary on the direction and priorities for strategic communication activities, including an assessment of the option of establishing a board, composed of representatives from among the organizations within the Department responsible for strategic communications, public diplomacy, and public affairs, and including advisory members from the broader interagency community as appropriate, for purposes of—

(1) providing strategic direction for Department of Defense efforts related to strategic communications and public diplomacy; and

(2) setting priorities for the Department of Defense in the areas of strategic communications and public diplomacy.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—The reports required by this section may be submitted in a classified form.

(2) AVAILABILITY.—Any unclassified portions of the reports required by this section shall be made available to the public.

(d) APPROPRIATE COMMITTEES.—For the purposes of this section, the appropriate committees of Congress are the following:

(1) The Committees on Foreign Relations, Armed Services, and Appropriations of the Senate.

(2) The Committees on Foreign Affairs, Armed Services, and Appropriations of the House of Representatives.

10 USC 2241 note.

**SEC. 1056. PROHIBITIONS RELATING TO PROPAGANDA.**

(a) PROHIBITION.—No part of any funds authorized to be appropriated in this or any other Act shall be used by the Department of Defense for publicity or propaganda purposes within the United States not otherwise specifically authorized by law.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the findings of their project number D2008–DIPOEF–0209.000, entitled "Examination of Allegations Involving DoD Office of Public Affairs Outreach Program".

Deadline.

(c) LEGAL OPINION.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall issue a legal opinion to Congress on whether the Department of Defense violated appropriations prohibitions on publicity or propaganda activities established in Public Laws 107–117, 107–248, 108–87, 108–287, 109–148, 109–289, and 110–116, the Department of Defense Appropriations Acts for fiscal years 2002 through 2008, respectively, by offering special access to prominent persons in the private sector who serve as media analysts, including briefings and information on war efforts, meetings with

high level government officials, and trips to Iraq and Guantanamo Bay, Cuba.

(d) RULE OF CONSTRUCTION RELATED TO INTELLIGENCE ACTIVITIES.—Nothing in this section shall be construed to apply to any lawful and authorized intelligence activity of the United States Government.

**SEC. 1057. SENSE OF CONGRESS ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.**

It is the sense of Congress that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot appropriately be transferred to private sector contractors;

(2) not later than one year after the date of the enactment of this Act, the Secretary of Defense should develop the resources needed to ensure that interrogations described in paragraph (1) can be conducted by government personnel and not by private sector contractors; and

(3) properly trained and cleared contractors may appropriately be used as linguists, interpreters, report writers, information technology technicians, and other employees filling ancillary positions, if the private sector contractors are subject to the same rules, procedures, policies, and laws pertaining to detainee operations and interrogations that govern the execution of these positions by government personnel.

**SEC. 1058. SENSE OF CONGRESS WITH RESPECT TO VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—It is the sense of Congress that the Secretary of Defense should take such actions as are necessary to ensure that each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility is videotaped or otherwise electronically recorded.

(b) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term "strategic intelligence interrogation" means an interrogation of a person described in subsection (a) conducted at a theater-level detention facility.

**SEC. 1059. MODIFICATION OF DEADLINES FOR STANDARDS REQUIRED FOR ENTRY TO MILITARY INSTALLATIONS IN THE UNITED STATES.**

10 USC 113 note.

Section 1069(c) of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat. 327) is amended—

(1) in paragraph (1)—

(A) by striking "July 1, 2008" and inserting "February 1, 2009"; and

(B) by striking "January 1, 2009" and inserting "October 1, 2010"; and

(2) in paragraph (2), by striking "implemented" and inserting "developed".

**SEC. 1060. EXTENSION OF CERTAIN DATES FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.**

(a) EXTENSION OF DATES.—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended—

*Ante,* p. 319.

(1) in subsection (e), by striking "December 1, 2008" and inserting "April 1, 2009"; and

(2) in subsection (g), by striking "June 1, 2009" and inserting "September 30, 2009".

(b) INTERIM REPORT.—Not later than December 1, 2008, the Congressional Commission on the Strategic Posture of the United States shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the commission's initial findings, conclusions, and recommendations. To the extent practicable, the interim report shall address the matters required to be included in the report under subsection (e) of such section 1062.

**SEC. 1061. TECHNICAL AND CLERICAL AMENDMENTS.**

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 2 is amended by inserting after the item relating to 118a the following new item:

"118b. Quadrennial roles and missions review.".

(2) The table of sections at the beginning of chapter 5 is amended in the item relating to section 156 by inserting a period at the end.

(3) The table of sections at the beginning of chapter 7 is amended in the item relating to section 183 by inserting a period at the end.

(4) Section 1477(e) is amended by inserting a period at the end.

(5) Section 2192a is amended—

(A) in subsection (e)(4), by striking "title 11, United States Code," and inserting "title 11"; and

(B) in subsection (f), by striking "title 10, United States Code" and inserting "this title".

(6) The table of chapters at the beginning of subtitle C, and the table of chapters at the beginning of part IV of such subtitle, are each amended by striking the item relating to chapter 667 and inserting the following new item:

**"667. Issue of Serviceable Material Other Than to Armed Forces ..... 7911".**

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—Effective as of January 28, 2008, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

Effective date.

(1) Section 371(c) (122 Stat. 80) is amended by striking "'operational strategies'" and inserting "'operational systems'".

(2) Section 585(b)(3)(C) (122 Stat. 132) is amended by inserting "both places it appears" before the period at the end.

(3) Section 703(b) (122 Stat. 103) is amended by striking "as amended by" and inserting "as inserted by".

(4) Section 805(a) (122 Stat. 212) is amended by striking "Act ," and inserting "Act,".

(5) Section 883(b) (122 Stat. 264) is amended by striking "Section 832(c)(1) of such Act, as redesignated by subsection (a), is amend by" and inserting "Section 832(b)(1) of such Act is amended by".

(6) Section 890(d)(2) (122 Stat. 270) is amended by striking "sections" and inserting "parts".

(7) Section 904(a)(4) (122 Stat. 274) is amended by striking "131(b)(2)" and inserting "131(b)".

(8) Section 954(a)(3)(B) (122 Stat. 294) is amended by inserting ", as redesignated by section 524(a)(1)(A)," after "of such title".

(9) Section 954(b)(2) (122 Stat. 294) is amended—

(A) by striking "2114(e) of such title" and inserting "2114(f) of such title, as redesignated by section 524(a)(1)(A),"; and

(B) by striking the period at the end and inserting "and inserting 'President'.".

(10) Section 1063(d)(1) (122 Stat. 323) is amended by striking "a semicolon after 'subsection'" and inserting "a comma after 'subsection'".

(11) Section 1229(i)(3) (122 Stat. 383) is amended by striking "publically" and inserting "publicly".

(12) Section 1422(e)(2) (122 Stat. 422) is amended by striking "subsection (c)" and inserting "subsection (c)(1)".

(13) Section 1602(4) (122 Stat. 432) is amended by striking "section 411 h(b)" and inserting "section 411h(b)(1)".

(14) Section 1617(b) (122 Stat. 449) is amended by striking "by adding at the end" and inserting "by inserting after the item relating to section 1074k".

(15) Section 2106 (122 Stat. 508) is amended by striking "for 2007" both places it appears and inserting "for Fiscal Year 2007".

(16) Section 2826(a)(2)(A) (122 Stat. 546) is amended by striking "'Secretary of the Army'" and inserting "'Secretary of Army'".

(c) TITLE 31, UNITED STATES CODE.—Title 31, United States Code, is amended as follows:

(1) Chapter 35 is amended by striking the first section 3557.

(2) The second section 3557 is amended in the section heading by striking "**Public-Private**" and inserting "**public-private**".

(3) The table of sections at the beginning of chapter 35 is amended by striking the second item relating to section 3557.

(d) TITLE 28, UNITED STATES CODE.—Section 1491(b) of title 28, United States Code, is amended by striking the first paragraph (5).

(e) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—Section 721(e) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1988; 10 U.S.C. 1092 note) is

amended by striking "fiscal years 2005" and all that follows through "2010" and inserting "fiscal years 2005 through 2010".

50 USC 2370.

**SEC. 1062. NOTIFICATION OF COMMITTEES ON ARMED SERVICES WITH RESPECT TO CERTAIN NONPROLIFERATION AND PROLIFERATION ACTIVITIES.**

(a) NOTIFICATION WITH RESPECT TO NONPROLIFERATION ACTIVITIES.—The Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, and the Nuclear Regulatory Commission shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives informed with respect to—

(1) any activities undertaken by any such Secretary or the Commission to carry out the purposes and policies of the Secretaries and the Commission with respect to nonproliferation programs; and

(2) any other activities undertaken by any such Secretary or the Commission to prevent the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(b) NOTIFICATION WITH RESPECT TO PROLIFERATION ACTIVITIES IN FOREIGN NATIONS.—

(1) IN GENERAL.—The Director of National Intelligence shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives fully and currently informed with respect to any activities of foreign nations that are significant with respect to the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(2) FULLY AND CURRENTLY INFORMED DEFINED.—For purposes of paragraph (1), the term "fully and currently informed" means the transmittal of credible information with respect to an activity described in such paragraph not later than 60 days after becoming aware of the activity.

**SEC. 1063. ASSESSMENT OF SECURITY MEASURES AT CONSOLIDATED CENTER FOR NORTH AMERICAN AEROSPACE DEFENSE COMMAND AND UNITED STATES NORTHERN COMMAND.**

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall conduct an assessment of the adequacy of security measures for the consolidated command center for North American Aerospace Defense Command and United States Northern Command at Peterson Air Force Base, Colorado.

(b) ELEMENTS.—The assessment required in paragraph (a) shall include the following:

(1) A description of the security measures taken and planned for the consolidated command center as of October 1, 2008.

(2) An assessment of whether existing and planned security measures for the consolidated command center are adequate to provide the necessary level of protection.

(3) An estimate of the total costs associated with such security measures adequate to provide the necessary level of protection.

(c) REPORT REQUIRED.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the assessment required in subsection (a).

(d) ADDITIONAL REQUIREMENT.—The Secretary of Defense shall ensure that redundant facilities and equipment, along with the appropriate manning necessary to ensure the continuity of operations, are maintained at Cheyenne Mountain Air Force Station until the Secretary certifies that security measures have been instituted that bring the consolidated command center for North American Aerospace Defense Command and United States Northern Command into full compliance with Protection Level One requirements, as defined by Air Force Instruction 31-101, dated March 1, 2007.

Certification.

# TITLE XI—CIVILIAN PERSONNEL MATTERS

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

## SEC. 1101. AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

(a) WAIVER AUTHORITY.—During calendar year 2009, and notwithstanding section 5547 of title 5, United States Code, the head of an Executive agency may waive the premium pay limitations established in that section up to the annual rate of salary payable to the Vice President under section 104 of title 3, United States Code, for an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command, or an overseas location that was formerly in the area of responsibility of the Commander of the United States Central Command but has been moved to the area of responsibility of the Commander of the United States Africa Command, in direct support of, or directly related to—

(1) a military operation, including a contingency operation; or

(2) an operation in response to a national emergency declared by the President.

(b) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—Section 5307 of title 5, United States Code, shall not apply to any employee in any calendar year in which that employee is granted a waiver under subsection (a).

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as

basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall it be used in computing a lump-sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may issue regulations to ensure appropriate consistency among heads of executive agencies in the exercise of authority granted by this section.

**SEC. 1102. TEMPORARY DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.**

(a) IN GENERAL.—Section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443) is amended—

(1) by striking "During fiscal years 2006, 2007, and 2008" and inserting "(1) During fiscal years 2006 (including the period beginning on October 1, 2005, and ending on June 15, 2006), 2007, and 2008"; and

(2) by adding at the end the following:

"(2) During fiscal years 2009, 2010, and 2011, the head of an agency may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980, if such individual is on official duty in a combat zone (as defined by section 112(c) of the Internal Revenue Code of 1986).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

**SEC. 1103. ELECTION OF INSURANCE COVERAGE BY FEDERAL CIVILIAN EMPLOYEES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) AUTOMATIC COVERAGE.—Section 8702(c) of title 5, United States Code, is amended—

(1) by inserting "an employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or" after "subsection (b),"; and

(2) by striking "the date of the" and inserting "the date of notification of deployment or".

(b) OPTIONAL INSURANCE.—Section 8714a(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated, the following new paragraph (1):

Deadline.

"(1) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided

to the Office in writing, in the form prescribed by the Office, within such 60-day period.".

(c) ADDITIONAL OPTIONAL LIFE INSURANCE.—Section 8714b(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated, the following new paragraph (1):

"(1) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.". Deadline.

**SEC. 1104. EXTENSION OF AUTHORITY TO MAKE LUMP-SUM SEVERANCE PAYMENTS.**

Section 5595(i)(4) of title 5, United States Code, is amended by striking "October 1, 2010" and inserting "October 1, 2014".

**SEC. 1105. EXTENSION OF VOLUNTARY REDUCTION-IN-FORCE AUTHORITY OF DEPARTMENT OF DEFENSE.**

Section 3502(f)(5) of title 5, United States Code, is amended by striking "September 30, 2010" and inserting "September 30, 2014".

**SEC. 1106. ENHANCEMENT OF AUTHORITIES RELATING TO ADDITIONAL POSITIONS UNDER THE NATIONAL SECURITY PERSONNEL SYSTEM.**

Section 9902(i) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking "the requirements of chapter 71 and the limitations in subsection (b)(3)" and inserting "the requirements and limitations in paragraph (3)"; and

(2) by striking the period at the end of paragraph (2) and inserting ", in a manner comparable to that in which such provisions are applied under chapter 33.

"(3) Any action taken by the Secretary pursuant to the authority of this subsection shall be subject to—

"(A) the requirements of chapter 71; and

"(B) the limitations in subsection (b)(3), except that the requirements of chapter 33 may be waived to the extent necessary to achieve the purposes of this subsection.". Waiver authority.

**SEC. 1107. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS.**

(a) EXPEDITED HIRING AUTHORITY.—Section 1599c(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary of Defense may"; and

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

"(2)(A) For purposes of sections 3304, 5333, and 5753 of title 5, the Secretary of Defense may—

"(i) designate any category of medical or health professional positions within the Department of Defense as shortage category positions; and

"(ii) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

Applicability.

"(B) In using the authority provided by this paragraph, the Secretary shall apply the principles of preference for the hiring of veterans and other persons established in subchapter 1 of chapter 33 of title 5.".

(b) TERMINATION OF AUTHORITY.—Section 1599c(c) of such title is amended—

(1) by inserting "(1)" before "The authority of";

(2) by striking "September 30, 2010" and inserting "September 30, 2012"; and

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

"(2) The Secretary may not appoint a person to a position of employment under subsection (a)(2) after September 30, 2012.".

10 USC 1580 note.

**SEC. 1108. DIRECT HIRE AUTHORITY AT PERSONNEL DEMONSTRATION LABORATORIES FOR CERTAIN CANDIDATES.**

(a) AUTHORITY.—The Secretary of Defense may appoint qualified candidates possessing an advanced degree to positions described in subsection (b) without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) APPLICABILITY.—This section applies with respect to candidates for scientific and engineering positions within any laboratory identified in section 9902(c)(2) of title 5, United States Code.

(c) LIMITATION.—(1) Authority under this section may not, in any calendar year and with respect to any laboratory, be exercised with respect to a number of candidates greater than the number equal to 2 percent of the total number of scientific and engineering positions within such laboratory that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) For purposes of this subsection, positions and candidates shall be counted on a full-time equivalent basis.

(d) EMPLOYEE DEFINED.—As used in this section, the term "employee" has the meaning given such term by section 2105 of title 5, United States Code.

(e) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2013.

10 USC 2358 note.

**SEC. 1109. STATUS REPORTS RELATING TO LABORATORY PERSONNEL DEMONSTRATION PROJECTS.**

Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 357) is amended by adding at the end the following:

"(e) STATUS REPORTS.—

"(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act and not later than March 1 of each year beginning after the date on which the first report under this subsection is submitted, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing, with respect to the year before the year in which such report is submitted, the information described in paragraph (2).

"(2) INFORMATION REQUIRED.—Each report under this subsection shall describe the following:

"(A) The actions taken by the Secretary of Defense under subsection (a) during the year covered by the report.

"(B) The progress made by the Secretary of Defense during such year in developing and implementing the plan required by subsection (b), including the anticipated date for completion of such plan and a list and description of any issues relating to the development or implementation of such plan.

"(C) With respect to any applications by any Department of Defense laboratories seeking to be designated as a demonstration laboratory or to otherwise obtain any of the personnel flexibilities available to a demonstration laboratory—

"(i) the number of applications that were received, pending, or acted on during such year;

"(ii) the status or disposition of any applications under clause (i), including, in the case of any application on which a final decision was rendered, the laboratory involved, what the laboratory had requested, the decision reached, and the reasons for the decision; and

"(iii) in the case of any applications under clause (i) on which a final decision was not rendered, the date by which a final decision is anticipated.

"(3) DEFINITION.—For purposes of this subsection, the term 'demonstration laboratory' means a laboratory designated by the Secretary of Defense under the provisions of section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (as cited in subsection (a)).".

**SEC. 1110. TECHNICAL AMENDMENT RELATING TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION FOR PURPOSES OF CERTIFICATION AND CREDENTIALING STANDARDS.**

Section 1599d(e) of title 10, United States Code, is amended by striking "GS–510, GS–511, and GS–505" and inserting "0505, 0510, 0511, or equivalent".

**SEC. 1111. EXCEPTIONS AND ADJUSTMENTS TO LIMITATIONS ON PERSONNEL AND REPORTS ON SUCH EXCEPTIONS AND ADJUSTMENTS.** 10 USC 143 note.

(a) EXCEPTION TO LIMITATIONS ON PERSONNEL.—For fiscal year 2009 and fiscal years thereafter, the baseline personnel limitations in sections 143, 194, 3014, 5014, and 8014 of title 10, United States Code (as adjusted pursuant to subsection (b)), shall not apply to—

(1) acquisition personnel hired pursuant to the expedited hiring authority provided in section 1705(h) of title 10, United States Code, as amended by section 821 of this Act, or otherwise hired with funds in the Department of Defense Acquisition Workforce Development Fund established in accordance with section 1705(a) of such title; or

(2) personnel hired pursuant to a shortage category designation by the Secretary of Defense or the Director of the Office of Personnel Management.

(b) AUTHORITY TO ADJUST LIMITATIONS ON PERSONNEL.—For fiscal year 2009 and for four fiscal years thereafter, the Secretary

of Defense or a secretary of a military department may adjust the baseline personnel limitations in sections 143, 194, 3014, 5014 and 8014 of title 10, United States Code, to—

(1) fill a gap in the civilian workforce of the Department of Defense identified by the Secretary of Defense in a strategic human capital plan submitted to Congress in accordance with the requirements of—

(A) section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. prec. 1580 note);

(B) section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2407); or

(C) section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. note prec. 1580); or

(2) accommodate increases in workload or modify the type of personnel required to accomplish work, for any purpose described in paragraphs (1) through (4) of subsection (c).

(c) LIMITATION ON AUTHORITY TO ADJUST LIMITATIONS ON PERSONNEL.—The Secretary of Defense or the secretary of a military department may not increase a baseline personnel limitation under paragraph (2) of subsection (b) by more than 5 percent in a fiscal year. An increase in a baseline personnel limitation under such paragraph may be made for any of the following purposes:

(1) Performance of inherently governmental functions.

(2) Performance of work pursuant to section 2463 of title 10 United States Code.

(3) Ability to maintain sufficient organic expertise and technical capability.

(4) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be performed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work.

(d) REPORT REQUIRED.—The Secretary of Defense shall submit a report to the congressional defense committees on the implementation of this section at the same time that the defense budget materials for each of the four fiscal years after fiscal year 2009 are presented to Congress. The report shall include the following information regarding the implementation of this section during the preceding fiscal year:

(1) The average number of military personnel, civilian employees of the Department of Defense, and contractor employees assigned to or detailed to permanent duty in—

(A) the Office of the Secretary of Defense;

(B) the management headquarters activities and management headquarters support activities in the Defense Agencies and Department of Defense Field Activities;

(C) the Office of the Secretary of the Army and the Army Staff;

(D) the Office of the Secretary of the Navy, the Office of Chief of Naval Operations, and the Headquarters, Marine Corps; and

(E) the Office of the Secretary of the Air Force and the Air Staff.

(2) An estimate of the number of personnel hired pursuant to an exception in subsection (a) in each office described in subparagraphs (A) through (E) of paragraph (1).

(3) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the secretary of a military department, and, for each adjustment made pursuant to subsection (b)(2), the purpose of the adjustment.

# TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Extension of authority to build the capacity of the Pakistan Frontier Corps.
Sec. 1202. Availability across fiscal years of funds for military-to-military contacts and comparable activities.
Sec. 1203. Availability across fiscal years of funds to pay incremental expenses for participation of developing countries in combined exercises.
Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1205. Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the Armed Forces.
Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1207. Extension of authority and increased funding for security and stabilization assistance.
Sec. 1208. Extension and expansion of authority for support of special operations to combat terrorism.
Sec. 1209. Increase in amount available for costs of education and training of foreign military forces under Regional Defense Combating Terrorism Fellowship Program.

Subtitle B—Matters Relating to Iraq and Afghanistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1212. Report on status of forces agreements between the United States and Iraq.
Sec. 1213. Strategy for United States-led Provincial Reconstruction Teams in Iraq.
Sec. 1214. Commanders' Emergency Response Program.
Sec. 1215. Performance monitoring system for United States-led Provincial Reconstruction Teams in Afghanistan.
Sec. 1216. Report on command and control structure for military forces operating in Afghanistan.
Sec. 1217. Reports on enhancing security and stability in the region along the border of Afghanistan and Pakistan.
Sec. 1218. Study and report on Police Transition Teams to train, assist, and advise units of the Iraqi Police Service.

Subtitle C—Other Matters

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

# Subtitle A—Assistance and Training

**SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CAPACITY OF THE PAKISTAN FRONTIER CORPS.**

(a) AUTHORITY.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366) is amended by striking "during fiscal year 2008" and inserting "during fiscal years 2008 and 2009".

(b) FUNDING LIMITATION.—Subsection (c)(1) of such section is amended by inserting after "fiscal year 2008" the following: "and up to $25,000,000 of funds available to the Department of Defense for operation and maintenance for fiscal year 2009".

**SEC. 1202. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.**

(a) IN GENERAL.—Section 168(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs or activities under this section that begin in a fiscal year and end in the following fiscal year.".

10 USC 168 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 168 of title 10, United States Code, as so amended, that begin on or after that date.

**SEC. 1203. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS TO PAY INCREMENTAL EXPENSES FOR PARTICIPATION OF DEVELOPING COUNTRIES IN COMBINED EXERCISES.**

(a) IN GENERAL.—Section 2010 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for bilateral or multilateral military exercises that begin in a fiscal year and end in the following fiscal year.".

10 USC 2010 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to bilateral and multilateral military exercises described in section 2010 of title 10, United States Code, as so amended, that begin on or after that date.

**SEC. 1204. EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.**

(a) SEMIANNUAL REPORTS TO CONGRESSIONAL COMMITTEES.—Subsection (b)(3) of section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412) is amended by adding at the end the following new subparagraph:

"(E) With respect to equipment provided to each foreign force that is not returned to the United States, a description

of the terms of disposition of the equipment to the foreign force.

"(F) The percentage of equipment provided to foreign forces under the authority of this section that is not returned to the United States.".

(b) EXPIRATION.—Subsection (e) of such section, as amended by section 1252(b) of National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), is further amended by striking "September 30, 2009" and inserting "September 30, 2011".

**SEC. 1205. AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY WITH THE ARMED FORCES.**

(a) AUTHORITY FOR DISTRIBUTION.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces**

"(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the armed forces and military forces of friendly foreign nations, the Secretary of Defense, with the concurrence of the Secretary of State, may—

"(1) provide to personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

"(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

"(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

"(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

"(1) Internet-based education and training.

"(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

"(d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

"(e) GUIDANCE ON UTILIZATION OF AUTHORITY.—

"(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

Reports. Deadline.

"(2) MODIFICATION.—If the Secretary modifies the guidance issued under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

"(f) ANNUAL REPORT.—

"(1) REPORT REQUIRED.—Not later than October 31 following each fiscal year in which the authority in this section is used, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the exercise of the authority during such fiscal year.

"(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

"(A) A statement of the recipients of learning content and information technology provided under this section.

"(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

"(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

"(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by adding at the end 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.".

10 USC 2249d note. Deadline.

(b) GUIDANCE ON UTILIZATION OF AUTHORITY.—

(1) SUBMITTAL TO CONGRESS.—Not later than 30 days after issuing the guidance required by section 2249d(e) of title 10, United States Code, as added by subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such guidance.

(2) UTILIZATION OF SIMILAR GUIDANCE.—In developing the guidance required by section 2249d(e) of title 10, United States Code, as so added, the Secretary may utilize applicable portions of the current guidance developed by the Secretary under subsection (f) of section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) for purposes of the exercise of the authority in such section 1207.

(c) REPEAL OF SUPERSEDED AUTHORITY.—

120 Stat. 2419.

(1) IN GENERAL.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is repealed.

(2) SUBMITTAL OF FINAL REPORT ON EXERCISE OF AUTHORITY.—If the Secretary of Defense exercised the authority in section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 during fiscal year 2008, the Secretary shall submit the report required by subsection (g) of such section for such fiscal year in accordance with the

provisions of such subsection (g) without regard to the repeal of such section under paragraph (1).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

10 USC 2249d note.

**SEC. 1206. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.**

(a) BUILDING OF CAPACITY OF ADDITIONAL FOREIGN FORCES.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by striking "a program" and all that follows and inserting "a program or programs as follows:

"(1) To build the capacity of a foreign country's national military forces in order for that country to—

"(A) conduct counterterrorism operations; or

"(B) participate in or support military and stability operations in which the United States Armed Forces are participating.

"(2) To build the capacity of a foreign country's maritime security forces to conduct counterterrorism operations.".

(b) FUNDING.—Subsection (c) of such section, as so amended, is further amended—

(1) in paragraph (1), by striking "$300,000,000" and inserting "$350,000,000"; and

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

"(4) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for programs under that authority that begin in such fiscal year but end in the next fiscal year.".

(c) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as so amended, is further amended—

(1) by striking "September 30, 2008" and inserting "September 30, 2011"; and

(2) by striking "fiscal year 2006, 2007, or 2008" and inserting "fiscal years 2006 through 2011".

(d) EFFECTIVE DATE.—The amendment made by subsection (b)(2) shall take effect on October 1, 2008, and shall apply with respect to programs under the authority in subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006, as so amended, that begin on or after that date.

**SEC. 1207. EXTENSION OF AUTHORITY AND INCREASED FUNDING FOR SECURITY AND STABILIZATION ASSISTANCE.**

(a) PROHIBITION ON BUDGET SUPPORT.—Subsection (a) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended—

(1) by striking "The Secretary of Defense" and inserting the following:

"(1) IN GENERAL.—The Secretary of Defense"; and

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

"(2) PROHIBITION ON BUDGET SUPPORT.—Nothing in this section shall be construed to authorize the provision of budget support to any foreign country.".

(b) ASSISTANCE TO GEORGIA DURING FISCAL YEAR 2009.—Subsection (b) of such section is amended—

(1) by striking "The aggregate value" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the aggregate value"; and

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

"(2) ASSISTANCE TO GEORGIA DURING FISCAL YEAR 2009.—

"(A) IN GENERAL.—The Secretary of Defense is authorized during fiscal year 2009 to exercise the authority of subsection (a) to provide services to, and transfer defense articles and funds to, the Secretary of State for the purposes of facilitating the provision by the Secretary of State of reconstruction, security, or stabilization assistance to the country of Georgia.

"(B) LIMITATION.—The aggregate value of all services, defense articles, and funds provided or transferred to the Secretary of State under this section for Georgia in fiscal year 2009—

"(i) may not exceed $50,000,000; and

"(ii) shall not count against the dollar amount limitation specified in paragraph (1) for such fiscal year.".

(c) EXTENSION OF AUTHORITY.—Subsection (g) of such section, as amended by section 1210(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369), is further amended by striking "September 30, 2008" and inserting "September 30, 2009".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

**SEC. 1208. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.**

(a) IN GENERAL.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended—

(1) by inserting ", with the concurrence of the relevant Chief of Mission," after "may"; and

(2) by striking "$25,000,000" and inserting "$35,000,000".

(b) TIMING OF NOTICE ON PROVISION OF SUPPORT.—Subsection (c) of such section is amended by striking "in not less than 48 hours" and inserting "within 48 hours".

(c) EXTENSION.—Subsection (h) of such section, as amended by section 1202(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364), is further amended by striking "2010" and inserting "2013".

(d) TECHNICAL AMENDMENT.—The heading of such section is amended by striking "**MILITARY OPERATIONS**" and inserting "**SPECIAL OPERATIONS**".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

**SEC. 1209. INCREASE IN AMOUNT AVAILABLE FOR COSTS OF EDUCATION AND TRAINING OF FOREIGN MILITARY FORCES UNDER REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.**

(a) INCREASE IN AMOUNT.—Section 2249c(b) of title 10, United States Code, is amended by striking "$25,000,000" and inserting "$35,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

10 USC 2249c note.

# Subtitle B—Matters Relating to Iraq and Afghanistan

**SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.**

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

**SEC. 1212. REPORT ON STATUS OF FORCES AGREEMENTS BETWEEN THE UNITED STATES AND IRAQ.**

President.

(a) REQUIREMENT FOR REPORT.—

(1) IN GENERAL.—(A) Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on any agreement that has been completed between the United States and Iraq relating to—

(i) the legal status of United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government;

(ii) the establishment of or access to military bases;

(iii) the rules of engagement under which United States Armed Forces operate in Iraq; and

(iv) any security commitment, arrangement, or assurance that obligates the United States to respond to internal or external threats against Iraq.

(B) If, on the date that is 90 days after the date of the enactment of this Act, no agreement between the United States and Iraq described in subparagraph (A) has been completed, the President shall notify the appropriate congressional committees that no such agreement has been completed, and shall transmit to the appropriate congressional committees the report required under subparagraph (A) as soon as practicable after such an agreement or agreements are completed.

Notification.

(2) UPDATE OF REPORT.—The President shall transmit to the appropriate congressional committees an update of the report required under paragraph (1) whenever an agreement between the United States and Iraq relating to the matters described in the report is substantially revised.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include, with respect to each agreement described in subsection (a), the following:

(1) A description of any conditions placed on United States combat operations by the Government of Iraq, including required coordination, if any, before such operations can be undertaken.

(2) A description of any constraints placed on United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government as a result of such conditions.

(3) A description of the conditions under which United States military personnel, civilian personnel, or contractor personnel of contracts awarded by any department or agency of the United States Government could be tried by an Iraqi court for alleged crimes occurring both during the performance of official duties and during other such times, and the protections that such personnel would be extended in an Iraqi court, if applicable.

(4) An assessment of authorities under the agreement for United States Armed Forces and Coalition partners to apprehend, detain, and interrogate prisoners and otherwise collect intelligence.

(5) A description of any security commitment, arrangement, or assurance that obligates the United States to respond to internal or external threats against Iraq, including the manner in which such commitment, arrangement, or assurance may be implemented.

(6) An assessment of any payments required under the agreement to be paid to the Government of Iraq or other Iraqi entities for rights, access, or support for bases and facilities.

(7) An assessment of any payments required under the agreement for any claims for deaths and damages caused by United States military personnel, civilian personnel, and contractor personnel of contracts awarded by any department or agency of the United States Government in the performance of their official duties.

(8) A description of the arrangements required under the agreement to resolve disputes arising over matters contained in the agreement or to consider changes to the agreement.

(9) A discussion of the extent to which the agreement applies to other Coalition partners.

(10) A description of how the agreement can be terminated by the United States or Iraq.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(e) TERMINATION OF REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the requirement to transmit the report and updates of the report under subsection (a) terminates on December 31, 2009.

(2) EXCEPTION.—The requirement to transmit the report and updates of the report under subsection (a) terminates before December 31, 2009, if the following conditions are met:

(A) The President transmits to the appropriate congressional committees the text of any agreement between the United States and Iraq described in subsection (a)(1)(A) and any amendment or update thereto.

(B) Within 30 days of transmission of the agreement, the President makes available appropriate senior officials to brief the appropriate congressional committees on the matters covered by the agreement or any amendment or update thereto.

Deadline.

**SEC. 1213. STRATEGY FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN IRAQ.**

President. 22 USC 2151 note.

(a) IN GENERAL.—The President shall establish and implement a strategy for United States-led Provincial Reconstruction Teams (PRTs), including embedded PRTs and Provincial Support Teams, in Iraq that ensures that such United States-led PRTs are—

(1) supporting the operational and strategic goals of the Multi-National Force–Iraq; and

(2) developing the capacity of national, provincial, and local government and other civil institutions in Iraq to assume increasing responsibility for the formulation, implementation, and oversight of reconstruction and development activities.

(b) ELEMENTS OF STRATEGY.—At a minimum, the strategy required under subsection (a) shall include—

(1) a mission statement and clearly defined objectives for United States-led PRTs as a whole;

(2) a mission statement and clearly defined objectives for each United States-led PRT; and

(3) measures of effectiveness and performance indicators for meeting the objectives of each United States-led PRT as described in paragraph (2).

(c) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter through the end of fiscal year 2010, the President shall transmit to the appropriate congressional committees a report on the implementation of the strategy required under subsection (a), including an assessment of the specific contributions United States-led PRTs are making to implement the strategy. The initial report required under this subsection should include a general description of the strategy required under subsection (a) and a general discussion of the elements of the strategy required under subsection (b).

(2) INCLUSION IN OTHER REPORT.—The report required under this subsection may be included in the report required by section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

**SEC. 1214. COMMANDERS' EMERGENCY RESPONSE PROGRAM.**

(a) AUTHORITY FOR FISCAL YEARS 2008 AND 2009.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as amended by section 1205 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366), is further amended in the matter preceding paragraph (1)—

(1) by striking "$977,441,000" and inserting "$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009,"; and

(2) by striking "in such fiscal year".

(b) QUARTERLY REPORTS.—Subsection (b) of such section, as so amended, is further amended—

(1) in the heading, by inserting "AND BRIEFINGS" after "REPORTS";

(2) by striking "Not later than" and inserting the following: "(1) IN GENERAL.—Not later than"; and

(3) by adding at the end the following new paragraphs:

"(2) ADDITIONAL MATTERS TO BE INCLUDED.—In addition to the information described in paragraph (1), each report required under paragraph (1) that contains information on projects carried out using funds authorized under the Commanders' Emergency Response Program in Iraq shall include the following:

"(A) A listing of each project for which amounts in excess of $500,000 provided through the Commanders' Emergency Response Program in Iraq were expended.

"(B) A written statement by the Secretary of Defense, or the Deputy Secretary of Defense if the authority under subsection (f) is delegated to the Deputy Secretary of Defense, affirming that the certification required under subsection (f) was issued for each project in Iraq for which amounts in excess of $1,000,000 provided through the Commanders' Emergency Response Program in Iraq were expended.

"(C) For each project listed in subparagraph (A), the following information:

"(i) A description and justification for carrying out the project

"(ii) A description of the extent of involvement by the Government of Iraq in the project, including—

"(I) the amount of funds provided by the Government of Iraq for the project; and

"(II) a description of the plan for the transition of such project upon completion to the people of Iraq and for the sustainment of any completed facilities, including any commitments by the Government of Iraq to sustain projects requiring the support of the Government of Iraq for sustainment.

"(iii) A description of the current status of the project, including, where appropriate, the projected completion date.

"(D) A description of the status of transitioning activities carried out under the Commanders' Emergency Response Program in Iraq to the Government of Iraq, including—

"(i) the level of funding provided by the Government of Iraq for the Government of Iraq Commanders' Emergency Response Program (commonly known as 'I-CERP');

"(ii) the level of funding provided and expended by the Government of Iraq in other programs designed to meet urgent humanitarian relief and reconstruction requirements that immediately assist the Iraqi people; and

"(iii) a description of the progress made in transitioning the responsibility for the Sons of Iraq Program to the Government of Iraq.

"(3) BRIEFINGS.—Not later than 15 days after the submission of each report under paragraph (1), appropriate officials of the Department of Defense shall meet with the congressional defense committees to brief such committees on the matters contained in the report.". Deadline.

(c) PROHIBITION ON CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—Such section, as so amended, is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e) PROHIBITION ON CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—

"(1) PROHIBITION.—Except as provided in paragraph (2), funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project commenced after the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 if the total amount of such funds made available for the purpose of carrying out the project exceeds $2,000,000.

"(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply with respect to funds managed or controlled by the Department of Defense that were otherwise provided by another department or agency of the United States Government, the Government of Iraq, the government of a foreign country, a foundation or other charitable organization (including a foundation or charitable organization that is organized or operates under the laws of a foreign country), or any source in the private sector of the United States or a foreign country.

"(3) WAIVER.—The Secretary of Defense may waive the prohibition contained in paragraph (1) if the Secretary of Defense—

"(A) determines that such a waiver is required to meet urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people; and

Deadline.
Notification.

"(B) submits in writing, within 15 days of issuing such waiver, to the congressional defense committees a notification of the waiver, together with a discussion of—

"(i) the unmet and urgent needs to be addressed by the project; and

"(ii) any arrangements between the Government of the United States and the Government of Iraq regarding the provision of Iraqi funds for carrying out and sustaining the project .".

(d) CERTIFICATION ON CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—Such section, as so amended, is further amended—

(1) by redesignating subsection (f), as redesignated by subsection (c) of this section, as subsection (g); and

(2) by inserting after subsection (e), as added by subsection (c) of this section, the following new subsection:

"(f) CERTIFICATION ON CERTAIN PROJECTS UNDER THE COMMANDERS' EMERGENCY RESPONSE PROGRAM IN IRAQ.—

"(1) CERTIFICATION.—Funds made available under this section for the Commanders' Emergency Response Program in Iraq may not be obligated or expended to carry out any project commenced after the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 if the total amount of such funds made available for the purpose of carrying out the project exceeds $1,000,000 unless the Secretary of Defense certifies that the project addresses urgent humanitarian relief and reconstruction requirements that will immediately assist the Iraqi people.

"(2) DELEGATION.—The Secretary may delegate the authority under paragraph (1) to the Deputy Secretary of Defense.".

(e) SENSE OF CONGRESS.—It is the sense of Congress that the Government of Iraq should assume increasing responsibility for funding and carrying out projects currently funded by the United States through the Commanders' Emergency Response Program, and should assume all costs associated with the Sons of Iraq program as expeditiously as possible.

22 USC 7513 note.

**SEC. 1215. PERFORMANCE MONITORING SYSTEM FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN AFGHANISTAN.**

President.

(a) IN GENERAL.—The President, acting through the Secretary of Defense and the Secretary of State, shall develop and implement a system to monitor the performance of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan.

(b) ELEMENTS OF PERFORMANCE MONITORING SYSTEM.—The performance monitoring system required under subsection (a) shall include—

(1) PRT-specific work plans that incorporate the long-term strategy, mission, and clearly defined objectives required by section 1230(c)(3) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 386), and include plans for developing the capacity of national, provincial, and local government and other civil institutions in Afghanistan to assume increasing responsibility for the formulation, implementation, and oversight of reconstruction and development activities; and

(2) comprehensive performance indicators and measures of progress toward sustainable long-term security and stability in Afghanistan, and include performance standards and progress goals together with a notional timetable for achieving such goals, consistent with the requirements of section 1230(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 388).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the implementation of the performance monitoring system required under subsection (a). President.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

**SEC. 1216. REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.** 10 USC 113 note.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, or December 1, 2008, whichever occurs later, the Secretary of Defense shall submit to the appropriate congressional committees a report on the command and control structure for military forces operating in Afghanistan.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) A detailed description of efforts by the Secretary of Defense, in coordination with senior leaders of NATO ISAF forces, including the commander of NATO ISAF forces, to modify the chain of command structure for military forces operating in Afghanistan to better coordinate and de-conflict military operations and achieve unity of command whenever possible in Afghanistan, and the results of such efforts, including—

(A) any United States or NATO ISAF plan for improving the command and control structure for military forces operating in Afghanistan; and

(B) any efforts to establish a headquarters in Afghanistan that is led by a commander—

(i) with command authority over NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom and charged with closely coordinating the efforts of such forces; and

(ii) responsible for coordinating other United States and international security efforts in Afghanistan.

(2) A description of how rules of engagement are determined and managed for United States forces operating under NATO ISAF or Operation Enduring Freedom, and a description of any key differences between rules of engagement for NATO ISAF forces and separate United States forces operating under Operation Enduring Freedom.

(3) An assessment of how any modifications to the command and control structure for military forces operating in Afghanistan would impact coordination of military and civilian efforts in Afghanistan.

(c) UPDATE OF REPORT.—The Secretary of Defense shall submit to the appropriate congressional committees an update of the report required under subsection (a) as warranted by any modifications to the command and control structure for military forces operating in Afghanistan as described in the report.

(d) FORM.—The report required under subsection (a) and any update of the report required under subsection (c) shall be submitted in an unclassified form, but may include a classified annex, if necessary.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**SEC. 1217. REPORTS ON ENHANCING SECURITY AND STABILITY IN THE REGION ALONG THE BORDER OF AFGHANISTAN AND PAKISTAN.**

(a) ADDITIONAL REPORTS REQUIRED.—Subsection (a) of section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392) is amended—

(1) in the heading of paragraph (1), by striking "IN GENERAL" and inserting "INITIAL REPORT";

(2) by striking paragraph (4);

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph:

"(3) SUBSEQUENT REPORTS.—Concurrent with the submission of each report submitted under section 1230 after the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees, a report on enhancing security and stability in the region along the border of Afghanistan and Pakistan. Each such report shall include the following:

"(A) A description of the matters required to be included in the initial report required under paragraph (1).

"(B) A description of any peace agreements between the Government of Pakistan and tribal leaders from regions along the Afghanistan-Pakistan border that contain commitments to prevent cross-border incursions into Afghanistan and any mechanisms in such agreements to enforce such commitments.

"(C) An assessment of the effectiveness of such peace agreements in preventing cross-border incursions and of the Government of Pakistan in enforcing those agreements.".

(b) COPY OF NOTIFICATION RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection

(b)(1) of such section is amended by adding at the end the following new subparagraph:

"(C) COPY OF NOTIFICATION.—The Secretary of Defense shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of each notification required under subparagraph (A).".

(c) ADDITIONAL INFORMATION ON DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection (b) of such section is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) REQUIREMENT TO SUBMIT INFORMATION RELATING TO CLAIMS DISALLOWED OR DEFERRED BY THE UNITED STATES.—

"(A) IN GENERAL.—The Secretary of Defense shall submit, in the manner specified in subparagraph (B), an itemized description of the costs claimed by the Government of Pakistan for logistical, military, or other support provided by Pakistan to the United States for which the United States will disallow or defer reimbursement to the Government of Pakistan under the authority of any provision of law described in paragraph (1)(B).

"(B) MANNER OF SUBMISSION.—

"(i) IN GENERAL.—To the maximum extent practicable, the Secretary shall submit each itemized description of costs required under subparagraph (A) as part of the notification required under paragraph (1).

"(ii) ALTERNATIVE SUBMISSION.—To the extent that an itemized description of costs required under subparagraph (A) is not submitted in accordance with clause (i), the Secretary shall submit such description not later than 180 days after the date on which a decision to disallow or defer reimbursement for the costs claimed is made.

"(C) FORM.—Each itemized description of costs required under subparagraph (B) shall be submitted in an unclassified form, but may include a classified annex, if necessary.".

(d) EXTENSION OF NOTIFICATION REQUIREMENT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Subsection (b)(6) of such section, as redesignated by subsection (c) of this section, is amended by striking "September 30, 2009" and inserting "September 30, 2010".

(e) REPORT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Such section is further amended by adding at the end the following new subsection:

"(c) REPORT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—

"(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, the Secretary of Defense shall submit to the appropriate congressional committees a report that contains a detailed description of efforts by the Secretary of Defense to address the findings and implement the recommendations made by the Government Accountability Office in its report entitled 'Combating Terrorism: Increased

Oversight and Accountability Needed Over Pakistan Reimbursement Claims for Coalition Support Funds' (GAO-08-806; June 24, 2008).

"(2) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this subsection, the term 'appropriate congressional committees' has the meaning given the term in subsection (a)(5).".

**SEC. 1218. STUDY AND REPORT ON POLICE TRANSITION TEAMS TO TRAIN, ASSIST, AND ADVISE UNITS OF THE IRAQI POLICE SERVICE.**

(a) STUDY AND REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Government of Iraq, shall conduct a study and submit to the appropriate congressional committees a report containing the recommendations of the Secretary of Defense on—

(1) the number of personnel required for Police Transition Teams to train, assist, and advise units of the Iraqi Police Service in fiscal year 2009 and in fiscal year 2010;

(2) the funding required to support the level of personnel described in paragraph (1) in fiscal year 2009 and in fiscal year 2010; and

(3) the feasibility of transferring responsibility for the provision of the personnel described in paragraph (1) and the support described in paragraph (2) from the Department of Defense to the Department of State.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex if required.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

## Subtitle C—Other Matters

**SEC. 1231. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.**

(a) EXPANSION OF AUTHORITY FOR BILATERAL AND REGIONAL PROGRAMS TO COVER MULTILATERAL PROGRAMS.—Section 1051 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "a bilateral" and inserting "a multilateral, bilateral,"; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "to and" and inserting "to, from, and"; and

(ii) by striking "bilateral" and inserting "multilateral, bilateral,"; and

(B) in paragraph (2), by striking "bilateral" and inserting "multilateral, bilateral,".

(b) AVAILABILITY OF FUNDS FOR PROGRAMS AND ACTIVITIES ACROSS FISCAL YEARS.—

(1) IN GENERAL.—Such section is further amended by adding at the end the following new subsection:

"(e) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 1051 of title 10, United States Code, as so amended, that begin on or after that date.

10 USC 1051 note.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

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

**"§ 1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses".**

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following new item:

"1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses.".

**SEC. 1232. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.**

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2350m. Participation in multinational military centers of excellence**

"(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational military center of excellence for purposes of—

"(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

"(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

"(b) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

"(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

"(c) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

"(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

"(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

"(2) No funds may be used under this section to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

"(d) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

"(e) ANNUAL REPORTS ON USE OF AUTHORITY.—(1) Not later than October 31, 2009, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during the preceding fiscal year.

"(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

"(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section.

"(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or civilian personnel of the Department, so participated—

"(i) a description of such multinational military center of excellence;

"(ii) a description of the activities participated in by the Department, or by members of the armed forces or civilian personnel of the Department; and

"(iii) a statement of the costs of the Department for such participation, including—

"(I) a statement of the United States share of the expenses of such center and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

"(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

"(f) MULTINATIONAL MILITARY CENTER OF EXCELLENCE DEFINED.—In this section, the term 'multinational military center of excellence' means an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities

of such entity for the benefit of NATO by providing such personnel opportunities to—

"(1) enhance education and training;

"(2) improve interoperability and capabilities;

"(3) assist in the development of doctrine; and

"(4) validate concepts through experimentation.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

"2350m. Participation in multinational military centers of excellence.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

10 USC 2350m note.

**SEC. 1233. REVIEW OF SECURITY RISKS OF PARTICIPATION BY DEFENSE CONTRACTORS IN CERTAIN SPACE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.**

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review to determine whether there are any security risks associated with participation by covered contractors in certain space activities of the People's Republic of China.

(b) MATTERS TO BE INCLUDED.—The review required under subsection (a) shall include, at a minimum, a review of the following:

(1) Whether there have been any incidents with respect to which a determination has been made that an improper disclosure of covered information by a covered contractor has occurred during the five-year period ending on the date of the enactment of this Act.

(2) The increase, if any, in the number of covered contractors expected to occur during the 5-year period beginning on the date of the enactment of this Act.

(3) The extent to which the policies and procedures of the Department of Defense are sufficient to protect against the improper disclosure of covered information by a covered contractor during the 5-year period beginning on the date of the enactment of this Act.

(4) The Secretary's conclusions regarding awards of contracts by the Department of Defense to covered contractors after the date of the enactment of this Act.

(5) Any other matters that the Secretary determines to be appropriate to include in the review.

(c) COOPERATION FROM OTHER DEPARTMENTS AND AGENCIES.—The Secretary of State, the Director of National Intelligence, and the head of any other United States Government department or agency shall cooperate in a complete and timely manner to provide the Secretary of Defense with data and other information necessary for the Secretary of Defense to carry out the review required under subsection (a).

(d) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the review required under subsection (a).

(2) FORM.—The report required under this subsection shall include a summary in unclassified form to the maximum extent practicable.

(e) DEFINITIONS.—In this section:

(1) CERTAIN SPACE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.—The term "certain space activities of the People's Republic of China" means—

(A) the development or manufacture of satellites for launch from the People's Republic of China; and

(B) the launch of satellites from the People's Republic of China.

(2) COVERED CONTRACTOR.—The term "covered contractor" means a contractor of the Department of Defense, and any subcontractor (at any tier) of the contractor, that—

(A) has access to covered information; and

(B) participates, or is part of a joint venture that participates, or whose parent, sister, subsidiary, or affiliate company participates, in certain space activities in the People's Republic of China.

(3) COVERED INFORMATION.—The term "covered information" means classified information and sensitive controlled unclassified information obtained under contracts (or subcontracts of such contracts) of the Department of Defense.

50 USC 2367 note.

**SEC. 1234. REPORT ON IRAN'S CAPABILITY TO PRODUCE NUCLEAR WEAPONS.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to Congress a report on Iran's capability to produce nuclear weapons. The report required under this subsection may be submitted in classified form.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) The locations, types, and number of centrifuges and other specialized equipment necessary for the enrichment of uranium and any plans to acquire, manufacture, and operate such equipment in the future.

(2) An estimate of the amount, if any, of highly enriched uranium and weapons grade plutonium acquired or produced to date, an estimate of the amount of weapons grade plutonium that is likely to be produced or acquired in the near- and midterms and the amount of highly enriched uranium that is likely to be produced or acquired in the near- and midterms, and the number of nuclear weapons that could be produced with such materials.

(3) A evaluation of the extent to which security and safeguards at any nuclear site prevent, slow, verify, or help monitor the enrichment of uranium or the reprocessing of plutonium into weapons-grade materials.

(4) A description of any weaponization activities, such as the research, design, development, or testing of nuclear weapons or weapons-related components.

(5) A description of any programs to construct, acquire, test, or improve methods to deliver nuclear weapons, including an assessment of the likely progress of such programs in the near- and mid-terms.

(6) A summary of assessments made by allies of the United States of Iran's nuclear weapons program and nuclear-capable delivery systems programs.

(c) NOTIFICATION.—The President shall notify Congress, in writing, within 15 days of determining that— President.

(1) Iran has resumed a nuclear weapons program;

(2) Iran has met or surpassed any major milestone in its nuclear weapons program; or

(3) Iran has undertaken to accelerate, decelerate, or cease the development of any significant element within its nuclear weapons program.

**SEC. 1235. EMPLOYMENT FOR RESETTLED IRAQIS.** 10 USC 1580 note.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of State are authorized to jointly establish and operate a temporary program to offer employment as translators, interpreters, or cultural awareness instructors to individuals described in subsection (b). Individuals described in such subsection may be appointed to temporary positions of one year or less outside Iraq with either the Department of Defense or the Department of State, without competition and without regard for the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code. Such individuals may also be hired as personal services contractors by either of such Departments to provide translation, interpreting, or cultural awareness instruction, except that such individuals so hired shall not by virtue of such employment be considered employees of the United States Government, except for purposes of chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.

(b) ELIGIBILITY.—Individuals referred to in subsection (a) are Iraqi nationals who—

(1) have received a special immigrant visa issued pursuant to section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) or section 1244 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181); and

(2) are lawfully present in the United States.

(c) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the program established under subsection (a) shall be funded from the annual general operating budget of the Department of Defense.

(2) EXCEPTION.—The Secretary of State shall reimburse the Department of Defense for any costs associated with individuals described in subsection (b) whose work is for or on behalf of the Department of State.

(d) RULE OF CONSTRUCTION REGARDING ACCESS TO CLASSIFIED INFORMATION.—Nothing in this section may be construed as affecting in any manner practices and procedures regarding the handling of or access to classified information.

(e) INFORMATION SHARING.—The Secretary of Defense and the Secretary of State shall work with the Secretary of Homeland Security and the Office of Refugee Resettlement of the Department of Health and Human Services to ensure that individuals described in subsection (b) are informed of the program established under subsection (a).

(f) REGULATION.—The Secretary of Defense, jointly with the Secretary of State and with the concurrence of the Director of the Office of Personnel Management, shall prescribe such regulations as are necessary to carry out the program established under subsection (a), including ensuring the suitability for employment described in subsection (a) of individuals described in subsection (b), determining the number of positions, and establishing pay scales and hiring procedures.

(g) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the program established under subsection (a) shall terminate on December 31, 2014.

Notification. Deadline.

(2) EARLIER TERMINATION.—If the Secretary of Defense, jointly with the Secretary of State, determines that the program established under subsection (a) should terminate before the date specified in paragraph (1), the Secretaries may terminate the program if the Secretaries notify Congress in writing of such termination at least 180 days before such termination.

**SEC. 1236. EXTENSION AND MODIFICATION OF UPDATES ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.**

Section 1225(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465), as amended by section 1261(1)(B) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 405), is further amended—

(1) in paragraph (2)—

Deadlines.

(A) by striking "Not later than one year after enactment of this Act, and not later than two years after enactment of this Act" and inserting "Not later than 90 days after the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, and every 180 days thereafter"; and

(B) by adding at the end the following new sentence: "Each update under this paragraph after the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 shall be submitted in unclassified form, but may include a classified annex."; and

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

"(3) TERMINATION.—The requirement to submit updates under paragraph (2) shall terminate upon submission by the Secretary of State to Congress of the certification described in section 5(a)(2) of the Libya Claims Resolution Act (Public Law 110–301; 122 Stat. 3000).".

**SEC. 1237. REPORT ON UTILIZATION OF CERTAIN GLOBAL PARTNERSHIP AUTHORITIES.**

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report on the implementation of the Building Global Partnership authorities during the period beginning on the date of the enactment of this Act and ending on September 30, 2010.

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

(1) A detailed summary of the programs conducted under the Building Global Partnership authorities during the period covered by the report, including, for each country receiving assistance under such a program, a description of the assistance provided and its cost.

(2) An assessment of the impact of the assistance provided under the Building Global Partnership authorities with respect to each country receiving assistance under such authorities.

(3) A description of—

(A) the processes used by the Department of Defense and the Department of State to jointly formulate, prioritize, and select projects to be funded under the Building Global Partnership authorities; and

(B) the processes, if any, used by the Department of Defense and the Department of State to evaluate the success of each project so funded after its completion.

(4) A statement of the projects initiated under the Building Global Partnership authorities that were subsequently transitioned to and sustained under the authorities of the Foreign Assistance Act of 1961 or other authorities.

(5) An assessment of the utility of the Building Global Partnership authorities, and of any gaps in such authorities, including an assessment of the feasability and advisability of continuing such authorities beyond their current dates of expiration (whether in their current form or with such modifications as the Secretary of Defense and the Secretary of State jointly consider appropriate).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(2) BUILDING GLOBAL PARTNERSHIP AUTHORITIES.—The term "Building Global Partnership authorities" means the following:

(A) AUTHORITY FOR BUILDING CAPACITY OF FOREIGN MILITARY FORCES.—The authorities provided in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1206 of this Act.

(B) AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.—The authorities provided in section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1207 of this Act.

(C) CIVIC ASSISTANCE AUTHORITIES UNDER COMBATANT COMMANDER INITIATIVE FUND.—The authority to engage in urgent and unanticipated civic assistance under the Combatant Commander Initiative Fund under section 166a(b)(6) of title 10, United States Code, as a result of

the amendments made by section 902 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2351).

**SEC. 1238. MODIFICATION AND REPEAL OF REQUIREMENT TO SUBMIT CERTAIN ANNUAL REPORTS TO CONGRESS REGARDING ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.**

(a) MODIFICATION OF CERTAIN REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2576) is amended—

22 USC 1928 note.

(1) by striking subsections (c) and (d); and

(2) adding at the end the following new subsections:

"(c) The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives each year, not later than March 1, a report containing a description of—

"(1) annual defense spending by each member nation of NATO, by each member nation of the Euro-Atlantic Partnership Council (EAPC), and by Japan, including available nominal budget figures and defense spending as a percentage of the respective nation's gross domestic product for the fiscal year immediately preceding the fiscal year in which the report is submitted;

"(2) activities of each NATO member nation, each EAPC member nation, and Japan to contribute to military or stability operations in which the United States Armed Forces are a participant;

"(3) any limitations that such nations place on the use of their national contributions described in paragraph (2); and

"(4) any actions undertaken by the United States Government to minimize those limitations described in paragraph (3).

"(d) The report required under subsection (c) shall be submitted in unclassified form, but may include a classified annex."

(b) REPEAL OF REPORT ON COST-SHARING.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894) is amended—

22 USC 1928 note.

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsections (c).

# TITLE XIII—COOPERATIVE THREAT REDUCTION

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

**SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2009 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2009, 2010, and 2011.

**SEC. 1302. FUNDING ALLOCATIONS.**

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,135,000 authorized to be appropriated to the Department of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,400,000.

(3) For nuclear weapons storage security in Russia, $24,101,000.

(4) For nuclear weapons transportation security in Russia, $40,800,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $59,286,000.

(6) For biological threat reduction in the former Soviet Union, $184,463,000.

(7) For chemical weapons destruction, $1,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For new Cooperative Threat Reduction initiatives, $10,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $20,100,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2009 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose

may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

# TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.
Sec. 1407. National Defense Sealift Fund amendments.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revisions to previously authorized disposals from the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

## Subtitle A—Military Programs

**SEC. 1401. WORKING CAPITAL FUNDS.**

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

(1) For the Defense Working Capital Funds, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

**SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,608,572,000.

**SEC. 1403. DEFENSE HEALTH PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,966,917,000, of which—

(1) $24,467,074,000 is for Operation and Maintenance;

(2) $195,938,000 is for Research, Development, Test, and Evaluation; and

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

(b) SOURCE OF CERTAIN FUNDS.—Of the amount available under subsection (a), $1,300,000,000 shall, to the extent provided in advance in an Act making appropriations for fiscal year 2009, be available by transfer from the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h).

**SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

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

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

**SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,060,463,000.

**SEC. 1406. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

**SEC. 1407. NATIONAL DEFENSE SEALIFT FUND AMENDMENTS.**

Section 2218 of title 10, United States Code, is amended—

(1) by striking subsection (j) and redesignating subsections (k) and (l) as subsections (j) and (k), respectively; and

(2) in paragraph (2) of subsection (k) (as so redesignated), by striking subparagraphs (B) thru (I) and inserting the following new subparagraph (B):

"(B) Any other auxiliary vessel that was procured or chartered with specific authorization in law for the vessel, or class of vessels, to be funded in the National Defense Sealift Fund.".

## Subtitle B—National Defense Stockpile

**SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.**

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2009, the National Defense Stockpile Manager may obligate up to $41,153,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of

such section, including the disposal of hazardous materials that are environmentally sensitive.

Notification.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

**SEC. 1412. REVISIONS TO PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.**

(a) FISCAL YEAR 1999 DISPOSAL AUTHORITY.—Section 3303(a)(7) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 418), is further amended by striking "$1,066,000,000 by the end of fiscal year 2015" and inserting "$1,386,000,000 by the end of fiscal year 2016".

(b) FISCAL YEAR 1998 DISPOSAL AUTHORITY.—Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as most recently amended by section 3302(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2513), is further amended by striking "2008" and inserting "2009".

## Subtitle C—Armed Forces Retirement Home

**SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.**

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

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

Sec. 1501. Authorization of additional appropriations for operations in Afghanistan and Iraq for fiscal year 2009.
Sec. 1502. Requirement for separate display of budgets for Afghanistan and Iraq.
Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
Sec. 1504. Science and technology investment strategy to defeat or counter improvised explosive devices.
Sec. 1505. Limitations on Iraq Security Forces Fund.
Sec. 1506. Limitations on Afghanistan Security Forces Fund.
Sec. 1507. Special transfer authority.

Sec. 1508. Prohibition on use of United States funds for certain facilities projects in Iraq and contributions by the Government of Iraq to combined operations and other activities in Iraq.

**SEC. 1501. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN AND IRAQ FOR FISCAL YEAR 2009.**

(a) AUTHORIZATION OF PREVIOUSLY APPROPRIATED AMOUNTS.—In addition to the amounts otherwise authorized to be appropriated by division A of this Act, the amounts appropriated for fiscal year 2009 in chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2405–2414) are hereby authorized to be appropriated.

(b) ADDITIONAL AUTHORIZATION.—In addition to the amounts otherwise authorized to be appropriated by division A of this Act and subsection (a), funds in the amount of $2,076,000,000 are hereby authorized to be appropriated for aircraft procurement, Air Force, for the purpose of acquiring six C–17 aircraft.

**SEC. 1502. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGETS FOR AFGHANISTAN AND IRAQ.** 10 USC 221 note.

(a) OPERATIONS IN IRAQ AND AFGHANISTAN.—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 any funding requested in such budget request for—

(1) operations of the Department of Defense in Afghanistan; and

(2) operations of the Department of Defense in Iraq.

(b) SPECIFICITY OF DISPLAY.—Each budget request covered by subsection (a) shall, for any funding requested for operations in Iraq or Afghanistan—

(1) clearly display the amount of such funding at the appropriation account level and at the program, project, or activity level; and

(2) include a detailed description of the assumptions underlying the funding for the period covered by the budget request, including the anticipated troop levels, the operations intended to be carried out, and the equipment reset requirements necessary to support such operations.

**SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by subsection (b), shall apply to the funds appropriated pursuant to the authorization of appropriations in section 1501 of this Act and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund. Applicability.

(b) MODIFICATION OF FUNDS TRANSFER AUTHORITY.—Section 1514(c)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

(c) PRIOR NOTICE OF TRANSFER OF FUNDS.—Section 1514(c)(4) of the John Warner National Defense Authorization Act for Fiscal

Year 2007 (Public Law 109–364; 120 Stat. 2439) is amended by inserting after "five days" the following: "(in the case of the obligation of funds) or 15 days (in the case of a transfer of funds)".

(d) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2009, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

(e) MODIFICATION OF SUBMITTAL DATE OF OTHER REPORTS.—Section 1514(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2440) is amended by striking "30 days" and inserting "60 days".

10 USC 2358 note.

**SEC. 1504. SCIENCE AND TECHNOLOGY INVESTMENT STRATEGY TO DEFEAT OR COUNTER IMPROVISED EXPLOSIVE DEVICES.**

(a) STRATEGY REQUIRED.—The Director of the Joint Improvised Explosive Device Defeat Organization (JIEDDO), jointly with the Director of Defense Research and Engineering, shall develop a comprehensive science and technology investment strategy for countering the threat of improvised explosive devices (IEDs).

(b) ELEMENTS.—The strategy developed under subsection (a) shall include the following:

(1) Identification of counter-IED capability gaps.

(2) A taxonomy describing the major technical areas for the Department of Defense to address the counter-IED capability gaps and in which science and technology funding investments should be made.

(3) Identification of funded programs to develop or mature technologies from or to the level of system or subsystem model or prototype demonstration in a relevant environment, and investment levels for those initiatives.

(4) Identification of JIEDDO's mechanisms for coordinating Department of Defense and Federal Government science and technology activities in areas covered by the strategy.

(5) Identification of technology transition mechanisms developed or utilized to efficiently transition technologies to acquisition programs of the Department of Defense or into operational use, including a summary of counter-IED technologies transitioned from JIEDDO, the military departments, and other Defense Agencies to the acquisition programs or into operational use.

(6) Identification of high priority basic research efforts that should be addressed through JIEDDO or other Department of Defense activities to support development of next generation IED defeat capabilities.

(7) Identification of barriers or issues, such as industrial base, workforce, or statutory or regulatory barriers, that could hinder the efficient and effective development and operational use of advanced IED defeat capabilities, and discussion of activities undertaken to address them.

(8) Identification of the measures of effectiveness for the overall Department of Defense science and technology counter-IED effort.

(9) Such other matters as the Director of the JIEDDO and the Director of Defense Research and Engineering consider appropriate.

(c) REPORT.—Not later than March 1, 2009, and each March 1 thereafter through March 1, 2013, the Director of the JIEDDO and the Director of Defense Research and Engineering shall jointly submit to the congressional defense committees a report describing the implementation of the strategy developed under subsection (a). The report may be in unclassified and classified format, as necessary.

**SEC. 1505. LIMITATIONS ON IRAQ SECURITY FORCES FUND.**

Funds appropriated pursuant to the authorization of appropriations in section 1501 of this Act or in the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2407) and made available to the Department of Defense for the Iraq Security Forces Fund shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).

**SEC. 1506. LIMITATIONS ON AFGHANISTAN SECURITY FORCES FUND.**

Funds appropriated pursuant to the authorization of appropriations in section 1501 of this Act or in the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2407) and made available to the Department of Defense for the Afghanistan Security Forces Fund shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

**SEC. 1507. SPECIAL TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

**SEC. 1508. PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ AND CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO COMBINED OPERATIONS AND OTHER ACTIVITIES IN IRAQ.**

(a) PROHIBITION RELATED TO FACILITIES FOR GOVERNMENT OF IRAQ.—

(1) PROHIBITION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Except as provided in paragraph (2), amounts authorized to be appropriated by this title may not be obligated or expended for the acquisition, conversion, rehabilitation, or installation of facilities in Iraq for the use of the Government

of Iraq, political subdivisions of Iraq, or agencies, departments, or forces of the Government of Iraq or such political subdivisions.

(2) EXCEPTIONS.—

(A) EXCEPTION FOR CERP.—The prohibition in paragraph (1) does not apply to amounts authorized to be appropriated by this title for the Commanders' Emergency Response Program (CERP).

(B) EXCEPTION FOR MILITARY CONSTRUCTION.—The prohibition in paragraph (1) does not apply to military construction (as defined in section 2801 of title 10, United States Code), carried out in Iraq.

(C) EXCEPTION FOR TECHNICAL ASSISTANCE.—The prohibition in paragraph (1) does not apply to the provision of technical assistance necessary to assist the Government of Iraq to carry out facilities projects on its own behalf.

(b) COMBINED OPERATIONS.—

(1) COST SHARING.—The United States Government shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multi-National Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall, in conjunction with the Secretary of Defense, submit to Congress a report describing the status of negotiations under paragraph (1).

(c) IRAQI SECURITY FORCES.—

(1) USE OF IRAQ FUNDS.—The United States Government shall take actions to ensure that Iraq funds are used to pay the costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

President.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

Reconstruction and Stabilization Civilian Management Act of 2008.

# TITLE XVI—RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT

Sec. 1601. Short title.
Sec. 1602. Findings.
Sec. 1603. Definitions.
Sec. 1604. Authority to provide assistance for reconstruction and stabilization crises.
Sec. 1605. Reconstruction and stabilization.
Sec. 1606. Authorities related to personnel.
Sec. 1607. Reconstruction and stabilization strategy.
Sec. 1608. Annual reports to Congress.

22 USC 2151 note.

**SEC. 1601. SHORT TITLE.**

This title may be cited as the "Reconstruction and Stabilization Civilian Management Act of 2008".

**SEC. 1602. FINDINGS.**

22 USC 2368 note.

Congress finds the following:

(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the "Coordinator") was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

(5) The President's Fiscal Year 2009 Budget Request to Congress includes $248.6 million for a Civilian Stabilization Initiative that would vastly improve civilian partnership with United States Armed Forces in post-conflict stabilization situations, including by establishing a Active Response Corps of 250 persons, a Standby Response Corps of 2,000 persons, and a Civilian Response Corps of 2,000 persons.

**SEC. 1603. DEFINITIONS.**

22 USC 2734a note.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Agency for International Development.

(2) AGENCY.—The term "agency" means any entity included in chapter 1 of title 5, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee

on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(4) DEPARTMENT.—Except as otherwise provided in this title, the term "Department" means the Department of State.

(5) PERSONNEL.—The term "personnel" means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

(6) SECRETARY.—The term "Secretary" means the Secretary of State.

**SEC. 1604. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.**

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

22 USC 2368.

**"SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.**

"(a) ASSISTANCE.—

"(1) IN GENERAL.—If the President determines that it is in the national security interests of the United States for United States civilian agencies or non-Federal employees to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), but notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to such country or region for reconstruction or stabilization using funds described in paragraph (2).

"(2) FUNDS DESCRIBED.—The funds referred to in paragraph (1) are funds made available under any other provision of this Act, and transferred or reprogrammed for purposes of this section, and such transfer or reprogramming shall be subject to the procedures applicable to a notification under section 634A of this Act.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide authority to transfer funds between accounts or between Federal departments or agencies.

"(b) LIMITATION.—The authority contained in this section may be exercised only during fiscal years 2009, 2010, and 2011.".

**SEC. 1605. RECONSTRUCTION AND STABILIZATION.**

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

22 USC 2734.

**"SEC. 62. RECONSTRUCTION AND STABILIZATION.**

"(a) OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—

"(1) ESTABLISHMENT.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

President.

"(2) COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by

the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary.

"(3) FUNCTIONS.—The functions of the Office of the Coordinator for Reconstruction and Stabilization shall include the following:

"(A) Monitoring, in coordination with relevant bureaus and offices of the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the reconstruction and stabilization of a country or region that is at risk of, in, or are in transition from, conflict or civil strife.

"(B) Assessing the various types of reconstruction and stabilization crises that could occur and cataloging and monitoring the non-military resources and capabilities of agencies (as such term is defined in section 1603 of the Reconstruction and Stabilization Civilian Management Act of 2008) that are available to address such crises.

"(C) Planning, in conjunction with USAID, to address requirements, such as demobilization, disarmament, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in reconstruction and stabilization crises.

"(D) Coordinating with relevant agencies to develop interagency contingency plans and procedures to mobilize and deploy civilian personnel and conduct reconstruction and stabilization operations to address the various types of such crises.

"(E) Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008.

"(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps established under subsection (b) or to otherwise participate in or contribute to reconstruction and stabilization activities.

"(G) Taking steps to ensure that training and education of civilian personnel to perform such reconstruction and stabilization activities is adequate and is carried out, as appropriate, with other agencies involved with stabilization operations.

"(H) Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication.

"(I) Maintaining the capacity to field on short notice an evaluation team consisting of personnel from all relevant agencies to undertake on-site needs assessment.

"(b) RESPONSE READINESS CORPS.—

"(1) RESPONSE READINESS CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development and the heads of other appropriate agencies of the United States Government, may establish

and maintain a Response Readiness Corps (referred to in this section as the 'Corps') to provide assistance in support of reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife. The Corps shall be composed of active and standby components consisting of United States Government personnel, including employees of the Department of State, the United States Agency for International Development, and other agencies who are recruited and trained (and employed in the case of the active component) to provide such assistance when deployed to do so by the Secretary to support the purposes of this Act.

"(2) CIVILIAN RESERVE CORPS.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, may establish a Civilian Reserve Corps for which purpose the Secretary is authorized to employ and train individuals who have the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose. The Secretary may deploy members of the Civilian Reserve Corps pursuant to a determination by the President under section 618 of the Foreign Assistance Act of 1961.

"(3) MITIGATION OF DOMESTIC IMPACT.—The establishment and deployment of any Civilian Reserve Corps shall be undertaken in a manner that will avoid substantively impairing the capacity and readiness of any State and local governments from which Civilian Reserve Corps personnel may be drawn.

"(c) EXISTING TRAINING AND EDUCATION PROGRAMS.—The Secretary shall ensure that personnel of the Department, and, in coordination with the Administrator of USAID, that personnel of USAID, make use of the relevant existing training and education programs offered within the Government, such as those at the Center for Stabilization and Reconstruction Studies at the Naval Postgraduate School and the Interagency Training, Education, and After Action Review Program at the National Defense University.".

22 USC 2734a.

**SEC. 1606. AUTHORITIES RELATED TO PERSONNEL.**

(a) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of any agency with respect to personnel of that agency, may extend to any individuals assigned, detailed, or deployed to carry out reconstruction and stabilization activities pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1605 of this title), the benefits or privileges set forth in sections 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(b) AUTHORITY REGARDING DETAILS.—The Secretary is authorized to accept details or assignments of any personnel, and any employee of a State or local government, on a reimbursable or nonreimbursable basis for the purpose of carrying out this title, and the head of any agency is authorized to detail or assign personnel of such agency on a reimbursable or nonreimbursable basis to the Department of State for purposes of section 62 of the State Department Basic Authorities Act of 1956, as added by section 1605 of this title.

**SEC. 1607. RECONSTRUCTION AND STABILIZATION STRATEGY.**

22 USC 2368 note.

(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

(b) CONTENTS.—The strategy required under subsection (a) shall include the following:

(1) Identification of and efforts to improve the skills sets needed to respond to and support reconstruction and stabilization operations in countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

(2) Identification of specific agencies that can adequately satisfy the skills sets referred to in paragraph (1).

(3) Efforts to increase training of Federal civilian personnel to carry out reconstruction and stabilization activities.

(4) Efforts to develop a database of proven and best practices based on previous reconstruction and stabilization operations.

(5) A plan to coordinate the activities of agencies involved in reconstruction and stabilization operations.

**SEC. 1608. ANNUAL REPORTS TO CONGRESS.**

Not later than 180 days after the date of the enactment of this Act and annually for each of the five years thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of this title. The report shall include detailed information on the following:

(1) Any steps taken to establish a Response Readiness Corps and a Civilian Reserve Corps, pursuant to section 62 of the State Department Basic Authorities Act of 1956 (as added by section 1605 of this title).

(2) The structure, operations, and cost of the Response Readiness Corps and the Civilian Reserve Corps, if established.

(3) How the Response Readiness Corps and the Civilian Reserve Corps coordinate, interact, and work with other United States foreign assistance programs.

(4) An assessment of the impact that deployment of the Civilian Reserve Corps, if any, has had on the capacity and readiness of any domestic agencies or State and local governments from which Civilian Reserve Corps personnel are drawn.

(5) The reconstruction and stabilization strategy required by section 1607 and any annual updates to that strategy.

(6) Recommendations to improve implementation of subsection (b) of section 62 of the State Department Basic Authorities Act of 1956, including measures to enhance the recruitment and retention of an effective Civilian Reserve Corps.

(7) A description of anticipated costs associated with the development, annual sustainment, and deployment of the Civilian Reserve Corps.

# DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Military Construction Authorization Act for Fiscal Year 2009.

**SEC. 2001. SHORT TITLE.**

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2009".

**SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

10 USC 2687 note.

**SEC. 2003. EFFECTIVE DATE.**

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of this Act.

# TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2008 projects.
Sec. 2106. Modification of authority to carry out certain fiscal year 2007 projects.
Sec. 2107. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2108. Extension of authorization of certain fiscal year 2005 project.

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

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

| State | Installation or Location | Amount |
|---|---|---|
| Alabama | Anniston Army Depot | $46,400,000 |
| | Fort Rucker | $6,800,000 |
| | Redstone Arsenal | $16,500,000 |
| Alaska | Fort Richardson | $18,100,000 |
| | Fort Wainwright | $110,400,000 |
| Arizona | Fort Huachuca | $13,200,000 |
| | Yuma Proving Ground | $3,800,000 |
| California | Fort Irwin | $39,600,000 |
| | Presidio, Monterey | $15,000,000 |
| | Sierra Army Depot | $12,400,000 |
| Colorado | Fort Carson | $534,000,000 |
| Georgia | Fort Benning | $267,800,000 |
| | Fort Stewart/Hunter Army Air Field | $432,300,000 |
| Hawaii | Pohakuloa Training Area | $30,000,000 |
| | Schofield Barracks | $279,000,000 |
| | Wahiawa | $40,000,000 |
| Indiana | Crane Army Ammunition Activity | $8,300,000 |
| Kansas | Fort Leavenworth | $4,200,000 |
| | Fort Riley | $158,000,000 |
| Kentucky | Fort Campbell | $118,113,000 |
| Louisiana | Fort Polk | $29,000,000 |
| Michigan | Detroit Arsenal | $6,100,000 |
| Missouri | Fort Leonard Wood | $42,550,000 |
| New Jersey | Picatinny Arsenal | $9,900,000 |
| New York | Fort Drum | $96,900,000 |
| | United States Military Academy | $67,000,000 |
| North Carolina | Fort Bragg | $58,400,000 |
| Oklahoma | Fort Sill | $63,000,000 |

| | | |
|---|---|---|
| | McAlester Army Ammunition Plant | $5,800,000 |
| Pennsylvania | Carlisle Barracks | $13,400,000 |
| | Letterkenny Army Depot | $7,500,000 |
| | Tobyhanna Army Depot | $15,000,000 |
| South Carolina | Fort Jackson | $30,000,000 |
| Texas | Camp Bullis | $4,200,000 |
| | Corpus Christi Army Depot | $39,000,000 |
| | Fort Bliss | $1,044,300,000 |
| | Fort Hood | $49,500,000 |
| | Fort Sam Houston | $96,000,000 |
| | Red River Army Depot | $6,900,000 |
| Virginia | Fort Belvoir | $7,200,000 |
| | Fort Eustis | $31,900,000 |
| | Fort Lee | $100,600,000 |
| | Fort Myer | $14,000,000 |
| Washington | Fort Lewis | $158,000,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

| Country | Installation or Location | Amount |
|---|---|---|
| Afghanistan | Bagram Air Base | $67,000,000 |
| Germany | Katterbach | $19,000,000 |
| | Wiesbaden Air Base | $119,000,000 |
| Japan | Camp Zama | $2,350,000 |
| | Sagamihara | $17,500,000 |
| Korea | Camp Humphreys | $20,000,000 |

**SEC. 2102. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

**Army: Family Housing**

| Country | Installation or Location | Units | Amount |
|---|---|---|---|
| Germany | Wiesbaden Air Base. | 326 | $133,000,000 |
| Korea | Camp Humphreys | 216 | $125,000,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $579,000.

**SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $420,001,000.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $5,973,388,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,010,063,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $185,350,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $178,685,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $646,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year

2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41), $102,000,000.

(7) For the construction of increment 2 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $81,600,000.

(8) For the construction of increment 2 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(9) For the construction of increment 2 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $60,000,000 (the balance of the amount authorized under section 2101(a) for barracks and a dining facility at Fort Carson, Colorado).

(3) $80,000,000 (the balance of the amount authorized under section 2101(a) for barracks and a dining facility at Fort Stewart, Georgia).

(4) $59,500,000 (the balance of the amount authorized under section 2101(b) for the construction of a headquarters element in Wiesbaden, Germany).

(5) $101,000,000 (the balance of the amount authorized under section 2102(a) for family housing at Wiesbaden, Germany).

**SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECTS.**

(a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504) is amended—

(1) in the item relating to Hawthorne Army Ammunition Plant, Nevada, by striking "$11,800,000" in the amount column and inserting "$7,300,000";

(2) in the item relating to Fort Drum, New York, by striking "$311,200,000" in the amount column and inserting "$304,600,000"; and

(3) in the item relating to Fort Bliss, Texas, by striking "$118,400,000" in the amount column and inserting "$111,900,000".

(b) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (122 Stat. 506) is amended—

(1) in the matter preceding paragraph (1), by striking "$5,106,703,000" and inserting "$5,089,103,000"; and

(2) in paragraph (1), by striking "$3,198,150,000" and inserting "$3,180,550,000".

**SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.**

(a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289) and section 2105(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 507), is further amended in the item relating to Fort Bragg, North Carolina, by striking "$96,900,000" in the amount column and inserting "$75,900,000".

(b) OUTSIDE THE UNITED STATES PROJECTS.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2446), as amended by section 2106(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended in the item relating to Vicenza, Italy, by striking "$223,000,000" in the amount column and inserting "$208,280,000".

(c) CONFORMING AMENDMENTS.—Section 2104(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2447), as amended by section 2105(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), is further amended—

(1) in the matter preceding paragraph (1), by striking "$3,275,700,000" and inserting "$3,239,980,000";

(2) in paragraph (1), by striking "$1,119,450,000" and inserting "$1,098,450,000"; and

(3) in paragraph (2), by striking "$510,582,00" and inserting "$495,862,000".

**SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army: Extension of 2006 Project Authorizations**

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| Hawaii | Pohakuloa | Tactical Vehicle Wash Facility | $9,207,000 |
| | | Battle Area Complex | $33,660,000 |
| Virginia | Fort Belvoir | Defense Access Road | $18,000,000 |

**SEC. 2108. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (118 Stat. 2101) and extended by section 2108 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 508), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army: Extension of 2005 Project Authorization**

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| Hawaii | Schofield Barracks | Training Facility | $35,542,000 |

# TITLE XXII—NAVY

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

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

## Inside the United States

| State | Installation or Location | Amount |
|---|---|---|
| Arizona | Marine Corps Air Station, Yuma | $19,490,000 |
| California | Marine Corps Logistics Base, Barstow | $7,830,000 |
| | Marine Corps Base, Camp Pendleton | $799,870,000 |
| | Naval Air Facility, El Centro | $8,900,000 |
| | Marine Corps Air Station, Miramar | $48,770,000 |
| | Naval Post Graduate School, Monterey | $9,900,000 |
| | Naval Air Station, North Island | $60,152,000 |
| | Naval Facility, San Clemente Island | $34,020,000 |
| | Marine Corps Recruit Depot, San Diego | $51,220,000 |
| | Marine Corps Base, Twentynine Palms | $155,310,000 |
| Connecticut | Naval Submarine Base, Groton | $46,060,000 |
| | Naval Submarine Base, New London | $11,000,000 |
| District of Columbia | Naval Support Activity, Washington | $24,220,000 |
| Florida | Naval Air Station, Jacksonville | $12,890,000 |
| | Naval Station, Mayport | $18,280,000 |
| | Naval Support Activity, Tampa | $29,000,000 |
| Georgia | Marine Corps Logistics Base, Albany | $15,320,000 |
| | Naval Submarine Base, Kings Bay | $6,130,000 |
| Hawaii | Pacific Missile Range, Barking Sands | $28,900,000 |
| | Marine Corps Base, Kaneohe | $28,200,000 |
| | Naval Station, Pearl Harbor | $80,290,000 |
| Illinois | Recruit Training Command, Great Lakes | $62,940,000 |
| Maine | Portsmouth Naval Shipyard | $30,640,000 |
| Maryland | Naval Surface Warfare Center, Carderock | $6,980,000 |
| | Naval Surface Warfare Center, Indian Head | $25,980,000 |
| Mississippi | Naval Construction Battalion Center, Gulfport | $12,770,000 |
| | Naval Air Station, Meridian | $6,340,000 |
| New Jersey | Naval Air Warfare Center, Lakehurst | $15,440,000 |

**Inside the United States**—Continued

| State | Installation or Location | Amount |
|---|---|---|
| | Naval Weapons Station, Earle | $8,160,000 |
| North Carolina | Marine Corps Base, Camp Lejeune | $353,090,000 |
| | Marine Corps Air Station, Cherry Point | $77,420,000 |
| | Marine Corps Air Station, New River | $86,280,000 |
| Pennsylvania | Naval Support Activity, Philadelphia | $22,020,000 |
| Rhode Island | Naval Station, Newport | $39,800,000 |
| South Carolina | Marine Corps Air Station, Beaufort | $5,940,000 |
| | Marine Corps Recruit Depot, Parris Island | $64,750,000 |
| Texas | Naval Air Station, Corpus Christi | $3,500,000 |
| | Naval Air Station, Kingsville | $11,580,000 |
| Virginia | Naval Station, Norfolk | $73,280,000 |
| | Marine Corps Base, Quantico | $150,290,000 |
| Washington | Naval Base, Kitsap | $5,110,000 |
| | Naval Air Station Whidbey Island | $6,160,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

| Country | Installation or Location | Amount |
|---|---|---|
| Cuba | Naval Air Station, Guantanamo Bay. | $20,600,000 |
| Diego Garcia | Diego Garcia | $35,060,000 |
| Djibouti | Camp Lemonier | $31,410,000 |
| Guam | Naval Activities, Guam | $88,430,000 |

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

**Navy: Unspecified Worldwide**

| Location | Installation or Location | Amount |
|---|---|---|
| Worldwide Unspecified. | Unspecified Worldwide | $101,020,000 |

**SEC. 2202. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

**Navy: Family Housing**

| Location | Installation or Location | Units | Amount |
|---|---|---|---|
| Guantanamo Bay ..... | Naval Air Station, Guantanamo Bay. | 146 ..... | $59,943,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,169,000.

**SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,046,354,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,564,312,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $175,500,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $101,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $246,528,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $380,123,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of the wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the submarine drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

**SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT.**

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking "$295,000,000" in the amount column and inserting "$311,670,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$1,084,497,000".

**SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS.**

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513), is further amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking "$67,939,000" in the amount column and inserting "$76,288,000"; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking "$57,653,000" in the amount column and inserting "$60,500,000".

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452) is amended—

(1) in paragraph (2), by striking "$56,159,000" and inserting "$64,508,000"; and

(2) in paragraph (3), by striking "$31,153,000" and inserting "$34,000,000".

# TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2005 projects.

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

| State | Installation or Location | Amount |
|---|---|---|
| Alabama | Maxwell Air Force Base | $15,556,000 |
| Alaska | Elmendorf Air Force Base | $138,300,000 |
| Arizona | Davis Monthan Air Force Base | $15,000,000 |
| California | Edwards Air Force Base | $9,100,000 |
| | Travis Air Force Base | $12,100,000 |
| Colorado | Peterson Air Force Base | $4,900,000 |
| | United States Air Force Academy | $18,000,000 |
| Delaware | Dover Air Force Base | $19,000,000 |
| Florida | Cape Canaveral Air Station | $8,000,000 |
| | Eglin Air Force Base | $19,000,000 |
| | MacDill Air Force Base | $26,000,000 |
| | Tyndall Air Force Base | $11,600,000 |
| Georgia | Robins Air Force Base | $29,350,000 |
| Kansas | McConnell Air Force Base | $6,800,000 |
| Louisiana | Barksdale Air Force Base | $14,600,000 |
| Maryland | Andrews Air Force Base | $77,648,000 |
| Mississippi | Columbus Air Force Base | $8,100,000 |
| | Keesler Air Force Base | $6,600,000 |
| Missouri | Whiteman Air Force Base | $4,200,000 |
| Montana | Malmstrom Air Force Base | $10,000,000 |
| Nevada | Creech Air Force Base | $48,500,000 |
| | Nellis Air Force Base | $63,100,000 |
| New Jersey | McGuire Air Force Base | $7,200,000 |
| New Mexico | Holloman Air Force Base | $25,450,000 |
| North Carolina | Seymour Johnson Air Force Base | $12,200,000 |
| North Dakota | Grand Forks Air Force Base | $13,000,000 |
| Ohio | Wright Patterson Air Force Base | $14,000,000 |
| Oklahoma | Altus Air Force Base | 10,200,000 |

| | | |
|---|---|---|
| | Tinker Air Force Base | $54,000,000 |
| South Carolina | Charleston Air Force Base | $4,500,000 |
| | Shaw Air Force Base | $9,900,000 |
| South Dakota | Ellsworth Air Force Base | $11,000,000 |
| Texas | Dyess Air Force Base | $21,000,000 |
| | Fort Hood | $10,800,000 |
| | Lackland Air Force Base | $75,515,000 |
| Utah | Hill Air Force Base | $41,400,000 |
| Washington | McChord Air Force Base | $5,500,000 |
| Wyoming | Francis E. Warren Air Force Base | $8,600,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

| Country | Installation or Location | Amount |
|---|---|---|
| Afghanistan | Bagram Airfield | $57,200,000 |
| Guam | Andersen Air Force Base | $10,600,000 |
| Kyrgyzstan | Manas Air Base | $6,000,000 |
| United Kingdom | Royal Air Force Lakenheath | $7,400,000 |

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

**Air Force: Unspecified Worldwide**

| Location | Installation or Location | Amount |
|---|---|---|
| Worldwide Unspecified ..... | Unspecified Worldwide Locations ..... | $38,391,000 |

**SEC. 2302. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

**Air Force: Family Housing**

| Country | Installation or Location | Purpose | Amount |
|---|---|---|---|
| United Kingdom ... | Royal Air Force Lakenheath | 182 Units .... | $71,828,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,108,090,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $889,719,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $81,200,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $38,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $93,436,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $594,465,000.

**SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2006 Project Authorizations**

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| Alaska | Eielson Air Force Base | Replace Family Housing (92 units) | $37,650,000 |
| | | Purchase Build/ Lease Housing (300 units) | $18,144,000 |
| California | Edwards Air Force Base | Replace Family Housing (226 units) | $59,699,000 |
| Florida | MacDill Air Force Base | Replace Family Housing (109 units) | $40,982,000 |
| Missouri | Whiteman Air Force Base | Replace Family Housing (111 units) | $26,917,000 |
| North Carolina. | Seymour Johnson Air Force Base | Replace Family Housing (255 units) | $48,868,000 |
| North Dakota | Grand Forks Air Force Base | Replace Family Housing (150 units) | $43,353,000 |

**SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act and extended by section 2307 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 519), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2005 Project Authorizations**

| State/Country | Installation or Location | Project | Amount |
|---|---|---|---|
| Arizona | Davis-Monthan Air Force Base | Replace Family Housing (250 units) | $48,500,000 |
| California | Vandenberg Air Force Base | Replace Family Housing (120 units) | $30,906,000 |
| Florida | MacDill Air Force Base | Construct Housing Maintenance Facility | $1,250,000 |
| Missouri | Whiteman Air Force Base | Replace Family Housing (160 units) | $37,087,000 |
| North Carolina | Seymour Johnson Air Force Base | Replace Family Housing (167 units) | $32,693,000 |
| Germany | Ramstein Air Base | USAFE Theater Aerospace Operations Support Center | $24,204,000 |

# TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.
Sec. 2405. Modification of authority to carry out certain fiscal year 2005 projects.
Sec. 2406. Extension of authorization of certain fiscal year 2006 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.
Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.
Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.

## Subtitle A—Defense Agency Authorizations

### SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

**Defense Education Activity**

| State | Installation or Location | Amount |
|---|---|---|
| Kentucky | Fort Campbell | $21,400,000 |
| North Carolina | Fort Bragg | $78,471,000 |

**Defense Intelligence Agency**

| State | Installation or Location | Amount |
|---|---|---|
| Illinois | Scott Air Force Base | $13,977,000 |

**Defense Logistics Agency**

| State | Installation or Location | Amount |
|---|---|---|
| California | Defense Distribution Depot, Tracy | $50,300,000 |
| Delaware | Defense Fuel Supply Center, Dover Air Force Base. | $3,373,000 |
| Florida | Defense Fuel Support Point, Jacksonville. | $34,000,000 |
| Georgia | Hunter Army Air Field | $3,500,000 |
| Hawaii | Pearl Harbor | $27,700,000 |
| New Mexico | Kirtland Air Force Base | $14,400,000 |
| Oklahoma | Altus Air Force Base | $2,850,000 |
| Pennsylvania | Philadelphia | $1,200,000 |
| Utah | Hill Air Force Base | $20,400,000 |
| Virginia | Craney Island | $39,900,000 |

**National Security Agency**

| State | Installation or Location | Amount |
|---|---|---|
| Maryland | Fort Meade | $31,000,000 |

**Special Operations Command**

| State | Installation or Location | Amount |
|---|---|---|
| California | Naval Amphibious Base, Coronado. | $9,800,000 |
| Florida | Eglin Air Force Base | $40,000,00 |
| | Hurlburt Field | $8,900,000 |
| | MacDill Air Force Base | $10,500,000 |
| Kentucky | Fort Campbell | $15,000,000 |
| New Mexico | Cannon Air Force Base | $26,400,000 |
| North Carolina | Fort Bragg | $38,250,000 |
| Virginia | Fort Story | $11,600,000 |
| Washington | Fort Lewis | $38,000,000 |

**TRICARE Management Activity**

| State | Installation or Location | Amount |
|---|---|---|
| Alaska | Fort Richardson | $6,300,000 |
| Colorado | Buckley Air Force Base | $3,000,000 |
| Georgia | Fort Benning | $3,900,000 |
| Kentucky | Fort Campbell | $24,000,000 |
| Maryland | Aberdeen Proving Ground | $430,000,000 |
| Missouri | Fort Leonard Wood | $22,000,000 |
| Oklahoma | Tinker Air Force Base | $65,000,000 |
| Texas | Fort Sam Houston | $13,000,000 |

**Washington Headquarters Services**

| State | Installation or Location | Amount |
|---|---|---|
| Virginia ..... | Pentagon Reservation ..... | $38,940,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

## Defense Logistics Agency

| Country | Installation or Location | Amount |
|---|---|---|
| Germany | Germersheim | $48,000,000 |
| Greece | Souda Bay | $8,000,000 |

## Missile Defense Command

| Country | Installation or Location | Amount |
|---|---|---|
| Czech Republic | Various Locations | $176,100,000 |
| Poland | Various Locations | $661,380,000 |

## Special Operations Command

| Country | Installation or Location | Amount |
|---|---|---|
| Qatar | Al Udeid | $9,200,000 |

## TRICARE Management Activity

| Country | Installation or Location | Amount |
|---|---|---|
| Guam | Naval Activities | $30,000,000 |

**SEC. 2402. ENERGY CONSERVATION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $90,000,000.

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,639,050,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $740,811,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $246,360,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $28,853,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $5,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $133,225,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $90,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(8) For the construction of increment 4 of the regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 485), $100,220,000.

(9) For the construction of increment 2 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $209,000,000.

(10) For the construction of increment 2 of the special operations forces operational facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $402,000,000 (the balance of the amount authorized for the TRICARE Management Activity under section 2401(a) for the construction of the United States Army Medical Research Institute of Infectious Diseases at Aberdeen Proving Ground, Maryland).

(3) $618,780,000 (the balance of the amount authorized for the Missile Defense Command under section 2401(b) for the construction of the Ballistic Missile Defense, European Interceptor Site).

(4) $67,540,000 (the balance of the amount authorized for the Missile Defense Command under section 2401(b) for the construction of the Ballistic Missile Defense, European Mid-Course Radar Site).

**SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.**

(a) MODIFICATION.—The table relating to the TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457) is amended in the item relating to Fort Detrick, Maryland, by striking "$550,000,000" in the amount column and inserting "$683,000,000".

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of that Act (120 Stat. 2461) is amended by striking "$521,000,000" and inserting "$654,000,000".

**SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECTS.**

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2112) is amended—

(1) by striking the item relating to Defense Fuel Support Point, Naval Air Station, Oceana, Virginia; and

(2) by striking the amount identified as the total in the amount column and inserting "$485,193,000".

(b) CONFORMING AMENDMENTS.—Section 2404(a) of that Act (118 Stat. 2113) is amended—

(1) in the matter preceding paragraph (1), by striking "$1,055,663,000" and inserting "$1,052,074,000"; and

(2) in paragraph (1), by striking "$411,782,000" and inserting "$408,193,000".

**SEC. 2406. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Defense Logistics Agency: Extension of 2006 Project Authorization**

| Installation or Location | Project | Amount |
|---|---|---|
| Defense Logistics Agency ..... | Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania. | $6,500,000 |

# Subtitle B—Chemical Demilitarization Authorizations

**SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Chemical Demilitarization Program: Inside the United States**

| Army | Installation or Location | Amount |
|---|---|---|
| Army | Blue Grass Army Depot, Kentucky | $12,000,000 |

**SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $144,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $67,218,000.

**SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.**

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking "$261,000,000" in the amount column and inserting "$484,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$830,454,000".

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking "$261,000,000" and inserting "$484,000,000".

**SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.**

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section

2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking "$290,325,000" in the amount column and inserting "$492,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$949,920,000".

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking "$267,525,000" and inserting "$469,200,000".

# TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

**SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $230,867,000.

# TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Modification of authority to carry out certain fiscal year 2008 project.
Sec. 2608. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2609. Extension of Authorization of certain fiscal year 2005 project.

**SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

## Army National Guard

| State | Location | Amount |
|---|---|---|
| Alabama | Fort McClellan | $3,000,000 |
| Alaska | Bethel Armory | $16,000,000 |
| Arizona | Camp Navajo | $13,000,000 |
| | Florence | $13,800,000 |
| | Papago Military Reservation | $24,000,000 |
| Arkansas | Cabot | $10,868,000 |
| Colorado | Denver | $9,000,000 |
| | Grand Junction | $9,000,000 |
| Connecticut | Camp Rell | $28,000,000 |
| | East Haven | $13,800,000 |
| Delaware | New Castle | $28,000,000 |
| Florida | Camp Blanding | $33,307,000 |
| Georgia | Dobbins Air Reserve Base | $45,000,000 |
| Idaho | Orchard Training Area | $1,850,000 |
| Illinois | Urbana Armory | $16,186,000 |
| Indiana | Camp Atterbury | $5,800,000 |
| | Lawrence | $21,000,000 |
| | Muscatatuck | $6,000,000 |
| Iowa | Camp Dodge | $1,500,000 |
| | Davenport | $1,550,000 |
| | Mount Pleasant | $1,500,000 |
| Kentucky | London | $7,191,000 |
| Maine | Bangor | $20,000,000 |
| Maryland | Edgewood | $28,000,000 |
| | Salisbury | $9,800,000 |
| Massachusetts | Methuen | $21,000,000 |
| Michigan | Camp Grayling | $22,943,000 |
| Minnesota | Arden Hills | $15,000,000 |

**Army National Guard**—Continued

| State | Location | Amount |
|---|---|---|
| Nevada | Elko | $11,375,000 |
| New York | Fort Drum | $11,000,000 |
| | Queensbury | $5,900,000 |
| Ohio | Camp Perry | $2,000,000 |
| | Ravenna | $2,000,000 |
| Pennsylvania | Honesdale | $6,117,000 |
| Rhode Island | North Kingstown | $5,000,000 |
| South Carolina | Anderson | $12,000,000 |
| | Beaufort | $3,400,000 |
| | Eastover | $28,000,000 |
| | Hemingway | $4,600,000 |
| South Dakota | Camp Rapid | $14,463,000 |
| | Rapid City | $29,000,000 |
| Tennessee | Tullahoma | $10,372,000 |
| Utah | Camp Williams | $17,500,000 |
| Vermont | Ethan Allen Firing Range | $10,200,000 |
| Virginia | Arlington | $15,500,000 |
| | Fort Pickett | $2,950,000 |
| Washington | Fort Lewis (Gray Army Airfield) | $32,000,000 |
| West Virginia | Camp Dawson | $9,000,000 |

**SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations, and in the amounts, set forth in the following table:

**Army Reserve**

| State | Location | Amount |
|---|---|---|
| California | Fort Hunter Liggett | $3,950,000 |
| Hawaii | Fort Shafter | $19,199,000 |
| Idaho | Hayden Lake | $9,580,000 |
| Kansas | Dodge City | $8,100,000 |
| Maryland | Baltimore | $11,600,000 |
| Massachusetts | Fort Devens | $1,900,000 |
| Michigan | Saginaw | $11,500,000 |
| Missouri | Weldon Springs | $11,700,000 |
| Nevada | Las Vegas | $33,900,000 |
| New Jersey | Fort Dix | $3,825,000 |
| New York | Kingston | $13,494,000 |
| | Shoreham | $15,031,000 |
| | Staten Island | $18,550,000 |
| North Carolina | Raleigh | $25,581,000 |
| Pennsylvania | Letterkenny Army Depot | $14,914,000 |
| Tennessee | Chattanooga | $10,600,000 |
| Texas | Sinton | $9,700,000 |
| Washington | Seattle | $37,500,000 |
| Wisconsin | Fort McCoy | $4,000,000 |

**SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

| State | Location | Amount |
|---|---|---|
| California | Lemoore | $15,420,000 |
| Delaware | Wilmington | $11,530,000 |
| Georgia | Marietta | $7,560,000 |
| Virginia | Norfolk | $8,170,000 |
| | Williamsburg | $12,320,000 |

**SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

**Air National Guard**

| State | Location | Amount |
|---|---|---|
| Arkansas | Little Rock Air Force Base | $4,000,000 |
| Colorado | Buckley Air Force Base | $4,200,000 |
| Connecticut | Bradley International Airport | $7,200,000 |
| Delaware | New Castle County Airport | $14,800,000 |
| Georgia | Savannah Combat Readiness Training Center | $7,500,000 |
| Indiana | Fort Wayne International Airport | $5,600,000 |
| Iowa | Fort Dodge | $5,600,000 |
| Kansas | Smoky Hill Air National Guard Range | $7,100,000 |
| Maryland | Martin State Airport | $7,900,000 |
| Massachusetts | Otis Air National Guard Base | $14,300,000 |
| Minnesota | Duluth 148th Fighter Wing Base | $4,500,000 |
| | Minneapolis-St. Paul | $1,500,000 |
| Mississippi | Gulfport-Biloxi International Airport | $3,400,000 |
| New Jersey | Atlantic City International Airport | $8,400,000 |
| New York | Gabreski Airport, Westhampton | $7,500,000 |
| | Hancock Field | $10,400,000 |
| Ohio | Springfield Air National Guard Base | $12,800,000 |
| Rhode Island | Quonset State Airport | $7,700,000 |
| South Dakota | Joe Foss Field | $4,500,000 |
| Tennessee | Knoxville | $8,000,000 |
| Texas | Ellington Field | $7,600,000 |
| | Fort Worth Naval Air Station Joint Reserve Base | $5,000,000 |
| Vermont | Burlington International Airport | $6,600,000 |
| Washington | McChord Air Force Base | $8,600,000 |
| West Virginia | Yeager Airport, Charleston | $27,000,000 |
| Wisconsin | Truax Field | $6,300,000 |
| Wyoming | Cheyenne Municipal Airport | $7,000,000 |

**SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

**Air Force Reserve**

| State | Location | Amount |
|---|---|---|
| Georgia | Dobbins Air Reserve Base | $6,450,000 |
| Oklahoma | Tinker Air Force Base | $9,900,000 |
| New York | Niagara Falls Air Reserve Station | $9,000,000 |

**SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $736,317,000; and

(B) for the Army Reserve, $282,607,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $242,924,000; and

(B) for the Air Force Reserve, $36,958,000.

**SEC. 2607. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.**

The table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 527) is amended in the item relating to North Kingstown, Rhode Island, by striking "$33,000,000" in the amount column and inserting "$38,000,000".

**SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army National Guard: Extension of 2006 Project Authorizations**

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| California | Camp Roberts | Urban Assault Course | $1,485,000 |
| Idaho | Gowen Field | Railhead, Phase 1 | $8,331,000 |
| Mississippi | Biloxi | Readiness Center | $16,987,000 |
| | Camp Shelby | Modified Record Fire Range | $2,970,000 |
| Montana | Townsend | Automated Qualification Training Range. | $2,532,000 |
| Pennsylvania | Philadelphia | Stryker Brigade Combat Team Readiness Center. | $11,806,000 |
| | | Organizational Maintenance Shop #7. | $6,144,930 |

**SEC. 2609. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2005 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army National Guard: Extension of 2005 Project Authorization**

| State | Installation or Location | Project | Amount |
|---|---|---|---|
| California | Dublin | Readiness Center, Add/Alt (ADRS). | $11,318,000 |

# TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Amendments to Base Closure and Related Laws

Sec. 2711. Modification of annual base closure and realignment reporting requirements.
Sec. 2712. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

Subtitle C—Other Matters

Sec. 2721. Independent design review of National Naval Medical Center and military hospital at Fort Belvoir.
Sec. 2722. Report on use of BRAC properties as sites for refineries or nuclear power plants.

## Subtitle A—Authorizations

### SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $458,377,000, as follows:

(1) For the Department of the Army, $87,855,000.
(2) For the Department of the Navy, $228,700,000.
(3) For the Department of the Air Force, $139,155,000.
(4) For the Defense Agencies, $2,667,000.

### SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $6,982,334,000.

**SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

# Subtitle B—Amendments to Base Closure and Related Laws

**SEC. 2711. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.**

(a) TERMINATION OF REPORTING REQUIREMENTS AFTER FISCAL YEAR 2014.—Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking "As part of the budget request for fiscal year 2007 and for each fiscal year thereafter" and inserting "(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016"; and

(2) by adding at the end the following new subsection: "(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with respect to realignment actions after the report submitted with the budget for fiscal year 2014.".

(b) EXCLUSION OF DESCRIPTIONS OF REALIGNMENT ACTIONS.—Subsection (a) of such section, as designated and amended by subsection (a)(1) of this section, is further amended—

(1) in paragraph (1), by striking "and realignment" both places it appears;

(2) in paragraph (2), by striking "and realignments"; and

(3) in paragraphs (3), (4), (5), (6), and (7), by striking "or realignment" each place it appears.

**SEC. 2712. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.**

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) is amended—

(A) in subsection (a), by striking "Section 2905A" and inserting "Section 2906A"; and

(B) in subsection (b), by striking "section 2905A" and inserting "section 2906A".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Subsection (f) of section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking "20 percent or $2,000,000, whichever is greater" and inserting "20 percent or $2,000,000, whichever is less".

## Subtitle C—Other Matters

Maryland.
Virginia.

**SEC. 2721. INDEPENDENT DESIGN REVIEW OF NATIONAL NAVAL MEDICAL CENTER AND MILITARY HOSPITAL AT FORT BELVOIR.**

(a) FINDINGS.—Congress makes the following findings:

(1) Military personnel and their families, as well as veterans and retired military personnel living in the National Capital region, deserve to be treated in world class medical facilities.

(2) World class medical facilities are defined as incorporating the best practices of the premier private health facilities in the country as well as the collaborative input of military health care professionals into a design that supports the unique needs of military personnel and their families.

(3) The closure of the Walter Reed Army Medical Center in Washington, D.C., and the resulting construction of the National Military Medical Center at the National Naval Medical Center, Bethesda, Maryland, and a new military hospital at Fort Belvoir, Virginia, offer the Department of Defense the opportunity to provide state-of-the-art and world-class medical facilities offering the highest quality of joint service care for members of the Armed Forces and their families.

(4) Congress has supported a Department of Defense request to expedite the construction of the new facilities at Bethesda and Fort Belvoir in order to provide care in better facilities as quickly as possible.

(5) The Department of Defense has a responsibility to ensure that the expedited design and construction of such facilities do not result in degradation of the quality standards required for world class facilities.

(b) INDEPENDENT DESIGN REVIEW.—

(1) ESTABLISHMENT OF DESIGN REVIEW PANEL.—The Secretary of Defense shall establish a panel consisting of medical facility design experts, military healthcare professionals, representatives of premier health care facilities in the United States, and patient representatives—

(A) to review design plans for the National Military Medical Center and the new military hospital at Fort Belvoir; and

(B) to advise the Secretary regarding whether the design, in the view of the panel, will achieve the goal of providing world-class medical facilities; and

(2) RECOMMENDATIONS FOR CHANGES TO DESIGN PLAN.—If the panel determines that the design plans will not meet such goal, the panel shall make recommendations for changes to those plans to ensure the construction of world-class medical facilities.

(3) REPORT.—Not later than 90 days after the date of the enactment of this Act, the panel shall submit to the Secretary of Defense a report on the findings and recommendations of the panel to address any deficiencies in the conceptual design plans.

(4) ASSESSMENT OF RECOMMENDATIONS.—Not later than 30 days after submission of the report under paragraph (3), the Secretary of Defense shall submit to the congressional defense committees a report including— Deadline. Reports.

(A) an assessment by the Secretary of the findings and recommendations of the panel; and

(B) the plans of the Secretary for addressing such findings and recommendations.

(c) COST ESTIMATE.—

(1) PREPARATION.—The Department of Defense shall prepare a cost estimate of the total cost to be incurred by the United States to close Walter Reed Army Medical Center, design and construct replacement facilities at the National Naval Medical Center and Fort Belvoir, and relocate operations to the replacement facilities.

(2) SUBMISSION.—The Secretary of Defense shall submit the resulting cost estimate to the congressional defense committees as soon as possible, but in no case later than 120 days after the date of the enactment of this Act. Deadline.

(d) MILESTONE SCHEDULE.—

(1) PREPARATION.—The Secretary of Defense shall prepare a complete milestone schedule for the closure of Walter Reed Army Medical Center, the design and construction of replacement facilities at the National Naval Medical Center and Fort Belvoir, and the relocation of operations to the replacement facilities. The schedule shall include a detailed plan regarding how the Department of Defense will carry out the transition of operations between Walter Reed Army Medical Center and the replacement facilities. Transition plan.

(2) SUBMISSION.—The Secretary of Defense shall submit the resulting milestone schedule and transition plan to the congressional defense committees as soon as possible, but in no case later than 45 days after the date of the enactment of this Act. Deadline.

**SEC. 2722. REPORT ON USE OF BRAC PROPERTIES AS SITES FOR REFINERIES OR NUCLEAR POWER PLANTS.**

Not later than October 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the feasibility of using military installations selected for closure under the base closure and realignment process as locations for the construction of petroleum or natural gas refineries or nuclear power plants.

# TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Incorporation of principles of sustainable design in documents submitted as part of proposed military construction projects.
Sec. 2802. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.
Sec. 2803. Use of military family housing constructed under build and lease authority to house members without dependents.
Sec. 2804. Leasing of military family housing to Secretary of Defense.
Sec. 2805. Improved oversight and accountability for military housing privatization initiative projects.
Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command and United States Africa Command areas of responsibility.
Sec. 2807. Cost-benefit analysis of dissolution of Patrick Family Housing LLC.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of congressional reporting requirements for certain real property transactions.
Sec. 2812. Authority to lease non-excess property of military departments and Defense Agencies.
Sec. 2813. Modification of utility system conveyance authority.
Sec. 2814. Defense access roads.
Sec. 2815. Report on application of force protection and anti-terrorism standards to gates and entry points on military installations.

Subtitle C—Provisions Related to Guam Realignment

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

Subtitle D—Energy Security

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

Subtitle E—Land Conveyances

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

Subtitle F—Other Matters

Sec. 2851. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.
Sec. 2852. Acceptance and use of gifts for construction of additional building at National Museum of the United States Air Force, Wright-Patterson Air Force Base.
Sec. 2853. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.
Sec. 2854. Use of runway at NASJRB Willow Grove, Pennsylvania.
Sec. 2855. Naming of health facility, Fort Rucker, Alabama.

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

**SEC. 2801. INCORPORATION OF PRINCIPLES OF SUSTAINABLE DESIGN IN DOCUMENTS SUBMITTED AS PART OF PROPOSED MILITARY CONSTRUCTION PROJECTS.**

(a) DEFINITION OF LIFE-CYCLE COST-EFFECTIVE.—Subsection (c) of section 2801 of title 10, United States Code, is amended—

(1) by transferring paragraph (4) to appear as the first paragraph in the subsection and redesignating such paragraph as paragraph (1);

(2) by redesignating the subsequent three paragraphs as paragraphs (2), (4), and (5), respectively; and

(3) by inserting after paragraph (2), as so redesignated, the following new paragraph:

"(3) The term 'life-cycle cost-effective', with respect to a project, product, or measure, means that the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and replacement costs, as estimated for the lifetime of the project, product, or measure, does not exceed the base case (current or standard) for the practice, product, or measure.".

(b) INCLUSION.—Section 2802 of such title is amended by adding at the end the following new subsection:

"(c) In determining the scope of a proposed military construction project, the Secretary concerned shall submit to the President such recommendations as the Secretary considers to be appropriate regarding the incorporation and inclusion of life-cycle cost-effective practices as an element in the project documents submitted to Congress in connection with the budget submitted pursuant to section 1105 of title 31 for the fiscal year in which a contract is proposed to be awarded for the project.". Recommendations.

**SEC. 2802. REVISION OF MAXIMUM LEASE AMOUNT APPLICABLE TO CERTAIN DOMESTIC ARMY FAMILY HOUSING LEASES TO REFLECT PREVIOUSLY MADE ANNUAL ADJUSTMENTS IN AMOUNT.**

Section 2828(b)(7)(A) of title 10, United States Code, is amended by striking "$18,620 per unit" and inserting "$35,000 per unit".

**SEC. 2803. USE OF MILITARY FAMILY HOUSING CONSTRUCTED UNDER BUILD AND LEASE AUTHORITY TO HOUSE MEMBERS WITHOUT DEPENDENTS.**

(a) IN GENERAL.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2835 the following new section:

### "§ 2835a. Use of military family housing constructed under build and lease authority to house other members

"(a) INDIVIDUAL ASSIGNMENT OF MEMBERS WITHOUT DEPENDENTS.—(1) To the extent that the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is not needed to house members of the armed forces eligible for assignment to military family housing, the Secretary may assign, without rental charge, members without dependents to the housing.

"(2) A member without dependents who is assigned to housing pursuant to paragraph (1) shall be considered to be assigned to quarters pursuant to section 403(e) of title 37.

"(b) CONVERSION TO LONG-TERM LEASING OF MILITARY UNACCOMPANIED HOUSING.—(1) If the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is excess to the long-term needs of the family housing program of the Secretary, the Secretary may convert the lease contract entered into under subsection (a) of such section into a long-term lease of military unaccompanied housing.

"(2) The term of the lease contract for military unaccompanied housing converted from military family housing under paragraph (1) may not exceed the remaining term of the lease contract for the family housing so converted.

"(c) NOTICE AND WAIT REQUIREMENTS.—(1) The Secretary concerned may not convert military family housing to military unaccompanied housing under subsection (b) until—

"(A) the Secretary submits to the congressional defense committees a notice of the intent to undertake the conversion; and

Time periods.

"(B) a period of 21 days has expired following the date on which the notice is received by the committees or, if earlier, a period of 14 days has expired following the date on which a copy of the notice is provided in an electronic medium pursuant to section 480 of this title.

"(2) The notice required by paragraph (1) shall include—

"(A) an explanation of the reasons for the conversion of the military family housing to military unaccompanied housing;

"(B) a description of the long-term lease to be converted;

"(C) amounts to be paid under the lease; and

"(D) the expiration date of the lease.

"(d) APPLICATION TO HOUSING LEASED UNDER FORMER AUTHORITY.—This section also shall apply to housing initially acquired or constructed under the former section 2828(g) of this title (commonly known as the 'Build to Lease program'), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat 782).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2835 the following new item:

"2835a. Use of military family housing constructed under build and lease authority to house other members.".

**SEC. 2804. LEASING OF MILITARY FAMILY HOUSING TO SECRETARY OF DEFENSE.**

(a) LEASING OF HOUSING.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2837 the following new section:

### "§ 2838. Leasing of military family housing to Secretary of Defense

"(a) AUTHORITY.—(1) The Secretary of a military department may lease to the Secretary of Defense military family housing in the National Capital Region (as defined in section 2674(f) of this title).

"(2) In determining the military housing unit to lease under this section, the Secretary of Defense should first consider any

available military housing units that are already substantially equipped for executive communications and security.

"(b) RENTAL RATE.—A lease under subsection (a) shall provide for the payment by the Secretary of Defense of consideration in an amount equal to 105 percent of the monthly rate of basic allowance for housing prescribed under section 403(b) of title 37 for a member of the uniformed services in the pay grade of O–10 with dependents assigned to duty at the military installation on which the leased housing unit is located. A rate so established shall be considered the fair market value of the lease interest.

"(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all amounts received pursuant to leases entered into by the Secretary under this section into a special account in the Treasury established for such military department.

"(2) The proceeds deposited into the special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, without further appropriation, for the maintenance, protection, alteration, repair, improvement, or restoration of military housing on the military installation at which the housing leased pursuant to subsection (a) is located.".

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

"2838. Leasing of military family housing to Secretary of Defense.".

**SEC. 2805. IMPROVED OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION INITIATIVE PROJECTS.**

(a) OVERSIGHT AND ACCOUNTABILITY.—

(1) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

### "§ 2885. Oversight and accountability for privatization projects

"(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Each Secretary concerned shall prescribe regulations to effectively oversee and manage military housing privatization projects carried out under this subchapter. The regulations shall include the following requirements for each privatization project: Regulations.

"(1) The installation asset manager shall conduct monthly site visits and provide quarterly reports on the progress of the construction or renovation of the housing units. The reports shall be submitted quarterly to the assistant secretary for installations and environment of the respective military department. Deadlines. Reports.

"(2) The installation asset manager, and, as applicable, the resident construction manager, privatization asset manager, bondholder representative, project owner, developer, general contractor, and construction consultant for the project shall conduct meetings to ensure that the construction or renovation of the units meets performance and schedule requirements and that appropriate operating and ground lease agreements are in place and adhered to.

"(3) If a project is 90 days or more behind schedule or otherwise appears to be substantially failing to adhere to the Notice.

obligations or milestones under the contract, the assistant secretary for installations and environment of the respective military department shall submit a notice of deficiency to the Deputy Under Secretary of Defense (Installations and Environment), the Secretary concerned, the managing member, and the trustee for the project.

Deadlines.

"(4)(A) Not later than 15 days after the submittal of a notice of deficiency under paragraph (3), the Secretary concerned or designated representative shall submit to the project owner, developer, or general contractor responsible for the project a summary of deficiencies related to the project.

"(B) If the project owner, developer, or general contractor responsible for the privatization project is unable, within 60 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Secretary concerned shall notify the congressional defense committees of the status of the project, and shall provide a recommended course of action to correct the problems.

"(b) REQUIRED QUALIFICATIONS.—The Secretary concerned or designated representative shall ensure that the project owner, developer, or general contractor that is selected for each military housing privatization initiative project has construction experience commensurate with that required to complete the project.

"(c) BONDING LEVELS.—The Secretary concerned shall ensure that the project owner, developer, or general contractor responsible for a military housing privatization initiative project has sufficient payment and performance bonds or suitable instruments in place for each phase of a construction or renovation portion of the project to ensure successful completion of the work in amounts as agreed to in the project's legal documents, but in no case less than 50 percent of the total value of the active phases of the project, prior to the commencement of work for that phase.

"(d) REPORTING OF EFFORTS TO SELECT SUCCESSOR IN EVENT OF DEFAULT.—In the event a military housing privatization initiative project enters into default, the assistant secretary for installations and environment of the respective military department shall submit a report to the congressional defense committees every 90 days detailing the status of negotiations to award the project to a new project owner, developer, or general contractor.

Records.

"(e) EFFECT OF NOTICES OF DEFICIENCY ON CONTRACTORS AND AFFILIATED ENTITIES.—(1) The Secretary concerned shall keep a record of all plans of action or notices of deficiency issued to a project owner, developer, or general contractor under subsection (a)(4), including the identity of each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor.

"(2) Each military department shall consult all records maintained under paragraph (1) when reviewing the past performance of owners, developers, and contractors in the bidding process for a contract or other agreement for a military housing privatization initiative project.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2885. Oversight and accountability for privatization projects.".

(b) REPORT FOR IDENTIFYING AND COMMUNICATING BEST PRACTICES FOR TRANSACTIONS.—Section 2884(b) of such title is amended by adding at the end the following new paragraph:

"(7) A report on best practices for the execution of housing privatization initiatives, including—

"(A) effective means to track and verify proper performance, schedule, and cash flow;

"(B) means of overseeing the actions of bondholders to properly monitor construction progress and construction draws;

"(C) effective structuring of transactions to ensure the United States Government has adequate abilities to oversee project owner performance;

"(D) ensuring that notices to proceed on new work are not issued until proper bonding is in place; and

"(E) such other topics that are identified as pertinent by the Department of Defense.".

(c) PARTNERSHIP WITH ELIGIBLE ENTITY REQUIRED.—Section 2871(5) of title 10, United States Code, is amended by inserting before the period at the end the following: "that is prepared to enter into a contract as a partner with the Secretary concerned for the construction of military housing units and ancillary supporting facilities".

(d) COMPETITIVE PROCESS FOR CONVEYANCE OR LEASE OF PROPERTY.—Section 2878 of such title is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) COMPETITIVE PROCESS.—The Secretary concerned shall ensure that the time, method, and terms and conditions of the reconveyance or lease of property or facilities under this section from the eligible entity permit full and free competition consistent with the value and nature of the property or facilities involved.".

(e) TREATMENT OF ACQUIRED OR CONSTRUCTED HOUSING UNITS.—

(1) REPEAL OF SEPARATE ASSIGNMENT AUTHORITY.—Section 2882 of such title is amended to read as follows:

### "§ 2882. Effect of assignment of members to housing units acquired or constructed under alternative authority

"(a) TREATMENT AS QUARTERS OF THE UNITED STATES.—Except as provided in subsection (b), housing units acquired or constructed under this subchapter shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403 of title 37.

"(b) AVAILABILITY OF BASIC ALLOWANCE FOR HOUSING.—A member of the armed forces who is assigned to a housing unit acquired or constructed under this subchapter that is not owned or leased by the United States shall be entitled to a basic allowance for housing under section 403 of title 37.

"(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant

to allotments of the pay of such members under section 701 of title 37.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2882 and inserting the following new item:

"2882. Effect of assignment of members to housing units acquired or constructed under alternative authority.".

(f) ANNUAL REPORT ON MAINTENANCE AND REPAIR TO PRIVATIZED GENERAL AND FLAG OFFICER QUARTERS.—Section 2884(b) of such title, as amended by subsection (b), is further amended by adding at the end the following new paragraph:

"(8) A report identifying each family housing unit acquired or constructed under this subchapter that is used, or intended to be used, as quarters for a general officer or flag officer and for which the total operation, maintenance, and repair costs for the unit exceeded $50,000. For each housing unit so identified, the report shall also include the total of such operation, maintenance, and repair costs.".

**SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AND UNITED STATES AFRICA COMMAND AREAS OF RESPONSIBILITY.**

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended—

(1) by striking "2008" and inserting "2009"; and

(2) by striking "outside the United States" and inserting "inside the United States Central Command and United States Africa Command areas of responsibility".

(b) EXCEPTION FOR PROJECTS IN AFGHANISTAN FROM LIMITATION ON AUTHORITY RELATED TO LONG-TERM UNITED STATES PRESENCE.—Such subsection, as so amended, is further amended by inserting before the period at the end of paragraph (2) the following: ", unless the military installation is located in Afghanistan, for which projects using this authority may be carried out at installations deemed as supporting a long-term presence".

(c) MODIFICATION OF ANNUAL LIMITATION ON USE OF AUTHORITY.—Subsection (c) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723) is amended to read as follows:

"(c) ANNUAL LIMITATION ON USE OF AUTHORITY.—(1) The total cost of the construction projects carried out under the authority of this section using, in whole or in part, appropriated funds available for operation and maintenance shall not exceed $200,000,000 in a fiscal year.

"(2) If the Secretary of Defense certifies to the congressional defense committees that additional construction in Afghanistan is required to meet urgent military requirements in Afghanistan, up to an additional $300,000,000 in funds available for operation and maintenance may be used in Afghanistan upon completing the prenotification requirements under subsection (b). Under no circumstances shall the total appropriated funds available from operation and maintenance for fiscal year 2009 exceed $500,000,000.". Certification.

(d) QUARTERLY REPORTS.—Subsection (d)(1) of such section, as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), is further amended by striking "30 days" and inserting "45 days".

**SEC. 2807. COST-BENEFIT ANALYSIS OF DISSOLUTION OF PATRICK FAMILY HOUSING LLC.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a cost-benefit analysis of dissolving Patrick Family Housing LLC without exercising the full range of rights available to the United States Government to recover damages from the partnership. Deadline.

# Subtitle B—Real Property and Facilities Administration

**SEC. 2811. CLARIFICATION OF CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.**

Section 2662(c) of title 10, United States Code, is amended by striking "river and harbor projects or flood control projects" and inserting "water resource development projects of the Corps of Engineers".

**SEC. 2812. AUTHORITY TO LEASE NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS AND DEFENSE AGENCIES.**

(a) CONSOLIDATION OF SEPARATE AUTHORITIES.—

(1) ESTABLISHMENT OF SINGLE AUTHORITY.—Subsection (a) of section 2667 of title 10, United States Code, is amended to read as follows:

"(a) LEASE AUTHORITY.—Whenever the Secretary concerned considers it advantageous to the United States, the Secretary concerned may lease to such lessee and upon such terms as the Secretary concerned considers will promote the national defense or to be in the public interest, real or personal property that—

"(1) is under the control of the Secretary concerned;

"(2) is not for the time needed for public use; and

"(3) is not excess property, as defined by section 102 of title 40.".

(2) SECRETARY CONCERNED DEFINED.—Subsection (i) of such section is amended by adding at the end the following new paragraph:

"(4) The term 'Secretary concerned' means—

"(A) the Secretary of a military department, with respect to matters concerning that military department; and

"(B) the Secretary of Defense, with respect to matters concerning the Defense Agencies.".

(b) PROHIBITION ON LEASEBACK WITH EXCESSIVE ANNUAL PAYMENTS.—Subsection (b) of such section is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

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

"(7) may not provide for a leaseback by the Secretary concerned with an annual payment in excess of $500,000.".

(c) IMPROVED CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Paragraph (4) of subsection (c) of such section is amended to read as follows:

Deadlines.
Reports.

"(4)(A) Not later than 30 days before issuing a contract solicitation or other lease offering under this section for a lease whose annual payment, including any in-kind consideration to be accepted under subsection (b)(5) or this subsection, will exceed $750,000, the Secretary concerned shall submit to the congressional defense committees a report containing—

"(i) a description of the proposed lease, including the proposed duration of the lease;

"(ii) a description of the authorities to be used in entering the lease and the intended participation of the United States in the lease, including a justification of the intended method of participation;

"(iii) a statement of the scored cost of the lease, determined using the scoring criteria of the Office of Management and Budget;

"(iv) a determination that the property involved in the lease is not excess property, as required by subsection (a)(3), including the basis for the determination;

"(v) a determination that the proposed lease is directly compatible with the mission of the military installation or Defense Agency whose property is to be subject to the lease and the anticipated long-term use of the property at the conclusion of the lease; and

"(vi) a description of the requirements or conditions within the contract solicitation or other lease offering for the offeror to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

"(B) In the case of a lease described in subparagraph (A), the Secretary concerned also shall submit to the congressional defense committees a report at least 30 days before the date on which the Secretary concerned enters into a lease the following information:

"(i) A copy of the report submitted under subparagraph (A).

"(ii) A description of the differences between the report submitted under that subparagraph and the new report.

"(iii) A description of the lessee payment required under this section.".

(d) CONFORMING AMENDMENTS TO REFERENCES TO MILITARY DEPARTMENTS AND INSTALLATIONS.—

(1) COMMUNITY SUPPORT FACILITIES AND COMMUNITY SUPPORT SERVICES.—Subsection (d) of such section is amended—

(A) in paragraph (2), by striking "Secretary of a military department" and inserting "Secretary concerned"; and

(B) in paragraphs (3), (4), and (6), by striking "of the military department" each place it appears.

(2) DEPOSIT AND USE OF PROCEEDS.—Subsection (e) of such section is amended—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i)—

(I) by striking "Secretary of a military department" and inserting "Secretary concerned"; and

(II) by striking "such military department" and inserting "that Secretary"; and

(ii) in clause (iii), by striking "military department" and inserting "Secretary";

(B) in paragraph (1)(B)(i), by striking "Secretary of a military department" and inserting "Secretary concerned";

(C) in paragraph (1)(C), by striking "of a military department pursuant to subparagraph (A) shall be available to the Secretary of that military department" and inserting "established for the Secretary concerned shall be available to the Secretary";

(D) in paragraph (1)(D)—

(i) by striking "of a military department under subparagraph (A)" and inserting "established for the Secretary concerned"; and

(ii) by inserting "or Defense Agency location" after "military installation";

(E) in paragraph (1)(E), by striking "installation" and inserting "military installation or Defense Agency location"; and

(F) in paragraph (3), by striking "Secretary of a military department" and inserting "Secretary concerned".

(3) BASE CLOSURE PROPERTY.—Subsection (g)(1) of such section is amended by striking "Secretary of a military department" and inserting "Secretary concerned".

(e) REPEAL OF SEPARATE DEFENSE AGENCY AUTHORITY.—

(1) REPEAL.—Section 2667a of such title is repealed.

10 USC 2667a note.

(2) EFFECT ON EXISTING CONTRACTS.—The repeal of section 2667a of title 10, United States Code, shall not affect the validity or terms of any lease with respect to property of a Defense Agency entered into by the Secretary of Defense under such section before the date of the enactment of this Act.

(3) TREATMENT OF MONEY RENTS.—Amounts in any special account established for a Defense Agency pursuant to subsection (d) of section 2667a of title 10, United States Code, before repeal of such section by paragraph (1), and amounts that would be deposited in such an account in connection with a lease referred to in paragraph (2), shall—

(A) remain available until expended for the purposes specified in such subsection, notwithstanding the repeal of such section by paragraph (1); or

(B) to the extent provided in appropriations Acts, be transferred to the special account required for the Secretary

of Defense by subsection (e) of section 2667 of such title, as amended by subsection (d)(2) of this section.

(f) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 2667 of such title is amended to read as follows:

**"§ 2667. Leases: non-excess property of military departments and Defense Agencies".**

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 159 of such title is amended by striking the items relating to sections 2667 and 2667a and inserting the following new item:

"2667. Leases: non-excess property of military departments and Defense Agencies.".

**SEC. 2813. MODIFICATION OF UTILITY SYSTEM CONVEYANCE AUTHORITY.**

Section 2688 of title 10, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

"(j) CONSTRUCTION OF UTILITY INFRASTRUCTURE AFTER CONVEYANCE OF A UTILITY SYSTEM.—(1) Upon conveyance of a utility system, the Secretary of a military department may convey additional utility infrastructure under the jurisdiction of the Secretary on a military installation to a utility or entity to which a utility system for the installation has been conveyed under subsection (a) if the Secretary determines that—

"(A) the additional utility infrastructure was constructed or installed after the date of the conveyance of the utility system;

"(B) the additional utility infrastructure cannot operate without being a part of the conveyed utility system;

"(C) the additional utility infrastructure was planned and coordinated with the entity operating the conveyed utility system; and

"(D) the military department receives as consideration an amount equal to the fair market value of the utility infrastructure determined in the same manner as the consideration the Secretary could require under subsection (c) for a conveyance under subsection (a).

"(2) The conveyance under this paragraph may consist of all right, title, and interest of the United States or such lesser estate as the Secretary considers appropriate to serve the interests of the United States.".

**SEC. 2814. DEFENSE ACCESS ROADS.**

(a) BASIS FOR TRANSPORTATION NEEDS ASSESSMENT.—Section 210(a) of title 23, United States Code, is amended—

(1) by striking "(a)" and inserting "(a)(1)"; and

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

"(2) If it is determined that an action of the Department of Defense will cause a significant transportation impact to access to a military reservation, the Secretary of Defense shall conduct a transportation needs assessment to assess the magnitude of the improvement required to address the impact.".

(b) REPORT ON RECENTLY IDENTIFIED TRANSPORTATION IMPACTS.—Not later than April 1, 2009, the Secretary of Defense

shall submit to the congressional defense committees and the Committee on Transportation and Infrastructure of the House of Representatives a report that details the significant transportation impacts resulting from actions of the Department of Defense since January 1, 2005. In the report, the Secretary shall assess the funding requirements necessary to address transportation needs resulting from these significant transportation impacts.

**SEC. 2815. REPORT ON APPLICATION OF FORCE PROTECTION AND ANTI-TERRORISM STANDARDS TO GATES AND ENTRY POINTS ON MILITARY INSTALLATIONS.**

(a) REPORT REQUIRED.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of Department of Defense Anti-Terrorism/Force Protection standards at gates and entry points of military installations.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the anti-terrorism/force protection standards for gates and entry points.

(2) An assessment, by installation, of whether the gates and entry points meet anti-terrorism/force protection standards.

(3) An assessment of whether the standards are met with either temporary or permanent measures, facilities, or equipment.

(4) A description and cost estimate of each action to be taken by the Secretary of Defense for each installation to ensure compliance with Department of Defense Anti-Terrorism/Force Protection standards using permanent measures and construction methods.

(5) An investment plan to complete all action required to ensure compliance with the standards described under paragraph (1).

# Subtitle C—Provisions Related to Guam Realignment

**SEC. 2821. SENSE OF CONGRESS REGARDING MILITARY HOUSING AND UTILITIES RELATED TO GUAM REALIGNMENT.**

(a) NATURE OF SPECIAL PURPOSE ENTITIES.—It is the sense of Congress that any military family housing provided in connection with the realignment of military installations and the relocation of military personnel on Guam should—

(1) be operated, to the extent practicable, in the manner provided for public-private ventures under subchapter IV of chapter 169 of title 10, United States Code; and

(2) should be constructed in accordance with current Department of Defense building standards.

(c) UTILITY INFRASTRUCTURE IMPROVEMENTS.—It is the sense of Congress that the proposed utility infrastructure improvements on Guam should incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system, if appropriate cost sharing and quality standards are met.

**SEC. 2822. FEDERAL ASSISTANCE TO GUAM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Interagency Group on Insular Areas, in coordination with the appropriate Federal agencies, should enter into a memorandum of understanding with the Government of Guam to identify, before the realignment of military installations and the relocation of military personnel on Guam, local funding requirements for civilian infrastructure development and other needs related to the realignment and relocation.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the status of interagency coordination through the Interagency Group on Insular Areas of budgetary requests to assist the Government of Guam with its budgetary requirements related to the realignment of military forces on Guam. The report shall address to what extent and how the Interagency Group on Insular Areas will be able to coordinate interagency budgets so the realignment of military forces on Guam will meet the 2014 completion date as stipulated in the May 2006 security agreement between the United States and Japan.

(c) INTERAGENCY GROUP ON INSULAR AREAS DEFINED.—In this section, the term "Interagency Group on Insular Areas" means the interagency group established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451). The term includes any sub-group or working group of that interagency group.

**SEC. 2823. ELIGIBILITY OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS FOR MILITARY BASE REUSE STUDIES AND COMMUNITY PLANNING ASSISTANCE.**

(a) INCLUSION IN DEFINITION OF MILITARY INSTALLATION.—Section 2687(e)(1) of title 10, United States Code, is amended by inserting after "Virgin Islands," the following: "the Commonwealth of the Northern Mariana Islands,".

(b) INCLUSION OF FACILITIES OWNED AND OPERATED BY COMMONWEALTH.—Section 2391(d)(1) of title 10, United States Code, is amended by inserting after "Guam," the following: "the Commonwealth of the Northern Mariana Islands,".

10 USC 2687 note.

**SEC. 2824. SUPPORT FOR REALIGNMENT OF MILITARY INSTALLATIONS AND RELOCATION OF MILITARY PERSONNEL ON GUAM.**

(a) ESTABLISHMENT OF ACCOUNT.—There is established on the books of the Treasury an account to be known as the "Support for United States Relocation to Guam Account" (in this section referred to as the "Account").

(b) CREDITS TO ACCOUNT.—

(1) AMOUNTS IN FUND.—There shall be credited to the Account all contributions received during fiscal year 2009 and subsequent fiscal years under section 2350k of title 10, United States Code, for the realignment of military installations and the relocation of military personnel on Guam.

Deadline.

(2) NOTICE OF RECEIPT OF CONTRIBUTIONS.—The Secretary of Defense shall submit to the congressional defense committees written notice of the receipt of contributions referred to in paragraph (1), including the amount of the contributions, not later than 30 days after receiving the contributions.

(c) USE OF ACCOUNT.—

(1) AUTHORIZED USES.—Subject to paragraph (2), amounts in the Account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section in connection with the realignment of military installations and the relocation of military personnel on Guam, including military construction, military family housing, unaccompanied housing, general facilities constructions for military forces, and utilities improvements.

(B) To carry out improvements of property or facilities on Guam as part of such a transaction.

(C) To obtain property support services for property or facilities on Guam resulting from such a transaction.

(D) To develop military facilities or training ranges in the Commonwealth of the Northern Mariana Islands.

(2) COMPLIANCE WITH GUAM MASTER PLAN.—Transactions authorized by paragraph (1) shall be consistent with the Guam Master Plan, as incorporated in decisions made in the manner provided in section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(3) LIMITATION REGARDING MILITARY HOUSING.—To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of Defense, the Secretary shall use such authorities to acquire, construct, or improve family housing units or ancillary supporting facilities in connection with the relocation of military personnel on Guam.

(4) SPECIAL REQUIREMENTS REGARDING USE OF CONTRIBUTIONS.—

(A) TREATMENT OF CONTRIBUTIONS.—Except as provided in subparagraph (C), the use of contributions referred to in subsection (b)(1) shall not be subject to conditions imposed on the use of appropriated funds by chapter 169 of title 10, United States Code, or contained in annual military construction appropriations Acts.

Time periods.

(B) NOTICE OF OBLIGATION.—Contributions referred to in subsection (b)(1) may not be obligated for a transaction authorized by paragraph (1) until the Secretary of Defense submits to the congressional defense committees notice of the transaction, including a detailed cost estimate, and a period of 21 days has elapsed after the date on which the notification is received by the committees or, if earlier, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium.

(C) COST AND SCOPE OF WORK VARIATIONS.—Section 2853 of title 10, United States Code, shall apply to the use of contributions referred to in subsection (b)(1).

(d) TRANSFER AUTHORITY.—

(1) TRANSFER TO HOUSING FUNDS.—The Secretary of Defense may transfer funds from the Account to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(2) TREATMENT OF TRANSFERRED AMOUNTS.—Amounts transferred under paragraph (1) to a fund referred to in that paragraph shall be available in accordance with the provisions

of section 2883 of title 10, United States Code for activities on Guam authorized under subchapter IV of chapter 169 of such title.

(e) REPORT REGARDING GUAM MILITARY CONSTRUCTION.—Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report containing information on each military construction project included in the budget submission for the next fiscal year related to the realignment of military installations and the relocation of military personnel on Guam. The Secretary shall present the information in manner consistent with the presentation of projects in the military construction accounts for each of the military departments in the budget submission. The report shall also include projects associated with the realignment of military installations and relocation of military personnel on Guam that are included in the future-years defense program pursuant to section 221 of title 10, United States Code.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the use of the Account to facilitate construction projects associated with the realignment of military installations and the relocation of military personnel on Guam, as authorized by subsection (c)(1), provides a great opportunity for business enterprises of the United States and its territories to contribute to the United States strategic presence in the western Pacific by competing for contracts awarded for such construction. Congress urges the Secretary of Defense to ensure maximum participation by business enterprises of the United States and its territories in such construction.

## Subtitle D—Energy Security

### SEC. 2831. CERTIFICATION OF ENHANCED USE LEASES FOR ENERGY-RELATED PROJECTS.

Section 2667(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:

Deadline.

"(5) If a proposed lease under subsection (a) involves a project related to energy production and the term of the lease exceeds 20 years, the Secretary concerned may not enter into the lease until at least 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a certification that the project is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.".

### SEC. 2832. ANNUAL REPORT ON DEPARTMENT OF DEFENSE INSTALLATIONS ENERGY MANAGEMENT.

Section 2925(a) of title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: "ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.—";

(2) in paragraph (1), by inserting ", the Energy Independence and Security Act of 2007 (Public Law 110–140)," after "58)"; and

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

"(6) A description and estimate of the progress made by the military departments to meet the certification requirements for sustainable green-building standards in construction and major renovations as required by section 433 of the Energy

Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1612).".

## Subtitle E—Land Conveyances

**SEC. 2841. LAND CONVEYANCE, FORMER NAVAL AIR STATION, ALAMEDA, CALIFORNIA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the redevelopment authority for the former Naval Air Station Alameda, California (in this section referred to as the "redevelopment authority"), all right, title and interest of the United States in and to the real and personal property comprising Naval Air Station Alameda, except those parcels identified for public benefit conveyance and certain surplus lands at the Naval Air Station Alameda described in the Federal Register on November 5, 2007. In this section, the real and personal property to be conveyed under this section is referred to as the "NAS Property".

(b) MULTIPLE CONVEYANCES.—The conveyance of the NAS Property may be conducted through multiple parcel transfers.

(c) CONSIDERATION.—As consideration for the conveyance of the NAS Property under subsection (a), the Secretary of the Navy shall seek to obtain fair market value.

(d) EXISTING USES.—During the three-year period beginning on the date on which the first conveyance under this section is made, the redevelopment authority shall make reasonable efforts to accommodate the continued use by the United States of those portions of the NAS Property covered by a request for Federal Land Transfer so long as the accommodation of such use is at no cost or expense to the redevelopment authority. Such accommodations shall provide adequate protection for the endangered California Least Tern in accordance with the requirements of the existing Biological Opinion for Naval Air Station Alameda dated March 22, 1999, and any future amendments to the Biological Opinion.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Department.

(g) MASTER LEASE.—The Lease in Furtherance of Conveyance, dated June 2000, as amended, between the Secretary of the Navy and the redevelopment authority shall remain in full force and effect until conveyance of the NAS Property in accordance with this section, and a lease amendment recognizing this section shall be offered by the Secretary.

(h) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States under this section shall be credited to the fund or account intended to receive proceeds from the disposal of the NAS Property pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2842. TRANSFER OF ADMINISTRATIVE JURISDICTION, DECOMMISSIONED NAVAL SECURITY GROUP ACTIVITY, SKAGGS ISLAND, CALIFORNIA.**

(a) TRANSFER MEMORANDUM OF AGREEMENT.—The Secretary of the Navy and the Secretary of the Interior shall negotiate a memorandum of agreement that stipulates the conditions upon which the decommissioned Naval Security Group Activity, Skaggs Island, Sonoma, California shall be transferred from the administrative jurisdiction of the Department of the Navy to the United States Fish and Wildlife Service for inclusion in the National Wildlife Refuge System.

(b) ACCEPTANCE OF DONATIONS; USE.—The Secretary of the Navy and the Secretary of the Interior may accept contributions from the State of California and other entities to help cover the costs of demolishing and removing structures on the property described in subsection (a) and to facilitate future environmental restoration that furthers the ultimate end use of the property for conservation purposes. Amounts received may be merged with other amounts available to the Secretaries to carry out this section and shall remain available, without further appropriation and until expended.

**SEC. 2843. TRANSFER OF PROCEEDS FROM PROPERTY CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.**

(a) TRANSFER AUTHORIZED.—The Secretary of Defense may transfer any proceeds from the sale of approximately 120.375 acres of improved land located at the former Boyett Village Family Housing Complex at the Marine Corps Logistics Base, Albany, Georgia, into the Department of Defense Family Housing Improvement Fund established under section 2883(a)(1) of title 10, United States Code, for carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

Time period.

(b) NOTIFICATION REQUIREMENT.—A transfer of proceeds under subsection (a) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of the transfer to the congressional defense committees.

**SEC. 2844. LAND CONVEYANCE, SERGEANT FIRST CLASS M.L. DOWNS ARMY RESERVE CENTER, SPRINGFIELD, OHIO.**

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Sergeant First Class M.L. Downs Army Reserve Center at 1515 West High Street in Springfield, Ohio, the Secretary of the Army may convey, without consideration, to the City of Springfield, Ohio (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, containing the Reserve Center and approximately three acres for the purpose of permitting the City to utilize the property for municipal government activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including

any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2845. LAND CONVEYANCE, JOHN SEVIER RANGE, KNOX COUNTY, TENNESSEE.**

(a) CONVEYANCE AUTHORIZATION.—The Secretary of the Army may convey, without consideration, to the State of Tennessee all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 124 acres known as the John Sevier Range in Knox County, Tennessee, for the purpose of using such real property as a public firing range and for other public recreational activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the terms of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) ADMINISTRATIVE EXPENSES.—In accordance with section 2695 of title 10, United State Code, the Secretary may accept amounts provided by the State to cover administrative expenses

incurred by the Secretary with respect to the conveyance authorized under subsection (a), including survey expenses, expenses related to environmental documentation, and other administrative expenses related to such conveyance. Such amounts shall be credited, pursuant to subsection (c) of section 2695 of such title, to the appropriation, fund, or account from which such expenses were paid. If amounts are collected from the State in advance of the Secretary incurring such expenses, and the amount collected exceeds the expenses actually incurred by the Secretary, the Secretary shall refund the excess amount to the State.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2846. LAND CONVEYANCE, ARMY PROPERTY, CAMP WILLIAMS, UTAH.**

(a) CONVEYANCE AUTHORIZED.—If the Secretary of the Army determines that it is the national security interest of the United States, the Secretary may convey, without consideration, to the State of Utah (in this section, the "State") on behalf of the Utah National Guard all right, title, and interest of the United States in and to two parcels of real property, including improvements thereon, that are located within the boundaries of Camp Williams, Utah, consisting of approximately 608 acres and 308 acres, respectively, and are identified in the Utah National Guard master plan.

Deadline. Reports. Certification.

(b) CONDITION.—As a condition of the conveyance, the Secretary shall, not later than 21 days before carrying out the conveyance, submit a report to Congress certifying that the purpose of the conveyance is to further the interest of national security and the property conveyed will be used for military purposes only.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a), or any portion thereof, has been sold or is not being used in a manner consistent with subsection (b), the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after consultation with the Governor of the State of Utah and an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2847. EXTENSION OF POTOMAC HERITAGE NATIONAL SCENIC TRAIL THROUGH FORT BELVOIR, VIRGINIA.**

(a) AGREEMENT AUTHORITY.—The Secretary of the Army may enter into a revocable at will easement with the Secretary of the Interior to provide land along the perimeter of Fort Belvoir, Virginia, to be used as a segment of the Potomac Heritage National Scenic Trail.

(b) SELECTION CRITERIA.—In determining the extent of the easement, the Secretary of the Army shall provide for a single trail, and select alignments of the trail, along the perimeter of Fort Belvoir. In making that determination, the Secretary shall consider—

(1) the perimeter security requirements to protect the assets, people, and agency missions located at Fort Belvoir;

(2) the appropriate setback from adjacent roadways to provide for a safe and enjoyable experience for users of the trail; and

(3) any planned future expansion of roadways, including United States Route 1, so that the trail will not be adversely impacted by roadway construction.

(c) TRAIL ADMINISTRATION AND MANAGEMENT.—A written agreement confirming an administration and management arrangement of any segment of the Potomac Heritage National Scenic Trail along the perimeter of Fort Belvoir shall be co-signed by the parties to the easement agreement.

# Subtitle F—Other Matters

**SEC. 2851. REVISED DEADLINE FOR TRANSFER OF ARLINGTON NAVAL ANNEX TO ARLINGTON NATIONAL CEMETERY.**

Virginia.

Section 2881(h)(1) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879), as amended by section 2871 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 561), is further amended by striking "January 1, 2011" and inserting "January 1, 2012".

Ohio.

**SEC. 2852. ACCEPTANCE AND USE OF GIFTS FOR CONSTRUCTION OF ADDITIONAL BUILDING AT NATIONAL MUSEUM OF THE UNITED STATES AIR FORCE, WRIGHT-PATTERSON AIR FORCE BASE.**

(a) ACCEPTANCE AUTHORIZED.—The Secretary of the Air Force may accept from the Air Force Museum Foundation, a private nonprofit corporation, gifts in the form of cash, treasury instruments, or comparable United States securities for the purpose of paying the costs of design and construction of a fourth building for the National Museum of the United States Air Force at Wright-Patterson Air Force Base, Ohio. In making a gift, the Air Force Museum Foundation may specify that all or part of the amount of the gift be utilized solely for the purpose of the design and construction of a particular portion of the building and for contract management related to such design and construction.

(b) ESCROW ACCOUNT.—

(1) DEPOSIT OF GIFTS.—The Secretary of the Air Force, acting through the Director of Financial Management of the Air Force Materiel Command (in this section referred to as the "Director"), shall deposit the amount of any gift accepted under subsection (a) in an escrow account established for that purpose.

(2) INVESTMENT.—Amounts in the escrow account not required to meet current requirements of the account shall be invested in public debt securities with maturities suitable to the needs of the account, as determined by the Director, and bearing interest at rates that take into consideration current market yields on outstanding marketable obligations of the United States of comparable securities. The income on such investments shall be credited to and form a part of the account.

(3) LIQUIDATION.—Upon final payment of all invoices and claims associated with the design and construction of the building described in subsection (a), the Secretary shall terminate the escrow account. Any amounts remaining in the account upon termination shall be available to the Secretary, in such amounts as are provided in advance in appropriations Acts, for such purposes as the Secretary considers appropriate.

(c) USE OF GIFTS.—

(1) DESIGN, CONSTRUCTION, AND CONTRACT MANAGEMENT.—Subject to any conditions imposed by the Air Force Museum Foundation under subsection (a), the Director shall use amounts in the escrow account, including income on investments, to pay all costs for the design and construction of a fourth building for the National Museum of the United States Air Force and all costs for contract management related to such design and construction. The requirement imposed by this paragraph includes making progress payments for such design and construction.

(2) SOLE SOURCE OF FUNDS.—Gifts received under subsection (a) and income on investments made under subsection (b)(2) shall be the sole source of funds used to pay all costs for the design and construction of a fourth building for the National Museum of the United States Air Force and all costs for contract management related to such design and construction.

(3) TIME FOR PAYMENT.—Amounts shall be payable under paragraph (1) upon receipt by the Director of a notification from the technical representative of the contracting officer that construction activities for which such amounts are payable under paragraph (1) have been undertaken. To the maximum extent practicable consistent with good business practice, the Director shall limit payment of amounts from the account in order to maximize the return on investment of amounts in the account.

(d) LIMITATION ON CONTRACTS.—The Secretary of the Air Force may not initiate a contract for the design or construction of a particular portion of the building described in subsection (a) until amounts in the escrow account are sufficient to cover the amount of the contract.

**SEC. 2853. LEASE INVOLVING PIER ON FORD ISLAND, PEARL HARBOR NAVAL BASE, HAWAII.**

(a) LEASE.—The Secretary of the Navy shall enter into a lease with the USS Missouri Memorial Association to authorize the USS Missouri Memorial Association to use the pier Foxtrot Five and related real property on Ford Island, Pearl Harbor Naval Base, Hawaii, during calendar years 2009 and 2010.

(b) CONSIDERATION.—The lease required by subsection (a) shall be made without consideration.

(c) CONDITIONS ON USE OF LEASED PROPERTY.—As conditions on the lease under subsection (a), the USS Missouri Memorial Association shall agree—

(1) to preserve and maintain the ex-USS Missouri for education purposes, historic preservation, and community outreach;

(2) that the Navy may use the leased property without charge for purposes that do not interfere with the use of such property by the USS Missouri Memorial Association; and

(3) that the Navy may use the ex-USS Missouri for official functions at no cost.

(d) EFFECT OF VIOLATION.—If the Secretary determines at any time that the USS Missouri Memorial Association is not in compliance with the conditions imposed by subsection (c), the Secretary may terminate the lease referred to in subsection (a). Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

**SEC. 2854. USE OF RUNWAY AT NASJRB WILLOW GROVE, PENNSYLVANIA.**

(a) CONDITIONS ON CONVEYANCE, GRANT, LEASE, OR LICENSE.—Any conveyance, grant, lease, or license from the United States to the Commonwealth of Pennsylvania or other legal entity that includes the airfield property located at NASJRB Willow Grove and designated for operation as a Joint Interagency Installation pursuant to section 3703 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 145) shall be subject to the restrictions on the use of the airfield set forth in subsection (b).

(b) RESTRICTIONS ON USE.—The airfield at the installation shall not be used for any of the following purposes:

(1) Commercial passenger operations.

(2) Commercial cargo operations.

(3) Commercial, business, or nongovernment aircraft operations for purposes not related to the missions of the installation, except that this paragraph shall not apply in exigent circumstances or prohibit use of the airfield by or on behalf of any associated user which is a tenant of the installation.

(4) As a reliever airport to relieve congestion at other airports or to provide improved general aviation access to the overall community, except that this paragraph shall not apply in exigent circumstances.

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to diminish or alter authorized uses of the installation, including the military enclave that is part thereof, by the United States or its agencies or instrumentalities or to limit use of the property in exigent circumstances.

(d) DEFINITIONS.—In this section:

(1) AIRFIELD.—The term "airfield" means the airfield referred to in subsection (a).

(2) ASSOCIATED USERS.—The term "associated users" means nongovernmental organizations and private entities that use the airfield for purposes related to the national defense, homeland security, and emergency preparedness missions of the installation.

(3) EXIGENT CIRCUMSTANCES.—The term "exigent circumstances" means unusual conditions, including adverse or unusual weather conditions, alerts, and actual or threatened emergencies that are determined by the installation to require limited-duration use of the installation or its airfield for operations, including flying operations, for uses otherwise restricted under subsection (b).

(4) COMMERCIAL CARGO OPERATIONS.—The term "commercial cargo operations" means aircraft operations by a commercial cargo or freight carrier in cases in which cargo is delivered to or flown from the installation under established schedules, except that the term does not include any cargo operations undertaken by or on behalf of any user of the installation or cargo operations related to the national defense, homeland security, and emergency preparedness missions of the installation.

(5) COMMERCIAL PASSENGER OPERATIONS.—The term "commercial passenger operations" means aircraft passenger operations by commercial passenger carriers involving flights where passengers are boarded or enplaned at the installation, except that the term does not include passenger operations undertaken by or on behalf of any user of the installation or passenger operations related to the national defense, homeland security, and emergency preparedness missions of the installation.

(6) INSTALLATION.—The term "installation" means the Joint Interagency Installation referred to in subsection (a).

**SEC. 2855. NAMING OF HEALTH FACILITY, FORT RUCKER, ALABAMA.**

The health facility located at 301 Andrews Avenue in Fort Rucker, Alabama, shall be known and designated as the "Lyster Army/VA Health Clinic". Any reference in a law, map, regulation, document, paper, or other record of the United States to such facility shall be deemed to be a reference to the Lyster Army/VA Health Clinic.

# TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects.

Subtitle B—Fiscal Year 2009 Projects

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

## Subtitle A—Fiscal Year 2008 Projects

### SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

| State | Installation or Location | Amount |
|---|---|---|
| Alaska | Fort Wainwright | $17,000,000 |
| California | Fort Irwin | $11,800,000 |
| Colorado | Fort Carson | $8,400,000 |
| Georgia | Fort Gordon | $39,800,000 |
| Hawaii | Schofield Barracks | $12,500,000 |
| Kentucky | Fort Campbell | $9,900,000 |
| | Fort Knox | $7,400,000 |
| North Carolina | Fort Bragg | $8,500,000 |
| Oklahoma | Fort Sill | $9,000,000 |
| Texas | Fort Bliss | $17,300,000 |
| | Fort Hood | $7,200,000 |
| | Fort Sam Houston | $54,000,000 |
| Virginia | Fort Lee | $7,400,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

| Country | Installation or Location | Amount |
|---|---|---|
| Iraq | Camp Adder | $13,200,000 |

**Army: Outside the United States**—Continued

| Country | Installation or Location | Amount |
|---|---|---|
| | Camp Ramadi ..... | $6,200,000 |
| | Fallujah ..... | $5,500,000 |

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $241,100,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $210,200,000.

(2) For military construction projects outside the United States authorized by subsection (b), $24,900,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

**SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

| State | Installation or Location | Amount |
|---|---|---|
| California | Camp Pendleton | $9,270,000 |
| | China Lake | $7,210,000 |
| | Point Mugu | $7,250,000 |
| | San Diego | $12,299,000 |
| | San Diego Marine Corps Recruit Depot (MCRD) | $43,200,000 |
| | Twentynine Palms | $11,250,000 |
| Florida | Eglin Air Force Base | $780,000 |
| Mississippi | Gulfport | $6,570,000 |
| North Carolina | Camp Lejeune | $27,980,000 |
| Virginia | Yorktown | $8,070,000 |

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2902(d) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 572), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $137,931,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $133,879,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

**SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

| Country | Installation or Location | Amount |
|---|---|---|
| California | Beale Air Force Base | $17,600,000 |
| Florida | Eglin Air Force Base | $11,000,000 |
| New Mexico | Cannon Air Force Base | $8,000,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

| Country | Installation or Location | Amount |
|---|---|---|
| Qatar | Al Udeid | $60,400,000 |

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2903(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 573), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $98,427,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $36,600,000.

(2) For military construction projects outside the United States authorized by subsection (b), $60,400,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

**SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of Defense may acquire real property and carry out the military construction project for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

| State | Installation or Location | Amount |
|---|---|---|
| North Carolina ..... | Camp Lejeune ..... | $57,900,000 |

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2904(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 573), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $110,735,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $57,900,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $52,835,000.

**SEC. 2905. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS.**

(a) TERMINATION OF AUTHORITY.—The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570), is amended—

(1) in the item relating to Camp Adder, Iraq, by striking "$80,650,000" in the amount column and inserting "$75,800,000";

(2) in the item relating to Camp Anaconda, Iraq, by striking "$53,500,000" in the amount column and inserting "$10,500,000";

(3) in the item relating to Camp Victory, Iraq, by striking "$65,400,000" in the amount column and inserting "$60,400,000";

(4) by striking the item relating to Tikrit, Iraq; and

(5) in the item relating to Camp Speicher, Iraq, by striking "$83,900,000" in the amount column and inserting "$74,100,000".

(b) CONFORMING AMENDMENTS.—Section 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571) is amended—

(1) by striking "$1,257,750,000" and inserting "$1,152,100,000"; and

(2) in paragraph (2), by striking "$1,055,450,000" and inserting "$949,800,000".

## Subtitle B—Fiscal Year 2009 Projects

**SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

**Army: Inside the United States**

| State | Installation or Location | Amount |
|---|---|---|
| Various ..... | Various locations ..... | $400,000,000 |

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $450,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $400,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

**SEC. 2912. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

**Navy: Inside the United States**

| State | Installation or Location | Amount |
|---|---|---|
| Various ..... | Various locations ..... | $40,000,000 |

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $50,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $40,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $10,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

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

# TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Modification of functions of Administrator for Nuclear Security to include elimination of surplus fissile materials usable for nuclear weapons.
Sec. 3112. Limitation on Funding for Project 04-D-125 Chemistry and Metallurgy Research Replacement facility project, Los Alamos National Laboratory, Los Alamos, New Mexico.
Sec. 3113. Nonproliferation and national security scholarship and fellowship program.
Sec. 3114. Enhancing nuclear forensics capabilities.
Sec. 3115. Utilization of contributions to International Nuclear Materials Protection and Cooperation program and Russian plutonium disposition program.
Sec. 3116. Review of and reports on Global Initiatives for Proliferation Prevention program.
Sec. 3117. Limitation on availability of funds for Global Nuclear Energy Partnership.

Subtitle C—Reports

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

## Subtitle A—National Security Programs Authorizations

### SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,752,507,000, to be allocated as follows:

(1) For weapons activities, $6,625,111,000.

(2) For defense nuclear nonproliferation activities, including $528,782,000 for fissile materials disposition, $1,895,261,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $404,081,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 09–D–404, Test Capabilities Revitalization Phase 2, Sandia National Laboratory, Albuquerque, New Mexico, $3,200,000.

Project 08–D–806, Ion Beam Laboratory Project, Sandia National Laboratory, Albuquerque, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactors Facility Production Support Complex, Naval Reactors Facility, Idaho Falls, Idaho, $8,300,000.

Project 09–D–190, Project engineering and design, Knolls Atomic Power Laboratory infrastructure upgrades, Knolls Atomic Power Laboratory, Kesselring Site, Schenectady, New York, $1,000,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,297,256,000.

**SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $826,453,000.

**SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $222,371,000.

**SEC. 3105. ENERGY SECURITY AND ASSURANCE.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for energy security and assurance programs necessary for national security in the amount of $7,622,000.

## Subtitle B—Program Authorizations, Restrictions, and Limitations

**SEC. 3111. MODIFICATION OF FUNCTIONS OF ADMINISTRATOR FOR NUCLEAR SECURITY TO INCLUDE ELIMINATION OF SURPLUS FISSILE MATERIALS USABLE FOR NUCLEAR WEAPONS.**

Section 3212(b) of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph (18):

"(18) Eliminating inventories of surplus fissile materials usable for nuclear weapons.".

**SEC. 3112. LIMITATION ON FUNDING FOR PROJECT 04-D-125 CHEMISTRY AND METALLURGY RESEARCH REPLACEMENT FACILITY PROJECT, LOS ALAMOS NATIONAL LABORATORY, LOS ALAMOS, NEW MEXICO.**

Of the amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2009 for Project 04-D-125 Chemistry and Metallurgy Research Replacement (in this section referred to as "CMRR") facility project, Los Alamos National Laboratory, Los Alamos, New Mexico, not more than $50,200,000 may be made available until—

Certifications.

(1) the Administrator for Nuclear Security and the Defense Nuclear Facilities Safety Board have each submitted a certification to the congressional defense committees stating that the concerns raised by the Defense Nuclear Facilities Safety Board regarding the design of CMRR safety class systems (including ventilation systems) and seismic issues have been resolved; and

Time period.

(2) a period of 15 days has elapsed after both certifications under paragraph (1) have been submitted.

50 USC 2444.

**SEC. 3113. NONPROLIFERATION AND NATIONAL SECURITY SCHOLARSHIP AND FELLOWSHIP PROGRAM.**

(a) ESTABLISHMENT.—The Administrator for Nuclear Security shall carry out a program to provide scholarships and fellowships for the purpose of enabling individuals to qualify for employment in the nonproliferation and national security programs of the Department of Energy.

(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible for a scholarship or fellowship under the program established under this section if the individual—

(1) is a citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;

(2) has been accepted for enrollment or is currently enrolled as a full-time student at an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(3) is pursuing a program of education that leads to an appropriate higher education degree in a qualifying field of study, as determined by the Administrator;

(4) enters into an agreement described in subsection (c); and

(5) meets such other requirements as the Administrator prescribes.

(c) AGREEMENT.—An individual seeking a scholarship or fellowship under the program established under this section shall enter into an agreement, in writing, with the Administrator that includes the following:

(1) The agreement of the Administrator to provide such individual with a scholarship or fellowship in the form of educational assistance for a specified number of school years (not to exceed five school years) during which such individual is pursuing a program of education in a qualifying field of study, which educational assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

(2) The agreement of such individual—

(A) to accept such educational assistance;

(B) to maintain enrollment and attendance in a program of education described in subsection (b)(2) until such individual completes such program;

(C) while enrolled in such program, to maintain satisfactory academic progress in such program, as determined by the institution of higher education in which such individual is enrolled; and

(D) after completion of such program, to serve as a full-time employee in a nonproliferation or national security position in the Department of Energy or at a laboratory of the Department for a period of not less than 12 months for each school year or part of a school year for which such individual receives a scholarship or fellowship under the program established under this section.

(3) The agreement of such individual with respect to the repayment requirements specified in subsection (d).

(d) REPAYMENT.—

(1) IN GENERAL.—An individual receiving a scholarship or fellowship under the program established under this section shall agree to pay to the United States the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), if such individual—

(A) does not complete the program of education agreed to pursuant to subsection (c)(2)(B);

(B) completes such program of education but declines to serve in a position in the Department of Energy or at a laboratory of the Department as agreed to pursuant to subsection (c)(2)(D); or

(C) is voluntarily separated from service or involuntarily separated for cause from the Department of Energy or a laboratory of the Department before the end of the period for which such individual agreed to continue in the service of the Department pursuant to subsection (c)(2)(D).

(2) FAILURE TO REPAY.—If an individual who received a scholarship or fellowship under the program established under this section is required to repay, pursuant to an agreement under paragraph (1), the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), and fails repay such amount, a sum equal to such amount (plus such interest) is recoverable by the United States Government from such individual or the estate of such individual by—

(A) in the case of an individual who is an employee of the United States Government, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

(B) such other method as is provided by law for the recovery of amounts owed to the Government.

(3) WAIVER OF REPAYMENT.—The Administrator may waive, in whole or in part, repayment by an individual under this subsection if the Administrator determines that seeking recovery under paragraph (2) would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) RATE OF INTEREST.—For purposes of repayment under this subsection, the total amount of educational assistance provided to an individual under the program established under this section shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) PREFERENCE FOR COOPERATIVE EDUCATION STUDENTS.—In evaluating individuals for the award of a scholarship or fellowship under the program established under this section, the Administrator may give a preference to an individual who is enrolled in, or accepted for enrollment in, an institution of higher education that has a cooperative education program with the Department of Energy.

(f) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under the program established under this section shall be taken into account in determining the eligibility of an individual receiving such scholarship or fellowship for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) REPORT TO CONGRESS.—Not later than January 1, 2010, the Administrator shall submit to the congressional defense committees a report on the activities carried out under the program established under this section, including any recommendations for future activities under such program.

(h) FUNDING.—Of the amounts authorized to be appropriated by section 3101(a)(2) for defense nuclear nonproliferation activities, $3,000,000 shall be available to carry out the program established under this section.

50 USC 2574.

**SEC. 3114. ENHANCING NUCLEAR FORENSICS CAPABILITIES.**

(a) RESEARCH AND DEVELOPMENT PLAN FOR NUCLEAR FORENSICS AND ATTRIBUTION.—

(1) RESEARCH AND DEVELOPMENT.—The Secretary of Energy shall prepare and implement a research and development plan to improve nuclear forensics capabilities in the Department of Energy and at the national laboratories overseen by the Department of Energy. The plan shall focus on improving the technical capabilities required—

(A) to enable a robust and timely nuclear forensic response to a nuclear explosion or to the interdiction of nuclear material or a nuclear weapon anywhere in the world; and

(B) to develop an international database that can attribute nuclear material or a nuclear weapon to its source.

(2) REPORTS.—

(A) The Secretary of Energy shall submit to the congressional defense committees—

(i) not later than 6 months after the date of the enactment of this Act, a report on the contents of the research and development plan described in paragraph (1), and any legislative changes required to implement the plan; and

(ii) not later than 18 months after the date of the enactment of this Act, a report on the status of implementing the plan.

(B) The Secretary shall submit each report required by this subsection in unclassified form, but may include a classified annex with such report.

(b) ADDITIONAL INFORMATION IN THE REPORT ON NUCLEAR FORENSICS CAPABILITIES.—Section 3129(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 585) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) any legislative, regulatory, or treaty actions necessary to facilitate international cooperation in enhancement of international nuclear-material databases and the linking of those databases to enable prompt access to data.".

(c) PRESIDENTIAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on the involvement of senior-level executive branch leadership in nuclear terrorism preparedness exercises that include nuclear forensics analysis.

(2) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Homeland Security and Governmental Affairs of the Senate.

**SEC. 3115. UTILIZATION OF CONTRIBUTIONS TO INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM AND RUSSIAN PLUTONIUM DISPOSITION PROGRAM.**

Section 3114 of the National Defense Authorization Act for Fiscal Year 2007 (50 U.S.C. 2301 note) is amended—

(1) in the heading, by striking "**SECOND LINE OF DEFENSE PROGRAM**" and inserting "**INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM AND RUSSIAN PLUTONIUM DISPOSITION PROGRAM**";

(2) by striking "Second Line of Defense program" each place it appears and inserting "International Nuclear Materials Protection and Cooperation program or Russian Plutonium Disposition program"; and

(3) in subsection (f), by striking "2013" and inserting "2015".

**SEC. 3116. REVIEW OF AND REPORTS ON GLOBAL INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.**

(a) REVIEW OF PROGRAM.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall conduct a review of the Global Initiatives for Proliferation Prevention program.

(2) REPORT REQUIRED.—Not later than October 1, 2009, the Administrator shall submit to the congressional defense committees a report setting forth the results of the review required under paragraph (1). The report shall include each of the following:

(A) A description of the goals of the Global Initiatives for Proliferation Prevention program and the criteria for partnership projects under the program.

(B) Recommendations regarding the following:

(i) Whether to continue or bring to a close each of the partnership projects under the program in existence on the date of the enactment of this Act, and, if any such project is recommended to be continued, a description of how that project will meet the criteria under subparagraph (A).

(ii) Whether to enter into new partnership projects under the program with Russia or other countries of the former Soviet Union.

(iii) Whether to enter into new partnership projects under the program in countries other than countries of the former Soviet Union.

(C) A plan and criteria for completing partnership projects under the program.

(b) REPORT ON FUNDING FOR PROJECTS UNDER PROGRAM.—

(1) IN GENERAL.—The Administrator shall submit to the congressional defense committees a report on—

(A) the purposes for which amounts made available for the Global Initiatives for Proliferation Prevention program for fiscal year 2009 will be obligated or expended; and

(B) the amount to be obligated or expended for each partnership project under the program in fiscal year 2009.

(2) LIMITATION ON FUNDING BEFORE SUBMITTAL OF REPORT.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be obligated or expended until the date that is 30 days after the date on which the Administrator submits to the congressional defense committees the report required under paragraph (1).

**SEC. 3117. LIMITATION ON AVAILABILITY OF FUNDS FOR GLOBAL NUCLEAR ENERGY PARTNERSHIP.**

(a) LIMITATION.—Of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities, not more than $3,000,000 may be used for projects that are specifically designed for the Global Nuclear Energy Partnership. Any amount so used may not be expended until 30 days after the date on which the Administrator of the National Nuclear Security Administration submits to Congress a report that describes in detail the full amount of funding that the Administrator plans to expend for any effort related to the Global Nuclear Energy Partnership.

(b) USE OF FUNDS.—Any amount made available pursuant to an authorization of appropriations under section 3101(a)(2) that is covered by the limitation under subsection (a) shall only be available for nonproliferation risk assessments relating to the Global Nuclear Energy Partnership and related work on export control reviews and determinations.

## Subtitle C—Reports

**SEC. 3121. EXTENSION OF DEADLINE FOR COMPTROLLER GENERAL REPORT ON DEPARTMENT OF ENERGY PROTECTIVE FORCE MANAGEMENT.**

Section 3124(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 580) is amended by striking "Not later than 180 days after the date of the enactment of this Act," and inserting "Not later than March 1, 2009,".

**SEC. 3122. REPORT ON COMPLIANCE WITH DESIGN BASIS THREAT ISSUED BY THE DEPARTMENT OF ENERGY IN 2005.**

(a) IN GENERAL.—Not later than January 2, 2009, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the status of the compliance of Department of Energy sites with the Design Basis Threat issued by the Department in November 2005 (in this section referred to as the "2005 Design Basis Threat").

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

(1) For each Department of Energy site subject to the 2005 Design Basis Threat, an assessment of whether the site has achieved compliance with the 2005 Design Basis Threat.

(2) For each such site that has not achieved compliance with the 2005 Design Basis Threat—

(A) a description of the reasons for the failure to achieve compliance;

(B) a plan to achieve compliance;

(C) a description of the actions that will be taken to mitigate any security shortfalls until compliance is achieved; and

(D) an estimate of the annual funding requirements to achieve compliance.

(3) A list of such sites with Category I nuclear materials that the Secretary determines will not achieve compliance with the 2005 Design Basis Threat.

(4) For each site identified under paragraph (3), a plan to remove all Category I nuclear materials from such site, including—

(A) a schedule for the removal of such nuclear materials from such site;

(B) a clear description of the actions that will be taken to ensure the security of such nuclear materials; and

(C) an estimate of the annual funding requirements to remove such nuclear materials from such site.

(5) An assessment of the adequacy of the 2005 Design Basis Threat in addressing security threats at Department of Energy sites, and a description of any plans for updating, modifying, or otherwise revising the approach taken by the 2005 Design Basis Threat to establish enhanced security requirements for Department of Energy sites.

**SEC. 3123. MODIFICATION OF SUBMITTAL OF REPORTS ON INADVERTENT RELEASES OF RESTRICTED DATA.**

(a) IN GENERAL.—Section 4522 of the Atomic Energy Defense Act (50 U.S.C. 2672) is amended—

(1) in subsection (e), by striking "on a periodic basis" and inserting "in each even-numbered year"; and

(2) in subsection (f), by striking paragraph (2) and inserting the following new paragraph (2):

"(2) The Secretary of Energy shall, in each even-numbered year beginning in 2010, submit to the committees and Assistant to the President specified in subsection (d) a report identifying any inadvertent releases of Restricted Data or Formerly Restricted Data under Executive Order No. 12958 discovered in the two-year period preceding the submittal of the report.".

(b) TECHNICAL CORRECTION.—Subsection (e) of such section, as amended by subsection (a)(1) of this section, is further amended by striking "subsection (b)(4)" and inserting "subsection (b)(5)".

# TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2009, $25,499,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

# TITLE XXXIV—NAVAL PETROLEUM RESERVE

Sec. 3401. Authorization of appropriations.

**SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) AMOUNT.—There is hereby authorized to be appropriated to the Secretary of Energy $19,099,000 for fiscal year 2009 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

# TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2009.
Sec. 3502. Limitation on export of vessels owned by the Government of the United States for the purpose of dismantling, recycling, or scrapping.
Sec. 3503. Student incentive payment agreements.
Sec. 3504. Riding gang member requirements.
Sec. 3505. Maintenance and Repair Reimbursement Program for the Maritime Security Fleet.
Sec. 3506. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy and for other purposes.
Sec. 3507. Actions to address sexual harassment and violence at the United States Merchant Marine Academy.
Sec. 3508. Assistance for small shipyards and maritime communities.
Sec. 3509. Marine war risk insurance.
Sec. 3510. MarAd consultation on Jones Act Waivers.

Sec. 3511. Transportation in American vessels of government personnel and certain cargoes.
Sec. 3512. Port of Guam Improvement Enterprise Program.

**SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.**

Funds are hereby authorized to be appropriated for fiscal year 2009, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $142,803,000, of which—

(A) $79,858,000 shall remain available until expended for expenses at the United States Merchant Marine Academy,

(B) $26,640,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and

(C) $10,987,000 shall remain available until expended for maintenance and repair of school ships of the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, Unites States Code, $193,500,000, of which $19,500,000 will be available for costs associated with the maintenance reimbursement pilot program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note).

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $18,000,000.

(4) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $30,000,000.

(5) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, $6,000,000.

**SEC. 3502. LIMITATION ON EXPORT OF VESSELS OWNED BY THE GOVERNMENT OF THE UNITED STATES FOR THE PURPOSE OF DISMANTLING, RECYCLING, OR SCRAPPING.**

46 USC 57102 note.

(a) IN GENERAL.—Except as provided in subsection (b), no vessel that is owned by the Government of the United States shall be approved for export to a foreign country for purposes of dismantling, recycling, or scrapping.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to a vessel if the Administrator of the Maritime Administration certifies to the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that—

(1) a compelling need for dismantling, recycling, or scrapping the vessel exists;

(2) there is no available capacity in the United States to conduct the dismantling, recycling, or scrapping of the vessel;

(3) any dismantling, recycling, or scrapping of the vessel in a foreign country will be conducted in full compliance with environmental, safety, labor, and health requirements for ship dismantling, recycling, or scrapping that are equivalent to the laws of the United States; and

(4) the export of the vessel under this section will only be for dismantling, recycling, or scrapping of the vessel.

(c) UNITED STATES DEFINED.—In this section the term "United States" means the States of the United States, Puerto Rico, and Guam.

**SEC. 3503. STUDENT INCENTIVE PAYMENT AGREEMENTS.**

Section 51509(b) of title 46, United States Code, is amended—

(1) by striking "$4,000" and inserting "$8,000";

(2) by inserting "tuition," after "uniforms,"; and

(3) by inserting "before the start of each academic year" after "and be paid".

**SEC. 3504. RIDING GANG MEMBER REQUIREMENTS.**

10 USC 2401 note.

Section 1018 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2380) is amended to read as follows:

**"SEC. 1018. RIDING GANG MEMBER REQUIREMENTS.**

"(a) IN GENERAL.—The Secretary of Defense may not award, renew, extend, or exercise an option to extend any charter of a vessel documented under chapter 121 of title 46, United States Code, for the Department of Defense, or any contract for the carriage of cargo by a vessel documented under that chapter for the Department of Defense, unless the charter or contract, respectively, includes provisions that—

"(1) subject to paragraph (2), allow riding gang members to perform work on the vessel during the effective period of the charter or contract only under terms, conditions, restrictions, and requirements as provided in section 8106 of title 46, United States Code; and

"(2) require that riding gang members hold a merchant mariner's document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title.

"(b) EXEMPTION.—

"(1) IN GENERAL.—In accordance with regulations issued by the Secretary of Defense, an individual shall not be treated as a riding gang member for the purposes of section 8106 of title 46, United States Code, and this section if—

"(A) the individual is aboard a vessel that is under charter or contract for the carriage of cargo for the Department of Defense, for purposes other than engaging in the operation or maintenance of the vessel; and

"(B) the individual—

"(i) accompanies, supervises, guards, or maintains unit equipment aboard a ship, commonly referred to as supercargo personnel;

"(ii) is one of the force protection personnel of the vessel;

"(iii) is a specialized repair technician; or

"(iv) is otherwise required by the Secretary of Defense to be aboard the vessel.

"(2) BACKGROUND CHECK.—

"(A) IN GENERAL.—This section shall not apply to an individual unless—

"(i) the name and other necessary identifying information for the individual is submitted to the Secretary for a background check; and

"(ii) except as provided in subparagraph (B), the individual successfully passes a background check by the Secretary prior to going aboard the vessel.

"(B) WAIVER.—The Secretary may waive the application of subparagraph (A)(ii) for an individual who holds a merchant mariner's document issued under chapter 73 of title 46, United States Code, or a transportation security card issued under section 70105 of such title.

"(3) EXEMPTED INDIVIDUAL NOT TREATED AS IN ADDITION TO THE CREW.—An individual who, under paragraph (1), is not treated as a riding gang member shall not be counted as an individual in addition to the crew for the purposes of section 3304 of title 46, United States Code.".

**SEC. 3505. MAINTENANCE AND REPAIR REIMBURSEMENT PROGRAM FOR THE MARITIME SECURITY FLEET.**

Section 3517(a) of the Maritime Security Act of 2003 (46 U.S.C. 53101 note; as amended by section 3503 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3548)) is amended by adding at the end the following:

"(3) EXISTING OPERATING AGREEMENTS.—The Secretary of Transportation shall, subject to the availability of appropriations, seek to enter into an agreement under this section with one or more contractors under an operating agreement under that chapter that is in effect on the date of the enactment of this paragraph, regarding maintenance and repair of all vessels that are subject to the operating agreement.".

**SEC. 3506. TEMPORARY PROGRAM AUTHORIZING CONTRACTS WITH ADJUNCT PROFESSORS AT THE UNITED STATES MERCHANT MARINE ACADEMY AND FOR OTHER PURPOSES.**

46 USC 53101 note.

(a) IN GENERAL.—The Maritime Administrator may establish a temporary program for the purpose of, subject to the availability of appropriations, contracting with individuals as personal services contractors to provide services as adjunct professors at the Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

(b) CONTRACT REQUIREMENTS.—Each contract under the program—

(1) must be approved by the Maritime Administrator;

(2) subject to paragraph (3), shall be for a duration, including options, of not to exceed one year unless the Maritime Administrator finds that exceptional circumstances justify an extension of up to one additional year; and

Termination date.

(3) shall terminate not later than 6 months after the termination of contract authority under subsection (d).

(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contacts under the program, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services

in any one academic trimester, or equivalent, as contractors under the program.

(d) TERMINATION OF CONTRACTING AUTHORITY.—The authority to award contracts under the program shall terminate upon the end of the academic year 2008–2009.

(e) EXISTING CONTRACTS.—Any contract entered into before the effective date of this section for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.

(f) DEFINITIONS.—In this section:

(1) ACADEMY.—The term "Academy" means the United States Merchant Marine Academy.

(2) MARITIME ADMINISTRATOR.—The term "Maritime Administrator" means the Administrator of the Maritime Administration, or a designee of the Administrator.

(3) PROGRAM.—The term "program" means the program established under subsection (a).

(g) GIFTS TO THE ACADEMY.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

**"§ 51315. Gifts to the Merchant Marine Academy**

"(a) IN GENERAL.—The Maritime Administrator may accept and use conditional or unconditional gifts of money or property for the benefit of the United States Merchant Marine Academy, including acceptance and use for non-appropriated fund instrumentalities of the Merchant Marine Academy. The Maritime Administrator may accept a gift of services in carrying out the Administrator's duties and powers. Property accepted under this section and proceeds from that property must be used, as nearly as possible, in accordance with the terms of the gift.

"(b) ESTABLISHMENT OF ACADEMY GIFT FUND.—There is established in the Treasury a fund, to be known as the 'Academy Gift Fund'. Disbursements from the Fund shall be made on order of the Maritime Administrator. Unless otherwise specified by the terms of the gift, the Maritime Administrator may use monies in the Fund for appropriated or non-appropriated purposes at the Academy. The Fund consists of—

"(1) gifts of money;

"(2) income from donated property accepted under this section;

"(3) proceeds from the sale of donated property; and

"(4) income from securities under subsection (c) of this section.

"(c) INVESTMENT OF FUND BALANCES.—On request of the Maritime Administrator, the Secretary of the Treasury may invest and reinvest amounts in the Fund in securities of, or in securities the principal and interest of which is guaranteed by, the United States Government.

"(d) DISBURSEMENT AUTHORITY.—There are hereby authorized to be disbursed from the Fund such sums as may be on deposit, to remain available until expended.

"(e) DEDUCTIBILITY OF GIFTS.—Gifts accepted under this section are a gift to or for the use of the Government under the Internal Revenue Code of 1986.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 513 of title 46, United States Code, is amended by adding at the end the following:

"51315. Gifts to the Merchant Marine Academy.".

(h) TEMPORARY APPOINTMENTS TO THE ACADEMY.—

(1) IN GENERAL.—Chapter 513 of title 46, United States Code, as amended by section 3513 of this Act, is further amended by adding at the end thereof the following:

**"§ 51316. Temporary appointments to the Academy**

"Notwithstanding any other provision of law, the Maritime Administrator may appoint any present employee of the United States Merchant Marine Academy non-appropriated fund instrumentality to a position on the General Schedule of comparable pay. Eligible personnel shall be engaged in work permissibly funded by annual appropriations, and such appointments to the Civil Service shall be without regard to competition, for a term not to exceed 2 years.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 513 of title 46, United States Code, as amended by section 3513 of this Act, is further amended by adding at the end the following:

"51316. Temporary appointments to the Academy.".

**SEC. 3507. ACTIONS TO ADDRESS SEXUAL HARASSMENT AND VIOLENCE AT THE UNITED STATES MERCHANT MARINE ACADEMY.**

46 USC 51301 note.

(a) REQUIRED POLICY.—The Secretary of Transportation shall direct the Superintendent of the United States Merchant Marine Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include—

(1) a program to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel;

(2) procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) a specification of the person or persons to whom an alleged occurrence of sexual harassment or sexual violence should be reported by a cadet and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault;

(3) a procedure for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel;

(4) any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence

involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible; and

(5) required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) ANNUAL ASSESSMENT.—

(1) The Secretary shall direct the Superintendent to conduct an assessment at the Academy during each Academy program year, to be administered by the Department of Transportation, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey, to be administered by the Department, of Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel of—

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

(d) ANNUAL REPORT.—

(1) The Secretary shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

(B) The policies, procedures, and processes implemented by the Superintendent and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention

of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

(4)(A) The Superintendent shall transmit to the Secretary, and to the Board of Visitors of the Academy, each report received by the Superintendent under this subsection, together with the Superintendent's comments on the report.

(B) The Secretary shall transmit each such report, together with the Secretary's comments on the report, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

**SEC. 3508. ASSISTANCE FOR SMALL SHIPYARDS AND MARITIME COMMUNITIES.**

(a) IN GENERAL.—Title 46, United States Code, is amended by inserting the following new chapter after chapter 539:

## "CHAPTER 541—MISCELLANEOUS

"Sec
"54101. Assistance for small shipyards and maritime communities

### "§ 54101. Assistance for small shipyards and maritime communities

Contracts.

"(a) ESTABLISHMENT OF PROGRAM.—Subject to the availability of appropriations, the Administrator of the Maritime Administration shall execute agreements with shipyards to provide assistance—

"(1) in the form of grants, loans, and loan guarantees to small shipyards for capital improvements; and

"(2) for maritime training programs to foster technical skills and operational productivity in communities whose economies are related to or dependent upon the maritime industry.

"(b) AWARDS.—In providing assistance under the program, the Administrator shall—

"(1) take into account—

"(A) the economic circumstances and conditions of maritime communities;

"(B) projects that would be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and

"(C) projects that would be effective in fostering employee skills and enhancing productivity; and

Grants.
Deadline.

"(2) make grants within 120 days after the date of enactment of the appropriations Act for the fiscal year concerned.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—Assistance provided under this section may be used—

"(A) to make capital and related improvements in small shipyards located in or near maritime communities;

"(B) to provide training for workers in communities whose economies are related to the maritime industry; and

"(C) for such other purposes as the Administrator determines to be consistent with and supplemental to such activities.

"(2) ADMINISTRATIVE COSTS.—Not more than 2 percent of amounts made available to carry out the program may be used for the necessary costs of grant administration.

"(d) PROHIBITED USES.—Grants awarded under this section may not be used to construct buildings or other physical facilities or to acquire land unless such use is specifically approved by the Administrator in support of subsection (c)(1)(C).

"(e) MATCHING REQUIREMENTS; ALLOCATION.—

"(1) FEDERAL FUNDING.—Except as provided in paragraph (2), Federal funds for any eligible project under this section shall not exceed 75 percent of the total cost of such project.

"(2) EXCEPTION.—If the Administrator determines that a proposed project merits support and cannot be undertaken without a higher percentage of Federal financial assistance, the Administrator may award a grant for such project with a lesser matching requirement than is described in paragraph (1).

"(3) ALLOCATION OF FUNDS.—The Administrator may not award more than 25 percent of the funds appropriated to carry out this section for any fiscal year to any small shipyard in one geographic location that has more than 600 employees.

"(f) APPLICATIONS.—

Deadline.

"(1) IN GENERAL.—To be eligible for assistance under this section, an applicant shall submit an application, in such form, and containing such information and assurances as the Administrator may require, within 60 days after the date of enactment of the appropriations Act for the fiscal year concerned.

"(2) MINIMUM STANDARDS FOR PAYMENT OR REIMBURSEMENT.—Each application submitted under paragraph (1) shall include—

"(A) a comprehensive description of—

"(i) the need for the project;

"(ii) the methodology for implementing the project; and

"(iii) any existing programs or arrangements that can be used to supplement or leverage assistance under the program.

Guidelines.

"(3) PROCEDURAL SAFEGUARDS.—The Administrator, in consultation with the Office of the Inspector General, shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

"(A) grant funds are used for the purposes for which they were made available;

"(B) grantees have properly accounted for all expenditures of grant funds; and

"(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

"(4) PROJECT APPROVAL REQUIRED.—The Administrator may not award a grant under this section unless the Administrator determines that—

"(A) sufficient funding is available to meet the matching requirements of subsection (e);

"(B) the project will be completed without unreasonable delay; and

"(C) the recipient has authority to carry out the proposed project.

"(g) AUDITS AND EXAMINATIONS.—All grantees under this section shall maintain such records as the Administrator may require and make such records available for review and audit by the Administrator. Records.

"(h) SMALL SHIPYARD DEFINED.—In this section, the term 'small shipyard' means a shipyard facility in one geographic location that does not have more than 1,200 employees.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Maritime Administration for each of fiscal years 2009 through 2013 to carry out this section—

"(1) $5,000,000 for training grants; and

"(2) $25,000,000 for capital and related improvements.".

(b) CONFORMING AMENDMENT.—Section 3506 of the National Defense Authorization Act for Fiscal Year 2006 (46 U.S.C. 53101 note) is repealed. 46 USC 54101.

**SEC. 3509. MARINE WAR RISK INSURANCE.**

Section 53912 of title 46, United States Code, is amended by striking "December 31, 2010." and inserting "December 31, 2015.".

**SEC. 3510. MARAD CONSULTATION ON JONES ACT WAIVERS.**

Section 501(b) of title 46, United States Code, is amended to read as follows:

"(b) BY HEAD OF AGENCY.—When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual, following a determination by the Maritime Administrator, acting in the Administrator's capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements, may waive compliance with those laws to the extent, in the manner, and on the terms the individual, in consultation with the Administrator, acting in that capacity, prescribes.".

**SEC. 3511. TRANSPORTATION IN AMERICAN VESSELS OF GOVERNMENT PERSONNEL AND CERTAIN CARGOES.**

(a) IN GENERAL.—Section 55305(b) of title 46, United States Code, is amended—

(1) by striking "country" and inserting "country, organization, or persons";

(2) by inserting "or obtaining" after "furnishing"; and

(3) by striking "commodities," the first place it appears and inserting "commodities, or provides financing in any way with Federal funds for the account of any persons unless otherwise exempted,".

(b) OTHER AGENCIES.—Section 55305(d) of title 46, United States Code, is amended to read as follows:

"(d) PROGRAMS OF OTHER AGENCIES.—

"(1) Each department or agency that has responsibility for a program under this section shall administer that program with respect to this section under regulations and guidance issued by the Secretary of Transportation. The Secretary, after consulting with the department or agency or organization or

person involved, shall have the sole responsibility for determining if a program is subject to the requirements of this section.

"(2) The Secretary—

Review.

"(A) shall conduct an annual review of the administration of programs determined pursuant to paragraph (1) as subject to the requirements of this section;

"(B) may direct agencies to require the transportation on United States-flagged vessels of cargo shipments not otherwise subject to this section in equivalent amounts to cargo determined to have been shipped on foreign carriers in violation of this section;

"(C) may impose on any person that violates this section, or a regulation prescribed under this section, a civil penalty of not more than $25,000 for each violation willfully and knowingly committed, with each day of a continuing violation following the date of shipment to be a separate violation; and

"(D) may take other measures as appropriate under the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1) or contract with respect to each violation.".

46 USC 55305 note.

(c) REGULATIONS.—The Secretary of Transportation shall prescribe such rules as are necessary to carry out section 55305(d) of title 46, United States Code. The Secretary may prescribe interim rules necessary to carry out section 55305(d) of such title. An interim rule prescribed under this subsection shall remain in effect until superseded by a final rule.

(d) CHANGE OF YEAR.—Section 55314(a) of title 46, United States Code, is amended by striking "calendar" each place it appears and inserting "fiscal".

48 USC 1421r.

**SEC. 3512. PORT OF GUAM IMPROVEMENT ENTERPRISE PROGRAM.**

(a) IN GENERAL.—The Secretary of Transportation, acting through the Administrator of the Maritime Administration (in this section referred to as the "Administrator"), may establish a Port of Guam Improvement Enterprise Program (in this section referred to as the "Program") to provide for the planning, design, and construction of projects for the Port of Guam to improve facilities, relieve port congestion, and provide greater access to port facilities.

(b) AUTHORITIES OF THE ADMINISTRATOR.—In carrying out the Program, the Administrator may—

(1) receive funds provided for the Program from Federal and non-Federal entities, including private entities;

(2) provide for coordination among appropriate governmental agencies to expedite the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects carried out under the Program;

(3) provide for coordination among appropriate governmental agencies in connection with other reviews and requirements applicable to projects carried out under the Program; and

(4) provide technical assistance to the Port Authority of Guam (and its agents) as needed for projects carried out under the Program.

(c) PORT OF GUAM IMPROVEMENT ENTERPRISE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account to be known as the "Port of Guam Improvement Enterprise Fund" (in this section referred to as the "Fund").

(2) DEPOSITS.—There shall be deposited into the Fund—

(A) amounts received by the Administrator from Federal and non-Federal sources under subsection (b)(1);

(B) amounts transferred to the Administrator under subsection (d); and

(C) amounts appropriated to carry out this section under subsection (f).

(3) USE OF AMOUNTS.—Amounts in the Fund shall be available to the Administrator to carry out the Program.

(4) ADMINISTRATIVE EXPENSES.—Not to exceed 3 percent of the amounts appropriated to the Fund for a fiscal year may be used for administrative expenses of the Administrator.

(5) AVAILABILITY OF AMOUNTS.—Amounts in the Fund shall remain available until expended.

(d) TRANSFERS OF AMOUNTS.—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the Program shall be transferred to and administered by the Administrator.

(e) LIMITATION.—Nothing in this section shall be construed to authorize amounts made available under section 215 of title 23, United States Code, or any other amounts made available for the construction of highways or amounts otherwise not eligible for making port improvements to be deposited into the Fund.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out this section

Approved October 14, 2008.

LEGISLATIVE HISTORY—S. 3001 (H.R. 5658):

HOUSE REPORTS: No. 110–652 and Pt. 2 (both from Comm. on Armed Services) accompanying H.R. 5658.
SENATE REPORTS: No. 110–335 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 154 (2008):
Sept. 9–12, 15–17, considered and passed Senate.
Sept. 24, considered and passed House, amended.
Sept. 27, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 44 (2008):
Oct. 14, Presidential statement.

○