

# Union Calendar No. 413

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5658

[Report No. 110-652]

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2008

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

MAY 16, 2008

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on March 31, 2008]

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## A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

8           (1) *Division A—Department of Defense Author-*  
 9 *izations.*

10          (2) *Division B—Military Construction Author-*  
 11 *izations.*

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

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

*Sec. 1. Short title.*

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

*Sec. 3. Congressional defense committees.*

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*Sec. 102. Navy and Marine Corps.*

*Sec. 103. Air Force.*

*Sec. 104. Defense-wide activities.*

*Sec. 105. National Guard and Reserve equipment.*

*Sec. 106. Rapid Acquisition Fund.*

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

*Sec. 112. Restriction on contract awards for major elements of the Future Combat*  
*Systems program.*

*Sec. 113. Restriction on obligation of funds for Army tactical radio pending re-*  
*port.*

*Sec. 114. Restriction on obligation of procurement funds for Armed Reconnaissance Helicopter program pending certification.*

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

*Sec. 122. Applicability of previous teaming agreements for Virginia-class submarine program.*

*Sec. 123. Littoral Combat Ship (LCS) program.*

*Sec. 124. Report on F/A-18 procurement costs, comparing multiyear to annual.*

*Subtitle D—Air Force Programs*

*Sec. 131. Limitation on retiring C-5 aircraft.*

*Sec. 132. Maintenance of retired KC-135E aircraft.*

*Sec. 133. Repeal of multi-year contract authority for procurement of tanker aircraft.*

*Sec. 134. Report on processes used for requirements development for KC-(X).*

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*Sec. 142. Small arms acquisition strategy and requirements review.*

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*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.*

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

*Subtitle D—Other Matters*

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- Sec. 232. Assessment of the Historically Black Colleges and Universities and Minority Serving Institutions Program.*
- Sec. 233. Technology-neutral information technology guidelines and standards to support fully interoperable electronic personal health information for the Department of Defense and Department of Veterans Affairs.*
- Sec. 234. Repeal of requirement for Technology Transition Initiative.*
- Sec. 235. Trusted defense systems.*
- Sec. 236. Limitation on obligation of funds for Enhanced AN/TPQ-36 radar system pending submission of report.*
- Sec. 237. Capabilities-based assessment to outline a joint approach for future development of vertical lift aircraft and rotorcraft.*
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- Sec. 325. Temporary suspension of studies and public-private competitions regarding conversion of functions of the Department of Defense performed by civilian employees to contractor performance.*
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- Sec. 1222. Extension of Department of Defense authority to participate in multinational military centers of excellence.*

- Sec. 1223. Study of limitation on classified contracts with foreign companies engaged in space business with China.*
- Sec. 1224. Sense of Congress and congressional briefings on readiness of the Armed Forces and report on nuclear weapons capabilities of Iran.*

**TITLE XIII—COOPERATIVE THREAT REDUCTION**

- 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.*

*Subtitle B—National Defense Stockpile*

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

*Subtitle C—Armed Forces Retirement Home*

- Sec. 1421. Armed Forces Retirement Home.*

*Subtitle D—Inapplicability of Executive Order 13457*

- Sec. 1431. Inapplicability of Executive Order 13457.*

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

- Sec. 1501. Purpose.*
- Sec. 1502. Army procurement.*
- Sec. 1503. Navy and Marine Corps procurement.*
- Sec. 1504. Air Force procurement.*
- Sec. 1505. Defense-wide activities procurement.*
- Sec. 1506. Rapid acquisition fund.*
- Sec. 1507. Joint Improvised Explosive Device Defeat Fund.*
- Sec. 1508. Limitation on obligation of funds for the Joint Improvised Explosive Devices Defeat Organization pending notification to Congress.*
- Sec. 1509. Research, development, test, and evaluation.*
- Sec. 1510. Operation and maintenance.*
- Sec. 1511. Other Department of Defense programs.*
- Sec. 1512. Iraq Security Forces Fund.*
- Sec. 1513. Afghanistan Security Forces Fund.*
- Sec. 1514. Military personnel.*
- Sec. 1515. Mine Resistant Ambush Protected Vehicle Fund.*
- Sec. 1516. Special transfer authority.*
- Sec. 1517. Treatment as additional authorizations.*

*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.*

*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.*  
*Sec. 2207. Report on impacts of surface ship homeporting alternatives.*

*TITLE XXIII—AIR FORCE*

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

*TITLE XXIV—DEFENSE AGENCIES*

*Subtitle A—Defense Agency Authorizations*

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



- Sec. 2402. Energy conservation projects.*  
*Sec. 2403. Authorization of appropriations, Defense Agencies.*  
*Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.*  
*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. Extension of authorizations of certain fiscal year 2006 projects.*  
*Sec. 2608. Extension of Authorization of certain fiscal year 2005 project.*

*TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES*

*Subtitle A—Authorizations*

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

*Subtitle B—Amendments to Base Closure and Related Laws*

- Sec. 2711. Repeal of commission approach for development of recommendations in any future round of base closures and realignments.*  
*Sec. 2712. Modification of annual base closure and realignment reporting requirements.*

*Sec. 2713. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.*

*Subtitle C—Other Matters*

*Sec. 2721. Conditions on closure of Walter Reed Army Medical Hospital and relocation of operations to National Naval Medical Center and Fort Belvoir.*

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

**TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

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

*Sec. 2801. Incorporation of principles of sustainable design in documents submitted as part of proposed military construction projects.*

*Sec. 2802. Extension of authority to use operation and maintenance funds for construction projects outside the United States.*

*Sec. 2803. Revision of maximum lease amount applicable to certain domestic Army family housing leases to reflect previously made annual adjustments in amount.*

*Sec. 2804. Use of military family housing constructed under build and lease authority to house members without dependents.*

*Sec. 2805. Lease of military family housing to the Secretary of Defense for use as residence.*

*Sec. 2806. Repeal of reporting requirement in connection with installation vulnerability assessments.*

*Sec. 2807. Modification of alternative authority for acquisition and improvement of military housing.*

*Sec. 2808. Report on capturing housing privatization best practices.*

*Subtitle B—Real Property and Facilities Administration*

*Sec. 2811. Clarification of exceptions to congressional reporting requirements for certain real property transactions.*

*Sec. 2812. Authority to lease non-excess property of military departments and Defense Agencies.*

*Sec. 2813. Modification of utility system conveyance authority.*

*Sec. 2814. Permanent authority to purchase municipal services for military installations in the United States.*

*Sec. 2815. Defense access roads.*

*Sec. 2816. Protecting private property rights during Department of Defense land acquisitions.*

*Subtitle C—Provisions Related to Guam Realignment*

*Sec. 2821. Guam Defense Policy Review Initiative Account.*

*Sec. 2822. Sense of Congress regarding use of Special Purpose Entities for military housing related to Guam realignment.*

*Sec. 2823. Sense of Congress regarding Federal assistance to Guam.*

*Sec. 2824. Comptroller General report regarding interagency requirements related to Guam realignment.*

*Sec. 2825. Energy and environmental design initiatives in Guam military construction and installations.*

- Sec. 2826. Department of Defense Inspector General report regarding Guam realignment.*
- Sec. 2827. Eligibility of the Commonwealth of the Northern Mariana Islands for military base reuse studies and community planning assistance.*
- Sec. 2828. Prevailing wage applicable to Guam.*

*Subtitle D—Energy Security*

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

*Subtitle E—Land Conveyances*

- Sec. 2851. Land conveyance, former Naval Air Station, Alameda, California.*
- Sec. 2852. Land conveyance, Norwalk Defense Fuel Supply Point, Norwalk, California.*
- Sec. 2853. Land conveyance, former Naval Station, Treasure Island, California.*
- Sec. 2854. Condition on lease involving Naval Air Station, Barbers Point, Hawaii.*
- Sec. 2855. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.*
- Sec. 2856. Land conveyance, John Sevier Range, Knox County, Tennessee.*
- Sec. 2857. Land conveyance, Bureau of Land Management land, Camp Williams, Utah.*
- Sec. 2858. Land conveyance, Army property, Camp Williams, Utah.*
- Sec. 2859. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.*

*Subtitle F—Other Matters*

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

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

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

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

*TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY  
PROGRAMS*

*Subtitle A—National Security Programs Authorizations*

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

*Subtitle B—Program Authorizations, Restrictions, and Limitations*

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

*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.*

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

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

1     ***DIVISION A—DEPARTMENT OF***  
 2     ***DEFENSE AUTHORIZATIONS***  
 3     ***TITLE I—PROCUREMENT***

*Subtitle A—Authorization of Appropriations*

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

*Subtitle B—Army Programs*

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

*Subtitle C—Navy Programs*

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

*Subtitle D—Air Force Programs*

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

*Subtitle E—Joint and Multiservice Matters*

- Sec. 141. Body armor acquisition strategy.*  
*Sec. 142. Small arms acquisition strategy and requirements review.*  
*Sec. 143. Requirement for common ground stations and payloads for manned and unmanned aerial vehicles.*

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

3   **SEC. 101. ARMY.**

4           *Funds are hereby authorized to be appropriated for fis-*  
5 *cal year 2009 for procurement for the Army as follows:*

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

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

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

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

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

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

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

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

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

19                   (3) *For shipbuilding and conversion,*  
20 *\$12,917,919,000.*

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

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

1       (c) *NAVY AND MARINE CORPS AMMUNITION.—Funds*  
2 *are hereby authorized to be appropriated for fiscal year*  
3 *2009 for procurement of ammunition for the Navy and the*  
4 *Marine Corps in the amount of \$1,122,712,000.*

5 **SEC. 103. AIR FORCE.**

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

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

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

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

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

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

13       *Funds are hereby authorized to be appropriated for fis-*  
14 *cal year 2009 for Defense-wide procurement in the amount*  
15 *of \$3,485,428,000.*

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

17       *Funds are hereby authorized to be appropriated for fis-*  
18 *cal year 2009 for the procurement of aircraft, missiles,*  
19 *wheeled and tracked combat vehicles, tactical wheeled vehi-*  
20 *cles, ammunition, other weapons, and other procurement*  
21 *for the reserve components of the Armed Forces in the*  
22 *amount of \$800,000,000.*

1 **SEC. 106. RAPID ACQUISITION FUND.**

2 *Funds are hereby authorized to be appropriated for fis-*  
3 *cal year 2009 for the Rapid Acquisition Fund in the*  
4 *amount of \$50,000,000.*

5 **Subtitle B—Army Programs**

6 **SEC. 111. SEPARATE PROCUREMENT LINE ITEMS FOR FU-**  
7 **TURE COMBAT SYSTEMS PROGRAM.**

8 *Effective for fiscal year 2010 and for each fiscal year*  
9 *thereafter, the Secretary of Defense shall ensure that, in*  
10 *each budget submission to the President, a separate, dedi-*  
11 *cated procurement line item is designated for each of the*  
12 *following elements of the Future Combat Systems (FCS)*  
13 *program, to the extent the budget submission includes fund-*  
14 *ing for such elements:*

15 (1) *FCS Manned Ground Vehicles.*

16 (2) *FCS Unmanned Ground Vehicles.*

17 (3) *FCS Unmanned Aerial Systems.*

18 (4) *FCS Unattended Ground Systems.*

19 (5) *Other FCS elements.*

20 **SEC. 112. RESTRICTION ON CONTRACT AWARDS FOR MAJOR**  
21 **ELEMENTS OF THE FUTURE COMBAT SYS-**  
22 **TEMS PROGRAM.**

23 (a) *CONTRACTING RESTRICTED.*—*For fiscal year 2009*  
24 *and any fiscal year thereafter, the Secretary of Defense and*  
25 *the Secretary of the Army may not award a contract for*  
26 *low-rate initial production or full-rate production of major*



1 *elements of the Future Combat Systems program to any en-*  
2 *tity that is under contract to perform the role of lead sys-*  
3 *tems integrator for the Future Combat Systems program.*

4 (b) *INAPPLICABILITY TO NON-LINE OF SIGHT CAN-*  
5 *NON.*—*Subsection (a) does not apply to contracts entered*  
6 *into in fiscal year 2009 or fiscal year 2010 for procurement*  
7 *of Non-Line of Sight Cannon vehicles.*

8 (c) *INAPPLICABILITY TO EQUIPMENT PROCURED*  
9 *THROUGH SELECTED ACQUISITION METHODS.*—*Subsection*  
10 *(a) does not apply to elements of the Future Combat Sys-*  
11 *tems program—*

12 (1) *acquired through the Army Rapid Equipping*  
13 *Force program;*

14 (2) *acquired through the Joint Improved Explo-*  
15 *sive Device Defeat Organization; or*

16 (3) *acquired specifically to address an Oper-*  
17 *ational Needs Statement or Joint Urgent Operational*  
18 *Needs Statement.*

19 (d) *DEFINITIONS.*—*In this section:*

20 (1) *The term “major elements of the Future*  
21 *Combat Systems program” includes—*

22 (A) *Future Combat Systems Manned*  
23 *Ground Vehicles;*

24 (B) *Future Combat Systems Unmanned*  
25 *Ground Vehicles;*

1           (C) *Future Combat Systems Unmanned*  
2           *Aerial Vehicles;*

3           (D) *Future Combat Systems Non-Line of*  
4           *Sight Missile Launchers;*

5           (E) *Future Combat Systems Unattended*  
6           *Ground Sensors; and*

7           (F) *Future Combat Systems equipment to*  
8           *upgrade vehicles and other equipment in the*  
9           *Army inventory as of October 1, 2008.*

10          (2) *The term “lead systems integrator” has the*  
11          *meaning given such term in section 802(d) of the Na-*  
12          *tional Defense Authorization Act for Fiscal Year 2008*  
13          *(Public Law 110–181).*

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

16          (a) *REPORT REQUIRED.—The Assistant Secretary of*  
17          *Defense for Networks and Information Integration shall*  
18          *submit to the congressional defense committees a report on*  
19          *Army tactical radio fielding plans by March 30, 2009. This*  
20          *report shall include, at a minimum, the following:*

21               (1) *A description of the Army tactical radio*  
22               *fielding strategy, including a description of the over-*  
23               *all mix of tactical radio systems and how they inte-*  
24               *grate to provide communications and network capa-*  
25               *bility.*

1           (2) *A detailed description of the current and fu-*  
2           *ture mix of radios for Army infantry brigade combat*  
3           *teams, heavy brigade combat teams, Stryker brigade*  
4           *combat teams, and Future Combat Systems brigade*  
5           *combat teams.*

6           (3) *A description of the current and future mix*  
7           *of radios for Army support brigades, headquarters ele-*  
8           *ments, and training base.*

9           (4) *A description of the Army's plan to integrate*  
10          *joint tactical radio system radios, including the num-*  
11          *ber of each type of joint tactical radio the Army plans*  
12          *to procure.*

13          (5) *An assessment of the total cost of the Army's*  
14          *tactical radio fielding strategy, including future pro-*  
15          *curement of joint tactical radio systems.*

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

1 **SEC. 114. RESTRICTION ON OBLIGATION OF PROCUREMENT**  
2 **FUNDS FOR ARMED RECONNAISSANCE HELI-**  
3 **COPTER PROGRAM PENDING CERTIFICATION.**

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

8 (1) *satisfactorily completed a Limited User Test;*

9 *and*

10 (2) *been approved to enter Milestone C.*

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

19 ***Subtitle C—Navy Programs***

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

22 (a) *AMOUNT AUTHORIZED FROM SCN ACCOUNT.*—*Of*  
23 *the amount appropriated pursuant to the authorization of*  
24 *appropriations in section 102 or otherwise made available*  
25 *for shipbuilding, conversion, and repair, Navy, for fiscal*  
26 *year 2009, \$124,500,000 is available for the commencement*

1 *of the nuclear refueling and complex overhaul of the U.S.S.*  
 2 *Theodore Roosevelt (CVN-71) during fiscal year 2009. The*  
 3 *amount made available in the preceding sentence is the first*  
 4 *increment in the three-year funding planned for the nuclear*  
 5 *refueling and complex overhaul of that vessel.*

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

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

16 **SEC. 122. APPLICABILITY OF PREVIOUS TEAMING AGREE-**  
 17 **MENTS FOR VIRGINIA-CLASS SUBMARINE**  
 18 **PROGRAM.**

19 *Section 121 of the National Defense Authorization Act*  
 20 *for Fiscal Year 2008 (Public Law 110-181) is amended in*  
 21 *subsection (b)—*

22 (1) *in paragraph (1) by striking “and” at the*  
 23 *end;*

24 (2) *in paragraph (2) by striking the period at*  
 25 *the end and inserting “; and”; and*

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

2           “(3) the Secretary submits to the congressional  
3           defense committees a certification that the contract  
4           will be awarded to either the General Dynamics Elec-  
5           tric Boat Division or the Northrop Grumman New-  
6           port News Shipbuilding Division, with the other con-  
7           tractor as the primary subcontractor to the contract,  
8           in accordance with the Team Agreement between the  
9           two companies, dated February 16, 1997, which was  
10          submitted to the Congress on March 31, 1997.”.

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

12          Section 124 of the National Defense Authorization Act  
13 for Fiscal Year 2006 (Public Law 109–163; 119 Stat.  
14 3157), as amended by section 125 of the National Defense  
15 Authorization Act for Fiscal Year 2008 (Public Law 110–  
16 181; 122 Stat. 29), is amended in subsection (d) by adding  
17 at the end the following:

18           “(3) The amounts of increases or decreases in  
19           costs attributable to economic inflation after Sep-  
20           tember 30, 2007. However, in the case of a vessel the  
21           procurement of which is funded from amounts appro-  
22           priated pursuant to an authorization of appropria-  
23           tions or otherwise made available for fiscal year 2008  
24           or 2009, the amount of such an increase for such a  
25           vessel may not exceed \$10,000,000.

1           “(4) *The amounts of increases or decreases in*  
2 *costs of that vessel that are attributable to insertion*  
3 *of new technology into that vessel, as compared to the*  
4 *technology built into the first and second vessels, re-*  
5 *spectively, of the Littoral Combat Ship (LCS) class of*  
6 *vessels. However, the Secretary of the Navy may make*  
7 *an adjustment under this paragraph only if—*

8                   “(A) *the Secretary of the Navy determines,*  
9 *and certifies to the congressional defense commit-*  
10 *tees, that insertion of the new technology would*  
11 *lower the life-cycle cost of the vessel; or*

12                   “(B) (i) *the Secretary of the Navy deter-*  
13 *mines, and certifies to the congressional defense*  
14 *committees, that insertion of the new technology*  
15 *is required to meet an emerging threat; and*

16                   “(ii) *the Secretary of Defense certifies to*  
17 *those committees that such threat poses grave*  
18 *harm to national security.”.*

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

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

1           (1) *The number of F/A–18E/F and EA–18G air-*  
2 *craft programmed for procurement for fiscal years*  
3 *2010 through 2015.*

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

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

10          (4) *The estimated savings that could be derived*  
11 *from the procurement of those aircraft through a*  
12 *multiyear procurement contract, and whether the Sec-*  
13 *retary considers the amount of those savings to be*  
14 *substantial.*

15          (5) *A discussion comparing the costs and benefits*  
16 *of obtaining those aircraft through annual procure-*  
17 *ment contracts with the costs and benefits of obtain-*  
18 *ing those aircraft through a multiyear procurement*  
19 *contract.*

20          (6) *The recommendations of the Secretary as to*  
21 *whether Congress should authorize a multiyear pro-*  
22 *urement contract for those aircraft.*

23          (b) *CERTIFICATIONS REQUIRED.*—*Should the Sec-*  
24 *retary recommend under subsection (a)(6) that Congress*  
25 *authorize a multiyear procurement contract for the aircraft,*



1 *the Secretary shall accompany the recommendation with*  
2 *the certifications required by section 2306b of title 10,*  
3 *United States Code, so as to enable to award of a multiyear*  
4 *procurement contract beginning with fiscal year 2010.*

5 *(c) FUNDING.—Subject to the availability of appro-*  
6 *priations, the Secretary of the Navy may obligate up to*  
7 *\$100,000,000 of the amount authorized for procurement of*  
8 *F/A–18E/F or EA–18G aircraft for cost reduction initia-*  
9 *tives (CRI) in fiscal year 2009. Such CRI funding may*  
10 *be applied to either single year or multiyear procurements*  
11 *of F/A–18 aircraft.*

## 12 ***Subtitle D—Air Force Programs***

### 13 ***SEC. 131. LIMITATION ON RETIRING C–5 AIRCRAFT.***

14 *(a) CERTIFICATION AND COST ANALYSIS REQUIRED.—*  
15 *The Secretary of the Air Force may not retire C–5A aircraft*  
16 *from the inventory of the Air Force in any number that*  
17 *would reduce the total number of such aircraft in the inven-*  
18 *tory below 111 until 45 days after the Secretary of the Air*  
19 *Force submits to the congressional defense committees the*  
20 *following:*

21 *(1) The Secretary’s certification that retiring the*  
22 *aircraft will not significantly increase operational*  
23 *risk of not meeting the National Defense Strategy.*

24 *(2) A cost analysis with respect to the aircraft*  
25 *to be retired that—*

1           (A) evaluates which alternative is more ef-  
2           fective in meeting strategic airlift mobility re-  
3           quirements—

4                   (i) to retire the aircraft; or

5                   (ii) to perform the Reliability En-  
6           hancement and Re-engining Program  
7           (RERP) on the aircraft; and

8           (B) evaluates the life-cycle cost of C-17 air-  
9           craft to replace the capability of the aircraft to  
10          be retired.

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

14           (1) The cost analysis shall include one analysis  
15           that uses “constant year dollars” and one analysis  
16           that uses “then year dollars”.

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

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

22                   (A) planned technology insertions or up-  
23           grades over the service life of the aircraft to meet  
24           emerging requirements;

25                   (B) research and development;

- 1                   (C) testing;
- 2                   (D) procurement;
- 3                   (E) production;
- 4                   (F) production termination;
- 5                   (G) operations;
- 6                   (H) training;
- 7                   (I) maintenance;
- 8                   (J) sustainment;
- 9                   (K) military construction;
- 10                  (L) personnel;
- 11                  (M) cost of replacement due to attrition;
- 12                  and
- 13                  (N) disposal.

14                  (4) *The cost analysis shall include each of the*  
15                  *following:*

- 16                    (A) *An assessment of the quality of each*  
17                    *cost analysis.*
- 18                    (B) *A discussion of each of the following:*
  - 19                      (i) *The assumptions used.*
  - 20                      (ii) *The benefits to be realized from*  
21                      *each alternative.*
  - 22                      (iii) *Adverse impacts to be realized*  
23                      *from each alternative.*

1                   (iv) Cargo capacity, operational avail-  
2                   ability, departure reliability, and mission  
3                   capability.

4                   (v) Aircraft basing.

5                   (vi) Aircrew ratios and associated  
6                   training requirements.

7                   (vii) Performing RERP on only C-5B  
8                   and C-5C aircraft.

9                   (C) A summary table that compares and  
10                  contrasts each alternative with respect to each of  
11                  the requirements of this subsection.

12               (c) *CONFORMING REPEAL.*—Section 132 of the Na-  
13               tional Defense Authorization Act for Fiscal Year 2004 (Pub-  
14               lic Law 108–136; 117 Stat. 1411) is repealed.

15   **SEC. 132. MAINTENANCE OF RETIRED KC-135E AIRCRAFT.**

16               Section 135(b) of the John Warner National Defense  
17               Authorization Act for Fiscal Year 2007 (Public Law 109–  
18               364; 120 Stat. 2114) is amended by striking “each KC-  
19               135E aircraft that is retired” and inserting “at least 46  
20               of the KC-135E aircraft retired”.

21   **SEC. 133. REPEAL OF MULTI-YEAR CONTRACT AUTHORITY**  
22               **FOR PROCUREMENT OF TANKER AIRCRAFT.**

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

1 **SEC. 134. REPORT ON PROCESSES USED FOR REQUIRE-**  
2 **MENTS DEVELOPMENT FOR KC-(X).**

3 *Not later than December 1, 2008, the Secretary of the*  
4 *Air Force shall submit to the congressional defense commit-*  
5 *tees a report on the processes used for requirements develop-*  
6 *ment for the KC-(X). The report shall include—*

7 *(1) an examination of the processes by which*  
8 *KC-(X) requirements were established;*

9 *(2) a justification for the use of the KC-135R as*  
10 *the comparative baseline for the KC-(X) competition;*  
11 *and*

12 *(3) an evaluation of commercial derivative air-*  
13 *craft in the 750,000 pounds maximum gross take-off*  
14 *weight to 1,000,000 pounds maximum gross take-off*  
15 *weight range as a potential aerial refueling platform,*  
16 *which shall include an examination of pertinent aer-*  
17 *ial refueling capabilities such as range, offload at*  
18 *range, and passenger/cargo capacity.*

19 ***Subtitle E—Joint and Multiservice***  
20 ***Matters***

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

22 *(a) EXECUTIVE AGENT.—The Secretary of Defense*  
23 *shall designate an executive agent for procurement of body*  
24 *armor and associated components.*

25 *(b) SEPARATE PROCUREMENT LINE ITEMS.—Effective*  
26 *for fiscal year 2010 and for each fiscal year thereafter, the*

1 *Secretary of Defense shall ensure that, within each procure-*  
2 *ment account budget submission to the President, a sepa-*  
3 *rate, dedicated procurement line item is designated for pro-*  
4 *curement of body armor and associated components.*

5 *(c) REPORT.—Not later than 90 days after the date*  
6 *of the enactment of this Act, the Under Secretary of Defense*  
7 *for Acquisition, Technology, and Logistics shall submit to*  
8 *the congressional defense committees a report that—*

9 *(1) identifies the critical industrial base capac-*  
10 *ity for body armor, to include all tiers of subcon-*  
11 *tractor suppliers;*

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

14 *(3) identifies specific research and development*  
15 *objectives, priorities, and funding profiles for—*

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

17 *(B) weight reduction; and*

18 *(C) manufacturing productivity.*

19 **SEC. 142. SMALL ARMS ACQUISITION STRATEGY AND RE-**  
20 **QUIREMENTS REVIEW.**

21 *(a) GAO AUDIT AND REPORT.—The Comptroller Gen-*  
22 *eral of the United States shall audit the requirements gen-*  
23 *eration process of the Department of Defense for small arms*  
24 *procurement to determine if there are statutory or regu-*  
25 *latory barriers to developing a small arms procurement re-*

1 *quirement. Not later than October 1, 2009, the Comptroller*  
2 *General shall submit to the congressional defense committees*  
3 *a report on the results of the audit.*

4 *(b) SECRETARY OF DEFENSE REPORT.—Not later*  
5 *than 120 days after the date of the enactment of this Act,*  
6 *the Secretary of Defense shall submit to the congressional*  
7 *defense committees a comprehensive report on the small*  
8 *arms industrial base. The report shall include the following:*

9 *(1) The current inventory, acquisition objective,*  
10 *operational, and budgetary status of current small*  
11 *arms programs, to include pistols, carbines, rifles,*  
12 *light, medium, and heavy machine guns.*

13 *(2) A plan for a joint acquisition strategy for*  
14 *small arms modernization, with emphasis on a pos-*  
15 *sible near term competition for a new pistol and car-*  
16 *bine.*

17 *(3) An analysis of current small arms research*  
18 *and development programs.*

19 *(4) An analysis of current small arms capability*  
20 *gap assessments that have been finalized or are being*  
21 *pursued.*

22 *(c) DEFINITION.—In this section, the term “small*  
23 *arms”—*

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

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

6 **SEC. 143. REQUIREMENT FOR COMMON GROUND STATIONS**  
7                                   **AND PAYLOADS FOR MANNED AND UN-**  
8                                   **MANNED AERIAL VEHICLES.**

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

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

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

21   (A) *signals intelligence;*

22   (B) *electro optical;*

23   (C) *synthetic aperture radar;*

24   (D) *ground moving target indicator;*

25   (E) *conventional explosive detection;*



1                   (F) foliage penetrating radar;

2                   (G) laser designator;

3                   (H) chemical, biological, radiological, nu-  
4 clear, explosive detection; and

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

7                   (2) Commonality of ground systems by vehicle  
8 class.

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

11                   (4) Ground station interoperability standardiza-  
12 tion.

13                   (5) Open source software code.

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

17                   (7) Acquisition of vehicles, payloads, and ground  
18 stations through competitive procurement.

19                   (c) *AFFECTED SYSTEMS.*—For the purposes of this sec-  
20 tion, the manned and unmanned aerial vehicle classes and  
21 types of manned and unmanned aerial vehicles within each  
22 class are as follows:

23                   (1) *Tier II class: Vehicles such as Silver Fox and*  
24 *Scan Eagle.*

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

1           (3) *Medium altitude class: Vehicles such as MQ-*  
 2           *1, MQ-1C, MQ-5, MQ-8, MQ-9, and Warrior Alpha.*

3           (4) *High Altitude class: Vehicles such as RQ-4,*  
 4           *RQ-4N, Unmanned airship systems, Constant Hawk,*  
 5           *Angel Fire, Special Project Aircraft, Aerial Common*  
 6           *Sensor, EP-3, Scathe View, Compass Call, and Rivet*  
 7           *Joint.*

8           (d) *CONSULTATION.—The Secretary shall develop the*  
 9           *policy and acquisition strategy required by subsection (a)*  
 10           *in consultation with the Chairman of the Joint Chiefs of*  
 11           *Staff.*

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

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

19                     (2) *the acquisition strategy required by sub-*  
 20                     *section (a).*

21           **TITLE II—RESEARCH, DEVELOP-**  
 22           **MENT, TEST, AND EVALUA-**  
 23           **TION**

*Subtitle A—Authorization of Appropriations*

*Sec. 201. Authorization of appropriations.*

*Sec. 202. Amount for defense science and technology.*

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

- Sec. 211. Additional determinations to be made as part of Future Combat 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.*

*Subtitle C—Missile Defense Programs*

- Sec. 221. Independent study of boost phase missile defense.*
- Sec. 222. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.*

*Subtitle D—Other Matters*

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

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

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

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

7                                    (1) *For the Army, \$10,683,695,000.*

8                                    (2) *For the Navy, \$19,769,738,000.*

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

2           (4) *For Defense-wide activities, \$21,033,651,000,*  
3           *of which \$188,772,000 is authorized for the Director*  
4           *of Operational Test and Evaluation.*

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

7           (a) *FISCAL YEAR 2009.—Of the amounts authorized*  
8           *to be appropriated by section 201, \$12,059,915,000 shall be*  
9           *available for the Defense Science and Technology Program,*  
10           *including basic research, applied research, and advanced*  
11           *technology development projects.*

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

19   ***Subtitle B—Program Requirements,***  
20                           ***Restrictions, and Limitations***

21   **SEC. 211. ADDITIONAL DETERMINATIONS TO BE MADE AS**  
22                           ***PART OF FUTURE COMBAT SYSTEMS MILE-***  
23                           ***STONE REVIEW.***

24           *Section 214(b) of the John Warner National Defense*  
25           *Authorization Act for Fiscal Year 2007 (Public Law 109–*

1 364; 120 Stat. 2123) is amended by striking paragraphs  
2 (4) through (6) and inserting the following:

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

7           “(5) Whether the program’s planned major com-  
8           munications network demonstrations are sufficiently  
9           complex and realistic to inform major program deci-  
10          sion points.

11          “(6) The extent to which Future Combat Systems  
12          manned ground vehicle survivability will be reduced  
13          in a degraded Future Combat Systems communica-  
14          tions network environment.

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

18          “(8) The extent to which the Future Combat Sys-  
19          tems communications network will be able to with-  
20          stand network attack, jamming, or other interference.

21          “(9) What the cost estimate for the program is,  
22          including all spin outs, and an assessment of the con-  
23          fidence level for that estimate.

1           “(10) What the affordability assessment for the  
2           program is, given projected Army budgets, based on  
3           that cost estimate.”.

4 **SEC. 212. ANALYSIS OF FUTURE COMBAT SYSTEMS COMMU-**  
5 **NICATIONS NETWORK AND SOFTWARE.**

6           (a) *REPORT REQUIRED.*—Not later than July 1, 2009,  
7 the Assistant Secretary of Defense, Networks and Informa-  
8 tion Integration, shall submit to the congressional defense  
9 committees a report providing an assessment of the Future  
10 Combat Systems communications network and software.  
11 This report shall include, at a minimum, the following:

12           (1) An assessment of the vulnerability of the Fu-  
13 ture Combat Systems communications network and  
14 software to enemy network attack, in particular the  
15 impact of the use of significant amounts of commer-  
16 cial software in Future Combat Systems software.

17           (2) An assessment of the vulnerability of the Fu-  
18 ture Combat Systems communications network to  
19 electronic warfare, jamming, and other potential  
20 enemy interference.

21           (3) An assessment of the vulnerability of the Fu-  
22 ture Combat Systems communications network to ad-  
23 verse weather and complex terrain.

24           (4) An assessment of the Future Combat Systems  
25 communication network’s dependence on satellite com-

1        *munications support, and an assessment of the net-*  
 2        *work's performance in the absence of assumed levels*  
 3        *of satellite communications support.*

4                (5) *An assessment of the performance of the Fu-*  
 5        *ture Combat Systems communications network when*  
 6        *operating in a degraded condition due to the factors*  
 7        *analyzed in paragraphs (1), (2), (3), and (4), and*  
 8        *how such a degraded network environment would im-*  
 9        *part the performance of Future Combat Systems bri-*  
 10       *gades and the survivability of Future Combat Sys-*  
 11       *tems manned ground vehicles.*

12                (b) *INCLUSION OF CLASSIFIED ANNEX.—The report re-*  
 13       *quired by subsection (a) may include a classified annex at*  
 14       *the discretion of the Assistant Secretary, for the purpose*  
 15       *of providing the assessments required, or to provide addi-*  
 16       *tional supporting information.*

17        **SEC. 213. FUTURE COMBAT SYSTEMS MANNED GROUND VE-**  
 18                                **HICLE SELECTED ACQUISITION REPORTS.**

19                (a) *REPORT REQUIRED.—For each of the years 2009*  
 20       *through 2015, the Secretary of the Army shall, not later*  
 21       *than February 15 of the year, submit a selected acquisition*  
 22       *report for each Future Combat Systems manned ground ve-*  
 23       *hicle variant.*

24                (b) *REQUIRED ELEMENTS.—The reports required by*  
 25       *subsection (a) shall include the same information required*

1 *in comprehensive annual selected acquisition reports for*  
2 *major defense acquisition as defined in section 2432(c) of*  
3 *title 10, United States Code.*

4 (c) *DEFINITION.—In this section, the term “manned*  
5 *ground vehicle variant” includes the eight distinct variants*  
6 *of manned ground vehicle designated on pages seven and*  
7 *eight of the Future Combat Systems selected acquisition re-*  
8 *port of the Department of Defense dated December 31, 2007,*  
9 *and any additional manned ground vehicle variants des-*  
10 *ignated in Future Combat Systems acquisition reports of*  
11 *the Department of Defense after the date of the enactment*  
12 *of this Act.*

13 **SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DE-**  
14 **VELOPMENT, TEST, AND EVALUATION LINE**  
15 **ITEMS AND PROGRAM ELEMENTS FOR SKY**  
16 **WARRIOR UNMANNED AERIAL SYSTEMS**  
17 **PROJECT.**

18 *Effective for fiscal year 2010 and for each fiscal year*  
19 *thereafter, the Secretary of Defense shall ensure that, in the*  
20 *Department of Defense’s annual budget submission to the*  
21 *President, within both the account for procurement and the*  
22 *account for research, development, test, and evaluation, a*  
23 *separate, dedicated line item and program element is des-*  
24 *ignated for the Sky Warrior Unmanned Aerial Systems*



1 *project, to the extent such accounts include funding for such*  
2 *project.*

3 **SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS FOR**  
4 **THE WARFIGHTER INFORMATION NETWORK—**  
5 **TACTICAL PROGRAM.**

6 *(a) NOTIFICATION REQUIRED.—The Under Secretary*  
7 *of Defense for Acquisition, Technology, and Logistics shall*  
8 *notify the congressional defense committees within five days*  
9 *after the completion of all of the following actions:*

10 *(1) Approval by the Under Secretary of a new*  
11 *acquisition program baseline for the Warfighter Infor-*  
12 *mation Network-Tactical (WIN-T) Increment 3 pro-*  
13 *gram.*

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

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

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

1 *made available for research, development, test, and evalua-*  
2 *tion, Army, for fiscal year 2009 for the WIN–T Increment*  
3 *3 program, not more than 20 percent of those amounts may*  
4 *be obligated or expended until 15 days after the notification*  
5 *required by subsection (a) is received by the congressional*  
6 *defense committees.*

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

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

18 **Subtitle C—Missile Defense**  
19 **Programs**

20 **SEC. 221. INDEPENDENT STUDY OF BOOST PHASE MISSILE**  
21 **DEFENSE.**

22 *(a) AGREEMENT REQUIRED.—Not later than 90 days*  
23 *after the date of the enactment of this Act, the Secretary*  
24 *of Defense shall enter into an agreement with a Federally*  
25 *Funded Research and Development Center to conduct an*

1 *independent study of concepts and systems for boost phase*  
2 *missile defense.*

3 (b) *REQUIREMENTS FOR STUDY.—*

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

7 (A) *The Airborne Laser.*

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

10 (2) *FACTORS TO BE EVALUATED.—The study*  
11 *shall evaluate each system based on the following fac-*  
12 *tors:*

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

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

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

19 (D) *Survivability.*

20 (E) *Suitability.*

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

23 (G) *Operations and maintenance support.*

24 (H) *Command-and-Control.*

25 (I) *Shortfall from intercepts.*

1                   (J) *Force structure requirements.*

2                   (K) *Effectiveness against countermeasures.*

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

5                   (M) *Total lifecycle cost estimates.*

6           (3) *SCENARIOS TO BE ASSESSED.—*

7                   (A) *IN GENERAL.—The study shall include,*  
8 *for each system, an assessment of the operational*  
9 *capabilities of the system—*

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

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

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

1 paragraph, the non-boost missile defense systems  
2 shall include, at a minimum—

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

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

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

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

13 (4) ASSESSMENTS AND RECOMMENDATIONS.—

14 The study shall include the following:

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

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

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

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

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

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

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

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

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

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

19 (2) *Forty-five days have elapsed following the re-*  
20 *ceipt by the congressional defense committees of the*  
21 *report required by section 226(c)(6) of the National*  
22 *Defense Authorization Act for Fiscal Year 2008 (Pub-*  
23 *lic Law 110–181).*

24 (b) *ADDITIONAL LIMITATION.*—In addition to the limi-  
25 tation in subsection (a), no funds authorized to be appro-  
26 priated by this Act or otherwise made available for the De-

1 *partment of Defense for fiscal year 2009 may be obligated*  
 2 *or expended for the acquisition or deployment of oper-*  
 3 *ational missiles of a long-range missile defense system in*  
 4 *Europe until the Secretary of Defense, after receiving the*  
 5 *views of the Director of Operational Test and Evaluation,*  
 6 *submits to the congressional defense committees a report*  
 7 *certifying that the proposed interceptor to be deployed as*  
 8 *part of such missile defense system has demonstrated,*  
 9 *through successful, operationally realistic flight testing, a*  
 10 *high probability of working in an operationally effective*  
 11 *manner and the ability to accomplish the mission.*

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

19 ***Subtitle D—Other Matters***

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

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



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

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

5 *“(C) The term ‘covered system’ means a De-*  
6 *partment of Defense acquisition program that is*  
7 *a covered system for purposes of section 2366 of*  
8 *this title or that is an item of personnel protec-*  
9 *tive equipment designated as a covered system by*  
10 *the Secretary of Defense, or the Secretary’s des-*  
11 *ignee, for purposes of this section.”; and*

12 *(2) in subsection (b)—*

13 *(A) by striking paragraph (3);*

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

16 *(C) by amending paragraph (6) (as so re-*  
17 *designated) to read as follows:*

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

23 *(b) INCLUSION OF PERSONNEL PROTECTIVE EQUIP-*  
24 *MENT IN SURVIVABILITY TESTING REQUIRED BEFORE*

1 *FULL-SCALE PRODUCTION.*—Section 2366 of title 10,  
2 *United States Code, is amended—*

3           (1) *in subsection (e) by amending paragraph (1)*  
4 *to read as follows:*

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

6                   “(A) *a vehicle, weapon platform, or conven-*  
7 *tional weapon system—*

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

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

14                           “(B) *an item of personnel protective equip-*  
15 *ment designated as a covered system in accord-*  
16 *ance with section 139(a)(2)(C) of this title.”; and*  
17 *(2) by adding at the end the following:*

18           “(f) *PERSONNEL PROTECTIVE EQUIPMENT.*—*In the*  
19 *case of an item of personnel protective equipment des-*  
20 *ignated as a covered system, if, before a decision to proceed*  
21 *beyond low rate initial production, a decision is made with-*  
22 *in the Department of Defense to proceed to operational use*  
23 *of that equipment or to make procurement funds available*  
24 *for that equipment—*

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

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

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

14          (a) *ASSESSMENT REQUIRED.*—The Secretary of De-  
15          fense shall—

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

21               (2) not later than twelve months after the date  
22               of the enactment of this Act, submit to the congres-  
23               sional defense committees a report on the assessment.

24          (b) *MATTERS ASSESSED.*—The report under subsection  
25          (a) shall include the following:

1           (1) *Summarized findings and lessons learned*  
2 *from HBCU/MI programs based on contracts, grants,*  
3 *or cooperative agreement awards.*

4           (2) *An assessment of the relevance, to include*  
5 *outcomes and impacts, of those programs to the re-*  
6 *search mission of the Department.*

7           (3) *An assessment of the national and regional*  
8 *conferences held annually to provide technical assist-*  
9 *ance and information regarding research, develop-*  
10 *ment, test, and evaluation activities of the Depart-*  
11 *ment, including the following:*

12                   (A) *The number of such conferences held*  
13 *over the last three years, and a description of*  
14 *each such conference, to include a description of*  
15 *activities conducted to meet the goals of the con-*  
16 *ference.*

17                   (B) *A follow-up assessment of the success of*  
18 *such conferences from the perspective both of the*  
19 *Department and of the attending institutions.*

20                   (C) *An assessment as to whether such con-*  
21 *ferences are appropriately targeted to institu-*  
22 *tions that have not historically received con-*  
23 *tracts, grants or cooperative agreements with the*  
24 *Department.*

1           (4) *As directed in Executive Order 13256, a plan*  
2           *documenting the Department’s effort in increasing the*  
3           *capacity of HBCU/MIs to participate in the research*  
4           *programs of the Department.*

5           (5) *Any other matters the Secretary considers*  
6           *appropriate.*

7 **SEC. 233. TECHNOLOGY-NEUTRAL INFORMATION TECH-**  
8           **NOLOGY GUIDELINES AND STANDARDS TO**  
9           **SUPPORT FULLY INTEROPERABLE ELEC-**  
10           **TRONIC PERSONAL HEALTH INFORMATION**  
11           **FOR THE DEPARTMENT OF DEFENSE AND DE-**  
12           **PARTMENT OF VETERANS AFFAIRS.**

13           (a) *IN GENERAL.*—*Section 1635 of the National De-*  
14           *fense Authorization Act for Fiscal Year 2008 (Public Law*  
15           *110–181; 122 Stat. 460; 10 U.S.C. 1071 note) is amended—*

16           (1) *in subsection (h)(1) by adding at the end the*  
17           *following:*

18                   “(C) *A description and analysis of the level*  
19                   *of interoperability and security of technologies*  
20                   *for sharing healthcare information among the*  
21                   *Department of Defense, the Department of Vet-*  
22                   *erans Affairs, and their transaction partners.*

23                   “(D) *A description and analysis of the*  
24                   *problems the Department of Defense and the De-*  
25                   *partment of Veterans Affairs are having with,*

1           *and the progress such agencies are making to-*  
2           *ward, ensuring interoperable and secure*  
3           *healthcare information systems and electronic*  
4           *healthcare records.”.*

5           *(2) by adding at the end the following:*

6           “(j) *TECHNOLOGY-NEUTRAL GUIDELINES AND STAND-*  
7           *ARDS.—*

8                   “(1) *IN GENERAL.—The Director, in consultation*  
9           *with industry and appropriate Federal agencies, shall*  
10          *develop, or shall adopt from industry, technology-neu-*  
11          *tral information technology infrastructure guidelines*  
12          *and standards for use by the Department of Defense*  
13          *and the Department of Veterans Affairs to enable*  
14          *those agencies to effectively select and utilize informa-*  
15          *tion technologies to meet the requirements of this sec-*  
16          *tion, in a manner that is—*

17                           “(A) *interoperable;*

18                           “(B) *inclusive of ongoing Federal efforts*  
19           *that provide technical expertise to harmonize ex-*  
20           *isting standards and assist in the development of*  
21           *interoperability specifications; and*

22                           “(C) *consistent with relevant guidance and*  
23           *directives for the development of information*  
24           *technology systems with the Department of De-*  
25           *fense and the Department of Veterans Affairs.*

1           “(2) *ELEMENTS.*—*The guidelines and standards*  
2           *developed or adopted under subsection (a) shall—*

3                   “(A) *promote the use by commercially*  
4                   *available and open source products to incor-*  
5                   *porate those guidelines and standards;*

6                   “(B) *develop uniform testing procedures*  
7                   *suitable for determining the conformance of com-*  
8                   *mercially available and other Federally devel-*  
9                   *oped healthcare information technology products*  
10                  *with the guidelines and standards;*

11                  “(C) *support and promote the testing of*  
12                  *electronic healthcare information technologies*  
13                  *utilized by the Department of Defense and the*  
14                  *Department of Veterans Affairs;*

15                  “(D) *provide protection and security pro-*  
16                  *files;*

17                  “(E) *establish a core set of specifications in*  
18                  *transactions between Federal agencies and their*  
19                  *transaction partners; and*

20                  “(F) *include validation criteria to enable*  
21                  *Federal agencies to select healthcare information*  
22                  *technologies appropriate to their needs.*

23           “(3) *REPORT.*—*Not later than March 31, 2009,*  
24           *the Director shall submit to the Secretary of Defense*  
25           *and the Secretary of Veterans Affairs, and to the ap-*

1       *appropriate congressional committees, a report identi-*  
2       *fying the guidelines and standards developed or*  
3       *adopted under this subsection. The report shall in-*  
4       *clude—*

5               “(A) *a description of how the Office is*  
6               *working with the Business Transformation Agen-*  
7               *cy to integrate these standards into the Enter-*  
8               *prise Transition Plan for the Department of De-*  
9               *fense; and*

10              “(B) *a synchronization roadmap showing*  
11              *the timeline for the deployment of applicable ex-*  
12              *isting and planned healthcare information tech-*  
13              *nology systems and how they will implement*  
14              *these standards.”.*

15       (b) *COMPLIANCE WITH REQUIREMENTS.—The amend-*  
16       *ments made by subsection (a) shall not impede the Sec-*  
17       *retary of Defense, the Secretary of Veterans Affairs, and the*  
18       *interagency program office from ensuring that the require-*  
19       *ments of subsection (d) of section 1635 of that Act, includ-*  
20       *ing the date specified in that subsection, are met.*

21       **SEC. 234. REPEAL OF REQUIREMENT FOR TECHNOLOGY**  
22               **TRANSITION INITIATIVE.**

23       (a) *ASSESSMENT REQUIRED.—*

24              (1) *IN GENERAL.—Not later than March 31,*  
25       *2009, the Under Secretary of Defense for Acquisition,*



1        *Technology, and Logistics shall assess the feasibility*  
2        *of consolidating various technology transition ac-*  
3        *counts into a unified effort managed by a senior offi-*  
4        *cial of the Department of Defense.*

5            (2) *OSD PROGRAMS INCLUDED.—Such assess-*  
6        *ment shall include, but shall not be limited to, the fol-*  
7        *lowing programs within the Office of the Secretary of*  
8        *Defense: Technology Transition Initiative, Foreign*  
9        *Comparative Test, Defense Acquisition Challenge Pro-*  
10       *gram, Quick Reaction Fund, Manufacturing Tech-*  
11       *nology, Joint Capability Technology Demonstrations,*  
12       *Defense Technology Link, Joint Capability Tech-*  
13       *nology Demonstration Transition Program, Defense*  
14       *Acquisition Executive, Rapid Reaction Fund, and*  
15       *Operational Experimentation Division.*

16           (3) *MILITARY DEPARTMENT PROGRAMS IN-*  
17        *CLUDED.—Such assessment shall also include, as ap-*  
18        *propriate, the technology transition initiatives of the*  
19        *military departments.*

20           (b) *INITIATIVE REQUIREMENT REPEALED.—*

21           (1) *IN GENERAL.—Section 2359a of title 10,*  
22        *United States Code, is amended—*

23                    (A) *by amending the section heading to*  
24                    *read as follows:*

1 **“§ 2359a. Technology Transition Council”;**

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

4 (C) by redesignating subsections (g) and (i)  
5 as (a) and (b), respectively.

6 (2) *CONFORMING AMENDMENT.*—*The table of sec-*  
7 *tions at the beginning of chapter 139 of title 10,*  
8 *United States Code, is amended by striking the item*  
9 *relating to section 2359a and inserting the following*  
10 *new item:*

*“2359a. Technology Transition Council.”.*

11 **SEC. 235. TRUSTED DEFENSE SYSTEMS.**

12 (a) *ASSESSMENT REQUIRED.*—*The Secretary of De-*  
13 *fense shall conduct a comprehensive assessment of covered*  
14 *acquisition programs to identify vulnerabilities in the sup-*  
15 *ply chain of each program’s information processing systems*  
16 *that potentially compromise the level of trust in such sys-*  
17 *tems. Such assessment shall also—*

18 (1) *assess vulnerabilities at multiple levels of the*  
19 *information processing system, including but not lim-*  
20 *ited to, microcircuits, software, and firmware;*

21 (2) *prioritize the potential vulnerabilities and*  
22 *impacts of the various elements and stages of the sys-*  
23 *tem supply chain to identify the most effective bal-*  
24 *ance of investments to minimize the effects of com-*  
25 *promise;*

1           (3) *provide recommendations regarding ways to*  
2           *improve trust in the supply chain for covered acquisi-*  
3           *tion programs; and*

4           (4) *identify the appropriate lead, and sup-*  
5           *porting elements, within the Department of Defense*  
6           *for the development of an integrated strategy for en-*  
7           *sureing trust in the supply chain for acquisition pro-*  
8           *grams.*

9           (b) *STRATEGY REQUIRED.—The lead identified pursu-*  
10          *ant to subsection (a)(4), in cooperation with the supporting*  
11          *elements also identified by the Secretary of Defense, shall*  
12          *develop an integrated strategy for ensuring trust in the sup-*  
13          *ply chain for acquisition programs. Such strategy shall—*

14               (1) *address the vulnerabilities identified by the*  
15               *Secretary’s assessment under subsection (a);*

16               (2) *reflect the priorities identified by such assess-*  
17               *ment;*

18               (3) *be executable by the defense acquisition com-*  
19               *munity; and*

20               (4) *be sufficiently specific to provide guidance*  
21               *for the planning, programming, budgeting, and execu-*  
22               *tion process in order to ensure acquisition programs*  
23               *have the necessary resources to implement all appro-*  
24               *priate elements of the strategy.*

1           (c) *INTERIM POLICY FOR APPLICATION SPECIFIC IN-*  
2 *TEGRATED CIRCUITS.*—Not later than 180 days after the  
3 date of the enactment of this Act, the Secretary of Defense  
4 shall issue a policy requiring covered trusted systems to em-  
5 ploy only trusted foundry services to fabricate their custom  
6 designed integrated circuits.

7           (d) *SUBMISSION TO CONGRESS.*—Not later than 12  
8 months after the date of the enactment of this Act, the Sec-  
9 retary of Defense shall submit to the congressional defense  
10 committees—

11                 (1) the assessment required by subsection (a);

12           and

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

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

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

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

22                         (B) is currently in production or no longer  
23 in production, and information processing sys-  
24 tem upgrades are still planned over the life cycle  
25 of the system.

1           (2) *The terms “trust” and “trusted” refer to the*  
2 *high confidence by the Department of Defense in the*  
3 *national ability to secure national security systems*  
4 *by assessing the integrity of the people and processes*  
5 *used to design, generate, manufacture, and distribute*  
6 *national security critical components.*

7           (3) *The term “covered trusted systems” means—*

8                   (A) *all Mission Assurance Category I sys-*  
9 *tems, as defined in Department of Defense Direc-*  
10 *tive 8500.01E and associated Department of De-*  
11 *fense Instruction 8500.2; and*

12                   (B) *any other system identified by the Sec-*  
13 *retary of Defense as a system—*

14                           (i) *that is vital to mission effectiveness*  
15 *or operational readiness of deployed or con-*  
16 *tingency forces;*

17                           (ii) *the loss or degradation of which re-*  
18 *sults in immediate and sustained loss of*  
19 *mission effectiveness;*

20                           (iii) *that is highly accurate and highly*  
21 *available; and*

22                           (iv) *for which the most stringent pro-*  
23 *tection measures are required.*

24           (4) *The term “trusted foundry services” means*  
25 *the program co-funded by the National Security*

1        *Agency and the Department of Defense, through pro-*  
2        *gram element 0605140D8Z, or any such similar pro-*  
3        *gram approved by the Secretary of Defense.*

4        **SEC. 236. LIMITATION ON OBLIGATION OF FUNDS FOR EN-**  
5                                **HANCED AN/TPQ-36 RADAR SYSTEM PENDING**  
6                                **SUBMISSION OF REPORT.**

7        *Of the amounts appropriated pursuant to section*  
8        *201(1) of this Act or otherwise made available for fiscal*  
9        *year 2009 for research, development, test, and evaluation,*  
10       *Army, for the Enhanced AN/TPQ-36 radar system, not*  
11       *more than 70 percent of the amounts remaining unobligated*  
12       *as of the date of the enactment of this Act may be obligated*  
13       *until the Secretary of the Army submits to the congressional*  
14       *defense committees a report describing the plan to transi-*  
15       *tion the Counter-Rockets, Artillery, and Mortars program*  
16       *to a program of record.*

17       **SEC. 237. CAPABILITIES-BASED ASSESSMENT TO OUTLINE A**  
18                                **JOINT APPROACH FOR FUTURE DEVELOP-**  
19                                **MENT OF VERTICAL LIFT AIRCRAFT AND**  
20                                **ROTORCRAFT.**

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

1 *craft and rotorcraft for all of the military services. The as-*  
2 *essment shall—*

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

5 *(2) include the development of a strategic plan*  
6 *that—*

7 *(A) formalizes the Department of Defense’s*  
8 *strategic vision for the next generation of De-*  
9 *partment of Defense vertical lift aircraft and*  
10 *rotorcraft;*

11 *(B) establishes joint requirements for the*  
12 *next generation of Department of Defense*  
13 *vertical lift aircraft and rotorcraft technology;*  
14 *and*

15 *(C) emphasizes the development of common*  
16 *service requirements; and*

17 *(3) include the development of a detailed science*  
18 *and technology investment and implementation plan*  
19 *and an identification of the resources required to im-*  
20 *plement it.*

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

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

3           (2) *the strategic plan referred to in subsection*  
4 *(a)(2);*

5           (3) *the plan and the identification of resources*  
6 *referred to in subsection (a)(3); and*

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

11 **SEC. 238. AVAILABILITY OF FUNDS FOR PROMPT GLOBAL**  
12 **STRIKE CAPABILITY DEVELOPMENT.**

13           (a) *IN GENERAL.*—*Notwithstanding any other provi-*  
14 *sion of this Act, funds for conventional prompt global strike*  
15 *capability development are authorized by this Act only for*  
16 *those activities expressly delineated in the expenditure plan*  
17 *for fiscal years 2008 and 2009 that was required by section*  
18 *243 of the National Defense Authorization Act for Fiscal*  
19 *Year 2008 (Public Law 110–181; 122 Stat. 51; 10 U.S.C.*  
20 *113 note) and submitted to the congressional defense com-*  
21 *mittees and dated March 24, 2008, or those activities other-*  
22 *wise expressly authorized by Congress.*

23           (b) *REPORT.*—*The Secretary of Defense shall submit*  
24 *to the congressional defense committees, concurrently with*  
25 *the President's budget request for fiscal year 2010, a report*



1 *that describes each conventional prompt global strike con-*  
 2 *cept that—*

3 *(1) has been, or will be, affected by the tech-*  
 4 *nology applications developed pursuant to conven-*  
 5 *tional prompt global strike activities within fiscal*  
 6 *year 2009; and*

7 *(2) will be considered within the context of any*  
 8 *conventional prompt global strike concept decision in*  
 9 *fiscal year 2010.*

10 **TITLE III—OPERATION AND**  
 11 **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.*

*Subtitle C—Workplace and Depot Issues*

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

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

*Sec. 323. Study on future depot capability.*

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

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

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

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

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

*Subtitle D—Energy Security*

- Sec. 331. Annual report on operational energy management and implementation of operational energy strategy.*
- Sec. 332. Consideration of fuel logistics support requirements in planning, requirements development, and acquisition processes.*
- Sec. 333. Study on solar energy for use at forward operating locations.*
- Sec. 334. Study on coal-to-liquid fuels.*

*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.*
- Sec. 346. Report on options for providing repair capabilities to support ships operating near Guam.*

*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. Sense of Congress that Air Sovereignty Alert Mission should receive sufficient funding and resources.*
- Sec. 356. Revision of certain Air Force regulations required.*
- Sec. 357. Transfer of C-12 aircraft to California Department of Forestry and Fire Protection.*
- Sec. 358. Availability of funds for Irregular Warfare Support program.*
- Sec. 359. Sense of Congress regarding procurement and use of munitions.*
- Sec. 360. Limitation on obligation of funds for Air Combat Command Management Headquarters.*
- Sec. 361. Increase of domestic sourcing of military working dogs used by the Department of Defense.*

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

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

4           *Funds are hereby authorized to be appropriated for fis-*  
 5 *cal year 2009 for the use of the Armed Forces and other*

1 *activities and agencies of the Department of Defense for ex-*  
2 *penses, not otherwise provided for, for operation and main-*  
3 *tenance, in amounts as follows:*

4 (1) *For the Army, \$31,788,395,000.*

5 (2) *For the Navy, \$34,870,098,000.*

6 (3) *For the Marine Corps, \$5,680,054,000.*

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

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

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

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

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

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

13 (10) *For the Army National Guard,*  
14 *\$5,900,346,000.*

15 (11) *For the Air National Guard,*  
16 *\$5,929,576,000.*

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

19 (13) *For Environmental Restoration, Army,*  
20 *\$447,776,000.*

21 (14) *For Environmental Restoration, Navy,*  
22 *\$290,819,000.*

23 (15) *For Environmental Restoration, Air Force,*  
24 *\$496,277,000.*

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

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

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

7           (19) *For Cooperative Threat Reduction pro-*  
8 *grams, \$445,135,000.*

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

11           ***Subtitle B—Environmental***  
12           ***Provisions***

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

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

19 ***“§2694c. Participation in conservation banking pro-***  
20 ***grams***

21           “(a) *AUTHORITY TO PARTICIPATE.*—Subject to the  
22 *availability of appropriated funds to carry out this section,*  
23 *the Secretary concerned, when engaged or proposing to en-*  
24 *gage in an activity described in subsection (b) that may*  
25 *or will result in an adverse impact to one or more species*

1 *protected (or pending protection) under any applicable pro-*  
2 *vision of law, or habitat for such species, may make pay-*  
3 *ments to a conservation banking program or ‘in-lieu-fee’*  
4 *mitigation sponsor approved in accordance with—*

5           “(1) *the Federal Guidance for the Establishment,*  
6           *Use and Operation of Mitigation Banks (60 Fed. Reg.*  
7           *58605; November 28, 1995);*

8           “(2) *the Guidance for the Establishment, Use,*  
9           *and Operation of Conservation Banks (68 Fed. Reg.*  
10           *24753; May 2, 2003);*

11           “(3) *the Federal Guidance on the Use of In-Lieu-*  
12           *Fee Arrangements for Compensatory Mitigation*  
13           *Under Section 404 of the Clean Water Act and Sec-*  
14           *tion 10 of the Rivers and Harbors Act (65 Fed. Reg.*  
15           *66915; November 7, 2000); or*

16           “(4) *any successor or related administrative*  
17           *guidance or regulation.*

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

22           “(1) *Military testing, operations, training, or*  
23           *other military activity.*

24           “(2) *Military construction.*

1       “(c) *TREATMENT OF AMOUNTS FOR CONSERVATION*  
 2 *BANKING.*—*Payments made under subsection (a) to a con-*  
 3 *servation banking program or ‘in-lieu-fee’ mitigation spon-*  
 4 *sor for the purpose of facilitating military construction*  
 5 *may be treated as eligible costs of the military construction*  
 6 *project.*

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

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

10              “(2) *the Secretary of Defense with respect to a*  
 11 *Defense Agency.*”.

12       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 13 *the beginning of such chapter is amended by inserting after*  
 14 *the item relating to section 2694b the following new item:*  
       “2694c. *Participation in conservation banking programs.*”.

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

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

25       (a) *AUTHORITY TO REIMBURSE.*—

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

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

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

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

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

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

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

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

12                           *“(1) The”; and*

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

15                           *“(2) The maintenance and improvement of nat-*  
16 *ural resources located off of a Department of Defense*  
17 *installation if the purpose of the cooperative agree-*  
18 *ment is to relieve or eliminate current or anticipated*  
19 *challenges that could restrict, impede, or otherwise*  
20 *interfere with, whether directly or indirectly, current*  
21 *or anticipated military activities.”.*



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

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

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

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

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

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

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

9       (a) *DEVELOPMENT AND IMPLEMENTATION OF DEFINI-*  
10 *TION OF INHERENTLY GOVERNMENTAL FUNCTION.*—The  
11 Director of the Office of Management and Budget, in con-  
12 sultation with appropriate representatives of the Chief Ac-  
13 quisition Officers Council under section 16A of the Office  
14 of Federal Procurement Policy Act (41 U.S.C. 414b) and  
15 the Chief Human Capital Council under section 1401 of  
16 title 5, United States Code, shall—

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

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

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

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

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

15                 (D) *allow the head of each such department*  
16 *or agency to identify each position within that*  
17 *department or agency that, while the position*  
18 *may not exercise an inherently governmental*  
19 *function, nevertheless should only be performed*  
20 *by officers or employees of the Federal Govern-*  
21 *ment or members of the Armed Forces;*

22           (3) *in addition to the actions described under*  
23 *paragraphs (1) and (2), provide criteria that would*  
24 *identify positions within Federal departments and*  
25 *agencies that are to be performed by officers or em-*

1 *ployees of the Federal Government or members of the*  
2 *Armed Forces to ensure that the head of each Federal*  
3 *department or agency—*

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

6 *(B) develops guidance to implement the def-*  
7 *inition of inherently governmental as described*  
8 *in paragraph (2) in a manner that is consistent*  
9 *with agency missions and operational goals; and*

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

16 *(i) functions, activities, or positions, or*  
17 *some combination thereof, or*

18 *(ii) additional mechanisms;*

19 *(4) in undertaking the actions described in para-*  
20 *graphs (1) and (2), take into account the final rec-*  
21 *ommendations and related findings concerning per-*  
22 *formance of inherently governmental functions in the*  
23 *Final Report of the Acquisition Advisory Panel estab-*  
24 *lished pursuant to section 1423 of the Services Acqui-*  
25 *sition Reform Act of 2003 (title XIV of Public Law*

1 108–136; 41 U.S.C. 405 note) and any other relevant  
2 reports or documents; and

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

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

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

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

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

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

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

20 (c) *REPORT TO CONGRESS.*—*Not later than one year*  
21 *after the date of the enactment of this Act, the Director of*  
22 *the Office of Management and Budget, in consultation with*  
23 *the Chief Acquisition Officers Council and the Chief Human*  
24 *Capital Council, shall submit to the Committees on Armed*  
25 *Services of the Senate and House of Representatives, the*

1 *Committee on Homeland Security and Governmental Af-*  
2 *fairs in the Senate, and the Committee on Oversight and*  
3 *Government Reform of the House of Representatives a re-*  
4 *port on the actions taken by the Director under this section.*

5 *Such report shall contain each of the following:*

6           (1) *A description of the actions taken by the Di-*  
7 *rector under this section to develop a single definition*  
8 *of inherently governmental function.*

9           (2) *Such legislative recommendations as the Di-*  
10 *rector determines are necessary to further the pur-*  
11 *poses of this section.*

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

14                   (A) *to ensure that the single definition de-*  
15 *veloped under this section is consistently applied*  
16 *through all Federal regulations, circulars, policy*  
17 *letters, agency guidance, and other documents;*

18                   (B) *to repeal any existing Federal regula-*  
19 *tions, circular, policy letters, agency guidance*  
20 *and other documents determined to be superseded*  
21 *by the definition developed under this section;*  
22 *and*

23                   (C) *to develop any necessary implementing*  
24 *guidance under this section for agency staffing*

1           *and contracting decisions, along with appro-*  
2           *priate milestones.*

3           *(d) REGULATIONS.—Not later than 180 days after sub-*  
4           *mission of the report required by subsection (c), the Director*  
5           *of the Office of Management and Budget shall issue regula-*  
6           *tions to implement actions taken under this section to de-*  
7           *velop a single definition of inherently governmental func-*  
8           *tion.*

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

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

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

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

1           (2) take into consideration direct input from the  
2           Secretary of Defense and the logistics and acquisition  
3           leadership of the military departments, including ma-  
4           teriel support and depot commanders;

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

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

16          (5) examine relevant guidance provided and reg-  
17          ulations prescribed by the Secretary of Defense and  
18          the Secretary of each of the military departments, in-  
19          cluding with respect to programming and budgeting;  
20          and

21          (6) examine any relevant applicable laws, in-  
22          cluding the relevant body of work performed by the  
23          Government Accountability Office.



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

4           (1) *The life cycle sustainment maintenance strat-*  
5 *egies and implementation plans of the Department of*  
6 *Defense and the military departments that cover—*

7           (A) *the role of each type of maintenance ac-*  
8 *tivity;*

9           (B) *business operations;*

10          (C) *workload projection;*

11          (D) *outcome-based performance manage-*  
12 *ment objectives;*

13          (E) *the adequacy of information technology*  
14 *systems, including workload management sys-*  
15 *tems;*

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

18          (G) *budget and fiscal planning policies; and*

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

22          (2) *Current and future maintenance environ-*  
23 *ments, including—*

24           (A) *performance-based logistics;*

25           (B) *supply chain management;*

- 1                   (C) condition-based maintenance;
- 2                   (D) reliability-based maintenance;
- 3                   (E) consolidation and centralization, in-
- 4                   cluding—
- 5                   (i) regionalization;
- 6                   (ii) two-level maintenance; and
- 7                   (iii) forward-based depot capacity;
- 8                   (F) public-private partnerships;
- 9                   (G) private-sector depot capability and ca-
- 10                  pacity; and
- 11                  (H) the impact of proprietary technical doc-
- 12                  umentation.

13           (d) *AVAILABILITY OF INFORMATION.*—*The Secretary of*

14 *Defense and the Secretaries of each of the military depart-*

15 *ments shall make available to the entity carrying out the*

16 *study under subsection (a) all necessary and relevant infor-*

17 *mation to allow the entity to conduct the study in a quan-*

18 *titative and analytical manner.*

19           (e) *REPORTS TO COMMITTEES ON ARMED SERVICES.*—

20               (1) *INTERIM REPORT.*—*The contract that the*

21 *Secretary enters into under subsection (a) shall pro-*

22 *vide that not later than one year after the commence-*

23 *ment of the study conducted under this section, the*

24 *chief executive officer of the entity that carries out the*

25 *study pursuant to the contract shall submit to the*

1        *Committees on Armed Services of the Senate and*  
2        *House of Representatives an interim report on the*  
3        *study.*

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

13            (A) *A description of the depot maintenance*  
14        *environment, as of the date of the conclusion of*  
15        *the study, and the anticipated future environ-*  
16        *ment, together with the quantitative data used in*  
17        *conducting the assessment of such environments*  
18        *under the study.*

19            (B) *Recommendations with respect to what*  
20        *would be required to maintain, in a post-reset*  
21        *environment, an efficient and enduring Depart-*  
22        *ment of Defense depot capability necessary for*  
23        *national defense.*

24            (C) *Recommendations with respect to any*  
25        *changes to any applicable law that would be ap-*

1           *appropriate for a post-reset depot maintenance en-*  
2           *vironment.*

3           *(D) Recommendations with respect to the*  
4           *methodology of the Department of Defense for de-*  
5           *termining core logistics requirements, including*  
6           *an assessment of risk.*

7           *(E) Proposed business rules that would pro-*  
8           *vide incentives for the Secretary of Defense and*  
9           *the Secretaries of the military departments to*  
10          *keep Department of Defense depots efficient and*  
11          *cost effective, including the workload level re-*  
12          *quired for efficiency.*

13          *(F) A proposed strategy for enabling, re-*  
14          *quiring, and monitoring the ability of the De-*  
15          *partment of Defense depots to produce perform-*  
16          *ance-driven outcomes and meet materiel readi-*  
17          *ness goals with respect to availability, reli-*  
18          *ability, total ownership cost, and repair cycle*  
19          *time.*

20          *(G) Comments provided by the Secretary of*  
21          *Defense and the Secretaries of the military de-*  
22          *partments on the findings and recommendations*  
23          *of the study.*

24          *(f) COMPTROLLER GENERAL REVIEW.—Not later than*  
25          *90 days after the date on which the report under subsection*

1 *(d) is submitted, the Comptroller General shall review the*  
2 *report and submit to the Committees on Armed Services*  
3 *of the Senate and House of Representatives an assessment*  
4 *of the feasibility of the recommendations and whether the*  
5 *findings are supported by the data and information exam-*  
6 *ined.*

7 *(g) DEFINITIONS.—In this section:*

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

11 *(2) The term “reset” means actions taken to re-*  
12 *pair, enhance, or replace military equipment used in*  
13 *support of operations underway as of the date of the*  
14 *enactment of this Act and associated sustainment.*

15 *(3) The term “military equipment” includes all*  
16 *weapon systems, weapon platforms, vehicles and mu-*  
17 *nitions of the Department of Defense, and the compo-*  
18 *nents of such items.*

19 **SEC. 324. HIGH-PERFORMING ORGANIZATION BUSINESS**  
20 **PROCESS REENGINEERING.**

21 *(a) IN GENERAL.—Chapter 3 of title 10, United States*  
22 *Code, is amended by inserting after section 129c the fol-*  
23 *lowing new section:*

1 **“§ 129d. High-performing organizations**

2       “(a) *GUIDELINES FOR ESTABLISHMENT OF HIGH-*  
3 *PERFORMING ORGANIZATIONS.—The Secretary of Defense*  
4 *shall develop guidelines for the establishment of a high-per-*  
5 *forming organization conducted through a business process*  
6 *reengineering initiative. The guidelines shall ensure consid-*  
7 *eration and assessment of the following:*

8               “(1) *Number of employees to be affected by the*  
9 *initiative.*

10              “(2) *Resources needed to conduct the initiative.*

11              “(3) *Location where the initiative will be per-*  
12 *formed, and the location of the affected employees if*  
13 *different from the initiative location.*

14              “(4) *Functions to be included in the initiative.*

15              “(5) *Timeline for implementation of the initia-*  
16 *tive.*

17              “(6) *Estimated duration of the initiative if such*  
18 *initiative is deemed to be temporary.*

19       “(b) *RESTRICTION ON HIGH-PERFORMING ORGANIZA-*  
20 *TIONS.—The Secretary of Defense, with respect to matters*  
21 *concerning the Defense Agencies, and the Secretary of a*  
22 *military department, may not begin implementation of a*  
23 *business process reengineering initiative to establish a high*  
24 *performing organization until—*

25              “(1) *the Secretary submits to Congress the notifi-*  
26 *cation required by subsection (d); and*

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

3           “(c) *CERTAIN INITIATIVES PROHIBITED.*—The Sec-  
4           retary of Defense, or the Secretary of a military depart-  
5           ment, may not implement a high-performing organization  
6           if—

7           “(1) it were to result in a change of the collective  
8           bargaining status of an employee in the Department  
9           of Defense or in the representation status of a labor  
10          organization with exclusive representation status, as  
11          provided in section 7114 of title 5; or

12          “(2) any planned reductions in staffing are  
13          based on cost savings assumptions that are unrelated  
14          to the establishment of the high performing organiza-  
15          tion.

16          “(d) *CONGRESSIONAL NOTIFICATION.*—Forty-five days  
17          before commencing a high-performing organization under  
18          subsection (a), the Secretary of Defense or the Secretary of  
19          the military department concerned shall submit to Congress  
20          a notification describing the assessment required by sub-  
21          section (a).

22          “(e) *ANNUAL EVALUATION.*—The Secretary of Defense  
23          or the Secretary of the military department concerned shall  
24          conduct annual performance reviews of the participating  
25          organizations or functions under the jurisdiction of the Sec-

1 *retary. The reviews shall be submitted to Congress. Each*  
2 *review shall evaluate the performance of the high perform-*  
3 *ance organization in the following areas;*

4           “(1) *Costs, savings, and overall financial per-*  
5 *formance of the organization.*”

6           “(2) *Organic knowledge, skills or expertise.*”

7           “(3) *Efficiency and effectiveness of key functions*  
8 *or processes.*”

9           “(4) *Efficiency and effectiveness of the overall or-*  
10 *ganization.*”

11       “(f) *DEFINITIONS.—In this section,*

12           “(1) *The term ‘high-performing organization’*  
13 *means an organization whose performance exceeds*  
14 *that of comparable providers, whether public or pri-*  
15 *vate.*”

16           “(2) *The term ‘business process reengineering*  
17 *initiative’ means an approach to reinvent or consoli-*  
18 *date functions whether they are inherently govern-*  
19 *mental, military essential, or commercial activities,*  
20 *or a reorganization that is undertaken at the direc-*  
21 *tion of the Office of Management and Budget.’”.*

22       “(b) *CLERICAL AMENDMENT.—The table of sections at*  
23 *the beginning of such chapter is amended by inserting after*  
24 *the item relating to section 129c the following new item:*

*“129d. High-performing organizations.”.*



1 **SEC. 325. TEMPORARY SUSPENSION OF STUDIES AND PUB-**  
2 **LIC-PRIVATE COMPETITIONS REGARDING**  
3 **CONVERSION OF FUNCTIONS OF THE DE-**  
4 **PARTMENT OF DEFENSE PERFORMED BY CI-**  
5 **VILIAN EMPLOYEES TO CONTRACTOR PER-**  
6 **FORMANCE.**

7 *(a) FINDINGS.—Congress finds the following:*

8 *(1) The turbulence caused by the efforts of the*  
9 *Department of Defense to increase the size of the*  
10 *Armed Forces, implement the decisions of the 2005*  
11 *round of base realignments and closures, and execute*  
12 *transformational initiatives, combined with the strain*  
13 *on the Armed Forces due to ongoing contingency oper-*  
14 *ations, could impede sound decisions regarding the*  
15 *conversion to contractor performance of functions of*  
16 *the Department of Defense performed by civilian em-*  
17 *ployees.*

18 *(2) Public-private competitions may unneces-*  
19 *sarily divert Department of Defense personnel and re-*  
20 *sources away from operational obligations.*

21 *(3) The Secretary of Defense needs to ensure that*  
22 *readiness is fully supported.*

23 *(b) SUSPENSION.—During the period beginning on the*  
24 *date of the enactment of this Act and ending on September*  
25 *30, 2011, no study or public-private competition regarding*  
26 *the conversion to contractor performance of any function*

1 *of the Department of Defense performed by civilian employ-*  
2 *ees may be begun or announced pursuant to section 2461*  
3 *of title 10, United States Code, or otherwise pursuant to*  
4 *Office of Management and Budget Circular A-76.*

5 **SEC. 326. CONSOLIDATION OF AIR FORCE AND AIR NA-**  
6 **TIONAL GUARD AIRCRAFT MAINTENANCE.**

7 (a) *ROLE OF NATIONAL GUARD BUREAU.*—*The Sec-*  
8 *retary of the Air Force shall not implement the consolida-*  
9 *tion of aircraft repair facilities and personnel of the active*  
10 *Air Force with aircraft repair facilities and personnel of*  
11 *the Air National Guard or the consolidation of aircraft re-*  
12 *pair facilities and personnel of the Air National Guard*  
13 *with aircraft repair facilities and personnel of the active*  
14 *Air Force until the Secretary consults with, and obtains*  
15 *the consent of, the National Guard Bureau.*

16 (b) *REPORT ON CRITERIA.*—*Not later than 30 days*  
17 *after the date of the enactment of this Act, the Secretary*  
18 *of the Air Force shall submit to the Committees on Armed*  
19 *Services of the Senate and House of Representatives a re-*  
20 *port stating all the criteria being used by the Department*  
21 *of the Air Force and the Rand Corporation to evaluate the*  
22 *feasibility of consolidating Air Force maintenance functions*  
23 *into organizations that would integrate active, Guard, and*  
24 *Reserve components into a total-force approach. The report*  
25 *shall include the assumptions that were provided to or de-*

1 *veloped by the Rand Corporation for their study of the feasi-*  
2 *bility of the consolidation proposal.*

3       (c) *REPORT ON FEASIBILITY STUDY.*—At least 90 days  
4 *before any consolidation actions, the Secretary of the Air*  
5 *Force shall submit to the Committees on Armed Services*  
6 *of the Senate and House of Representatives a report on the*  
7 *findings of the Rand Corporation feasibility study and the*  
8 *Rand Corporation’s recommendations, the Air Force’s as-*  
9 *essment of the findings and recommendations, any plans*  
10 *developed for implementation of the consolidation, and a*  
11 *delineation of all infrastructure costs anticipated as a result*  
12 *of implementation.*

13 **SEC. 327. GUIDANCE FOR PERFORMANCE OF CIVILIAN PER-**  
14                   **SONNEL WORK UNDER AIR FORCE CIVILIAN**  
15                   **PERSONNEL CONSOLIDATION PLAN.**

16       (a) *GUIDANCE FOR CIVILIAN PERSONNEL MANAGE-*  
17 *MENT CONSOLIDATION.*—In determining which, if any, ci-  
18 *vilian personnel management functions may appropriately*  
19 *be consolidated under one command or in a central or re-*  
20 *gional location, the Secretary of the Air Force shall be guid-*  
21 *ed by the anticipated positive or negative impact upon the*  
22 *productivity of the managed workforces at different com-*  
23 *mands and the consequently anticipated positive or nega-*  
24 *tive impact upon mission accomplishment at the different*  
25 *commands. This analysis shall be customized for each af-*

1 *affected command, taking into account such factors as the size*  
2 *and complexity of the civilian workforce and the extent to*  
3 *which mission accomplishment is dependent upon the pro-*  
4 *ductivity of the civilian workforce. What functions are*  
5 *deemed “transactional” or “nontransactional” may vary*  
6 *for each affected command. In general, more of the civilian*  
7 *personnel management functions for smaller, less civilian*  
8 *dependent commands may be consolidated in a central or*  
9 *regional location or command while fewer functions may*  
10 *be consolidated from larger, more civilian dependent com-*  
11 *mands.*

12 (b) *PROHIBITION ON CONSOLIDATION OF CERTAIN*  
13 *FUNCTIONS.—For the Large Civilian Centers, the Secretary*  
14 *of the Air Force will not consolidate in a central or regional*  
15 *location or command at least the following functions:*

16 (1) *Staffing positions filled through internal or*  
17 *external recruitment processes.*

18 (2) *Development of position classifications or job*  
19 *descriptions.*

20 (3) *Employee management relations, including*  
21 *performance management programs, conduct or dis-*  
22 *cipline programs and labor management programs.*

23 (4) *Labor force planning and management, in-*  
24 *cluding internal pay pool management and employee*  
25 *performance reviews.*

1           (5) *Managing workers compensation program*  
 2           *pursuant to chapter 81 of title 5, United States Code,*  
 3           *or relevant State workers' compensation programs.*

4           (c) *LARGE CIVILIAN CENTER DEFINED.*—*In this sec-*  
 5           *tion, the term “Large Civilian Center” refers to installa-*  
 6           *tions or commands with operational missions primarily de-*  
 7           *pendent upon the productivity of civilian workforces typi-*  
 8           *cally numbering in the thousands and engaged in program*  
 9           *management, systems engineering, research or development,*  
 10           *logistics management, software management, management*  
 11           *of existing aircraft systems, and depot level maintenance.*  
 12           *Such an installation or command typically includes occu-*  
 13           *pational series far in excess of those assigned to other, more*  
 14           *typical, Air Force installations or commands.*

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

17           *In an effort to ensure the Air Force is meeting the min-*  
 18           *imum safety standards for staffing, equipment, and train-*  
 19           *ing as required by Department of Defense Installation and*  
 20           *Environment Instruction 6055.6, the Secretary of the Air*  
 21           *Force shall submit to Congress, not later than 90 days after*  
 22           *the date of the enactment of this Act, a report on the effect*  
 23           *of the reduction in fire fighters on Air Force bases as a*  
 24           *result of PBD720. Such report shall include the following:*

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

5           (2) *An evaluation on whether there is adequate*  
6 *capability within the surrounding municipal commu-*  
7 *nities to support a base aircraft rescue or respond to*  
8 *a fire involving a combat aircraft, cargo aircraft or*  
9 *weapon system.*

10          (4) *An evaluation of the impact on certifications*  
11 *of the base fire departments as a result of the reduc-*  
12 *tions in fire fighting personnel and or functions at*  
13 *the base.*

14          (5) *A plan to restore personnel needed to support*  
15 *the mission should it be determined that personnel re-*  
16 *ductions resulting from PBD720 have negatively im-*  
17 *pacted the ability to perform their mission.*

## 18           ***Subtitle D—Energy Security***

### 19 ***SEC. 331. ANNUAL REPORT ON OPERATIONAL ENERGY MAN-*** 20 ***AGEMENT AND IMPLEMENTATION OF OPER-*** 21 ***ATIONAL ENERGY STRATEGY.***

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

1           “(b) *ANNUAL REPORT RELATED TO OPERATIONAL EN-*  
2 *ERGY.—(1) Simultaneous with the annual report required*  
3 *by subsection (a), the Secretary of Defense, acting through*  
4 *the Director of Operational Energy Plans and Programs,*  
5 *shall submit to the congressional defense committees a re-*  
6 *port on operational energy management and the implemen-*  
7 *tation of the operational energy strategy established pursu-*  
8 *ant to section 139b of this title.*

9           “(2) *The annual report under this subsection shall ad-*  
10 *dress and include the following:*

11                 “(A) *Statistical information on operational en-*  
12 *ergy demands, in terms of expenditures and consump-*  
13 *tion, for the preceding five fiscal years, including*  
14 *funding made available in regular defense appropria-*  
15 *tions Acts and any supplemental appropriation Acts.*

16                 “(B) *An estimate of operational energy demands*  
17 *for the current fiscal year and next fiscal year, in-*  
18 *cluding funding requested to meet operational energy*  
19 *demands in the budget submitted to Congress under*  
20 *section 1105 of title 31 and in any supplemental re-*  
21 *quests.*

22                 “(C) *A description of each initiative related to*  
23 *the operational energy strategy and a summary of*  
24 *funds appropriated for each initiative in the previous*

1       *fiscal year and current fiscal year and requested for*  
2       *each initiative for the next five fiscal years.*

3               “(D) *An evaluation of progress made by the De-*  
4       *partment of Defense—*

5                       “(i) *in implementing the operational energy*  
6       *strategy, including the progress of key initiatives*  
7       *and technology investments related to oper-*  
8       *ational energy demand and management; and*

9                       “(ii) *in meeting the operational energy*  
10       *goals set forth in the strategy.*

11               “(E) *Such recommendations as the Director con-*  
12       *siders appropriate for additional changes in organi-*  
13       *zation or authority within the Department of Defense*  
14       *to enable further implementation of the energy strat-*  
15       *egy and such other comments and recommendations*  
16       *as the Director considers appropriate.*

17               “(3) *If a report under this subsection is submitted in*  
18       *a classified form, the Secretary shall concurrently submit*  
19       *to the congressional defense committees an unclassified*  
20       *version of the information required by this subsection.*

21               “(4) *In this subsection, the term ‘operational energy’*  
22       *means the energy required for moving and sustaining mili-*  
23       *tary forces and weapons platforms for military operations.*  
24       *The term includes energy used by tactical power systems*  
25       *and generators and weapons platforms.”.*



1 (b) *CLERICAL AMENDMENTS.*—

2 (1) *SECTION HEADING.*—*The heading of such sec-*  
3 *tion is amended to read as follows:*

4 **“§2925. Annual Department of Defense energy man-**  
5 **agement reports”.**

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

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

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

14 (a) *PLANNING.*—*In the case of campaign analyses and*  
15 *force planning processes that are used to establish capa-*  
16 *bility requirements and inform acquisition decisions, the*  
17 *Secretary of Defense shall require that campaign analyses*  
18 *and force planning processes consider the requirements for,*  
19 *and vulnerability of, fuel logistics and their relationship to*  
20 *operational capability.*

21 (b) *CAPABILITY REQUIREMENTS DEVELOPMENT PROC-*  
22 *ESS.*—*The Secretary of Defense shall develop and imple-*  
23 *ment a methodology to enable the implementation of a fuel*  
24 *efficiency key performance parameter in the requirements*  
25 *development process.*

1           (c) *ACQUISITION PROCESS.*—*The Secretary of Defense*  
2 *shall require that the life-cycle cost analysis for new capa-*  
3 *bilities include the fully burdened cost of fuel during anal-*  
4 *ysis of alternatives and evaluation of alternatives and ac-*  
5 *quisition program design trades.*

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

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

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

24           (g) *CERTIFICATION OF COMPLIANCE.*—*As soon as*  
25 *practicable during the three-year period beginning on the*

1 *date of the enactment of this Act, the Secretary of Defense*  
2 *shall certify to the congressional defense committees that the*  
3 *Secretary has complied with the requirements of this sec-*  
4 *tion. If the Secretary is unable to provide the certification,*  
5 *the Secretary shall submit to the congressional defense com-*  
6 *mittees at the end of the three-year period a report con-*  
7 *taining—*

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

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

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

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

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

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

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

3            (2) *The cost of using solar energy to provide elec-*  
4        *tricity.*

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

7            (4) *The environmental benefits of using solar en-*  
8        *ergy to provide electricity instead of the current meth-*  
9        *ods.*

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

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

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

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

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



1        *tees on Armed Services of the Senate and House of*  
2        *Representatives a report on the readiness of the reg-*  
3        *ular and reserve components of the Armed Forces. The*  
4        *report shall be unclassified but may contain a classi-*  
5        *fied annex.*

6            (2) *ONE OR MORE REPORTS.—In complying*  
7        *with the requirements of this section, the Comptroller*  
8        *General may submit a single report addressing all the*  
9        *elements specified in subsection (b) or two or more re-*  
10       *ports addressing any combination of such elements.*

11       (b) *ELEMENTS.—The elements specified in this sub-*  
12       *section are the following:*

13            (1) *An analysis of the readiness status, as of the*  
14        *date of the enactment of this Act, of the regular and*  
15        *reserve components of the Army and the Marine*  
16        *Corps, including any significant changes in any*  
17        *trends with respect to such components since 2001.*

18            (2) *An analysis of the readiness status, as of*  
19        *such date, of the regular and reserve components of*  
20        *the Air Force and the Navy, including a description*  
21        *of any major factors that affect the ability of the*  
22        *Navy or Air Force to provide trained and ready*  
23        *forces for ongoing operations and to meet overall*  
24        *readiness goals.*

1           (3) *An analysis of the efforts of the Secretary of*  
2           *each military department to address any major fac-*  
3           *tors affecting the readiness of the regular and reserve*  
4           *components under the jurisdiction of that Secretary.*

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

7           (a) *REPORT REQUIRED.*—*At the same time as the*  
8           *budget for fiscal year 2010 is submitted to Congress under*  
9           *section 1105(a) of title 31, United States Code, the Sec-*  
10          *retary of Defense shall submit to the Committees on Armed*  
11          *Services of the Senate and House of Representatives a re-*  
12          *port on—*

13                 (1) *the plans of the Secretary of the Navy to im-*  
14                 *prove the combat skills of the members of the Navy;*  
15                 *and*

16                 (2) *the plans of the Secretary of the Air Force*  
17                 *to improve the combat skills of the members of the Air*  
18                 *Force.*

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

21                 (1) *The criteria that the Secretary of the Air*  
22                 *Force and the Secretary of the Navy use to select per-*  
23                 *manent sites for their Common Battlefield Airmen*  
24                 *Training and Expeditionary Combat Skills courses.*

1           (2) *An identification of the extent to which the*  
2           *Secretary of the Navy and Secretary of the Air Force*  
3           *coordinated with each other and with the Secretary of*  
4           *the Army and the Commandant of the Marine Corps*  
5           *with respect to their plans to expand combat skills*  
6           *training for members of the Navy and Air Force, re-*  
7           *spectively, together with a complete list of bases or lo-*  
8           *cations that were considered as possible sites for the*  
9           *coordinated training.*

10           (3) *The estimated implementation and*  
11           *sustainment costs for the Air Force Common Battle-*  
12           *field Airmen Training and Navy Expeditionary Com-*  
13           *bat Skills courses.*

14           (4) *The estimated cost savings, if any, which*  
15           *could result by carrying out such combat skills train-*  
16           *ing at existing Department of Defense facilities or by*  
17           *using existing ground combat training resources.*

18 **SEC. 343. COMPTROLLER GENERAL REPORT ON THE USE OF**  
19           **THE ARMY RESERVE AND NATIONAL GUARD**  
20           **AS AN OPERATIONAL RESERVE.**

21           (a) *REPORT REQUIRED.*—*Not later than June 1, 2009,*  
22           *the Comptroller General shall submit to the Committees on*  
23           *Armed Services of the Senate and House of Representatives*  
24           *a report on the use of the Army Reserve and National*  
25           *Guard forces as an operational reserve.*



1           (b) *ELEMENTS.*—*The report required by subsection (a)*  
2 *shall include a description of current and programmed re-*  
3 *sources, force structure, and organizational challenges that*  
4 *the Army Reserve and National Guard forces may face serv-*  
5 *ing as an operational reserve, including—*

6           (1) *equipment availability, maintenance, and lo-*  
7 *gistics issues;*

8           (2) *manning and force structure;*

9           (3) *training constraints limiting—*

10                 (A) *facilities and ranges;*

11                 (B) *access to military schools and skill*  
12 *training; and*

13                 (C) *access to the Combat Training Centers;*  
14 *and*

15           (4) *any conflicts with requirements under title*  
16 *32, United States Code.*

17 **SEC. 344. COMPTROLLER GENERAL REPORT ON LINK BE-**  
18 **TWEEN PREPARATION AND USE OF ARMY RE-**  
19 **SERVE COMPONENT FORCES TO SUPPORT**  
20 **ONGOING OPERATIONS.**

21           (a) *REPORT REQUIRED.*—*Not later than June 1, 2009,*  
22 *the Comptroller General shall submit to the Committees on*  
23 *Armed Services of the Senate and House of Representatives*  
24 *a report on the link between the preparation and oper-*  
25 *ational use of the Army’s reserve component forces.*

1           (b) *ELEMENTS.*—*The report required by subsection (a)*  
2 *shall include—*

3           (1) *an analysis of the Army’s ability to train*  
4 *and employ reserve component units—*

5           (A) *to execute the wartime or primary mis-*  
6 *sions for which the units are designed; and*

7           (B) *for non-traditional missions to which*  
8 *such units are assigned, as of the date of the en-*  
9 *actment of this Act, in support of ongoing oper-*  
10 *ations, including factors affecting unit or indi-*  
11 *vidual preparation, the effect of notification*  
12 *timelines, and access to training facilities, in-*  
13 *cluding the National Training Center and the*  
14 *Joint Readiness Training Center; and*

15           (2) *an analysis of the effect of mobilization and*  
16 *deployment laws, goals, and policies on the Army’s*  
17 *ability to train and employ reserve component units*  
18 *for the purposes described in paragraph (1).*

19 **SEC. 345. COMPTROLLER GENERAL REPORT ON ADEQUACY**  
20 **OF FUNDING, STAFFING, AND ORGANIZATION**  
21 **OF DEPARTMENT OF DEFENSE MILITARY MU-**  
22 **NITIONS RESPONSE PROGRAM.**

23           (a) *REPORT REQUIRED.*—*Not later than one year*  
24 *after the date of the enactment of this Act, the Comptroller*  
25 *General shall submit to the Committees on Armed Services*

1 *of the Senate and House of Representatives a report on the*  
2 *adequacy of the funding, staffing, and organization of the*  
3 *Military Munitions Response Program of the Department*  
4 *of Defense.*

5 (b) *ELEMENTS.*—*The report required by subsection (a)*  
6 *shall include—*

7 (1) *an analysis of the funding, staffing, and or-*  
8 *ganization of the Military Munitions Response Pro-*  
9 *gram; and*

10 (2) *an assessment of the Program mechanisms*  
11 *for the accountability, reporting, and monitoring of*  
12 *the progress of munitions response projects and meth-*  
13 *ods to reduce the length of time of such projects.*

14 **SEC. 346. REPORT ON OPTIONS FOR PROVIDING REPAIR CA-**  
15 **PABILITIES TO SUPPORT SHIPS OPERATING**  
16 **NEAR GUAM.**

17 (a) *REPORT REQUIRED.*—*Not later than March 1,*  
18 *2009, the Secretary of the Navy shall submit to the commit-*  
19 *tees on Armed Services of the Senate and House of Rep-*  
20 *resentatives a report on the best option or combination of*  
21 *options for providing voyage repair capabilities to support*  
22 *all United States Navy ships operating at or near Guam.*

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

1           (1) *The Secretary's estimate, based on the quan-*  
2 *titative data determined to be most appropriate by*  
3 *the Secretary, of the requirements for voyage repairs*  
4 *for all United States Navy vessels operating at or*  
5 *near Guam, including—*

6                   (A) *such requirements for ships operated by*  
7 *the Military Sealift Command; and*

8                   (B) *such requirements for United States*  
9 *Navy vessels for which the designated homeport*  
10 *of the vessel is anticipated to become Guam as*  
11 *a result of the realignment of the Armed Forces*  
12 *from Okinawa, Japan, to Guam.*

13           (2) *The recommendations of the Secretary for en-*  
14 *sureing that adequate voyage repair capabilities are*  
15 *available for all United States Navy ships operating*  
16 *at or near Guam and an estimate of the amount of*  
17 *time required to implement such capabilities.*

18           (3) *The Secretary's assessment of the benefits and*  
19 *limitations of each option for providing voyage re-*  
20 *pairs to all United States Navy ships operating at or*  
21 *near Guam and of the anticipated costs and strategic*  
22 *and operational risks associated with each such op-*  
23 *tion.*

24           (4) *A plan and schedule for implementing a*  
25 *course of action to ensure that the required ship re-*

1        *pair capability is available by not later than October*  
2        *31, 2012.*

3                    ***Subtitle F—Other Matters***

4        ***SEC. 351. EXTENSION OF ENTERPRISE TRANSITION PLAN***  
5                    ***REPORTING REQUIREMENT.***

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

8        ***SEC. 352. DEMILITARIZATION OF LOANED, GIVEN, OR EX-***  
9                    ***CHANGED DOCUMENTS, HISTORICAL ARTI-***  
10                   ***FACTS, AND CONDEMNED OR OBSOLETE COM-***  
11                   ***BAT MATERIEL.***

12        *Section 2572(d) of title 10, United States Code, is*  
13        *amended—*

14                *(1) in paragraph (1), by adding at the end the*  
15        *following new sentence: “The Secretary concerned*  
16        *shall ensure that an item authorized to be donated*  
17        *under this section is demilitarized, as determined nec-*  
18        *essary by the Secretary or the Secretary’s delegee, to*  
19        *the extent necessary to render the item unserviceable*  
20        *in the interest of public safety.”; and*

21                *(2) in paragraph (2)(A), by inserting before the*  
22        *period at the end the following: “, including any ex-*  
23        *pense associated with demilitarizing an item under*  
24        *paragraph (1), for which the recipient of the item*  
25        *shall be responsible”.*

1 **SEC. 353. REPEAL OF REQUIREMENT THAT SECRETARY OF**  
2 **AIR FORCE PROVIDE TRAINING AND SUP-**  
3 **PORT TO OTHER MILITARY DEPARTMENTS**  
4 **FOR A-10 AIRCRAFT.**

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

7 (b) *CLERICAL AMENDMENT.*—The table of sections at  
8 the beginning of such chapter is amended by striking the  
9 item relating to section 9316.

10 **SEC. 354. DISPLAY OF ANNUAL BUDGET REQUIREMENTS**  
11 **FOR AIR SOVEREIGNTY ALERT MISSION.**

12 (a) *SUBMISSION WITH ANNUAL BUDGET JUSTIFICA-*  
13 *TION DOCUMENTS.*—For fiscal year 2010 and each subse-  
14 quent fiscal year, the Secretary of Defense shall submit to  
15 the President, for consideration by the President for inclu-  
16 sion with the budget materials submitted to Congress under  
17 section 1105(a) of title 31, United States Code, a consoli-  
18 dated budget justification display that covers all programs  
19 and activities of the Air Sovereignty Alert mission of the  
20 Air Force.

21 (b) *REQUIREMENTS FOR BUDGET DISPLAY.*—The  
22 budget display under subsection (a) for a fiscal year shall  
23 include for such fiscal year the following:

24 (1) *The funding requirements for the Air Sov-*  
25 *ereignty Alert mission, and the associated Command*

1 *and Control mission, including such requirements*  
2 *for—*

3 *(A) pay and allowances;*

4 *(B) support costs;*

5 *(C) Medicare eligible retiree health fund*  
6 *contributions*

7 *(D) flying hours; and*

8 *(E) any other associated mission costs.*

9 *(2) The amount in the budget for the Air Force*  
10 *for each of the items referred to in paragraph (1).*

11 *(3) The amount in the budget for the Air Na-*  
12 *tional Guard for each such item.*

13 **SEC. 355. SENSE OF CONGRESS THAT AIR SOVEREIGNTY**  
14 **ALERT MISSION SHOULD RECEIVE SUFFI-**  
15 **CIENT FUNDING AND RESOURCES.**

16 *It is the sense of Congress that—*

17 *(1) since the tragic events of September 11, 2001,*  
18 *the Air National Guard has bravely performed the*  
19 *Air Sovereignty Alert mission to defend the homeland*  
20 *in support of Operation Noble Eagle;*

21 *(2) the Air National Guard continues to serve as*  
22 *the backbone of this vital national security mission;*

23 *(3) the United States Air Force should include*  
24 *full funding for the Air Sovereignty Alert mission in*  
25 *the baseline budget of the Air Force;*

1           (4) *the United States Air Force should program*  
2           *sufficient personnel, equipment, and aircraft resources*  
3           *to the Air National Guard to fully and safely perform*  
4           *the Air Sovereignty Alert mission;*

5           (5) *the capability of Air National Guard aircraft*  
6           *assigned to the Air Sovereignty Alert mission is rap-*  
7           *idly deteriorating due to age and may impede the*  
8           *ability of the Air National Guard to protect the home-*  
9           *land;*

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

18          (7) *the United States Air Force should ensure*  
19          *that the Air National Guard and the Air Sovereignty*  
20          *Alert mission are provided with resources, personnel,*  
21          *and aircraft needed to support this critical mission*  
22          *now and in the future.*



1 **SEC. 356. REVISION OF CERTAIN AIR FORCE REGULATIONS**  
2 **REQUIRED.**

3 (a) *REVISION REQUIRED.*—Not later than 90 days  
4 after the date of enactment of this Act, the Secretary of the  
5 Air Force shall revise the Air Freight Transportation Regu-  
6 lation Number 5, dated January 15, 1999, to conform with  
7 Defense Travel Regulations to ensure that freight covered  
8 by Air Freight Transportation Regulation Number 5 is car-  
9 ried in accordance with commercial best practices that are  
10 based upon a mode-neutral approach.

11 (b) *MODE-NEUTRAL APPROACH DEFINED.*—For pur-  
12 poses of this section, the term “mode-neutral approach”  
13 means a method of shipment that allows a shipper to choose  
14 a carrier with a time-definite performance standard for de-  
15 livery without specifying a particular mode of conveyance  
16 and allows the carrier to select the mode of conveyance  
17 using best commercial practices as long as the mode of con-  
18 veyance can reasonably be expected to ensure the time-defi-  
19 nite delivery requested by the shipper.

20 **SEC. 357. TRANSFER OF C-12 AIRCRAFT TO CALIFORNIA DE-**  
21 **PARTMENT OF FORESTRY AND FIRE PROTEC-**  
22 **TION.**

23 (a) *AUTHORITY.*—The Secretary of the Army may con-  
24 vey to the California Department of Forestry and Fire Pro-  
25 tection (hereinafter in this section referred to as “CAL  
26 FIRE”), all right, title, and interest of the United States

1 *in three C-12 aircraft that the Secretary has determined*  
2 *are surplus to need.*

3 (b) *CONVEYANCE AT NO COST TO THE UNITED*  
4 *STATES.—The conveyance of an aircraft authorized by this*  
5 *section shall be made at no cost to the United States. Any*  
6 *costs associated with such conveyance, costs of determining*  
7 *compliance with terms of the conveyance, and costs of oper-*  
8 *ation and maintenance of the aircraft conveyed shall be*  
9 *borne by CAL FIRE.*

10 **SEC. 358. AVAILABILITY OF FUNDS FOR IRREGULAR WAR-**  
11 **FARE SUPPORT PROGRAM.**

12 *Of the amount appropriated pursuant to an authoriza-*  
13 *tion of appropriations or otherwise made available for the*  
14 *Joint Improvised Explosive Device Defeat Organization for*  
15 *fiscal year 2009, \$75,000,000 shall be available for the Ir-*  
16 *regular Warfare Support program (program element line*  
17 *0603121D8Z, SO/LIC Advanced Development).*

18 **SEC. 359. SENSE OF CONGRESS REGARDING PROCUREMENT**  
19 **AND USE OF MUNITIONS.**

20 *It is the sense of Congress that the Secretary of Defense*  
21 *should—*

22 (1) *in making decisions with respect to procure-*  
23 *ment of munitions, develop methods to account for the*  
24 *full life-cycle costs of munitions, including the effects*  
25 *of failure rates on the cost of disposal; and*

1           (2) *undertake a review of live-fire practices for*  
2           *the purpose of reducing unexploded ordnance and mu-*  
3           *nitions-constituent contamination without impeding*  
4           *military readiness.*

5 **SEC. 360. LIMITATION ON OBLIGATION OF FUNDS FOR AIR**  
6                   **COMBAT COMMAND MANAGEMENT HEAD-**  
7                   **QUARTERS.**

8           *Of the funds appropriated pursuant to an authoriza-*  
9           *tion of appropriations or otherwise made available for Op-*  
10          *eration and Maintenance, Air Force, for fiscal year 2009,*  
11          *the amount that may be obligated for Air Force Com-*  
12          *mander, Air Combat Command Management Headquarters,*  
13          *Sub-Activity Group 012E, for any fiscal quarter of such*  
14          *fiscal year may not exceed 80 percent of the amount of such*  
15          *funds obligated for such purpose for the corresponding fiscal*  
16          *quarter of fiscal year 2008 until the Secretary of Defense*  
17          *certifies to the congressional defense committees that by not*  
18          *later than February 3, 2009, the Future Year's Defense*  
19          *Plan will include funding for 76 commonly configured B-*  
20          *52 aircraft.*

21 **SEC. 361. INCREASE OF DOMESTIC SOURCING OF MILITARY**  
22                   **WORKING DOGS USED BY THE DEPARTMENT**  
23                   **OF DEFENSE.**

24          (a) *INCREASED CAPACITY.*—*The Secretary of Defense,*  
25          *acting through the Executive Agent for Military Working*

1 *Dogs (hereinafter in this section referred to as the “Execu-*  
2 *tive Agent”), shall—*

3           (1) *identify the number of military working dogs*  
4 *required to fulfill the various missions of the Depart-*  
5 *ment of Defense for which such dogs are used, includ-*  
6 *ing force protection, facility and check point security,*  
7 *and explosives and drug detection;*

8           (2) *take such steps as are practicable to ensure*  
9 *an adequate number of military working dog teams*  
10 *are available to meet and sustain the mission require-*  
11 *ments identified in paragraph (1);*

12           (3) *ensure that the Department’s needs and per-*  
13 *formance standards with respect to military working*  
14 *dogs are readily available to dog breeders and train-*  
15 *ers; and*

16           (4) *coordinate with other Federal, State, or local*  
17 *agencies, nonprofit organizations, universities, or pri-*  
18 *vate sector entities, as appropriate, to increase the*  
19 *training capacity for military working dog teams.*

20           (b) *MILITARY WORKING DOG PROCUREMENT.—The*  
21 *Secretary, acting through the Executive Agent shall work*  
22 *to ensure that military working dogs are procured as effi-*  
23 *ciently as possible and at the best value to the Government,*  
24 *while maintaining the necessary level of quality and en-*  
25 *couraging increased domestic breeding, with the ultimate*

1 *goal of procuring all military working dogs through domes-*  
 2 *tic breeders.*

3 (c) *MILITARY WORKING DOG DEFINED.*—*For purposes*  
 4 *of this section, the term “military working dog” means a*  
 5 *dog used in any official military capacity, as defined by*  
 6 *the Secretary of Defense.*

7 **TITLE IV—MILITARY PERSONNEL**  
 8 **AUTHORIZATIONS**

*Subtitle A—Active Forces*

*Sec. 401. End strengths for active forces.*

*Sec. 402. Revision in permanent active duty end strength minimum levels.*

*Subtitle B—Reserve Forces*

*Sec. 411. End strengths for Selected Reserve.*

*Sec. 412. End strengths for Reserves on active duty in support of the Reserves.*

*Sec. 413. End strengths for military technicians (dual status).*

*Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.*

*Sec. 415. Maximum number of reserve personnel authorized to be on active duty  
 for operational support.*

*Sec. 416. Additional waiver authority of limitation on number of reserve compo-  
 nent members authorized to be on active duty.*

*Subtitle C—Authorization of Appropriations*

*Sec. 421. Military personnel.*

9 ***Subtitle A—Active Forces***

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

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

13 (1) *The Army, 532,400.*

14 (2) *The Navy, 326,323.*

15 (3) *The Marine Corps, 194,000.*

16 (4) *The Air Force, 317,050.*

1 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**  
 2 **STRENGTH MINIMUM LEVELS.**

3 *Section 691(b) of title 10, United States Code, is*  
 4 *amended by striking paragraphs (1) through (4) and insert-*  
 5 *ing the following new paragraphs:*

6 “(1) *For the Army, 532,400.*

7 “(2) *For the Navy, 326,323.*

8 “(3) *For the Marine Corps, 194,000.*

9 “(4) *For the Air Force, 317,050.”.*

10 ***Subtitle B—Reserve Forces***

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

12 *(a) IN GENERAL.—The Armed Forces are authorized*  
 13 *strengths for Selected Reserve personnel of the reserve com-*  
 14 *ponents as of September 30, 2009, as follows:*

15 (1) *The Army National Guard of the United*  
 16 *States, 352,600.*

17 (2) *The Army Reserve, 205,000.*

18 (3) *The Navy Reserve, 66,700.*

19 (4) *The Marine Corps Reserve, 39,600.*

20 (5) *The Air National Guard of the United*  
 21 *States, 106,700.*

22 (6) *The Air Force Reserve, 67,400.*

23 (7) *The Coast Guard Reserve, 10,000.*

24 *(b) END STRENGTH REDUCTIONS.—The end strengths*  
 25 *prescribed by subsection (a) for the Selected Reserve of any*  
 26 *reserve component shall be proportionately reduced by—*

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

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

11          (c) *END STRENGTH INCREASES.*—*Whenever units or*  
12          *individual members of the Selected Reserve of any reserve*  
13          *component are released from active duty during any fiscal*  
14          *year, the end strength prescribed for such fiscal year for*  
15          *the Selected Reserve of such reserve component shall be in-*  
16          *creased proportionately by the total authorized strengths of*  
17          *such units and by the total number of such individual mem-*  
18          *bers.*

19          **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
20                                    **DUTY IN SUPPORT OF THE RESERVES.**

21          *Within the end strengths prescribed in section 411(a),*  
22          *the reserve components of the Armed Forces are authorized,*  
23          *as of September 30, 2009, the following number of Reserves*  
24          *to be serving on full-time active duty or full-time duty, in*  
25          *the case of members of the National Guard, for the purpose*

1 *of organizing, administering, recruiting, instructing, or*  
2 *training the reserve components:*

3           (1) *The Army National Guard of the United*  
4 *States, 32,060.*

5           (2) *The Army Reserve, 17,070.*

6           (3) *The Navy Reserve, 11,099.*

7           (4) *The Marine Corps Reserve, 2,261.*

8           (5) *The Air National Guard of the United*  
9 *States, 14,337.*

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

11 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**

12                           **(DUAL STATUS).**

13           *The minimum number of military technicians (dual*  
14 *status) as of the last day of fiscal year 2009 for the reserve*  
15 *components of the Army and the Air Force (notwith-*  
16 *standing section 129 of title 10, United States Code) shall*  
17 *be the following:*

18           (1) *For the Army Reserve, 8,395.*

19           (2) *For the Army National Guard of the United*  
20 *States, 27,210.*

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

22           (4) *For the Air National Guard of the United*  
23 *States, 22,452.*



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

3 (a) *LIMITATIONS.—*

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

9 (A) *For the Army National Guard of the*  
10 *United States, 1,600.*

11 (B) *For the Air National Guard of the*  
12 *United States, 350.*

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

16 (3) *AIR FORCE RESERVE.—The number of non-*  
17 *dual status technicians employed by the Air Force*  
18 *Reserve as of September 30, 2009, may not exceed 90.*

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

1 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
2 **THORIZED TO BE ON ACTIVE DUTY FOR**  
3 **OPERATIONAL SUPPORT.**

4 *During fiscal year 2009, the maximum number of*  
5 *members of the reserve components of the Armed Forces who*  
6 *may be serving at any time on full-time operational sup-*  
7 *port duty under section 115(b) of title 10, United States*  
8 *Code, is the following:*

9 (1) *The Army National Guard of the United*  
10 *States, 17,000.*

11 (2) *The Army Reserve, 13,000.*

12 (3) *The Navy Reserve, 6,200.*

13 (4) *The Marine Corps Reserve, 3,000.*

14 (5) *The Air National Guard of the United*  
15 *States, 16,000.*

16 (6) *The Air Force Reserve, 14,000.*

17 **SEC. 416. ADDITIONAL WAIVER AUTHORITY OF LIMITATION**  
18 **ON NUMBER OF RESERVE COMPONENT MEM-**  
19 **BERS AUTHORIZED TO BE ON ACTIVE DUTY.**

20 (a) *ADDITIONAL WAIVER AUTHORITY.*—Subsection (a)  
21 *of section 123a of title 10, United States Code, is amend-*  
22 *ed—*

23 (1) *by inserting “(1)” before “If at the end”; and*

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

1       “(2) When a designation of a major disaster or emer-  
2 gency (as those terms are defined in section 102 of the Rob-  
3 ert T. Stafford Disaster Relief and Emergency Assistance  
4 Act (42 U.S.C. 5122)) is in effect, the President may waive  
5 any statutory limit that would otherwise apply during the  
6 period of the designation on the number of members of a  
7 reserve component who are authorized to be on active duty  
8 under subparagraph (A) or (B) of section 115(b)(1) of this  
9 title, if the President determines the waiver is necessary to  
10 provide assistance in responding to the major disaster or  
11 emergency.”.

12       (b) *TERMINATION OF WAIVER.*—Subsection (b) of such  
13 section is amended—

14           (1) by striking the subsection heading and in-  
15 sserting the following: “*TERMINATION OF WAIVER.*—  
16 (1)”;

17           (2) by striking “subsection (a)” and inserting  
18 “subsection (a)(1)”; and

19           (3) by adding at the end the following new para-  
20 graph:

21       “(2) A waiver granted under subsection (a)(2) shall  
22 terminate not later than 90 days after the date on which  
23 the designation of the major disaster or emergency that was  
24 the basis for the waiver expires.”.

25       (c) *CLERICAL AMENDMENTS.*—

1           (1) *SECTION HEADING.*—*The heading of such sec-*  
 2           *tion is amended to read as follows:*

3           “§ 123a. ***Suspension of end-strength and other***  
 4                           ***strength limitations in time of war or na-***  
 5                           ***tional emergency*”.**

6           (2) *TABLE OF SECTIONS.*—*The table of sections*  
 7           *at the beginning of chapter 3 of such title is amended*  
 8           *by striking the item relating to section 123a and in-*  
 9           *serting the following new item:*

          “123a. *Suspension of end-strength and other strength limitations in time of war*  
           *or national emergency.*”.

10                   ***Subtitle C—Authorization of***  
 11                           ***Appropriations***

12           ***SEC. 421. MILITARY PERSONNEL.***

13           *There is hereby authorized to be appropriated to the*  
 14           *Department of Defense for military personnel for fiscal year*  
 15           *2009 a total of \$124,659,768,000. The authorization in the*  
 16           *preceding sentence supersedes any other authorization of*  
 17           *appropriations (definite or indefinite) for such purpose for*  
 18           *fiscal year 2009.*

19                   ***TITLE V—MILITARY PERSONNEL***  
 20                           ***POLICY***

*Subtitle A—Officer Personnel Policy Generally*

*Sec. 501. Mandatory separation requirements for regular warrant officers for*  
           *length of service.*

*Sec. 502. Requirements for issuance of posthumous commissions and warrants.*

*Sec. 503. Extension of authority to reduce minimum length of active service re-*  
           *quired for voluntary retirement as an officer.*

*Sec. 504. Increase in authorized number of general officers on active duty in the*  
           *Marine Corps.*

*Subtitle B—Reserve Component Management*

- Sec. 511. Extension to all military departments of authority to defer mandatory separation of military technicians (dual status).*
- Sec. 512. Increase in authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet force structure requirements.*
- Sec. 513. Clarification of authority to consider for a vacancy promotion National Guard officers ordered to active duty in support of a contingency operation.*
- Sec. 514. Increase in mandatory retirement age for certain Reserve officers.*
- Sec. 515. Age limit for retention of certain Reserve officers on active-status list as exception to removal for years of commissioned service.*
- Sec. 516. Authority to retain Reserve chaplains and officers in medical and related specialties until age 68.*
- Sec. 517. Study and report regarding personnel movements in Marine Corps Individual Ready Reserve.*

*Subtitle C—Joint Qualified Officers and Requirements*

- Sec. 521. Joint duty requirements for promotion to general or flag officer.*
- Sec. 522. Technical, conforming, and clerical changes to joint specialty terminology.*
- Sec. 523. Promotion policy objectives for Joint Qualified Officers.*
- Sec. 524. Length of joint duty assignments.*
- Sec. 525. Designation of general and flag officer positions on Joint Staff as positions to be held only by reserve component officers.*
- Sec. 526. Treatment of certain service as joint duty experience.*

*Subtitle D—General Service Authorities*

- Sec. 531. Increase in authorized maximum reenlistment term.*
- Sec. 532. Career intermission pilot program.*

*Subtitle E—Education and Training*

- Sec. 541. Repeal of prohibition on phased increase in midshipmen and cadet strength limit at United States Naval Academy and Air Force Academy.*
- Sec. 542. Promotion of foreign and cultural exchange activities at military service academies.*
- Sec. 543. Compensation for civilian President of Naval Postgraduate School.*
- Sec. 544. Increased authority to enroll defense industry employees in defense product development program.*
- Sec. 545. Requirement of completion of service under honorable conditions for purposes of entitlement to educational assistance for reserve components members supporting contingency operations.*
- Sec. 546. Consistent education loan repayment authority for health professionals in regular components and Selected Reserve.*
- Sec. 547. Increase in number of units of Junior Reserve Officers' Training Corps.*

*Subtitle F—Military Justice*

- Sec. 551. Grade of Staff Judge Advocate to the Commandant of the Marine Corps.*
- Sec. 552. Standing military protection order.*
- Sec. 553. Mandatory notification of issuance of military protective order to civilian law enforcement.*

*Sec. 554. Implementation of information database on sexual assault incidents in the Armed Forces.*

*Subtitle G—Decorations, Awards, and Honorary Promotions*

*Sec. 561. Replacement of military decorations.*

*Sec. 562. Authorization and request for award of Medal of Honor to Richard L. Etchberger for acts of valor during the Vietnam War.*

*Sec. 563. Advancement of Brigadier General Charles E. Yeager, United States Air Force (retired), on the retired list.*

*Sec. 564. Advancement of Rear Admiral Wayne E. Meyer, United States Navy (retired), on the retired list.*

*Sec. 565. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.*

*Subtitle H—Impact Aid*

*Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.*

*Sec. 572. Calculation of payments under Department of Education’s Impact Aid program.*

*Subtitle I—Military Families*

*Sec. 581. Presentation of burial flag.*

*Sec. 582. Education and training opportunities for military spouses.*

*Subtitle J—Other Matters*

*Sec. 591. Inclusion of Reserves in providing Federal aid for State governments, enforcing Federal authority, and responding to major public emergencies.*

*Sec. 592. Interest payments on certain claims arising from correction of military records.*

*Sec. 593. Extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.*

*Sec. 594. Authority to order Reserve units to active duty to provide assistance in response to a major disaster or emergency.*

*Sec. 595. Senior Military Leadership Diversity Commission.*

1 ***Subtitle A—Officer Personnel Policy***  
 2 ***Generally***

3 ***SEC. 501. MANDATORY SEPARATION REQUIREMENTS FOR***  
 4 ***REGULAR WARRANT OFFICERS FOR LENGTH***  
 5 ***OF SERVICE.***

6 *Section 1305(a) of title 10, United States Code, is*  
 7 *amended—*

1           (1) *by striking “A regular warrant officer who*  
2 *has at least 30 years of active service as a warrant*  
3 *officer that could be credited to him” and inserting*  
4 *“(1) A regular warrant officer (other than a regular*  
5 *Army warrant officer) who has at least 30 years of*  
6 *active service that could be credited to the officer”;*  
7 *and*

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

10         *“(2) In the case of a regular Army warrant officer,*  
11 *the calculation of years of active service under paragraph*  
12 *(1) shall include only years of active service as a warrant*  
13 *officer.”.*

14 **SEC. 502. REQUIREMENTS FOR ISSUANCE OF POSTHUMOUS**  
15 **COMMISSIONS AND WARRANTS.**

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

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

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

22         *“(c) A commission issued under subsection (a) in con-*  
23 *nection with the promotion of a deceased member to a high-*  
24 *er commissioned grade shall require certification by the Sec-*  
25 *retary concerned that, at the time of death of the member,*

1 *the member was qualified for appointment to that higher*  
2 *grade.”.*

3 (b) *POSTHUMOUS WARRANTS.*—Section 1522(a) of  
4 *such title is amended*

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

6 (2) *by adding at the end the following new sub-*  
7 *section:*

8 “(c) *A warrant issued under subsection (a) in connec-*  
9 *tion with the promotion of a deceased member to a higher*  
10 *grade shall require a finding by the Secretary of the mili-*  
11 *tary department concerned that, at the time of death of the*  
12 *member, the member was qualified for appointment to that*  
13 *higher grade.”.*

14 **SEC. 503. EXTENSION OF AUTHORITY TO REDUCE MINIMUM**  
15 **LENGTH OF ACTIVE SERVICE REQUIRED FOR**  
16 **VOLUNTARY RETIREMENT AS AN OFFICER.**

17 (a) *ARMY.*—Section 3911(b)(2) of title 10, United  
18 States Code, is amended by inserting after “December 31,  
19 2008,” the following: “and again during the one-year period  
20 beginning on October 1, 2013,”.

21 (b) *NAVY AND MARINE CORPS.*—Section 6323(a)(2)(B)  
22 of such title is amended by inserting after “December 31,  
23 2008,” the following: “and again during the one-year period  
24 beginning on October 1, 2013,”.



1       (c) *AIR FORCE*.—Section 8911(b)(2) of such title is  
2 amended by inserting after “December 31, 2008,” the fol-  
3 lowing: “and again during the one-year period beginning  
4 on October 1, 2013,”.

5 **SEC. 504. INCREASE IN AUTHORIZED NUMBER OF GENERAL**  
6 **OFFICERS ON ACTIVE DUTY IN THE MARINE**  
7 **CORPS.**

8       (a) *INCREASE*.—Section 526(a)(4) of title 10, United  
9 States Code, is amended by striking “80” and inserting  
10 “81”.

11       (b) *CONFORMING AMENDMENTS REGARDING DIS-*  
12 *TRIBUTION OF MARINE GENERAL OFFICERS*.—Section 525  
13 of such title is amended—

14             (1) in the first sentence of subsection (a), by  
15 striking “that armed force” and inserting “the Army  
16 or Air Force, or more than 51 percent of the general  
17 officers of the Marine Corps,”; and

18             (2) in subsection (b)(2)(B), by striking “17.5  
19 percent” and inserting “19 percent”.

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

3 **SEC. 511. EXTENSION TO ALL MILITARY DEPARTMENTS OF**  
 4 **AUTHORITY TO DEFER MANDATORY SEPARA-**  
 5 **TION OF MILITARY TECHNICIANS (DUAL STA-**  
 6 **TUS).**

7 *Section 10216(f) of title 10, United States Code, is*  
 8 *amended by striking “Secretary of the Army” and inserting*  
 9 *“Secretary concerned”.*

10 **SEC. 512. INCREASE IN AUTHORIZED STRENGTHS FOR MA-**  
 11 **RINE CORPS RESERVE OFFICERS ON ACTIVE**  
 12 **DUTY IN THE GRADES OF MAJOR AND LIEU-**  
 13 **TENANT COLONEL TO MEET FORCE STRUC-**  
 14 **TURE REQUIREMENTS.**

15 *The table in section 12011(a) of title 10, United States*  
 16 *Code, relating to the number of officers of a reserve compo-*  
 17 *nent who may be serving in certain grades given the total*  
 18 *number of members of that reserve component serving on*  
 19 *full-time reserve component duty, is amended by striking*  
 20 *the portion of the table relating to the Marine Corps Reserve*  
 21 *and inserting the following:*

<b>“Marine Corps Re- serve:</b>	<b>Major</b>	<b>Lieutenant Colonel</b>	<b>Colonel</b>
1,100 .....	99	63	20
1,200 .....	103	67	21
1,300 .....	107	70	22
1,400 .....	111	73	23
1,500 .....	114	76	24
1,600 .....	117	79	25
1,700 .....	120	82	26
1,800 .....	123	85	27

<b>“Marine Corps Reserve:</b>	<b>Major</b>	<b>Lieutenant Colonel</b>	<b>Colonel</b>
1,900 .....	126	88	28
2,000 .....	129	91	29
2,100 .....	132	94	30
2,200 .....	134	97	31
2,300 .....	136	99	32
2,400 .....	138	101	33
2,500 .....	140	103	34
2,600 .....	142	105	35”.

1 **SEC. 513. CLARIFICATION OF AUTHORITY TO CONSIDER**  
2 **FOR A VACANCY PROMOTION NATIONAL**  
3 **GUARD OFFICERS ORDERED TO ACTIVE DUTY**  
4 **IN SUPPORT OF A CONTINGENCY OPERATION.**

5 (a) *ADDITIONAL EXCEPTION.*—*Subsection (d) of sec-*  
6 *tion 14317 of title 10, United States Code, is amended—*

7 (1) *in the first sentence—*

8 (A) *by striking “Except” and inserting “(1*  
9 *Except”;*

10 (B) *by striking “unless the officer is or-*  
11 *dered” and inserting “unless the officer—*  
12 *“(A) is ordered”;*

13 (C) *by striking the period at the end and*  
14 *inserting “; or”; and*

15 (D) *by adding at the end the following new*  
16 *subparagraph:*

17 *“(B) has been ordered to or is serving on active*  
18 *duty in support of a contingency operation.”; and*

19 (2) *in the second sentence, by striking “If” and*  
20 *inserting the following:*

1       “(2) *If*”.

2       **(b) CONSIDERATION FOR PROMOTION BY EXAMINATION**  
3 **FOR FEDERAL RECOGNITION.**—*Subsection (e)(1)(B) of such*  
4 *section is amended by inserting before the period at the end*  
5 *the following: “, or by examination for Federal recognition*  
6 *under title 32”.*

7 **SEC. 514. INCREASE IN MANDATORY RETIREMENT AGE FOR**  
8 **CERTAIN RESERVE OFFICERS.**

9       **(a) SELECTIVE SERVICE AND PROPERTY AND FISCAL**  
10 **OFFICERS.**—*Section 12647 of title 10, United States Code,*  
11 *is amended by striking “60 years” and inserting “62*  
12 *years”.*

13       **(b) CERTAIN RESERVE OFFICERS IN GRADES OF**  
14 **MAJOR THROUGH BRIGADIER GENERAL.**—

15               **(1) INCREASED AGE.**—*Section 14702(b) of such*  
16 *title is amended—*

17                       **(A)** *in the subsection heading, by striking*  
18 *“AT AGE 60” and inserting “FOR AGE”; and*

19                       **(B)** *by striking “subsection (a)(1) or*  
20 *(a)(2).” and all that follows through the period*  
21 *at the end of the last sentence and inserting the*  
22 *following: “paragraph (1) or (2) of subsection*  
23 *(a). An officer described in paragraph (1) of*  
24 *such subsection may not be retained under this*  
25 *section after the last day of the month in which*

1           *the officer becomes 62 years of age. An officer de-*  
 2           *scribed in paragraph (2) of such subsection may*  
 3           *not be retained under this section after the last*  
 4           *day of the month in which the officer becomes 60*  
 5           *years of age.”.*

6           (c) *CLERICAL AMENDMENTS.—*

7           (1) *SECTION HEADING.—The heading of section*  
 8           *14702 of such title is amended to read as follows:*

9           **“§ 14702. Retention on reserve active-status list of cer-**  
 10           **tain officers in the grade of major, lieu-**  
 11           **tenant colonel, colonel, or brigadier gen-**  
 12           **eral”.**

13           (2) *TABLE OF SECTIONS.—The table of sections*  
 14           *at the beginning of chapter 1409 of such title is*  
 15           *amended by striking the item relating to section*  
 16           *14702 and inserting the following new item:*

*“14702. Retention on reserve active-status list of certain officers in the grade of  
 major, lieutenant colonel, colonel, or brigadier general.”.*

17           **SEC. 515. AGE LIMIT FOR RETENTION OF CERTAIN RESERVE**  
 18           **OFFICERS ON ACTIVE-STATUS LIST AS EXCEP-**  
 19           **TION TO REMOVAL FOR YEARS OF COMMIS-**  
 20           **SIONED SERVICE.**

21           *Section 14508 of title 10, United States Code, is*  
 22           *amended—*

23           (1) *by redesignating subsection (g) as subsection*  
 24           *(h); and*

1           (2) by inserting after subsection (f) the following  
2           new subsection (g):

3           “(g) *RETENTION OF LIEUTENANT GENERALS.*—A re-  
4           serve officer of the Army or Air Force in the grade of lieu-  
5           tenant general who would otherwise be removed from an  
6           active status under subsection (c) may, in the discretion  
7           of the Secretary of the Army or the Secretary of the Air  
8           Force, as the case may be, be retained in an active status,  
9           but not later than the date on which the officer becomes  
10          66 years of age.”.

11          **SEC. 516. AUTHORITY TO RETAIN RESERVE CHAPLAINS AND**  
12    **OFFICERS IN MEDICAL AND RELATED SPE-**  
13    **CIALTIES UNTIL AGE 68.**

14          (a) *RESERVE CHAPLAINS AND MEDICAL OFFICERS.*—  
15          Section 14703(b) of title 10, United States Code, is amended  
16          by striking “67 years” and inserting “68 years”.

17          (b) *NATIONAL GUARD CHAPLAINS AND MEDICAL OFFI-*  
18          *CERS.*—Section 324 of title 32, United States Code, is  
19          amended by adding at the end the following new subsection:

20          “(c) Notwithstanding subsection (a)(1), an officer of  
21          the National Guard serving as a chaplain, medical officer,  
22          dental officer, nurse, veterinarian, Medical Service Corps  
23          officer, or biomedical sciences officer may be retained, with  
24          the officer’s consent, until the date on which the officer be-  
25          comes 68 years of age.”.

1 **SEC. 517. STUDY AND REPORT REGARDING PERSONNEL**  
2 **MOVEMENTS IN MARINE CORPS INDIVIDUAL**  
3 **READY RESERVE.**

4 *The Secretary of the Navy shall conduct a study to*  
5 *analyze the policies and procedures used by the Marine*  
6 *Corps Reserve during fiscal years 2001 through 2008 for*  
7 *the movement of personnel in and out of the Individual*  
8 *Ready Reserve. Not later than 90 days after the date of the*  
9 *enactment of this Act, the Secretary shall submit to the con-*  
10 *gressional defense committees a report containing the re-*  
11 *sults of the study.*

12 **Subtitle C—Joint Qualified Officers**  
13 **and Requirements**

14 **SEC. 521. JOINT DUTY REQUIREMENTS FOR PROMOTION TO**  
15 **GENERAL OR FLAG OFFICER.**

16 *(a) IN GENERAL.—Section 619a of title 10, United*  
17 *States Code, is amended*

18 *(1) in subsection (a), by striking “unless—” and*  
19 *all that follows through “the joint specialty” and in-*  
20 *serting “unless the officer has been designated as a*  
21 *Joint Qualified Officer”;*

22 *( 2) in subsection (b)—*

23 *(A) by striking “paragraph (1) or para-*  
24 *graph (2) of subsection (a), or both paragraphs*  
25 *(1) and (2) of subsection (a),” in the matter pre-*

1           ceding paragraph (1) and inserting “subsection  
2           (a)”;

3                   (B) in paragraph (4), by striking “within  
4           that immediate organization is not less than two  
5           years” and inserting “is not less than two years  
6           and the officer has successfully completed a pro-  
7           gram of education described in subsections (b)  
8           and (c) of section 2155 of this title”; and  
9           (3) by striking subsection (h).

10       (b) *CLERICAL AMENDMENTS.*—

11           (1) *SECTION HEADING.*—*The heading of such sec-*  
12       *tion is amended to read as follows:*

13       **“§619a. Eligibility for consideration for promotion:**  
14                   **designation as Joint Qualified Officer re-**  
15                   **quired before promotion to general or flag**  
16                   **grade; exceptions”.**

17           (2) *TABLE OF SECTIONS.*—*The table of sections*  
18       *at the beginning of subchapter II of chapter 36 of*  
19       *such title is amended by striking the item relating to*  
20       *section 619a and inserting the following new item:*

      “619a. Eligibility for consideration for promotion: designation as Joint Qualified  
          Officer required before promotion to general or flag grade; excep-  
          tions.”.

21       **SEC. 522. TECHNICAL, CONFORMING, AND CLERICAL**  
22                   **CHANGES TO JOINT SPECIALTY TERMI-**  
23                   **NOLOGY.**

24       (a) *REFERENCE TO JOINT QUALIFIED OFFICER.*—



1           (1) *IN GENERAL.*—Subsection (a) of section 661  
 2           of title 10, United States Code, is amended in the sec-  
 3           ond sentence by striking “in such manner as the Sec-  
 4           retary of Defense directs” and inserting “as a Joint  
 5           Qualified Officer or in such other manner as the Sec-  
 6           retary of Defense directs”.

7           (2) *SECTION HEADING.*—The heading of such sec-  
 8           tion is amended to read as follows:

9           **“§ 661. Management policies for Joint Qualified Offi-  
 10           cers”.**

11           (3) *TABLE OF SECTIONS.*—The table of sections  
 12           at the beginning of chapter 38 of such title is amend-  
 13           ed by striking the item related to section 661 and in-  
 14           serting the following new item:

“661. Management policies for Joint Qualified Officers.”.

15           (b) *JOINT DUTY ASSIGNMENTS AFTER COMPLETION  
 16           OF JOINT PROFESSIONAL MILITARY EDUCATION.*—Section  
 17           663 of title 10, United States Code, is amended—

18           (1) *in subsection (a)*—

19           (A) *in the subsection heading, by striking*  
 20           “*JOINT SPECIALTY*” *and inserting “JOINT*  
 21           *QUALIFIED”*; *and*

22           (B) *by striking “with the joint specialty”*  
 23           *and inserting “designated as a Joint Qualified*  
 24           *Officer”*; *and*

1           (2) *in subsection (b)(1), by striking “do not have*  
 2 *the joint specialty” and inserting “are not designated*  
 3 *as a Joint Qualified Officer”.*

4           (c) *PROCEDURES FOR MONITORING CAREERS OF*  
 5 *JOINT QUALIFIED OFFICERS.—*

6           (1) *IN GENERAL.—Section 665 of such title is*  
 7 *amended—*

8                   (A) *in subsection (a)(1)(A), by striking*  
 9 *“with the joint specialty” and inserting “des-*  
 10 *ignated as a Joint Qualified Officer”;* and

11                   (B) *in subsection (b)(1), by striking “with*  
 12 *the joint specialty” and inserting “designated as*  
 13 *a Joint Qualified Officer”.*

14           (2) *SECTION HEADING.—The heading of such sec-*  
 15 *tion is amended to read as follows:*

16 **“§665. Procedures for monitoring careers of Joint**  
 17 **Qualified Officers”.**

18           (3) *TABLE OF SECTIONS.—The table of sections*  
 19 *at the beginning of chapter 38 of such title is amend-*  
 20 *ed by striking the item related to section 665 and in-*  
 21 *serting the following new item:*

*“665. Procedures for monitoring careers of Joint Qualified Officers.”.*

22           (d) *JOINT SPECIALTY TERMINOLOGY IN ANNUAL RE-*  
 23 *PORT.—Section 667 of title 10, United States Code, is*  
 24 *amended—*

25                   (1) *in paragraph (1)—*

1           (A) in subparagraph (A), by striking “se-  
2           lected for the joint specialty” and inserting “des-  
3           ignated as a Joint Qualified Officer”; and

4           (B) in subparagraph (B), by striking “selec-  
5           tion for the joint specialty” and inserting “des-  
6           ignation as a Joint Qualified Officer,”;

7           (2) in paragraph (2), by striking “with the joint  
8           specialty” and inserting “designated as a Joint  
9           Qualified Officer”;

10          (3) in paragraph (3), by striking “selected for  
11          the joint specialty” each place it appears and insert-  
12          ing “designated as a Joint Qualified Officer”;

13          (4) in paragraph (4)—

14               (A) in subparagraph (A), by striking “se-  
15               lected for the joint specialty” and inserting “des-  
16               ignated as a Joint Qualified Officer”; and

17               (B) by striking subparagraph (B) and in-  
18               serting the following new subparagraph:

19                       “(B) a comparison of the number of officers  
20                       who were designated as a Joint Qualified Officer  
21                       who had served in a Joint Duty Assignment List  
22                       billet and completed Joint Professional Military  
23                       Education Phase II, with the number designated  
24                       as a Joint Qualified Officer based on their aggre-

1           gated joint experiences and completion of *Joint*  
2           *Professional Military Education Phase II.*”;

3           (5) by striking paragraphs (5) through (10),  
4           (13), and (16), and redesignating paragraphs (11),  
5           (12), (14) (15), (17), and (18) as paragraphs (7), (8),  
6           (9), (10), (12), and (13), respectively;

7           (6) by inserting after paragraph (4) the fol-  
8           lowing new paragraphs:

9           “(5) *The promotion rate for officers designated*  
10          *as a Joint Qualified Officer, compared with the pro-*  
11          *motion rate for other officers considered for promotion*  
12          *from within the promotion zone in the same pay*  
13          *grade and the same competitive category. A similar*  
14          *comparison will be made for officers both below the*  
15          *promotion zone and above the promotion zone.*

16          “(6) *An analysis of assignments of officers after*  
17          *their designation as a Joint Qualified Officer.*”;

18          (7) by inserting after paragraph (10), as redesign-  
19          ated by paragraph (5), the following new paragraph:

20          “(11) *The number of officers in the grade of cap-*  
21          *tain (or in the case of the Navy, lieutenant) and*  
22          *above, certified at each level of joint qualification as*  
23          *established in regulation and policy by the Secretary*  
24          *of Defense with the advice of the Chairman of the*

1 *Joint Chiefs of Staff. Such numbers shall be reported*  
2 *by service and grade of the officer.”.*

3 **SEC. 523. PROMOTION POLICY OBJECTIVES FOR JOINT**  
4 **QUALIFIED OFFICERS.**

5 *Section 662 of title 10, United States Code, is amend-*  
6 *ed—*

7 *(1) in subsection (a), by striking “that—” and*  
8 *all that follows through “served in joint duty assign-*  
9 *ments” and inserting “that officers in the grade of*  
10 *major (or in the case of the Navy, lieutenant com-*  
11 *mander) or above who are designated as a Joint*  
12 *Qualified Officer”;* and

13 *(2) in subsection (b), by striking “officers who*  
14 *are serving in, or have served in, joint duty assign-*  
15 *ments, especially with respect to the record of officer*  
16 *selection boards in meeting the objectives of para-*  
17 *graphs (1) and (2) of subsection (a).” and inserting*  
18 *“officers in the grades of major (or in the case of the*  
19 *Navy, lieutenant commander) through colonel (or in*  
20 *the case of the Navy, captain) who are designated as*  
21 *a Joint Qualified Officer, especially with respect to*  
22 *the record of officer selection boards in meeting the*  
23 *objective of subsection (a).”.*

1 **SEC. 524. LENGTH OF JOINT DUTY ASSIGNMENTS.**

2       (a) *SERVICE EXCLUDED FROM TOUR LENGTH.*—Sub-  
3 *section (d) of section 664 of title 10, United States Code,*  
4 *is amended—*

5           (1) *in paragraph (1), by striking subparagraph*  
6 *(D) and inserting the following new subparagraph:*

7                   “(D) *a qualifying reassignment from a joint*  
8 *duty assignment—*

9                           “(i) *for unusual personal reasons, in-*  
10 *cluding extreme hardship and medical con-*  
11 *ditions, beyond the control of the officer or*  
12 *the armed forces; or*

13                           “(ii) *to another joint duty assignment*  
14 *immediately after—*

15                                   “(I) *the officer was promoted to a*  
16 *higher grade, if the reassignment was*  
17 *made because no joint duty assignment*  
18 *was available within the same organi-*  
19 *zation that was commensurate with the*  
20 *officer’s new grade; or*

21                                   “(II) *the officer’s position was*  
22 *eliminated in a reorganization.”; and*

23           (2) *by striking paragraph (3) and inserting the*  
24 *following new paragraph:*

25                   “(3) *Service in a joint duty assignment in a case*  
26 *in which the officer’s tour of duty in that assignment*

1       *brings the officer's accrued service for purposes of sub-*  
2       *section (f)(3) to the applicable standard prescribed in*  
3       *subsection (a).”.*

4       ***(b) COMPUTING AVERAGE LENGTH OF JOINT DUTY***  
5       ***ASSIGNMENTS.—Subsection (e) of such section is amended***  
6       ***by striking paragraph (2) and inserting the following new***  
7       ***paragraph:***

8           *“(2) In computing the average length of joint duty as-*  
9           *signments for purposes of paragraph (1), the Secretary may*  
10          *exclude the following service:*

11                *“(A) Service described in subsection (c).*

12                *“(B) Service described in subsection (d).*

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

14          ***(c) COMPLETION OF TOUR OF DUTY.—Subsection (f)***  
15          ***of such section is amended—***

16                *(1) in paragraph (3), by striking “Cumulative*  
17                *service” and inserting “Accrued joint experience”;*

18                *(2) in paragraph (4), by striking “(except” and*  
19                *all that follows through “any time)”;* and

20                *(3) by striking paragraph (6) and inserting the*  
21                *following new paragraph:*

22                    *“(6) A second and subsequent joint duty assign-*  
23                    *ment that is less than the period required under sub-*  
24                    *section (a), but not less than two years.”.*

1           (d) *ACCRUED JOINT EXPERIENCE AS FULL TOUR OF*  
2 *DUTY.*—Subsection (g) of such section is amended to read  
3 as follows:

4           “(g) *ACCRUED JOINT EXPERIENCE.*—For the purposes  
5 of subsection (f)(3), the Secretary of Defense may prescribe,  
6 by regulation, certain joint experience, such as temporary  
7 duty in joint assignments, joint individual training, and  
8 participation in joint exercises, that may be aggregated to  
9 equal a full tour of duty. The Secretary shall prescribe the  
10 regulations with the advice of the Chairman of the Joint  
11 Chiefs of Staff.”.

12           (e) *CONSTRUCTIVE CREDIT.*—Subsection (h) of such  
13 section is amended—

14                 (1) in paragraph (1), by striking “subsection  
15 (f)(1), (f)(2), (f)(4), or (g)(2)” and inserting “para-  
16 graphs (1), (2), and (4) of subsection (f)”; and

17                 (2) by striking paragraph (3).

18           (f) *REPEAL OF JOINT DUTY CREDIT FOR CERTAIN*  
19 *JOINT TASK FORCE ASSIGNMENTS.*—Such section is further  
20 amended by striking subsection (i).



1 **SEC. 525. DESIGNATION OF GENERAL AND FLAG OFFICER**  
2 **POSITIONS ON JOINT STAFF AS POSITIONS**  
3 **TO BE HELD ONLY BY RESERVE COMPONENT**  
4 **OFFICERS.**

5 *Section 526(b)(2)(A) of title 10, United States Code,*  
6 *is amended by striking “a general and flag officer position”*  
7 *and inserting “up to three general and flag officer posi-*  
8 *tions”.*

9 **SEC. 526. TREATMENT OF CERTAIN SERVICE AS JOINT**  
10 **DUTY EXPERIENCE.**

11 *(a) VICE CHIEFS, ARMY AND AIR NATIONAL GUARD.—*  
12 *Section 10506(a)(3) of title 10, United States Code is*  
13 *amended—*

14 *(1) by redesignating subparagraphs (C), (D),*  
15 *and (E) as subparagraphs (D), (E), and (F), respec-*  
16 *tively; and*

17 *(2) by inserting after subparagraph (B) the fol-*  
18 *lowing new subparagraph (C):*

19 *“(C) Service of an officer as adjutant general shall be*  
20 *treated as joint duty experience for purposes of assignment*  
21 *or promotion to any position designated by law as open*  
22 *to a National Guard general officer.”.*

23 *(b) ADJUTANTS GENERAL AND SIMILAR OFFICERS.—*  
24 *The service of an officer of the Armed Forces as adjutant*  
25 *general, or as an officer (other than adjutant general) of*  
26 *the National Guard of a State who performs the duties of*

1 *adjutant general under the laws of such State, shall be treat-*  
2 *ed as joint duty or joint duty experience for purposes of*  
3 *any provisions of law required such duty or experience as*  
4 *a condition of assignment or promotion.*

5 *(c) REPORT ON DUTY IN JOINT FORCE HEAD-*  
6 *QUARTERS TO QUALIFY AS JOINT DUTY EXPERIENCE.—Not*  
7 *later than April 1, 2009, the Chief of the National Guard*  
8 *Bureau shall, in consultation with the adjutants general of*  
9 *the National Guard, submit to the Chairman of the Joint*  
10 *Chiefs of Staff and to Congress a report setting forth the*  
11 *recommendations of the Chief of the National Guard Bu-*  
12 *reau as to which duty of officers of the National Guard in*  
13 *the Joint Force Headquarters of the National Guard of the*  
14 *States should qualify as joint duty or joint duty experience*  
15 *for purposes of the provisions of law requiring such duty*  
16 *or experience as a condition of assignment or promotion.*

17 *(d) REPORTS ON JOINT EDUCATION COURSES.—Not*  
18 *later than April 1 of each of 2009, 2010, and 2011, the*  
19 *Chairman of the Joint Chiefs of Staff shall submit to Con-*  
20 *gress a report setting forth information on the joint edu-*  
21 *cation courses available through the Department of Defense*  
22 *for purposes of the pursuit of joint careers by officers in*  
23 *the Armed Forces. Each report shall include, for the pre-*  
24 *ceding year, the following:*

1           (1) *A list and description of the joint education*  
2 *courses so available during such year.*

3           (2) *A list and description of the joint education*  
4 *courses listed under paragraph (1) that are available*  
5 *to and may be completed by officers of the reserve*  
6 *components of the Armed Forces in other than an in-*  
7 *resident duty status under title 10 or 32, United*  
8 *States Code.*

9           (3) *For each course listed under paragraph (1),*  
10 *the number of officers from each Armed Force who*  
11 *pursued such course during such year, including the*  
12 *number of officers of the Army National Guard, and*  
13 *of the Air National Guard, who pursued such course.*

14           (e) *MEMORANDUM OF UNDERSTANDING REGARDING*  
15 *THE UNITED STATES NORTHERN COMMAND AND OTHER*  
16 *COMBATANT COMMANDS.—*

17           (1) *MEMORANDUM REQUIRED.—Not later than*  
18 *180 days after the date of the enactment of this Act,*  
19 *the Commander of the United States Northern Com-*  
20 *mand, the Commander of the United States Pacific*  
21 *Command, and the Chief of the National Guard Bu-*  
22 *reau shall, with the approval of the Secretary of De-*  
23 *fense, jointly enter into a memorandum of under-*  
24 *standing setting forth the operational relationships,*  
25 *and individual roles and responsibilities, during re-*

1 *sponses to domestic emergencies among the United*  
2 *States Northern Command, the United States Pacific*  
3 *Command, and the National Guard Bureau.*

4 (2) *MODIFICATION.—The Commander of the*  
5 *United States Northern Command, the Commander of*  
6 *the United States Pacific Command, and the Chief of*  
7 *the National Guard Bureau may from time to time*  
8 *modify the memorandum of understanding under this*  
9 *subsection to address changes in circumstances and*  
10 *for such other purposes as the Commander of the*  
11 *United States Northern Command, the Commander of*  
12 *the United States Pacific Command, and the Chief of*  
13 *the National Guard Bureau jointly consider appro-*  
14 *priate. Each such modification shall be subject to the*  
15 *approval of the Secretary of Defense.*

16 (f) *REPORT ON DEFENSE OF THE HOMELAND.—*

17 (1) *REVIEW.—The Secretary of Defense, in con-*  
18 *sultation with the Chief of the National Guard Bu-*  
19 *reau, shall conduct a review of the role of the Depart-*  
20 *ment of Defense in the defense of the homeland. In*  
21 *conducting that review, the Secretary shall—*

22 (A) *assess section II of the Final Report to*  
23 *Congress and the Secretary of Defense of the*  
24 *Commission on the National Guard and Re-*  
25 *serves, dated January 31, 2008, and titled*

1           *“Transforming the National Guard and Reserves*  
2           *into a 21st-Century Operational Force”*; and

3                     *(B) comment on recommendation number 2*  
4           *under section II of the report described in sub-*  
5           *paragraph (A).*

6           (2) *REPORT.—Not later than April 1, 2009, the*  
7           *Secretary of Defense shall issue to the Committee on*  
8           *Armed Services of the Senate and the Committee on*  
9           *Armed Services of the House of Representatives a re-*  
10          *port on the review.*

11                     ***Subtitle D—General Service***  
12                     ***Authorities***

13          ***SEC. 531. INCREASE IN AUTHORIZED MAXIMUM REENLIST-***  
14                     ***MENT TERM.***

15           (a) *INCREASE TO EIGHT-YEAR MAXIMUM.—Section*  
16          *505(d) of title 10, United States Code, is amended—*

17                     (1) *in paragraph (2), by striking “six years”*  
18                     *and inserting “eight years”; and*

19                     (2) *in paragraph (3)(A), by striking “six years”*  
20                     *and inserting “eight years”.*

21           (b) *CONFORMING AMENDMENT REGARDING REENLIST-*  
22          *MENT BONUS.—Section 308(a)(2)(ii) of title 37, United*  
23          *States Code, is amended by striking “not to exceed six”.*

1 **SEC. 532. CAREER INTERMISSION PILOT PROGRAM.**

2       (a) *PROGRAM AUTHORIZED.*—Chapter 40 of title 10,  
3 *United States Code*, is amended by inserting after section  
4 708 the following new section:

5 **“§ 708a. Career intermission pilot program**

6       “(a) *PROGRAM AUTHORIZED.*—(1) *The Secretary of a*  
7 *military department may establish a pilot program under*  
8 *which an officer or enlisted member of an armed force under*  
9 *the jurisdiction of the Secretary—*

10               “(A) *is released from active duty for a period not*  
11 *to exceed the period specified in subsection (c)(1) to*  
12 *meet personal or professional needs of the member;*

13               “(B) *is transferred to the Ready Reserve of that*  
14 *armed force during such period, as provided in sub-*  
15 *section (d); and*

16               “(C) *is returned to active duty at the end of such*  
17 *period, as provided in subsection (c)(2).*

18       “(2) *The pilot program shall be known as the ‘Career*  
19 *Intermission Pilot Program’ (in this section referred to as*  
20 *the ‘program’).*

21       “(b) *NUMBER OF PARTICIPANTS.*—*No more than 20 of-*  
22 *ficers and 20 enlisted members of each armed force under*  
23 *the jurisdiction of the Secretary of a military department*  
24 *may be selected per year for participation in the program.*

25       “(c) *MAXIMUM DURATION OF ABSENCE; RETURN TO*  
26 *ACTIVE DUTY.*—(1) *The period during which a member*

1 *participating in the program will be released from active*  
2 *duty shall be agreed upon by the Secretary concerned and*  
3 *the member, but the period may not exceed three years from*  
4 *the date of the member's release from active duty.*

5       “(2) *A member participating in the program shall re-*  
6 *turn to active duty at the end of the agreed-upon period*  
7 *or such earlier date as the member may request.*

8       “(d) *RESERVE AGREEMENT.—(1) Before being released*  
9 *from active duty under the program, a member partici-*  
10 *pating in the program shall—*

11               “(A) *be appointed or enlisted in the Ready Re-*  
12 *serve for the member's armed force; and*

13               “(B) *enter into an agreement with the Secretary*  
14 *concerned to serve on active duty in a regular or re-*  
15 *serve component, as determined by the Secretary, for*  
16 *a period of not less than two months for every month*  
17 *of program participation following the member's re-*  
18 *turn to active duty.*

19       “(2) *During the period of release from active duty, a*  
20 *member participating in the program shall report at least*  
21 *once per month to a location designated by the Secretary*  
22 *concerned and be required to maintain the job specialty*  
23 *qualifications the member held immediately before being re-*  
24 *leased from active duty under the program.*

1       “(3) *The Secretary of Defense shall issue regulations*  
2 *specifying the guidelines regarding the conditions of release*  
3 *that must be considered and addressed in the agreement re-*  
4 *quired by this subsection. At a minimum, the Secretary*  
5 *shall prescribe the procedures and standards to be used to*  
6 *instruct a member on the obligations to be assumed by the*  
7 *member under paragraph (2) while the member is released*  
8 *from active duty.*

9       “(e) *EXCLUSION OF TIME IN PROGRAM.—Time spent*  
10 *in the program shall not count toward—*

11               “(1) *determining eligibility for retirement or*  
12 *transfer to the Ready Reserve under chapter 367, 571,*  
13 *867, or 1223 of this title;*

14               “(2) *computation of retired or retainer pay*  
15 *under chapter 71 or chapter 1223 of this title; or*

16               “(3) *computation of total years of commissioned*  
17 *service under section 14706 of this title.*

18       “(f) *MEDICAL AND DENTAL CARE.—While a member*  
19 *is participating in the program, the member shall remain*  
20 *entitled to medical and dental care on the same basis as*  
21 *a member of the armed forces on active duty, and depend-*  
22 *ents of a member participating in the program shall remain*  
23 *entitled to medical and dental care on the same basis as*  
24 *the dependents of a member of the armed forces on active*  
25 *duty.*



1           “(g) *PROMOTION ELIGIBILITY.*—(1) *An officer partici-*  
2 *parting in the program shall not be eligible for consideration*  
3 *for promotion under chapter 36 or 1405 of this title during*  
4 *the period of the officer’s release from active duty. Upon*  
5 *return to active duty—*

6           “(A) *the officer’s date of rank shall be adjusted*  
7 *to a later date under regulations prescribed by the*  
8 *Secretary of Defense; and*

9           “(B) *the officer shall be eligible for consideration*  
10 *for promotion when officers of the same competitive*  
11 *category, grade, and seniority are eligible for consid-*  
12 *eration.*

13           “(2) *An enlisted member participating in the program*  
14 *is ineligible for consideration for promotion during the pe-*  
15 *riod of the member’s release from active duty and until such*  
16 *time after the member’s return to active duty when the*  
17 *member becomes eligible for promotion by reason of time*  
18 *in grade and such other requirements as may be specified*  
19 *in regulations.*

20           “(h) *BASIC PAY.*—*For each month during which a*  
21 *member is released from active duty under the program,*  
22 *the member is entitled to two times one-thirtieth of the basic*  
23 *pay to which the member would be otherwise entitled based*  
24 *on grade and years of service if the member remained on*  
25 *active duty.*

1       “(i) *TRAVEL AND TRANSPORTATION ALLOWANCES.*—

2       (1) *Notwithstanding any other provision of law, a member*  
3 *participating in the program is entitled to the travel and*  
4 *transportation allowances under section 404 of title 37 for*  
5 *travel—*

6               “(A) *performed from the member’s location, at*  
7 *the time of the member’s release from active duty*  
8 *under the program, to the location in the United*  
9 *States designated as the member’s permanent resi-*  
10 *dence; and*

11               “(B) *performed in connection with the member’s*  
12 *return to active duty.*

13       “(2) *An allowance will be paid under this subsection*  
14 *for travel to and from only one residence.*

15       “(j) *SPECIAL AND INCENTIVE PAYS AND BONUSES.*—

16 *While released from active duty under the program, a mem-*  
17 *ber may not receive any special or incentive pay or bonus*  
18 *under chapter 5 of title 37 to which the member would oth-*  
19 *erwise be entitled. When the member returns to active duty*  
20 *after the period of participation in the program, the mem-*  
21 *ber shall receive all of the special and incentive pays that*  
22 *the member was receiving before being released from active*  
23 *duty and for which the member remains qualified to receive*  
24 *upon the return to active duty.*

1       “(k) *DURATION OF PROGRAM AUTHORITY.*—*The au-*  
 2 *thority to conduct the program commences on January 1,*  
 3 *2009, and no member may be released from active duty*  
 4 *under the program after December 31, 2014.*”.

5       (b) *EXCLUSION FROM COMPUTATION OF RESERVE OF-*  
 6 *FICER’S TOTAL YEARS OF SERVICE.*—*Section 14706(a) of*  
 7 *such title is amended by adding at the end the following*  
 8 *new paragraph:*

9               “(4) *Service while participating in the Career*  
 10 *Intermission Pilot Program under section 708a of*  
 11 *this title.*”.

12       (c) *CLERICAL AMENDMENT.*—*The table of sections at*  
 13 *the beginning of chapter 40 of such title is amended by in-*  
 14 *serting after the item relating to section 708 the following*  
 15 *new item:*

“708a. *Career intermission pilot program.*”.

16                               ***Subtitle E—Education and***  
 17   ***Training***

18       ***SEC. 541. REPEAL OF PROHIBITION ON PHASED INCREASE***  
 19                               ***IN MIDSHIPMEN AND CADET STRENGTH***  
 20   ***LIMIT AT UNITED STATES NAVAL ACADEMY***  
 21   ***AND AIR FORCE ACADEMY.***

22       (a) *NAVAL ACADEMY.*—*Section 6954(h)(1) of title 10,*  
 23 *United States Code, is amended by striking the last sen-*  
 24 *tence.*

1       (b) *AIR FORCE ACADEMY*.—Section 9342(j)(1) of title  
2 10, United States Code, is amended by striking the last sen-  
3 tence.

4 **SEC. 542. PROMOTION OF FOREIGN AND CULTURAL EX-**  
5                   **CHANGE ACTIVITIES AT MILITARY SERVICE**  
6                   **ACADEMIES.**

7       (a) *UNITED STATES MILITARY ACADEMY*.—

8               (1) *IN GENERAL*.—Chapter 403 of title 10,  
9 United States Code, is amended by inserting after sec-  
10 tion 4345 the following new section:

11 **“§ 4345a. Foreign and cultural exchange activities**

12       “(a) *ATTENDANCE AUTHORIZED*.—The Secretary of  
13 the Army may authorize the Academy to permit students,  
14 officers, and other representatives of a foreign country to  
15 attend the Academy for periods of not more than two weeks  
16 if the Secretary determines that the attendance of such per-  
17 sons contributes significantly to the development of foreign  
18 language, cross cultural interactions and understanding,  
19 and cultural immersion of cadets.

20       “(b) *COSTS AND EXPENSES*.—The Secretary may pay  
21 the travel, subsistence, and similar personal expenses of per-  
22 sons incurred to attend the Academy under subsection (a).

23       “(c) *EFFECT OF ATTENDANCE*.—Persons attending the  
24 Academy under subsection (a) are not considered to be stu-  
25 dents enrolled at the Academy and are in addition to per-

1 *sons receiving instruction at the Academy under section*  
 2 *4344 or 4345 of this title.*

3       “(d) *SOURCE OF FUNDS; LIMITATION.*—(1) *The Acad-*  
 4 *emy shall bear the costs of the attendance of persons under*  
 5 *subsection (a) from funds appropriated for the Academy*  
 6 *and from such additional funds as may be available to the*  
 7 *Academy from a source, other than appropriated funds, to*  
 8 *support cultural immersion, regional awareness, or foreign*  
 9 *language training activities in connection with their*  
 10 *attendance.*

11       “(2) *Expenditures from appropriated funds in support*  
 12 *of activities under this section may not exceed \$40,000 dur-*  
 13 *ing any fiscal year.”.*

14               (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
 15 *tions at the beginning of such chapter is amended by*  
 16 *inserting after the item relating to section 4345 the*  
 17 *following new item:*

*“4345a. Foreign and cultural exchange activities.”.*

18       (b) *NAVAL ACADEMY.*—

19               (1) *IN GENERAL.*—*Chapter 603 of title 10,*  
 20 *United States Code, is amended by inserting after sec-*  
 21 *tion 6957a the following new section:*

22 **“§ 6957b. Foreign and cultural exchange activities**

23       “(a) *ATTENDANCE AUTHORIZED.*—*The Secretary of*  
 24 *the Navy may authorize the Naval Academy to permit stu-*  
 25 *dents, officers, and other representatives of a foreign coun-*

1 *try to attend the Naval Academy for periods of not more*  
2 *than two weeks if the Secretary determines that the attend-*  
3 *ance of such persons contributes significantly to the develop-*  
4 *ment of foreign language, cross cultural interactions and*  
5 *understanding, and cultural immersion of midshipmen.*

6       “(b) *COSTS AND EXPENSES.*—*The Secretary may pay*  
7 *the travel, subsistence, and similar personal expenses of per-*  
8 *sons incurred to attend the Naval Academy under sub-*  
9 *section (a).*

10       “(c) *EFFECT OF ATTENDANCE.*—*Persons attending the*  
11 *Naval Academy under subsection (a) are not considered to*  
12 *be students enrolled at the Naval Academy and are in addi-*  
13 *tion to persons receiving instruction at the Naval Academy*  
14 *under section 6957 or 6957a of this title.*

15       “(d) *SOURCE OF FUNDS; LIMITATION.*—(1) *The Naval*  
16 *Academy shall bear the costs of the attendance of persons*  
17 *under subsection (a) from funds appropriated for the Naval*  
18 *Academy and from such additional funds as may be avail-*  
19 *able to the Naval Academy from a source, other than appro-*  
20 *priated funds, to support cultural immersion, regional*  
21 *awareness, or foreign language training activities in con-*  
22 *nection with their attendance.*

23       “(2) *Expenditures from appropriated funds in support*  
24 *of activities under this section may not exceed \$40,000 dur-*  
25 *ing any fiscal year.”.*

1           (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
2           *tions at the beginning of such chapter is amended by*  
3           *inserting after the item relating to section 6957a the*  
4           *following new item:*

*“6957b. Foreign and cultural exchange activities.”.*

5           (c) *AIR FORCE ACADEMY.*—

6           (1) *IN GENERAL.*—*Chapter 903 of title 10,*  
7           *United States Code, is amended by inserting after sec-*  
8           *tion 9345 the following new section:*

9           **“§9345a. Foreign and cultural exchange activities**

10          “(a) *ATTENDANCE AUTHORIZED.*—*The Secretary of*  
11          *the Air Force may authorize the Air Force Academy to per-*  
12          *mit students, officers, and other representatives of a foreign*  
13          *country to attend the Air Force Academy for periods of not*  
14          *more than two weeks if the Secretary determines that the*  
15          *attendance of such persons contributes significantly to the*  
16          *development of foreign language, cross cultural interactions*  
17          *and understanding, and cultural immersion of cadets.*

18          “(b) *COSTS AND EXPENSES.*—*The Secretary may pay*  
19          *the travel, subsistence, and similar personal expenses of per-*  
20          *sons incurred to attend the Air Force Academy under sub-*  
21          *section (a).*

22          “(c) *EFFECT OF ATTENDANCE.*—*Persons attending the*  
23          *Air Force Academy under subsection (a) are not considered*  
24          *to be students enrolled at the Air Force Academy and are*

1 *in addition to persons receiving instruction at the Air Force*  
 2 *Academy under section 9344 or 9345 of this title.*

3       “(d) *SOURCE OF FUNDS; LIMITATION.*—(1) *The Air*  
 4 *Force Academy shall bear the costs of the attendance of per-*  
 5 *sons under subsection (a) from funds appropriated for the*  
 6 *Air Force Academy and from such additional funds as may*  
 7 *be available to the Air Force Academy from a source, other*  
 8 *than appropriated funds, to support cultural immersion,*  
 9 *regional awareness, or foreign language training activities*  
 10 *in connection with their attendance.*

11       “(2) *Expenditures from appropriated funds in support*  
 12 *of activities under this section may not exceed \$40,000 dur-*  
 13 *ing any fiscal year.”.*

14               (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
 15 *tions at the beginning of such chapter is amended by*  
 16 *inserting after the item relating to section 9345 the*  
 17 *following new item:*

“9345a. *Foreign and cultural exchange activities.*”.

18 **SEC. 543. COMPENSATION FOR CIVILIAN PRESIDENT OF**  
 19 **NAVAL POSTGRADUATE SCHOOL.**

20       *Section 7042 of title 10, United States Code, is amend-*  
 21 *ed by adding at the end the following new subsection:*

22       “(c)(1) *If the individual holding the position of Presi-*  
 23 *dent of the Naval Postgraduate School is a civilian, the Sec-*  
 24 *retary shall pay the individual such compensation for the*



1 *individual's service as President as the Secretary prescribes,*  
2 *except that—*

3           “(A) *basic pay for the President may not exceed*  
4 *the rate of compensation authorized for positions in*  
5 *level I of the Executive Schedule under section 5312*  
6 *of title 5; and*

7           “(B) *total aggregate compensation for the Presi-*  
8 *dent, including bonuses, awards, allowances, or other*  
9 *similar cash payments, may not exceed the total an-*  
10 *nuual compensation payable under section 104 of title*  
11 *3.*

12           “(2) *The limitations in section 5373 of title 5 do not*  
13 *apply to the authority of the Secretary under this subsection*  
14 *to prescribe the salary and other related benefits for the po-*  
15 *sition of President of the Naval Postgraduate School.”.*

16 **SEC. 544. INCREASED AUTHORITY TO ENROLL DEFENSE IN-**  
17 **DUSTRY EMPLOYEES IN DEFENSE PRODUCT**  
18 **DEVELOPMENT PROGRAM.**

19           *Section 7049(a) of title 10, United States Code, is*  
20 *amended by striking “25” and inserting “125”.*

1 **SEC. 545. REQUIREMENT OF COMPLETION OF SERVICE**  
2 **UNDER HONORABLE CONDITIONS FOR PUR-**  
3 **POSES OF ENTITLEMENT TO EDUCATIONAL**  
4 **ASSISTANCE FOR RESERVE COMPONENTS**  
5 **MEMBERS SUPPORTING CONTINGENCY OPER-**  
6 **ATIONS.**

7 *(a) REQUIREMENT OF HONORABLE SERVICE.—Section*  
8 *16164(a)(2) of title 10, United States Code, is amended by*  
9 *striking “other than dishonorable conditions” and inserting*  
10 *“honorable conditions”.*

11 *(b) EFFECTIVE DATE.—The amendment made by sub-*  
12 *section (a) shall take effect on the date of the enactment*  
13 *of this Act and apply to persons described in section 16163*  
14 *of title 10, United States Code, who separate on or after*  
15 *that date from a reserve component.*

16 **SEC. 546. CONSISTENT EDUCATION LOAN REPAYMENT AU-**  
17 **THORITY FOR HEALTH PROFESSIONALS IN**  
18 **REGULAR COMPONENTS AND SELECTED RE-**  
19 **SERVE.**

20 *Section 16302(c) of title 10, United States Code, is*  
21 *amended by striking paragraphs (2) and (3) and inserting*  
22 *the following new paragraph:*

23 *“(2) The annual maximum amount of a loan that may*  
24 *be repaid under this section shall be the same as the max-*  
25 *imum amount in effect for the same year under subsection*

1 (e)(2) of section 2173 of this title for the education loan  
2 repayment program under such section.”.

3 **SEC. 547. INCREASE IN NUMBER OF UNITS OF JUNIOR RE-**  
4 **SERVE OFFICERS’ TRAINING CORPS.**

5 (a) *PLAN FOR INCREASE.*—The Secretary of Defense,  
6 in consultation with the Secretaries of the military depart-  
7 ments, shall develop and implement a plan to establish and  
8 support 4,000 Junior Reserve Officers’ Training Corps  
9 units not later than fiscal year 2020.

10 (b) *EXCEPTIONS.*—The requirement imposed in sub-  
11 section (a) shall not apply—

12 (1) if the Secretary fails to receive an adequate  
13 number or requests for Junior Reserve Officers’  
14 Training Corps units by public and private sec-  
15 ondary educational institutions; or

16 (2) during a time of national emergency when  
17 the Secretaries of the military departments determine  
18 that funding must be allocated elsewhere.

19 (c) *COOPERATION.*—The Secretary of Defense, as part  
20 of the plan to establish and support additional Junior Re-  
21 serve Officers’ Training Corps units, shall work with local  
22 educational agencies to increase the employment in Junior  
23 Reserve Officers’ Training Corps units of retired members  
24 of the Armed Forces who are retired under chapter 61 of  
25 title 10, United States Code, especially members who were

1 *wounded or injured while deployed in a contingency oper-*  
2 *ation.*

3       (d) *REPORT ON PLAN.*—*Upon completion of the plan,*  
4 *the Secretary of Defense shall provide a report to the con-*  
5 *gressional defense committees containing, at a minimum,*  
6 *the following:*

7           (1) *A description of how the Secretaries of the*  
8 *military departments expect to achieve the number of*  
9 *units of the Junior Reserve Officers' Training Corps*  
10 *specified in subsection (a), including how many units*  
11 *will be established per year by each service.*

12           (2) *The annual funding necessary to support the*  
13 *increase in units, including the personnel costs associ-*  
14 *ated.*

15           (3) *The number of qualified private and public*  
16 *schools, if any, who have requested a Junior Reserve*  
17 *Officers' Training Corps unit that are on a waiting*  
18 *list.*

19           (4) *Efforts to improve the increased distribution*  
20 *of units geographically across the United States.*

21           (5) *Efforts to increase distribution of units in*  
22 *educationally and economically deprived areas.*

23           (6) *Efforts to enhance employment opportunities*  
24 *for qualified former military members retired for dis-*

1        *ability, especially those wounded while deployed in a*  
2        *contingency operation.*

3        *(e) TIME FOR SUBMISSION.—The plan required under*  
4        *subsection (a), along with the report required by subsection*  
5        *(d), shall be submitted to the congressional defense commit-*  
6        *tees not later than March 31, 2009. The Secretary of Defense*  
7        *shall submit an up-dated report annually thereafter until*  
8        *the number of units of the Junior Reserve Officers' Training*  
9        *Corps specified in subsection (a) is achieved.*

10       *(f) ADDITIONAL CURRICULUM ELEMENT.—The Sec-*  
11       *retary of each military department shall develop and imple-*  
12       *ment a segment of the Junior Reserve Officers' Training*  
13       *Corps curriculum that includes the contribution and defense*  
14       *historiography of gender and ethnic specific groups.*

15                    ***Subtitle F—Military Justice***

16       ***SEC. 551. GRADE OF STAFF JUDGE ADVOCATE TO THE COM-***  
17                    ***MANDANT OF THE MARINE CORPS.***

18       *Section 5046(a) of title 10, United States Code, is*  
19       *amended by striking the last sentence and inserting the fol-*  
20       *lowing new sentence: “The Staff Judge Advocate to the*  
21       *Commandant of the Marine Corps, while so serving, has*  
22       *the grade of major general.”.*

1 **SEC. 552. STANDING MILITARY PROTECTION ORDER.**

2 (a) *IN GENERAL.*—Chapter 80 of title 10, United  
3 States Code, is amended by adding at the end the following  
4 new section:

5 **“SEC. 1567. STANDING MILITARY PROTECTIVE ORDER.**

6 “The issuance of a military protective order by a mili-  
7 tary commander shall be deemed a standing order until—

8 “(1) the allegation prompting the protective  
9 order is resolved by investigation, courts martial, or  
10 other command determined adjudication; or

11 “(2) the military commander issues a new  
12 order.”.

13 (b) *CLERICAL AMENDMENT.*—The table of sections at  
14 the beginning of such chapter is amended by adding at the  
15 end the following new item:

“1567. Standing military protective order.”.

16 **SEC. 553. MANDATORY NOTIFICATION OF ISSUANCE OF**  
17 **MILITARY PROTECTIVE ORDER TO CIVILIAN**  
18 **LAW ENFORCEMENT.**

19 (a) *IN GENERAL.*—Chapter 80 of title 10, United  
20 States Code, is amended by inserting after section 1567, as  
21 added by section 552, the following new section:

1 **“SEC. 1567a. MANDATORY NOTIFICATION OF ISSUANCE OF**  
2 **MILITARY PROTECTIVE ORDER TO CIVILIAN**  
3 **LAW ENFORCEMENT.**

4 *“In the event a military protective order is issued*  
5 *against a member of the armed forces and any individual*  
6 *involved in the order does not reside on a military installa-*  
7 *tion at any time during the duration of the military protec-*  
8 *tive order, the commander of the military installation shall*  
9 *notify the appropriate civilian authorities of—*

10 *“(1) the issuance of the protective order;*

11 *“(2) the duration of the protective order; and*

12 *“(3) the individuals involved in the order.”.*

13 *(b) CLERICAL AMENDMENT.—The table of sections at*  
14 *the beginning of such chapter is amended by inserting after*  
15 *the item relating to section 1567 the following new item:*

*“1567a. Mandatory notification of issuance of military protective order to civilian  
law enforcement.”.*

16 **SEC. 554. IMPLEMENTATION OF INFORMATION DATABASE**  
17 **ON SEXUAL ASSAULT INCIDENTS IN THE**  
18 **ARMED FORCES.**

19 *(a) DATABASE REQUIRED.—The Secretary of Defense*  
20 *shall implement a centralized, case-level database for the*  
21 *collection, in a manner consistent with Department of De-*  
22 *fense regulations for restricted reporting, and maintenance*  
23 *of information regarding sexual assaults involving a mem-*  
24 *ber of the Armed Forces, including information, if avail-*

1 *able, about the nature of the assault, the victim, the offender,*  
2 *and the outcome of any legal proceedings in connection with*  
3 *the assault.*

4 (b) *AVAILABILITY OF DATABASE.*—*The database shall*  
5 *be available to personnel of the Sexual Assault Prevention*  
6 *and Response Office of the Department of Defense.*

7 (c) *IMPLEMENTATION.*—

8 (1) *PLAN FOR IMPLEMENTATION.*—*Not later than*  
9 *90 days after the date of the enactment of this Act,*  
10 *the Secretary of Defense shall submit to the congress-*  
11 *sional defense committees a plan to provide for the*  
12 *implementation of the database.*

13 (2) *COMPLETION.*—*Not later than 15 months*  
14 *after the date of enactment of this Act, the Secretary*  
15 *shall complete implementation of the database.*

16 (d) *REPORTS.*—*The database shall be used to develop*  
17 *and implement congressional reports, as required by—*

18 (1) *section 577(f) of the Ronald W. Reagan Na-*  
19 *tional Defense Authorization Act for Fiscal Year 2005*  
20 *(Public Law 108–375);*

21 (2) *section 596(c) of the National Defense Au-*  
22 *thorization Act for Fiscal Year 2006 (Public Law*  
23 *109–163);*



1           (3) *section 532 of the John Warner National De-*  
2           *fense Authorization Act for Fiscal Year 2007 (Public*  
3           *Law 109–364); and*

4           (4) *sections 4361, 6980, and 9361 of title 10,*  
5           *United States Code.*

6           (e) *TERMINOLOGY.—Section 577(b) of the Ronald W.*  
7           *Reagan National Defense Authorization Act for Fiscal Year*  
8           *2005 (Public Law 108–375) is amended by adding at the*  
9           *end the following new paragraph:*

10           “(12) *The Secretary shall implement clear, con-*  
11           *sistent, and streamlined sexual assault terminology*  
12           *for use across the Department of Defense, to include*  
13           *a clear definition of the following terms:*

14                   “(A) *Restricted reports.*

15                   “(B) *Unrestricted reports.*

16                   “(C) *Substantiated reports.*”.

17           ***Subtitle G—Decorations, Awards,***  
18           ***and Honorary Promotions***

19           ***SEC. 561. REPLACEMENT OF MILITARY DECORATIONS.***

20           (a) *REPLACEMENT REQUIRED.—Chapter 57 of title*  
21           *10, United States Code, is amended by adding at the end*  
22           *the following new section:*

23           ***“§ 1135. Replacement of military decorations***

24                   “(a) *REPLACEMENT.—In addition to other authorities*  
25           *available to the Secretary concerned to replace a military*

1 *decoration, the Secretary concerned shall replace, on a one-*  
2 *time basis and without charge, a military decoration upon*  
3 *the request of the recipient of the military decoration or*  
4 *the immediate next of kin of a deceased recipient.*

5       “(b) *EXCEPTION.*—*Subsection (a) does not apply to the*  
6 *medal of honor.*”

7       “(c) *MILITARY DECORATION DEFINED.*—*In this sec-*  
8 *tion, the term ‘decoration’ means any decoration or award*  
9 *that may be presented or awarded to a member of the armed*  
10 *forces.’”.*

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

      “1135. *Replacement of military decorations.’”.*

14 **SEC. 562. AUTHORIZATION AND REQUEST FOR AWARD OF**  
15                   **MEDAL OF HONOR TO RICHARD L.**  
16                   **ETCHBERGER FOR ACTS OF VALOR DURING**  
17                   **THE VIETNAM WAR.**

18       “(a) *AUTHORIZATION.*—*Notwithstanding the time limi-*  
19 *tations specified in section 8744 of title 10, United States*  
20 *Code, or any other time limitation with respect to the*  
21 *awarding of certain medals to persons who served in the*  
22 *Armed Forces, the President is authorized and requested to*  
23 *award the Medal of Honor under section 8741 of such title*  
24 *to former Chief Master Sergeant Richard L. Etchberger for*

1 *the acts of valor during the Vietnam War described in sub-*  
2 *section (b).*

3       **(b) ACTS OF VALOR DESCRIBED.**—*The acts of valor*  
4 *referred to in subsection (a) are the actions of then Chief*  
5 *Master Sergeant Richard L. Etchberger as Ground Radar*  
6 *Superintendent of Detachment 1, 1043rd Radar Evaluation*  
7 *Squadron on March 11, 1968, during the Vietnam War for*  
8 *which he was originally awarded the Air Force cross.*

9 **SEC. 563. ADVANCEMENT OF BRIGADIER GENERAL**  
10 **CHARLES E. YEAGER, UNITED STATES AIR**  
11 **FORCE (RETIRED), ON THE RETIRED LIST.**

12       **(a) ADVANCEMENT.**—*Brigadier General Charles E.*  
13 *Yeager, United States Air Force (retired), is entitled to hold*  
14 *the rank of major general while on the retired list of the*  
15 *Air Force.*

16       **(b) ADDITIONAL BENEFITS NOT TO ACCRUE.**—*The ad-*  
17 *vancement of Charles E. Yeager on the retired list of the*  
18 *Air Force under subsection (a) shall not affect the retired*  
19 *pay or other benefits from the United States to which*  
20 *Charles E. Yeager is now or may in the future be entitled*  
21 *based upon his military service or affect any benefits to*  
22 *which any other person may become entitled based on his*  
23 *service.*

1 **SEC. 564. ADVANCEMENT OF REAR ADMIRAL WAYNE E.**  
2 **MEYER, UNITED STATES NAVY (RETIRED), ON**  
3 **THE RETIRED LIST.**

4 (a) *ADVANCEMENT AUTHORIZED.*—*The President is*  
5 *authorized and requested to appoint, by and with the advice*  
6 *and consent of the Senate, Rear Admiral Wayne E. Meyer,*  
7 *United States Navy (retired), to the grade of vice admiral*  
8 *on the retired list of the Navy.*

9 (b) *ADDITIONAL BENEFITS NOT TO ACCRUE.*—*The ad-*  
10 *vancement of Wayne E. Meyer on the retired list of the*  
11 *Navy under subsection (a) shall not affect the retired pay*  
12 *or other benefits from the United States to which Wayne*  
13 *E. Meyer is now or may in the future be entitled based*  
14 *upon his military service or affect any benefits to which*  
15 *any other person may become entitled based on his service.*

16 **SEC. 565. AWARD OF VIETNAM SERVICE MEDAL TO VET-**  
17 **ERANS WHO PARTICIPATED IN MAYAGUEZ**  
18 **RESCUE OPERATION.**

19 (a) *IN GENERAL.*—*The Secretary of the military de-*  
20 *partment concerned shall, upon the application of an indi-*  
21 *vidual who is an eligible veteran, award that individual*  
22 *the Vietnam Service Medal, notwithstanding any otherwise*  
23 *applicable requirements for the award of that medal. Any*  
24 *such award shall be made in lieu of any Armed Forces Ex-*  
25 *peditionary Medal awarded the individual for the individ-*  
26 *ual's participation in the Mayaguez rescue operation.*

1           (b) *ELIGIBLE VETERAN.*—*For purposes of this section,*  
 2 *the term “eligible veteran” means a member or former mem-*  
 3 *ber of the Armed Forces who was awarded the Armed Forces*  
 4 *Expeditionary Medal for participation in military oper-*  
 5 *ations known as the Mayaguez rescue operation of May 12–*  
 6 *15, 1975.*

## 7                                   ***Subtitle H—Impact Aid***

### 8   ***SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL*** 9                                   ***EDUCATIONAL AGENCIES THAT BENEFIT DE-*** 10                                   ***PENDENTS OF MEMBERS OF THE ARMED*** 11                                   ***FORCES AND DEPARTMENT OF DEFENSE CI-*** 12                                   ***VILIAN EMPLOYEES.***

13           (a) *ASSISTANCE TO SCHOOLS WITH SIGNIFICANT*  
 14 *NUMBERS OF MILITARY DEPENDENT STUDENTS.*—*Of the*  
 15 *amount authorized to be appropriated pursuant to section*  
 16 *301(5) for operation and maintenance for Defense-wide ac-*  
 17 *tivities, \$50,000,000 shall be available only for the purpose*  
 18 *of providing assistance to local educational agencies under*  
 19 *subsection (a) of section 572 of the National Defense Author-*  
 20 *ization Act for Fiscal Year 2006 (Public Law 109–163; 119*  
 21 *Stat. 3271; 20 U.S.C. 7703b).*

22           (b) *ASSISTANCE TO SCHOOLS WITH ENROLLMENT*  
 23 *CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE*  
 24 *CHANGES, OR FORCE RELOCATIONS.*—*Of the amount au-*  
 25 *thorized to be appropriated pursuant to section 301(5) for*

1 *operation and maintenance for Defense-wide activities,*  
 2 *\$15,000,000 shall be available only for the purpose of pro-*  
 3 *viding assistance to local educational agencies under sub-*  
 4 *section (b) of such section 572.*

5 *(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this*  
 6 *section, the term “local educational agency” has the mean-*  
 7 *ing given that term in section 8013(9) of the Elementary*  
 8 *and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).*

9 **SEC. 572. CALCULATION OF PAYMENTS UNDER DEPART-**  
 10 **MENT OF EDUCATION’S IMPACT AID PRO-**  
 11 **GRAM.**

12 *Paragraph (2) of section 8003(c) of the Elementary*  
 13 *and Secondary Education Act of 1965 (20 U.S.C. 7703(c))*  
 14 *is amended to read as follows:*

15 *“(2) EXCEPTION.—Calculation of payments for a*  
 16 *local educational agency shall be based on data from*  
 17 *the fiscal year for which the agency is making an ap-*  
 18 *plication for payment—*

19 *“(A) if such agency is newly established by*  
 20 *a State (first year of operation only); or*

21 *“(B) if—*

22 *“(i) such agency was eligible to receive*  
 23 *a payment under this section in the pre-*  
 24 *vious fiscal year;*

1           “(ii) such agency has had an overall  
2           increase (as determined by the Secretary of  
3           Education in consultation with the Sec-  
4           retary of Defense, the Secretary of Interior,  
5           or other Federal agencies) of not less than  
6           100 students or 10 percent as described  
7           in—

8                       “(I) subparagraphs (A), (B), and  
9                       (D) of subsection (a)(1); or

10                      “(II) subparagraphs (C), (E), (F)  
11                      and (G) of subsection (a)(1) if those  
12                      children described in subparagraphs  
13                      (C), (E), (F) and (G) are civilian de-  
14                      pendents of employees of the Depart-  
15                      ment of Defense; and

16           “(iii) such increase occurred during  
17           the period between the end of the school year  
18           preceding the fiscal year for which the ap-  
19           plication is being made and the beginning  
20           of the school year immediately preceding  
21           that fiscal year as the result of closure or re-  
22           alignment of military installations under  
23           the base closure process or the relocation of  
24           members of the Armed Forces and civilian  
25           employees of the Department of Defense as

1                   *part of force structure changes or move-*  
 2                   *ments of units or personnel between mili-*  
 3                   *tary installations.”.*

## 4                   ***Subtitle I—Military Families***

### 5   ***SEC. 581. PRESENTATION OF BURIAL FLAG.***

6           (a) *INCLUSION OF SURVIVING SPOUSE; CONSOLIDA-*  
 7   *TION OF FLAG-RELATED AUTHORITIES.*—*Subsection (e) of*  
 8   *section 1482 of title 10, United States Code, is amended—*  
 9           (1) *by designating the current text as paragraph*  
 10          (2) *and redesignating current paragraphs (1) and (2)*  
 11          *as subparagraphs (A) and (B), respectively;*

12           (2) *by inserting before paragraph (2), as so des-*  
 13          *ignated, the following:*

14          “(e) *PRESENTATION OF FLAG OF THE UNITED*  
 15   *STATES.—(1) In the case of a decedent covered by section*  
 16   *1481 of this title, the Secretary concerned may pay the nec-*  
 17   *essary expenses for the presentation of a flag of the United*  
 18   *States—*

19           “(A) *to the person designated under subsection*  
 20          (i) *to direct disposition of the remains;*

21           “(B) *to the parents or parent of the decedent, if*  
 22          *the person presented a flag under subparagraph (A)*  
 23          *is other than a parent of the decedent; and*

24           “(C) *to the surviving spouse (including a remar-*  
 25          *ried surviving spouse) of the decedent, if the person*



1       *presented a flag under subparagraph (A) is other*  
2       *than the spouse.”; and*

3               *(3) by inserting at the end the following new*  
4       *paragraphs:*

5       *“(3) A flag to be presented to a person under subpara-*  
6       *graph (B) or (C) of paragraph (1) shall be of equal size*  
7       *to the flag presented under subparagraph (A) of such para-*  
8       *graph to the person designated to direct disposition of the*  
9       *remains of the decedent.*

10       *“(4) This subsection does not apply to a military pris-*  
11       *oner who dies while in the custody of the Secretary con-*  
12       *cerned and while under a sentence that includes a dis-*  
13       *charge.*

14       *“(5) In this subsection, the term ‘parent’ includes a*  
15       *natural parent, a stepparent, a parent by adoption, or a*  
16       *person who for a period of not less than one year before*  
17       *the death of the decedent stood in loco parentis to the dece-*  
18       *dent. Preference under paragraph (1)(B) shall be given to*  
19       *the persons who exercised a parental relationship at the*  
20       *time of, or most nearly before, the death of the decedent.”.*

21       *(b) REPEAL OF SUPERSEDED PROVISIONS.—Sub-*  
22       *section (a) of such section is amended by striking para-*  
23       *graphs (10) and (11).*

1 **SEC. 582. EDUCATION AND TRAINING OPPORTUNITIES FOR**  
2 **MILITARY SPOUSES.**

3 (a) *EMPLOYMENT AND CAREER OPPORTUNITIES FOR*  
4 *SPOUSES.*—Subchapter I of chapter 88 of title 10, United  
5 States Code, is amended by inserting after section 1784 the  
6 following new section:

7 **“§1784a. Education and training opportunities for**  
8 **military spouses to expand employment**  
9 **and career opportunities**

10 “(a) *PROGRAMS AND TUITION ASSISTANCE.*—(1) *The*  
11 *Secretary of Defense may establish programs to assist the*  
12 *spouse of a member of the armed forces described in sub-*  
13 *section (b) in achieving—*

14 “(A) *the education and training required for a*  
15 *degree or credential at an accredited college, univer-*  
16 *sity, or technical school in the United States that ex-*  
17 *pands employment and career opportunities for the*  
18 *spouse; or*

19 “(B) *the education prerequisites and professional*  
20 *licensure or credential required, by a government or*  
21 *government sanctioned licensing body, for an occupa-*  
22 *tion that expands employment and career opportuni-*  
23 *ties for the spouse.*

24 “(2) *As an alternative to, or in addition to, estab-*  
25 *lishing a program under this subsection, the Secretary may*  
26 *provide tuition assistance to an eligible spouse who is pur-*

1 *swing education, training, or a license or credential to ex-*  
2 *pend the spouse's employment and career opportunities.*

3       “(b) *ELIGIBLE SPOUSES.*—*Assistance under this sec-*  
4 *tion is limited to a spouse of a member of the armed forces*  
5 *who is serving on active duty.*

6       “(c) *EXCEPTIONS.*—*Subsection (b) does not include—*

7               “(1) *a person who is married to, but legally sep-*  
8 *arated from, a member of the armed forces under*  
9 *court order or statute of any State or territorial pos-*  
10 *session of the United States; and*

11               “(2) *a spouse of a member of the armed forces*  
12 *who is also a member of the armed forces.*

13       “(d) *REGULATIONS.*—*The Secretary of Defense shall*  
14 *prescribe regulations to govern the availability and use of*  
15 *assistance under this section. The Secretary shall ensure*  
16 *that programs established under this section do not result*  
17 *in inequitable treatment for spouses of members of the*  
18 *armed forces who are also members, since they are excluded*  
19 *from participation in the programs under subsection*  
20 *(c)(2).”.*

21       “(b) *CLERICAL AMENDMENT.*—*The table of sections at*  
22 *the beginning of such subchapter is amended by inserting*  
23 *after the item relating to section 1784 the following new*  
24 *item:*

      “1784a. *Education and training opportunities for military spouses to expand em-*  
          *ployment and career opportunities.”.*

1           ***Subtitle J—Other Matters***

2   ***SEC. 591. INCLUSION OF RESERVES IN PROVIDING FED-***  
 3           ***ERAL AID FOR STATE GOVERNMENTS, EN-***  
 4           ***FORCING FEDERAL AUTHORITY, AND RE-***  
 5           ***SPONDING TO MAJOR PUBLIC EMERGENCIES.***

6           *(a) FEDERAL AID FOR STATE GOVERNMENTS.—Sec-*  
 7           *tion 331 of title 10, United States Code, is amended by*  
 8           *striking “armed forces, as he” and inserting “armed forces*  
 9           *(including units and members of the Army Reserve, Navy*  
 10           *Reserve, Air Force Reserve, Marine Corps Reserve, and*  
 11           *Coast Guard Reserve ordered to active duty for this pur-*  
 12           *pose), as the President”.*

13           *(b) ENFORCEMENT OF FEDERAL AUTHORITY.—Section*  
 14           *332 of such title is amended—*

15                     *(1) by striking “he may” and inserting “the*  
 16           *President may”; and*

17                     *(2) by striking “armed forces, as he” and insert-*  
 18           *ing “armed forces (including units and members of*  
 19           *the Army Reserve, Navy Reserve, Air Force Reserve,*  
 20           *Marine Corps Reserve, and Coast Guard Reserve or-*  
 21           *dered to active duty for this purpose), as the Presi-*  
 22           *dent”.*

23           *(c) RESPONSE TO PUBLIC EMERGENCIES.—Section*  
 24           *333(a)(1) of such title is amended by inserting after “Fed-*  
 25           *eral service” the following: “and units and members of the*

1 *Army Reserve, Navy Reserve, Air Force Reserve, Marine*  
2 *Corps Reserve, and Coast Guard Reserve ordered to active*  
3 *duty for this purpose”.*

4 **SEC. 592. INTEREST PAYMENTS ON CERTAIN CLAIMS ARISING**  
5 **FROM CORRECTION OF MILITARY**  
6 **RECORDS.**

7 *(a) INTEREST PAYABLE ON CLAIMS.—Subsection (c)*  
8 *of section 1552 of title 10, United States Code, is amended*  
9 *by adding at the end the following new paragraph:*

10 *“(4) If the correction of military records under this*  
11 *section involves setting aside a conviction by court-martial,*  
12 *the payment of a claim under this subsection in connection*  
13 *with the correction of the records shall include interest at*  
14 *not less than the rate of interest in effect under section 1035*  
15 *of this title at the time the payment is made. The interest*  
16 *shall be calculated on an annual basis, and compounded,*  
17 *using the amount of the lost pay, allowances, compensation,*  
18 *emoluments, or other pecuniary benefits involved, and the*  
19 *amount of any fine or forfeiture paid, beginning from the*  
20 *date of the conviction through the date on which the pay-*  
21 *ment is made.”.*

22 *(b) CONFORMING AMENDMENT REGARDING CORRECTIONS BOARD AUTHORITY TO OVERTURN CONVICTIONS.—*  
23 *Subsection (f) of such section is amended by inserting “con-*  
24 *vened after May 4, 1950, and” after “court-martial cases”.*  
25

1       (c) *CLERICAL AMENDMENTS.*—*Subsection (c) of such*  
2 *section is further amended—*

3           (1) *by redesignating paragraphs (1), (2), and (3)*  
4 *as subparagraphs (A), (B), and (C), respectively;*

5           (2) *by inserting “(1)” after “(c)”;*

6           (3) *by striking “If the claimant” and inserting*  
7 *the following:*

8           “*(2) If the claimant*”; *and*

9           (4) *by striking “A claimant’s acceptance” and*  
10 *inserting the following:*

11           “*(3) A claimant’s acceptance*”.

12       (d) *RETROACTIVE EFFECTIVENESS OF AMEND-*  
13 *MENTS.*—*The amendment made by subsection (a) shall*  
14 *apply with respect to any sentence of a court-martial set*  
15 *aside by a Corrections Board on or after October 1, 2007,*  
16 *when the Corrections Board includes an order or rec-*  
17 *ommendation for the payment of a claim for the loss of pay,*  
18 *allowances, compensation, emoluments, or other pecuniary*  
19 *benefits, or for the repayment of a fine or forfeiture, that*  
20 *arose as a result of the conviction. In this subsection, the*  
21 *term “Corrections Board” has the meaning given that term*  
22 *in section 1557 of title 10, United States Code.*

1 **SEC. 593. EXTENSION OF LIMITATION ON REDUCTIONS OF**  
2 **PERSONNEL OF AGENCIES RESPONSIBLE FOR**  
3 **REVIEW AND CORRECTION OF MILITARY**  
4 **RECORDS.**

5 *Section 1559(a) of title 10, United States Code, is*  
6 *amended by striking “October 1, 2008” and inserting “De-*  
7 *cember 31, 2010”.*

8 **SEC. 594. AUTHORITY TO ORDER RESERVE UNITS TO AC-**  
9 **TIVE DUTY TO PROVIDE ASSISTANCE IN RE-**  
10 **SPONSE TO A MAJOR DISASTER OR EMER-**  
11 **GENCY.**

12 *Section 12304(b) of title 10, United States Code, is*  
13 *amended—*

14 *(1) by redesignating paragraphs (1) and (2) as*  
15 *subparagraphs (A) and (B), respectively;*

16 *(2) by inserting “(1)” before “The authority”;*  
17 *and*

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

20 *“(2) The authority under subsection (a) includes au-*  
21 *thority to order any unit of the Selected Reserve of the*  
22 *Army Reserve, Navy Reserve, Air Force Reserve, Marine*  
23 *Corps Reserve, or Coast Guard Reserve to active duty to*  
24 *provide assistance in responding to a major disaster or*  
25 *emergency (as those terms are defined in section 102 of the*

1 *Robert T. Stafford Disaster Relief and Emergency Assist-*  
2 *ance Act (42 U.S.C. 5122)).”.*

3 **SEC. 595. SENIOR MILITARY LEADERSHIP DIVERSITY COM-**  
4 **MISSION.**

5 (a) *ESTABLISHMENT OF COMMISSION.—*

6 (1) *IN GENERAL.—There is hereby established a*  
7 *commission to be known as the “Senior Military*  
8 *Leadership Diversity Commission”.*

9 (b) *COMPOSITION.—*

10 (1) *MEMBERSHIP.—The commission shall be*  
11 *composed of 23 members, as follows:*

12 (A) *The Director of the Defense Manpower*  
13 *Management Center.*

14 (B) *The Director of the Defense Equal Op-*  
15 *portunity Management Institute.*

16 (C) *1 senior military leader from each of*  
17 *the Army, Navy, Air Force, and Marine Corps*  
18 *who serves or has served in a leadership position*  
19 *with either a military department command or*  
20 *combatant command shall be appointed by the*  
21 *Secretary of Defense.*

22 (D) *1 retired general or flag officer from*  
23 *each of the Army, Navy, Air Force, and Marine*  
24 *Corps shall be appointed by the Secretary of De-*  
25 *fense.*



1           (E) 1 retired senior noncommissioned offi-  
2 cer from each of the Army, Navy, Air Force, and  
3 Marine Corps shall be appointed by the Sec-  
4 retary of Defense.

5           (F) 5 retired senior officers who served in  
6 leadership positions with either a military de-  
7 partment command or combatant command shall  
8 be appointed by the Secretary of Defense, of  
9 which no less than 3 shall represent the views of  
10 minority veterans.

11           (G) 4 individuals with expertise in culti-  
12 vating diverse leaders in private or non-profit  
13 organizations shall be appointed by the Sec-  
14 retary of Defense.

15           (2) CHAIRMAN.—The Secretary of Defense shall  
16 designate one member described in paragraphs (1)(F)  
17 or (1)(G) as chairman of the commission.

18           (3) PERIOD OF APPOINTMENT; VACANCIES.—  
19 Members shall be appointed for the life of the commis-  
20 sion. Any vacancy in the commission shall be filled  
21 in the same manner as the original appointment.

22           (4) DEADLINE FOR APPOINTMENT.—All members  
23 of the commission shall be appointed not later than  
24 60 days after the date of the enactment of this Act.

1           (5) *QUORUM.*—12 members of the commission  
2           shall constitute a quorum but a lesser number may  
3           hold hearings.

4           (c) *MEETINGS.*—

5           (1) *INITIAL MEETING.*—The commission shall  
6           conduct its first meeting not later than 30 days after  
7           the date on which a majority of the appointed mem-  
8           bers of the commission have been appointed.

9           (2) *MEETINGS.*—The commission shall meet at  
10          the call of the chairman.

11          (d) *DUTIES.*—

12          (1) *STUDY.*—The commission shall study the di-  
13          versity within the senior leadership of the Armed  
14          Forces. The study shall be a comprehensive evaluation  
15          and assessment of policies that provide opportunities  
16          for the advancement of minority members of the  
17          Armed Forces.

18          (2) *SCOPE OF STUDY.*—In carrying out the  
19          study, the commission shall examine the following:

20                  (A) *Efforts to develop and maintain diverse*  
21                  *leadership at all levels of the Armed Forces.*

22                  (B) *The successes and failures of developing*  
23                  *and maintaining a diverse leadership, particu-*  
24                  *larly at the general and flag officer positions.*

1           (C) *The effect of expanding Department of*  
2 *Defense secondary educational programs to di-*  
3 *verse civilian populations, to include service*  
4 *academy preparatory schools.*

5           (D) *The ability of current recruitment and*  
6 *retention practices to attract and maintain a di-*  
7 *verse pool of qualified individuals in sufficient*  
8 *numbers in officer pre-commissioning programs.*

9           (E) *The ability of current activities to in-*  
10 *crease continuation rates for ethnic and gender*  
11 *specific members of the Armed Forces.*

12           (F) *The benefits of conducting an annual*  
13 *conference attended by civilian military, active-*  
14 *duty and retired military, and corporate leaders*  
15 *on diversity, to include a review of current pol-*  
16 *icy and the annual demographic data from the*  
17 *Defense Equal Opportunity Management Insti-*  
18 *tute.*

19           (G) *The status of prior recommendations*  
20 *made to the Department of Defense and to Con-*  
21 *gress concerning diversity initiatives within the*  
22 *Armed Forces.*

23           (H) *The incorporation of private sector*  
24 *practices that have been successful in cultivating*  
25 *diverse leadership.*

1           (I) *The establishment and maintenance of*  
2           *fair promotion and command opportunities for*  
3           *ethnic and gender specific members of the Armed*  
4           *Forces at the O–5 grade level and above.*

5           (J) *An assessment of pre-command billet as-*  
6           *signments of ethnic-specific members of the*  
7           *Armed Forces.*

8           (K) *An assessment of command selection of*  
9           *ethnic-specific members of the Armed Forces.*

10          (3) *CONSULTATION WITH PRIVATE PARTIES.—In*  
11          *carrying out the study under this subsection, the com-*  
12          *mission may consult with appropriate private, for*  
13          *profit, and non-profit organizations and advocacy*  
14          *groups to learn methods for developing, implementing,*  
15          *and sustaining senior diverse leadership within the*  
16          *Department of Defense.*

17          (e) *REPORTS.—*

18               (1) *IN GENERAL.—Not later than 12 months*  
19               *after the date on which the commission first meets,*  
20               *the commission shall submit to the President and*  
21               *Congress a report on the study. The report shall in-*  
22               *clude the following:*

23                       (A) *the findings and conclusions of the com-*  
24                       *mission;*

1           (B) *the recommendations of the commission*  
2           *for improving diversity within the Department*  
3           *of Defense; and*

4           (C) *other information and recommendations*  
5           *the commission considers appropriate.*

6           (2) *INTERIM REPORTS.—The commission may*  
7           *submit to the President and Congress interim reports*  
8           *as the Commission considers appropriate.*

9           (f) *POWERS OF THE COMMISSION.—*

10           (1) *HEARINGS.—The commission may hold such*  
11           *hearings, sit and act at such times and places, take*  
12           *such testimony, and receive such evidence as the com-*  
13           *mission considers appropriate.*

14           (2) *INFORMATION FROM FEDERAL AGENCIES.—*  
15           *Upon request by the chairman of the commission, any*  
16           *department or agency of the Federal Government may*  
17           *provide information that the commission considers*  
18           *necessary to carry out its duties.*

19           (h) *TERMINATION OF COMMISSION.—The commission*  
20           *shall terminate 60 days after the date on which the commis-*  
21           *sion submits the report under subsection (e)(1).*

22           **TITLE VI—COMPENSATION AND**  
23           **OTHER PERSONNEL BENEFITS**

*Subtitle A—Pay and Allowances*

*Sec. 601. Fiscal year 2009 increase in military basic pay.*

*Sec. 602. Permanent prohibition on charges for meals received at military treat-*  
*ment facilities by members receiving continuous care.*

- Sec. 603. Equitable treatment of senior enlisted members in computation of basic allowance for housing.*
- Sec. 604. Increase in maximum authorized payment or reimbursement amount for temporary lodging expenses.*
- Sec. 605. Availability of portion of a second family separation allowance for married couples with dependents.*
- Sec. 606. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.*
- Sec. 607. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.*
- Sec. 608. Guaranteed pay increase for members of the Armed Forces of one-half of one percentage point higher than Employment Cost Index.*

*Subtitle B—Bonuses and Special and Incentive Pays*

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

*Subtitle C—Travel and Transportation Allowances*

- Sec. 631. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.*
- Sec. 632. Additional weight allowance for transportation of materials associated with employment of a member's spouse or community support volunteer or charity activities.*
- Sec. 633. Transportation of family pets during evacuation of nonessential personnel.*

*Subtitle D—Retired Pay and Survivor Benefits*

- Sec. 641. Equity in computation of disability retired pay for reserve component members wounded in action.*
- Sec. 642. Effect of termination of subsequent marriage on payment of Survivor Benefit Plan annuity to surviving spouse or former spouse who previously transferred annuity to dependent children.*

- Sec. 643. Extension to survivors of certain members who die on active duty of special survivor indemnity allowance for persons affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.*
- Sec. 644. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.*
- Sec. 645. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.*
- Sec. 646. Correction of unintended reduction in survivor benefit plan annuities due to phased elimination of two-tier annuity computation and supplemental annuity.*
- Sec. 647. Presumption of death for participants in Survivor Benefit Plan in missing status.*

*Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations*

- Sec. 651. Use of commissary stores surcharges derived from temporary commissary initiatives for reserve components and retired members.*
- Sec. 652. Requirements for private operation of commissary store functions.*
- Sec. 653. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.*
- Sec. 654. Enhanced enforcement of prohibition on sale or rental of sexually explicit material on military installations.*
- Sec. 655. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.*
- Sec. 656. Use of appropriated funds to pay post allowances or overseas cost of living allowances to nonappropriated fund instrumentality employees serving overseas.*
- Sec. 657. Study regarding sale of alcoholic wine and beer in commissary stores in addition to exchange stores.*

*Subtitle F—Other Matters*

- Sec. 661. Bonus to encourage Army personnel and other persons to refer persons for enlistment in the Army.*
- Sec. 662. Continuation of entitlement to bonuses and similar benefits for members of the uniformed services who die, are separated or retired for disability, or meet other criteria.*
- Sec. 663. Providing injured members of the Armed Forces information concerning benefits.*

**1      *Subtitle A—Pay and Allowances***

**2      *SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC***  
**3                                      *PAY.***

**4                      (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—The ad-**  
**5 *justment to become effective during fiscal year 2009 re-***  
**6 *quired by section 1009 of title 37, United States Code, in***

1 *the rates of monthly basic pay authorized members of the*  
2 *uniformed services shall not be made.*

3 (b) *INCREASE IN BASIC PAY.—Effective on January*  
4 *1, 2009, the rates of monthly basic pay for members of the*  
5 *uniformed services are increased by 3.9 percent.*

6 **SEC. 602. PERMANENT PROHIBITION ON CHARGES FOR**  
7 **MEALS RECEIVED AT MILITARY TREATMENT**  
8 **FACILITIES BY MEMBERS RECEIVING CONTIN-**  
9 **UOUS CARE.**

10 *Section 402(h) of title 37, United States Code, is*  
11 *amended by striking paragraph (3).*

12 **SEC. 603. EQUITABLE TREATMENT OF SENIOR ENLISTED**  
13 **MEMBERS IN COMPUTATION OF BASIC AL-**  
14 **LOWANCE FOR HOUSING.**

15 *Section 403(b)(2) of title 37, United States Code, is*  
16 *amended by adding at the end the following new sentence:*  
17 *“After June 30, 2009, the determination of what constitutes*  
18 *adequate housing for members in the pay grade E–8 with*  
19 *dependents shall be equivalent to the higher standard in ef-*  
20 *fect for members in the pay grade E–9 with dependents.”.*



1 **SEC. 604. INCREASE IN MAXIMUM AUTHORIZED PAYMENT**  
2 **OR REIMBURSEMENT AMOUNT FOR TEM-**  
3 **PORARY LODGING EXPENSES.**

4 (a) *INCREASE.*—Section 404a(e) of title 37, United  
5 States Code, is amended by striking “\$180 a day” and in-  
6 serting “\$290 a day”.

7 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
8 section (a) shall take effect on October 1, 2008.

9 **SEC. 605. AVAILABILITY OF PORTION OF A SECOND FAMILY**  
10 **SEPARATION ALLOWANCE FOR MARRIED**  
11 **COUPLES WITH DEPENDENTS.**

12 (a) *AVAILABILITY.*—Section 427(d) of title 37, United  
13 States Code, is amended—

14 (1) by inserting “(1)” before “A member”;

15 (2) by striking “Section 421” and inserting the  
16 following:

17 “(3) Section 421”;

18 (3) by striking “However” and inserting “Except  
19 as provided in paragraph (2)”; and

20 (4) by inserting before paragraph (3), as so des-  
21 ignated, the following new paragraph:

22 “(2) If a married couple, both of whom are members  
23 of the uniformed services, with dependents are simulta-  
24 neously assigned to duties described in subparagraph (A),  
25 (B), or (C) of subsection (a)(1) and the members resided  
26 together with their dependents immediately before their as-

1 *signments, the Secretary concerned shall pay one of the*  
2 *members the full amount of the monthly allowance specified*  
3 *in such subsection and the other member one-half of the*  
4 *monthly allowance amount until one of the members is no*  
5 *longer assigned to duties described in such subparagraphs.*  
6 *Upon expiration of the partial allowance, paragraph (1)*  
7 *shall continue to apply to the remaining member so long*  
8 *as the member is assigned to duties described in subpara-*  
9 *graph (A), (B), or (C) of such subsection.”.*

10 *(b) APPLICATION OF AMENDMENT.—Paragraph (2) of*  
11 *subsection (d) of section 427 of title 37, United States Code,*  
12 *as added by subsection (a), shall apply with respect to mem-*  
13 *bers of the uniformed services described in such paragraph*  
14 *who perform service covered by subparagraph (A), (B), or*  
15 *(C) of subsection (a)(1) such section on or after October 1,*  
16 *2008.*

17 **SEC. 606. STABILIZATION OF PAY AND ALLOWANCES FOR**  
18 **SENIOR ENLISTED MEMBERS AND WARRANT**  
19 **OFFICERS APPOINTED AS OFFICERS AND OF-**  
20 **FICERS REAPPOINTED IN A LOWER GRADE.**

21 *(a) IN GENERAL.—Section 907 of title 37, United*  
22 *States Code, is amended to read as follows:*

1 **“§ 907. Members appointed or reappointed as officers:**  
2 **no reduction in pay and allowances**

3 “(a) *STABILIZATION OF PAY AND ALLOWANCES.*—A  
4 *member of the armed forces who accepts an appointment*  
5 *or reappointment as an officer without a break in service*  
6 *shall, for service as an officer, be paid the greater of—*

7 “(1) *the pay and allowances to which the officer*  
8 *is entitled as an officer; or*

9 “(2) *the pay and allowances to which the officer*  
10 *would be entitled if the officer were in the last grade*  
11 *the officer held before the appointment or reappoint-*  
12 *ment as an officer.*

13 “(b) *COVERED PAYS.*—(1) *Subject to paragraphs (2)*  
14 *and (3), for the purposes of this section, the pay of a grade*  
15 *formerly held by an officer described in subsection (a) in-*  
16 *clude special and incentive pays under chapter 5 of this*  
17 *title.*

18 “(2) *In determining the amount of the pay of a grade*  
19 *formerly held by an officer, special and incentive pays may*  
20 *be considered only so long as the officer continues to perform*  
21 *the duty that creates the entitlement to, or eligibility for,*  
22 *that pay and would otherwise be eligible to receive that pay*  
23 *in the former grade.*

24 “(3) *Special and incentive pays that are dependent on*  
25 *a member being in an enlisted status may not be considered*

1 *in determining the amount of the pay of a grade formerly*  
2 *held by an officer.*

3       “(c) *COVERED ALLOWANCES.—(1) Subject to para-*  
4 *graph (2), for the purposes of this section, the allowances*  
5 *of a grade formerly held by an officer described in sub-*  
6 *section (a) include allowances under chapter 7 of this title.*

7       “(2) *The clothing allowance under section 418 of this*  
8 *title may not be considered in determining the amount of*  
9 *the allowances of a grade formerly held by an officer de-*  
10 *scribed in subsection (a) if the officer is entitled to a uni-*  
11 *form allowance under section 415 of this title.*

12       “(d) *RATES OF PAY AND ALLOWANCES.—For the pur-*  
13 *poses of this section, the rates of pay and allowances of a*  
14 *grade that an officer formerly held are those rates that the*  
15 *officer would be entitled to had the officer remained in that*  
16 *grade and continued to receive the increases in pay and*  
17 *allowances authorized for that grade, as otherwise provided*  
18 *in this title or other provisions of law.”.*

19       “(b) *CLERICAL AMENDMENT.—The table of sections at*  
20 *the beginning of chapter 17 of such title is amended by*  
21 *striking the item relating to section 907 and inserting the*  
22 *following new item:*

“907. *Members appointed or reappointed as officers: no reduction in pay and al-*  
*lowances.”.*

1 **SEC. 607. EXTENSION OF AUTHORITY FOR INCOME RE-**  
2 **PLACEMENT PAYMENTS FOR RESERVE COM-**  
3 **PONENT MEMBERS EXPERIENCING EX-**  
4 **TENDED AND FREQUENT MOBILIZATION FOR**  
5 **ACTIVE DUTY SERVICE.**

6 *Section 910(g) of title 37, United States Code, is*  
7 *amended by striking “December 31, 2008” and inserting*  
8 *“December 31, 2009”.*

9 **SEC. 608. GUARANTEED PAY INCREASE FOR MEMBERS OF**  
10 **THE ARMED FORCES OF ONE-HALF OF ONE**  
11 **PERCENTAGE POINT HIGHER THAN EMPLOY-**  
12 **MENT COST INDEX.**

13 *Section 1009(c)(2) of title 37, United States Code, is*  
14 *amended by striking “fiscal years 2004, 2005, and 2006”*  
15 *and inserting “fiscal years 2010 through 2013”.*

16 ***Subtitle B—Bonuses and Special***  
17 ***and Incentive Pays***

18 **SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL**  
19 **PAY AUTHORITIES FOR RESERVE FORCES.**

20 (a) **SELECTED RESERVE REENLISTMENT BONUS.—**  
21 *Section 308b(g) of title 37, United States Code, is amended*  
22 *by striking “December 31, 2008” and inserting “December*  
23 *31, 2009”.*

24 (b) **SELECTED RESERVE AFFILIATION OR ENLISTMENT**  
25 **BONUS.—***Section 308c(i) of such title is amended by strik-*

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

3 (c) *SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED*  
4 *TO CERTAIN HIGH PRIORITY UNITS.*—Section 308d(c) of  
5 such title is amended by striking “December 31, 2008” and  
6 inserting “December 31, 2009”.

7 (d) *READY RESERVE ENLISTMENT BONUS FOR PER-*  
8 *SONS WITHOUT PRIOR SERVICE.*—Section 308g(f)(2) of  
9 such title is amended by striking “December 31, 2008” and  
10 inserting “December 31, 2009”.

11 (e) *READY RESERVE ENLISTMENT AND REENLIST-*  
12 *MENT BONUS FOR PERSONS WITH PRIOR SERVICE.*—Sec-  
13 tion 308h(e) of such title is amended by striking “December  
14 31, 2008” and inserting “December 31, 2009”.

15 (f) *SELECTED RESERVE ENLISTMENT BONUS FOR*  
16 *PERSONS WITH PRIOR SERVICE.*—Section 308i(f) of such  
17 title is amended by striking “December 31, 2008” and in-  
18 serting “December 31, 2009”.

19 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**  
20 **PAY AUTHORITIES FOR HEALTH CARE PRO-**  
21 **FSSIONALS.**

22 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*  
23 *GRAM.*—Section 2130a(a)(1) of title 10, United States Code,  
24 is amended by striking “December 31, 2008” and inserting  
25 “December 31, 2009”.

1           (b) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*  
2 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*  
3 *RESERVE.*—Section 16302(d) of such title is amended—

4                   (1) by striking “before” and inserting “on or be-  
5 fore”; and

6                   (2) by striking “January 1, 2009” and inserting  
7 “December 31, 2009”.

8           (c) *ACCESSION BONUS FOR REGISTERED NURSES.*—  
9 Section 302d(a)(1) of title 37, United States Code, is  
10 amended by striking “December 31, 2008” and inserting  
11 “December 31, 2009”.

12           (d) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*  
13 *THETISTS.*—Section 302e(a)(1) of such title is amended by  
14 striking “December 31, 2008” and inserting “December 31,  
15 2009”.

16           (e) *SPECIAL PAY FOR SELECTED RESERVE HEALTH*  
17 *PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIAL-*  
18 *TIES.*—Section 302g(e) of such title is amended by striking  
19 “December 31, 2008” and inserting “December 31, 2009”.

20           (f) *ACCESSION BONUS FOR DENTAL OFFICERS.*—Sec-  
21 tion 302h(a)(1) of such title is amended by striking “De-  
22 cember 31, 2008” and inserting “December 31, 2009”.

23           (g) *ACCESSION BONUS FOR PHARMACY OFFICERS.*—  
24 Section 302j(a) of such title is amended by striking “De-  
25 cember 31, 2008” and inserting “December 31, 2009”.

1        *(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN*  
 2 *CRITICALLY SHORT WARTIME SPECIALTIES.*—Section  
 3 *302k(f) of such title is amended by striking “December 31,*  
 4 *2008” and inserting “December 31, 2009”.*

5        *(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFI-*  
 6 *CERS IN CRITICALLY SHORT WARTIME SPECIALTIES.*—Sec-  
 7 *tion 302l(g) of such title is amended by striking “December*  
 8 *31, 2008” and inserting “December 31, 2009”.*

9        **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**  
 10                                    **THORITIES FOR NUCLEAR OFFICERS.**

11        *(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*  
 12 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section *312(f)*  
 13 *of title 37, United States Code, is amended by striking “De-*  
 14 *cember 31, 2008” and inserting “December 31, 2009”.*

15        *(b) NUCLEAR CAREER ACCESSION BONUS.*—Section  
 16 *312b(c) of such title is amended by striking “December 31,*  
 17 *2008” and inserting “December 31, 2009”.*

18        *(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—  
 19 *Section 312c(d) of such title is amended by striking “De-*  
 20 *cember 31, 2008” and inserting “December 31, 2009”.*

21        **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAY-**  
 22                                    **MENT OF OTHER TITLE 37 BONUSES AND SPE-**  
 23                                    **CIAL PAYS.**

24        *(a) AVIATION OFFICER RETENTION BONUS.*—Section  
 25 *301b(a) of title 37, United States Code, is amended by strik-*



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

3       **(b) ASSIGNMENT INCENTIVE PAY.**—*Section 307a(g) of*  
4 *such title is amended by striking “December 31, 2008” and*  
5 *inserting “December 31, 2009”.*

6       **(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.**—  
7 *Section 308(g) of such title is amended by striking “Decem-*  
8 *ber 31, 2008” and inserting “December 31, 2009”.*

9       **(d) ENLISTMENT BONUS.**—*Section 309(e) of such title*  
10 *is amended by striking “December 31, 2008” and inserting*  
11 *“December 31, 2009”.*

12       **(e) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-**  
13 **ICAL SKILLS.**—*Section 324(g) of such title is amended by*  
14 *striking “December 31, 2008” and inserting “December 31,*  
15 *2009”.*

16       **(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY**  
17 **OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORT-**  
18 **AGE.**—*Section 326(g) of such title is amended by striking*  
19 *“December 31, 2008” and inserting “December 31, 2009”.*

20       **(g) ACCESSION BONUS FOR OFFICER CANDIDATES.**—  
21 *Section 330(f) of such title is amended by striking “Decem-*  
22 *ber 31, 2008” and inserting “December 31, 2009”.*

23       **(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL**  
24 **MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY**  
25 **UNITS.**—*Section 355(i) of such title, as redesignated by sec-*

1 *tion 661(c) of the National Defense Authorization Act for*  
2 *Fiscal Year 2008, is amended by striking “December 31,*  
3 *2008” and inserting “December 31, 2009”.*

4 **SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAY-**  
5 **MENT OF REFERRAL BONUSES.**

6 *(a) HEALTH PROFESSIONS REFERRAL BONUS.—Sub-*  
7 *section (i) of section 1030 of title 10, United States Code,*  
8 *as added by section 671(b) of the National Defense Author-*  
9 *ization Act for Fiscal Year 2008, is amended by striking*  
10 *“December 31, 2008” and inserting “December 31, 2009”.*

11 *(b) ARMY REFERRAL BONUS.—Subsection (h) of sec-*  
12 *tion 3252 of title 10, United States Code, as added by sec-*  
13 *tion 671(a) of the National Defense Authorization Act for*  
14 *Fiscal Year 2008, is amended by striking “December 31,*  
15 *2008” and inserting “December 31, 2009”.*

16 **SEC. 616. INCREASE IN MAXIMUM BONUS AND STIPEND**  
17 **AMOUNTS AUTHORIZED UNDER NURSE OFFI-**  
18 **CER CANDIDATE ACCESSION PROGRAM.**

19 *(a) ACCESSION BONUS.—Paragraph (1) of section*  
20 *2130a(a) of title 10, United States Code, is amended—*

21 *(1) by striking “\$10,000” and inserting*  
22 *“\$20,000”; and*

23 *(2) by striking “\$5,000” and inserting*  
24 *“\$10,000”.*

1           (b) *MONTHLY STIPEND.*—Paragraph (2) of such sec-  
2   tion is amended by striking “\$1,000” and inserting  
3   “\$1,250”.

4           (c) *EFFECTIVE DATE.*—The amendments made by this  
5   section shall take effect on October 1, 2008.

6   **SEC. 617. MAXIMUM LENGTH OF NUCLEAR OFFICER INCEN-**  
7                                   **TIVE PAY AGREEMENTS FOR SERVICE.**

8           Section 312(a)(3) of title 37, United States Code, is  
9   amended by striking “three, four, or five years” and insert-  
10   ing “not less than three years”.

11   **SEC. 618. TECHNICAL CHANGES REGARDING CONSOLIDA-**  
12                                   **TION OF SPECIAL PAY, INCENTIVE PAY, AND**  
13                                   **BONUS AUTHORITIES OF THE UNIFORMED**  
14                                   **SERVICES.**

15           (a) *ELIGIBILITY REQUIREMENTS FOR NUCLEAR OFFI-*  
16   *CER BONUS AND INCENTIVE PAY.*—Section 333 of title 37,  
17   United States Code, is amended—

18                   (1) in subsection (a)(2), by striking “and oper-  
19           ational”; and

20                   (2) in subsection (b)(2), by striking “and oper-  
21           ational”.

22           (b) *RELATIONSHIP OF AVIATION INCENTIVE PAY TO*  
23   *OTHER PAY AND ALLOWANCES.*—Section 334(f)(1) of such  
24   title is amended by striking “section 351” and inserting  
25   “section 351(a)(2)”.

1           (c) *HEALTH PROFESSIONS INCENTIVE PAY.*—Section  
2 335(e)(1)(D)(i) of such title is amended by striking “dental  
3 surgeons” and inserting “dental officers”.

4           (d) *NO PRO-RATED PAYMENT OF CERTAIN HAZ-*  
5 *ARDOUS DUTY PAYS.*—Section 351(c) of such title is  
6 amended by striking “subsection (a)” and inserting “para-  
7 graph (1) or (3) of subsection (a)”.

8           (e) *AVAILABILITY OF HAZARDOUS DUTY PAY.*—Sec-  
9 tion 351(f) of such title is amended—

10                 (1) by striking “in administering subsection (a)”  
11                 and inserting “in connection with determining wheth-  
12                 er a triggering event has occurred for the provision of  
13                 hazardous duty pay under subsection (a)(1)”; and

14                 (2) by striking the last sentence.

15           (f) *TERMINATION PROVISION FOR HAZARDOUS DUTY*  
16 *PAY.*—Section 351(i) of such title is amended by inserting  
17 before the period the following: “, unless receipt of the haz-  
18 ardous duty pay is specified in an agreement entered into  
19 between the member and the Secretary concerned before that  
20 date”.

1 **SEC. 619. USE OF NEW SKILL INCENTIVE PAY AND PRO-**  
2 **FICIENCY BONUS AUTHORITIES TO ENCOUR-**  
3 **AGE TRAINING IN CRITICAL FOREIGN LAN-**  
4 **GUAGES AND FOREIGN CULTURAL STUDIES.**

5 (a) *ELIGIBILITY FOR SKILL PROFICIENCY BONUS.*—

6 *Subsection (b) of section 353 of title 37, United States Code,*  
7 *is amended to read as follows:*

8 “(b) *SKILL PROFICIENCY BONUS.*—

9 “(1) *AVAILABILITY; ELIGIBLE PERSONS.*—*The*  
10 *Secretary concerned may pay a proficiency bonus to*  
11 *a member of a regular or reserve component of the*  
12 *uniformed services who—*

13 “(A) *is entitled to basic pay under section*  
14 *204 of this title or compensation under section*  
15 *206 of this title or is enrolled in an officer train-*  
16 *ing program; and*

17 “(B) *is determined to have, and maintains,*  
18 *certified proficiency under subsection (d) in a*  
19 *skill designated as critical by the Secretary con-*  
20 *cerned or is in training to acquire proficiency in*  
21 *a critical foreign language or expertise in foreign*  
22 *cultural studies or a related skill designated as*  
23 *critical by the Secretary concerned.*

24 “(2) *INCLUSION OF CERTAIN SENIOR ROTC MEM-*  
25 *BERS.*—*A proficiency bonus may be paid under this*  
26 *subsection to a student who is enrolled in the Senior*

1     *Reserve Officers' Training Corps program even*  
2     *though the student is in the first year of the four-year*  
3     *course under the program. During the period covered*  
4     *by the proficiency bonus, the student shall also be en-*  
5     *titled to a monthly subsistence allowance under sec-*  
6     *tion 209(c) of this title even though the student has*  
7     *not entered into an agreement under section 2103a of*  
8     *title 10. However, if the student receives incentive pay*  
9     *under subsection (g)(2) for the same period, the stu-*  
10    *dent may receive only a single monthly subsistence al-*  
11    *lowance under section 209(c) of this title.”.*

12     ***(b) AVAILABILITY OF INCENTIVE PAY FOR PARTICIPA-***  
13    ***TION IN FOREIGN LANGUAGE EDUCATION OR TRAINING***  
14    ***PROGRAMS.—Such section is further amended—***

15            ***(1) by redesignating subsections (g), (h), and (i)***  
16            ***as subsections (h), (i), and (j), respectively; and***

17            ***(2) by inserting after subsection (f) the following***  
18            ***new subsection (g):***

19            ***“(g) FOREIGN LANGUAGE STUDIES IN OFFICER***  
20    ***TRAINING PROGRAMS.—***

21            ***“(1) AVAILABILITY OF INCENTIVE PAY.—The Sec-***  
22            ***retary concerned may pay incentive pay to a person***  
23            ***enrolled in an officer training program to also par-***  
24            ***ticipate in an education or training program to ac-***  
25            ***quire proficiency in a critical foreign language or ex-***

1 *pertise in foreign cultural studies or a related skill*  
2 *designated as critical by the Secretary concerned.*

3 “(2) *INCLUSION OF CERTAIN SENIOR ROTC MEM-*  
4 *BERS.—Incentive pay may be paid under this sub-*  
5 *section to a student who is enrolled in the Senior Re-*  
6 *serve Officers’ Training Corps program even though*  
7 *the student is in the first year of the four-year course*  
8 *under the program. While the student receives the in-*  
9 *centive pay, the student shall also be entitled to a*  
10 *monthly subsistence allowance under section 209(c) of*  
11 *this title even though the student has not entered into*  
12 *an agreement under section 2103a of title 10. How-*  
13 *ever, if the student receives a proficiency bonus under*  
14 *subsection (b)(2) covering the same month, the student*  
15 *may receive only a single monthly subsistence allow-*  
16 *ance under section 209(c) of this title.*

17 “(3) *CRITICAL FOREIGN LANGUAGE DEFINED.—*  
18 *In this section, the term ‘critical foreign language’ in-*  
19 *cludes Arabic, Korean, Japanese, Chinese, Pashto,*  
20 *Persian-Farsi, Serbian-Croatian, Russian, Por-*  
21 *tuguese, or other language designated as critical by*  
22 *the Secretary concerned.”.*

23 *(c) PILOT PROGRAM FOR FOREIGN LANGUAGE PRO-*  
24 *FICIENCY TRAINING FOR RESERVE MEMBERS.—*

1           (1) *PILOT PROGRAM REQUIRED.*—*The Secretary*  
2 *of Defense shall conduct a pilot program to provide*  
3 *a skill proficiency bonus under section 353(b) of title*  
4 *37, United States Code, to a member of a reserve com-*  
5 *ponent of the uniformed services who is entitled to*  
6 *compensation under section 206 of such title while the*  
7 *member participates in an education or training pro-*  
8 *gram to acquire proficiency in a critical foreign lan-*  
9 *guage or expertise in foreign cultural studies or a re-*  
10 *lated skill designated as critical under such section*  
11 *353.*

12           (2) *DURATION OF PILOT PROGRAM.*—*The Sec-*  
13 *retary shall conduct the pilot program during the pe-*  
14 *riod beginning on October 1, 2008, and ending on De-*  
15 *cember 31, 2013. Incentive pay may not be provided*  
16 *under the pilot program after December 31, 2013.*

17           (3) *REPORTING REQUIREMENT.*—*Not later than*  
18 *March 31, 2012, the Secretary shall submit to Con-*  
19 *gress a report containing the results of the pilot pro-*  
20 *gram and the recommendations of the Secretary re-*  
21 *garding whether to continue or expand the pilot pro-*  
22 *gram.*

23           (d) *EXPEDITED IMPLEMENTATION.*—*Notwithstanding*  
24 *section 662 of the National Defense Authorization Act for*  
25 *Fiscal Year 2008 (Public Law 110–181; 122 Stat. 180; 37*



1 *U.S.C. 301 note), the Secretary of a military department*  
2 *may immediately implement the amendments made by sub-*  
3 *sections (a) and (b) in order to ensure the prompt avail-*  
4 *ability of proficiency bonuses and incentive pay under sec-*  
5 *tion 353 of title 37, United States Code, as amended by*  
6 *such subsections, for persons enrolled in officer training*  
7 *programs.*

8 **SEC. 620. TEMPORARY TARGETED BONUS AUTHORITY TO**  
9 **INCREASE DIRECT ACCESSIONS OF OFFICERS**  
10 **IN CERTAIN HEALTH PROFESSIONS.**

11 *(a) DESIGNATION OF CRITICALLY SHORT WARTIME*  
12 *HEALTH SPECIALTIES.—For purposes of section 335 of title*  
13 *37, United States Code, as added by section 661 of the Na-*  
14 *tional Defense Authorization Act for Fiscal Year 2008 (Pub-*  
15 *lic Law 110–181), the following health professions are des-*  
16 *ignated as a critically short wartime specialty under sub-*  
17 *section (a)(2) of such section:*

18 *(1) Psychologists who have been awarded a di-*  
19 *ploma as a Diplomate in Psychology by the American*  
20 *Board of Professional Psychology and are fully li-*  
21 *icensed and such other mental health practitioners as*  
22 *the Secretary concerned determines to be necessary.*

23 *(2) Registered nurses.*

24 *(b) SPECIAL AGREEMENT AUTHORITY.—Under the au-*  
25 *thority provided by this section, the Secretary concerned*

1 *may enter into an agreement under subsection (f) of section*  
 2 *335 of title 37, United States Code, to pay a health profes-*  
 3 *sions bonus under such section to a person who accepts a*  
 4 *commission or appointment as an officer and whose health*  
 5 *profession specialty is specified in subsection (a).*

6 (c) *EFFECTIVE PERIOD.*—*This section shall take effect*  
 7 *on October 1, 2008. The designations made by subsection*  
 8 *(a) and the authority to enter into an agreement under sub-*  
 9 *section (b) expire on September 30, 2010.*

10 ***Subtitle C—Travel and***  
 11 ***Transportation Allowances***

12 ***SEC. 631. INCREASED WEIGHT ALLOWANCE FOR TRANSPOR-***  
 13 ***TATION OF BAGGAGE AND HOUSEHOLD EF-***  
 14 ***FECTS FOR CERTAIN ENLISTED MEMBERS.***

15 (a) *ALLOWANCE.*—*The table in section 406(b)(1)(C) of*  
 16 *title 37, United States Code, is amended by striking the*  
 17 *items relating to pay grades E–5 through E–9 and insert-*  
 18 *ing the following new items:*

<i>Pay Grade</i>	<i>Without Dependents</i>	<i>With Dependents</i>
<i>“E–9</i>	<i>13,500</i>	<i>15,500</i>
<i>E–8</i>	<i>12,500</i>	<i>14,500</i>
<i>E–7</i>	<i>11,500</i>	<i>13,500</i>
<i>E–6</i>	<i>8,500</i>	<i>11,500</i>
<i>E–5</i>	<i>7,500</i>	<i>9,500”.</i>

19 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
 20 *section (a) shall take effect on October 1, 2008.*

1 **SEC. 632. ADDITIONAL WEIGHT ALLOWANCE FOR TRANS-**  
2 **PORTATION OF MATERIALS ASSOCIATED**  
3 **WITH EMPLOYMENT OF A MEMBER'S SPOUSE**  
4 **OR COMMUNITY SUPPORT VOLUNTEER OR**  
5 **CHARITY ACTIVITIES.**

6 (a) *ADDITIONAL WEIGHT ALLOWANCE.*—Section  
7 406(b)(1) of title 37, United States Code, is amended by  
8 adding at the end the following new subparagraph:

9 “(H) In connection with a change of permanent sta-  
10 tion of a member, the Secretary concerned shall increase  
11 the weight allowance otherwise applicable under subpara-  
12 graph (C) for the member by 200 pounds for the purpose  
13 of facilitating the shipment of materials associated with the  
14 employment of the member’s spouse or community support  
15 volunteer or charity activities of the member and any de-  
16 pendents of the member.”.

17 **SEC. 633. TRANSPORTATION OF FAMILY PETS DURING**  
18 **EVACUATION OF NONESSENTIAL PER-**  
19 **SONNEL.**

20 Section 406(b)(1) of title 37, United States Code, is  
21 amended by inserting after subparagraph (H), as added by  
22 section 632, the following new subparagraph:

23 “(I) In connection with an evacuation from a perma-  
24 nent station located in a foreign area, a member is entitled  
25 to transportation of not more than two family household  
26 pets, including shipment and the payment of quarantine

1 fees, if any. As an alternative to the provision of transpor-  
 2 tation for the pets, the Secretary concerned may reimburse  
 3 the member or provide a monetary allowance under sub-  
 4 paragraph (F) if other commercial transportation means  
 5 are used. A member is not entitled to transportation under  
 6 this subparagraph for horses, livestock, or pets weighing in  
 7 excess of 150 pounds or for animals that the Secretary con-  
 8 cerned determines are exotic pets or endangered species.”.

9                   **Subtitle D—Retired Pay and**  
 10                   **Survivor Benefits**

11 **SEC. 641. EQUITY IN COMPUTATION OF DISABILITY RE-**  
 12                   **TIRED PAY FOR RESERVE COMPONENT MEM-**  
 13                   **BERS WOUNDED IN ACTION.**

14           Section 1208(b) of title 10, United States Code, is  
 15 amended—

16                   (1) by striking “A member” and inserting “(1)  
 17           Except as provided in paragraph (2), a member”;  
 18           and

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

21           “(2) If a member of the uniformed services who is not  
 22 a member of a regular component is retired under this  
 23 chapter or is placed on the temporary disability retired list  
 24 under this chapter because of a disability incurred after the  
 25 date of the enactment of this paragraph for which the mem-

1 *ber is awarded the Purple Heart, the member shall be cred-*  
 2 *ited, for the purposes of this chapter, with the number of*  
 3 *years of service that would be counted if computing the*  
 4 *member's years of service under section 12732 of this title.”.*

5 **SEC. 642. EFFECT OF TERMINATION OF SUBSEQUENT MAR-**  
 6 **RIAGE ON PAYMENT OF SURVIVOR BENEFIT**  
 7 **PLAN ANNUITY TO SURVIVING SPOUSE OR**  
 8 **FORMER SPOUSE WHO PREVIOUSLY TRANS-**  
 9 **FERRED ANNUITY TO DEPENDENT CHILDREN.**

10 *Section 1450(b)(3) of title 10, United States Code, is*  
 11 *amended by adding at the end the following new sentence:*  
 12 *“The payment of an annuity to a surviving spouse or*  
 13 *former spouse under this paragraph shall be resumed even*  
 14 *though the surviving spouse or former spouse previously*  
 15 *transferred the annuity to a child or children under section*  
 16 *1448(d)(2)(B) of this title if, when the marriage is so termi-*  
 17 *nated, the child or children, due to loss of dependent status,*  
 18 *death, or other cause, are no longer eligible for the annuity*  
 19 *under such section.”.*

1 **SEC. 643. EXTENSION TO SURVIVORS OF CERTAIN MEM-**  
2 **BERS WHO DIE ON ACTIVE DUTY OF SPECIAL**  
3 **SURVIVOR INDEMNITY ALLOWANCE FOR PER-**  
4 **SONS AFFECTED BY REQUIRED SURVIVOR**  
5 **BENEFIT PLAN ANNUITY OFFSET FOR DE-**  
6 **PENDENCY AND INDEMNITY COMPENSATION.**

7 (a) *EXTENSION.*—Subsection (m) of section 1450 of  
8 title 10, United States Code, as added by section 644 of  
9 the National Defense Authorization Act for Fiscal Year  
10 2008, is amended in paragraph (1)(B) by striking “section  
11 1448(a)(1) of this title” and inserting “subsection (a)(1) of  
12 section 1448 of this title or by reason of coverage under  
13 subsection (d) of such section”.

14 (b) *APPLICATION OF AMENDMENT.*—The amendment  
15 made by subsection (a) shall apply with respect to the  
16 month beginning on October 1, 2008, and subsequent  
17 months as provided by paragraph (6) of subsection (m) of  
18 section 1450 of title 10, United States Code, as added by  
19 section 644 of the National Defense Authorization Act for  
20 Fiscal Year 2008.

1 **SEC. 644. ELECTION TO RECEIVE RETIRED PAY FOR NON-**  
2 **REGULAR SERVICE UPON RETIREMENT FOR**  
3 **SERVICE IN AN ACTIVE RESERVE STATUS**  
4 **PERFORMED AFTER ATTAINING ELIGIBILITY**  
5 **FOR REGULAR RETIREMENT.**

6 (a) *ELECTION AUTHORITY; REQUIREMENTS.*—Sub-  
7 section (a) of section 12741 of title 10, United States Code,  
8 is amended to read as follows:

9 “(a) *AUTHORITY TO ELECT TO RECEIVE RESERVE RE-*  
10 *TIRED PAY.*—(1) *A person may elect to receive retired pay*  
11 *under this chapter, instead of receiving retired or retainer*  
12 *pay under chapter 65, 367, 571, or 867 of this title, if—*

13 “(A) *the person satisfies the requirements speci-*  
14 *fied in paragraphs (1) and (2) of section 12731(a) of*  
15 *this title for entitlement to retired pay under this*  
16 *chapter;*

17 “(B) *the person served in an active status in the*  
18 *Selected Reserve of the Ready Reserve after becoming*  
19 *eligible for retirement under chapter 65, 367, 571, or*  
20 *867 of this title (without regard to whether the person*  
21 *actually retired or received retired or retainer pay*  
22 *under one of those chapters);*

23 “(C) *the person completed not less than two*  
24 *years of service in such active status (excluding any*  
25 *period of active service); and*

1           “(D) the service of the person in such active sta-  
2           tus is determined by the Secretary concerned to have  
3           been satisfactory.

4           “(2) The Secretary concerned may reduce the two-year  
5           service requirement specified in paragraph (1)(C) in the  
6           case of a person who—

7           “(A) completed at least six months of service in  
8           a position of adjutant general required under section  
9           314 of title 32 or in a position of assistant adjutant  
10          general subordinate to such a position of adjutant  
11          general; and

12          “(B) failed to complete the minimum two years  
13          of service solely because the appointment of the person  
14          to such position was terminated or vacated as de-  
15          scribed in section 324(b) of title 32.”.

16          (b) *ACTIONS TO EFFECTUATE ELECTION.*—Subsection  
17          (b) of such section is amended by striking paragraph (1)  
18          and inserting the following new paragraph:

19          “(1) terminate the eligibility of the person to re-  
20          tire under chapter 65, 367, 571, or 867 of this title,  
21          if the person is not already retired under one of those  
22          chapters, and terminate entitlement of the person to  
23          retired or retainer pay under one of those chapters,  
24          if the person was already receiving retired or retainer  
25          pay under one of those chapters; and”.



1       (c) *CONFORMING AMENDMENT TO REFLECT NEW*  
2 *VARIABLE AGE REQUIREMENT FOR RETIREMENT.*—Sub-  
3 *section (d) of such section is amended—*

4           (1) *in paragraph (1), by striking “attains 60*  
5 *years of age” and inserting “attains the eligibility*  
6 *age applicable to the person under section 12731(f) of*  
7 *this title”; and*

8           (2) *in paragraph (2)(A), by striking “attains 60*  
9 *years of age” and inserting “attains the eligibility*  
10 *age applicable to the person under such section”.*

11       (d) *REPEAL OF RESTRICTION ON ELECTION TO RE-*  
12 *CEIVE RESERVE RETIRED PAY.*—Section 12731(a) of such  
13 *title is amended—*

14           (1) *by inserting “and” at the end of paragraph*

15 *(2);*

16           (2) *by striking “; and” at the end of paragraph*

17 *(3) and inserting a period; and*

18           (3) *by striking paragraph (4).*

19       (e) *CLERICAL AMENDMENTS.*—

20           (1) *SECTION HEADING.*—*The heading for section*  
21 *12741 of such title is amended to read as follows:*

1 **“§12741. Retirement for service in an active status**  
 2 **performed in the Selected Reserve of the**  
 3 **Ready Reserve after eligibility for regular**  
 4 **retirement”.**

5 (2) *TABLE OF SECTIONS.*—*The table of sections*  
 6 *at the beginning of chapter 1223 of such title is*  
 7 *amended by striking the item relating to section*  
 8 *12741 and inserting the following new item:*

*“12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.”.*

9 (f) *RETROACTIVE APPLICABILITY.*—*The amendments*  
 10 *made by this section shall take effect as of January 1, 2008.*

11 **SEC. 645. RECOMPUTATION OF RETIRED PAY AND ADJUST-**  
 12 **MENT OF RETIRED GRADE OF RESERVE RE-**  
 13 **TIREES TO REFLECT SERVICE AFTER RETIRE-**  
 14 **MENT.**

15 (a) *RECOMPUTATION.*—*Section 10145 of title 10,*  
 16 *United States Code, is amended by adding at the end the*  
 17 *following new subsection:*

18 *“(e)(1) If a member of the Retired Reserve is recalled*  
 19 *to an active status under subsection (d) in the Selected Reserve of the Ready Reserve and completes not less than two*  
 20 *years of service in such active status, the member is entitled*  
 21 *to—*  
 22 *to—*

1           “(A) the recomputation of the retired pay of the  
2           member determined under section 12739 of this title;  
3           and

4           “(B) in the case of a commissioned officer, an  
5           adjustment in the retired grade of the member in the  
6           manner provided in section 1370 of this title.

7           “(2) The Secretary concerned may reduce the two-year  
8           service requirement specified in paragraph (1) in the case  
9           of a member who—

10           “(A) is recalled to serve in a position of adjutant  
11           general required under section 314 of title 32 or in  
12           a position of assistant adjutant general subordinate  
13           to such a position of adjutant general;

14           “(B) completes at least six months of service in  
15           such position; and

16           “(C) fails to complete the minimum two years of  
17           service solely because the appointment of the member  
18           to such position is terminated or vacated as described  
19           in section 324(b) of title 32.”.

20           (b) *RETROACTIVE APPLICABILITY.*—The amendment  
21           made by this section shall take effect as of January 1, 2008.

1 **SEC. 646. CORRECTION OF UNINTENDED REDUCTION IN**  
2 **SURVIVOR BENEFIT PLAN ANNUITIES DUE TO**  
3 **PHASED ELIMINATION OF TWO-TIER ANNUITY**  
4 **COMPUTATION AND SUPPLEMENTAL ANNU-**  
5 **ITY.**

6 *Effective as of October 28, 2004, and as if included*  
7 *therein as enacted, section 644(c) of the Ronald W. Reagan*  
8 *National Defense Authorization Act for Fiscal Year 2005*  
9 *(Public Law 108–375; 118 Stat. 1961; 19 U.S.C. 1450 note)*  
10 *is amended by adding at the end the following new para-*  
11 *graph:*

12 *“(3) SAVINGS PROVISION.—If, as a result of the*  
13 *recomputation of annuities under section 1450 of title*  
14 *10, United States Code, and supplemental survivor*  
15 *annuities under section 1457 of such title, as required*  
16 *by paragraph (1), the total amount of both annuities*  
17 *to be paid to an annuitant for a month would be less*  
18 *(because of the offset required by section 1450(c) of*  
19 *such title for dependency and indemnity compensa-*  
20 *tion) than the amount that would be paid to the an-*  
21 *nuitant in the absence of recomputation, the Sec-*  
22 *retary of Defense shall take such actions as are nec-*  
23 *essary to adjust the annuity amounts to eliminate the*  
24 *reduction.”.*

1 **SEC. 647. PRESUMPTION OF DEATH FOR PARTICIPANTS IN**  
2 **SURVIVOR BENEFIT PLAN IN MISSING STA-**  
3 **TUS.**

4 (a) *CONDITIONS ON PRESUMPTION.*—*In the case of a*  
5 *participant in the Survivor Benefit Plan who has been de-*  
6 *termined by the Secretary of State to have been kidnapped*  
7 *in Iraq or Afghanistan on or after August 1, 2007, the Sec-*  
8 *retary of a military department may not make a deter-*  
9 *mination under section 1450(l) of title 10, United States*  
10 *Code, that the participant is missing, with the presumption*  
11 *of death, until the earlier of—*

12 (1) *a period of at least 7 years expires after the*  
13 *date of the determination of the Secretary of State; or*

14 (2) *the date on which the participant is con-*  
15 *firmed dead and a death certificate is delivered to the*  
16 *next of kin of the participant.*

17 (b) *RESUMPTION OF RETIRED PAY; PAYMENT OF BACK*  
18 *PAY.*—*In the case of a participant in the Survivor Benefit*  
19 *Plan described in subsection (a) who was presumed to be*  
20 *dead before the date of the enactment of this Act under sec-*  
21 *tion 1450(l) of title 10, United States Code, the Secretary*  
22 *of a military department concerned shall—*

23 (1) *resume payment of any retired pay to which*  
24 *the participant is entitled to as a retired member of*  
25 *the Armed Forces pending satisfaction of the condi-*  
26 *tions specified in subsection (a); and*

1           (2) pay retired pay for periods occurring before  
2           the date of the enactment of this Act for which retired  
3           pay was not paid because of the presumption of  
4           death.

5           ***Subtitle E—Commissary and Non-***  
6           ***appropriated Fund Instrumen-***  
7           ***tality Benefits and Operations***

8           ***SEC. 651. USE OF COMMISSARY STORES SURCHARGES DE-***  
9           ***RIVED FROM TEMPORARY COMMISSARY INI-***  
10          ***TIATIVES FOR RESERVE COMPONENTS AND***  
11          ***RETIRED MEMBERS.***

12          Section 2484(h) of title 10, United States Code, is  
13          amended—

14               (1) by redesignating paragraphs (3) and (4) as  
15               paragraphs (4) and (5), respectively;

16               (2) in such paragraph (4), as so redesignated, by  
17               striking “paragraph (1) or (2)” and inserting “para-  
18               graph (1), (2), or (3)”; and

19               (3) by inserting after paragraph (2) the fol-  
20               lowing new paragraph:

21               “(3)(A) The Secretary of Defense may use the proceeds  
22               derived from surcharges imposed under subsection (d) in  
23               connection with sales of commissary merchandise through  
24               initiatives described in subparagraph (B) to offset the cost  
25               of such initiatives.

1       “(B) Subparagraph (A) applies with respect to initia-  
2       tives, utilizing temporary and mobile equipment, intended  
3       to provide members of reserve components, Retired mem-  
4       bers, and other persons eligible for commissary benefits, but  
5       without reasonable access to commissary stores, improved  
6       access to commissary merchandise.”.

7       **SEC. 652. REQUIREMENTS FOR PRIVATE OPERATION OF**  
8   **COMMISSARY STORE FUNCTIONS.**

9       Section 2485(a)(2) of title 10, United States Code, is  
10      amended in the last sentence by striking “December 31,  
11      2008” and inserting “December 31, 2013”.

12      **SEC. 653. ADDITIONAL EXCEPTION TO LIMITATION ON USE**  
13   **OF APPROPRIATED FUNDS FOR DEPARTMENT**  
14   **OF DEFENSE GOLF COURSES.**

15      Section 2491a of title 10, United States Code, is  
16      amended—

17                       (1) by redesignating paragraph (2) of subsection  
18                       (b) as subsection (c) and, in such subsection (as so re-  
19                       designated)—

20                               (A) by inserting “REGULATIONS.—” before  
21                               “The Secretary”; and

22                               (B) by striking “this subsection” and in-  
23                               serting “subsection (b)”; and

24                       (2) by inserting after paragraph (1) of sub-  
25                       section (b) the following new paragraph:

1       “(2) Subsection (a) does not apply to the purchase and  
2 maintenance of specialized golf carts designed to accommo-  
3 date persons with disabilities and the use of the golf carts  
4 at a facility or installation where the Secretary determines  
5 the golf carts can be safely operated.”.

6 **SEC. 654. ENHANCED ENFORCEMENT OF PROHIBITION ON**  
7                   **SALE OR RENTAL OF SEXUALLY EXPLICIT MA-**  
8                   **TERIAL ON MILITARY INSTALLATIONS.**

9       (a) *ESTABLISHMENT OF RESALE ACTIVITIES REVIEW*  
10 *BOARD.*—Section 2495b of title 10, United States Code, is  
11 amended—

12               (1) by redesignating subsections (c) and (d) as  
13 subsections (d) and (e), respectively; and

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

16       “(c) *RESALE ACTIVITIES REVIEW BOARD.*—(1) The  
17 Secretary of Defense shall establish a nine-member board  
18 to make recommendations to the Secretary regarding wheth-  
19 er material sold or rented, or proposed for sale or rental,  
20 on property under the jurisdiction of the Department of De-  
21 fense is barred from sale or rental by subsection (a).

22       “(2)(A) The Secretary of Defense shall appoint six  
23 members of the board to broadly represent the interests of  
24 the patron base served by the defense commissary system  
25 and the exchange system. The Secretary shall appoint one



1 *of the members to serve as the chairman of the board. At*  
2 *least one member appointed under this subparagraph shall*  
3 *be a person with experience managing or advocating for*  
4 *military family programs and who is also an eligible pa-*  
5 *tron of the defense commissary system and the exchange sys-*  
6 *tem.*

7       “(B) *The Secretary of each of the military departments*  
8 *shall appoint one member of the board.*

9       “(C) *A vacancy on the board shall be filled in the same*  
10 *manner as the original appointment.*

11       “(3) *The Secretary of Defense may detail persons to*  
12 *serve as staff for the board. At a minimum, the Secretary*  
13 *shall ensure that the board is assisted at meetings by mili-*  
14 *tary resale and legal advisors.*

15       “(4) *The recommendations made by the board under*  
16 *paragraph (1) shall be made available to the public. The*  
17 *Secretary of Defense shall publicize the availability of such*  
18 *recommendations by such means as the Secretary considers*  
19 *appropriate.*

20       “(5) *Members of the board shall be allowed travel ex-*  
21 *pense, including per diem in lieu of subsistence, at rates*  
22 *authorized for employees of agencies under subchapter I of*  
23 *chapter 57 of title 5 while away from their homes or regular*  
24 *places of business in the performance of services for the*  
25 *board.”.*

1       (b) *DEADLINE FOR ESTABLISHMENT AND INITIAL*  
2 *MEETING.*—

3           (1) *ESTABLISHMENT.*—*The board required by*  
4 *subsection (c) of section 2495b of title 10, United*  
5 *States Code, as added by subsection (a), shall be es-*  
6 *tablished, and its initial nine members appointed, not*  
7 *later than 120 days after the date of the enactment*  
8 *of this Act.*

9           (2) *MEETINGS.*—*The board shall conduct an ini-*  
10 *tial meeting within one year after the date of the ap-*  
11 *pointment of the initial members of the board. At the*  
12 *discretion of the board, the board may consider all*  
13 *materials previously reviewed under such section as*  
14 *available for reconsideration for a minimum of 180*  
15 *days following the initial meeting of the board.*

16 **SEC. 655. REQUIREMENT TO BUY MILITARY DECORATIONS,**  
17 **RIBBONS, BADGES, MEDALS, INSIGNIA, AND**  
18 **OTHER UNIFORM ACCOUTERMENTS PRO-**  
19 **DUCED IN THE UNITED STATES.**

20       (a) *REQUIREMENT.*—*Subchapter III of chapter 147 of*  
21 *title 10, United States Code, is amended by adding at the*  
22 *end the following new section:*

1 **“§ 2495c. Requirement to buy military decorations and**  
2 **other uniform accouterments from Amer-**  
3 **ican sources; exceptions**

4 “(a) *BUY-AMERICAN REQUIREMENT.*—A military ex-  
5 change store or other nonappropriated fund instrumentality  
6 of the Department of Defense may not purchase for resale  
7 any military decorations, ribbons, badges, medals, insignia,  
8 and other uniform accouterments that are not produced in  
9 the United States.

10 “(b) *EXCEPTION.*—Subsection (a) does not apply to the  
11 extent that the Secretary of Defense determines that—

12 “(1) a satisfactory quality and sufficient quan-  
13 tity of an item covered by such subsection and pro-  
14 duced in the United States cannot be procured; or

15 “(2) the purchase of the item produced outside  
16 the United States is in the best interests of members  
17 of the armed forces.

18 “(c) *CONGRESSIONAL NOTIFICATION.*—As soon as  
19 practicable after an exception is granted under subsection  
20 (b), the Secretary of Defense shall submit to Congress a re-  
21 port explaining the reasons for the exception.

22 “(d) *UNITED STATES DEFINED.*—In this section, the  
23 term ‘United States’ includes the Commonwealth of Puerto  
24 Rico, Guam, the United States Virgin Islands, the Com-  
25 monwealth of the Northern Mariana Islands, American

1 *Samoa, and any other territory or possession of the United*  
 2 *States.”.*

3 (b) *CLERICAL AMENDMENT.—The table of sections at*  
 4 *the beginning of such subchapter is amended by adding at*  
 5 *the end the following new item:*

“2495c. *Requirement to buy military decorations and other uniform*  
*accouterments from American sources; exceptions.”.*

6 **SEC. 656. USE OF APPROPRIATED FUNDS TO PAY POST AL-**  
 7 **LOWANCES OR OVERSEAS COST OF LIVING**  
 8 **ALLOWANCES TO NONAPPROPRIATED FUND**  
 9 **INSTRUMENTALITY EMPLOYEES SERVING**  
 10 **OVERSEAS.**

11 (a) *AUTHORITY TO USE APPROPRIATED FUNDS.—*  
 12 *Chapter 81 of title 10, United States Code, is amended by*  
 13 *inserting after section 1587a the following new section:*

14 **“§ 1587b. Employees of nonappropriated fund instru-**  
 15 **mentalities: payment of overseas post al-**  
 16 **lowances or overseas cost of living allow-**  
 17 **ances**

18 *“(a) USE OF APPROPRIATED FUNDS TO PAY ALLOW-*  
 19 *ANCES.—Subject to the availability of appropriated funds*  
 20 *for this purpose, the Secretary of Defense may pay post al-*  
 21 *lowances or cost of living allowances to an nonappropriated*  
 22 *fund instrumentality employee who is a citizen of the*  
 23 *United States and is employed in a full-time position at*  
 24 *a location outside of the continental United States.*

1       “(b) *DURATION.*—*The Secretary of Defense may use*  
 2 *the authority provided by this section to pay post allow-*  
 3 *ances or cost of living allowances that have been due to an*  
 4 *nonappropriated fund instrumentality employee or former*  
 5 *employee since December 1, 2001, but have not been pre-*  
 6 *viously paid. No allowance may be provided under this sec-*  
 7 *tion after December 31, 2011.*

8       “(c) *DEFINITIONS.*—*In this section:*

9               “(1) *The term ‘nonappropriated fund instrumen-*  
 10 *tality employee’ has the meaning given that term in*  
 11 *section 1587 of this title.*

12               “(2) *The term ‘continental United States’ means*  
 13 *the 48 contiguous States and the District of Colum-*  
 14 *bia.’.*

15       “(b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 16 *the beginning of such chapter is amended by inserting after*  
 17 *the item relating to section 1587a the following new item:*

*“1587b. Employees of nonappropriated fund instrumentalities: payment of over-*  
*seas post allowances or overseas cost of living allowances.”.*

18       “(c) *EFFECTIVE DATE.*—*The amendments made by this*  
 19 *section shall take effect on October 1, 2008.*

20 **SEC. 657. STUDY REGARDING SALE OF ALCOHOLIC WINE**  
 21 **AND BEER IN COMMISSARY STORES IN ADDI-**  
 22 **TION TO EXCHANGE STORES.**

23       “(a) *STUDY REQUIRED.*—*The Secretary of Defense shall*  
 24 *conduct a study evaluating the propriety, patron conven-*

1 ience, and financial utility of including alcoholic wine and  
2 beer as an authorized commissary merchandise category for  
3 sale in, at, or by commissary stores.

4 (b) *PILOT PROGRAM.*—

5 (1) *AUTHORIZED.*—In connection with the study  
6 required by subsection (a), the Secretary may conduct  
7 a pilot program involving the sale of alcoholic wine  
8 and beer in commissary stores if the Secretary deter-  
9 mines that such a pilot program would be useful in  
10 making the evaluations required by such subsection.

11 (2) *SCOPE.*—If the Secretary determines that the  
12 pilot program would be useful, the Secretary shall  
13 conduct the pilot program at a minimum of 10 loca-  
14 tions for a period of not less than four months nor  
15 greater than one year.

16 (c) *REPORT.*—Within 120 days after completion of the  
17 study required in subsection (a), the Secretary shall submit  
18 to Congress a report containing the findings and rec-  
19 ommendations of the Secretary developed as a result of the  
20 study and the results of the pilot program, if conducted  
21 under subsection (b). The Secretary may delay the submis-  
22 sion of the report pending the conclusion of the pilot pro-  
23 gram.

1                   ***Subtitle F—Other Matters***

2   ***SEC. 661. BONUS TO ENCOURAGE ARMY PERSONNEL AND***  
3                   ***OTHER PERSONS TO REFER PERSONS FOR***  
4                   ***ENLISTMENT IN THE ARMY.***

5           (a) *AVAILABILITY OF BONUS TO TRAINED CIVIL-*  
6 *LIANS.—Subsection (a)(2) of section 3252 of title 10, United*  
7 *States Code, is amended by adding at the end the following*  
8 *new subparagraph:*

9                   “(F) *A member of the general public who has*  
10                   *completed a training course provided by the Sec-*  
11                   *retary, directly or through an entity contracted to*  
12                   *provide such training, regarding the appropriate pro-*  
13                   *cedures used to recruit persons for enlistment in the*  
14                   *Army.”.*

15           (b) *TIME FOR PAYMENT OF BONUS.—Subsection (b)*  
16 *of such section is amended—*

17                   (1) *by striking “or” at the end of paragraph (1);*

18                   (2) *by striking the period at the end of para-*  
19                   *graph (2) and inserting “; or”; and*

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

22                   “(3) *when the individual concerned contacts an*  
23                   *entity contracted to recruit persons for enlistment in*  
24                   *the Army.”.*

1       (c) *PAYMENT METHODS.*—Such section is further  
2 amended—

3           (1) in subsection (d), by striking the second sen-  
4 tence; and

5           (2) by striking subsection (e) and inserting the  
6 following new subsection:

7       “(e) *PAYMENT METHODS.*—At the discretion of the  
8 Secretary, a bonus payable for a referral of a person under  
9 subsection (a) may be paid—

10           “(1) directly to the individual referred to in sub-  
11 section (b) making the referral; or

12           “(2) through an entity contracted to make bonus  
13 payments under this section.”.

14       (d) *CLERICAL AMENDMENTS.*—

15           (1) *SECTION HEADING.*—The heading of such sec-  
16 tion is amended to read as follows:

17       “§ 3252. **Bonus to encourage Army personnel and**  
18           **other persons to refer persons for enlist-**  
19           **ment in the Army”.**

20           (2) *TABLE OF SECTIONS.*—The table of sections  
21 at the beginning of chapter 333 of such title is  
22 amended by striking the item relating to section 3252  
23 and inserting the following new item:

“3252. *Bonus to encourage Army personnel and other persons to refer persons for  
enlistment in the Army.*”.



1 **SEC. 662. CONTINUATION OF ENTITLEMENT TO BONUSES**  
2 **AND SIMILAR BENEFITS FOR MEMBERS OF**  
3 **THE UNIFORMED SERVICES WHO DIE, ARE**  
4 **SEPARATED OR RETIRED FOR DISABILITY, OR**  
5 **MEET OTHER CRITERIA.**

6 *(a) DISCRETION TO PROVIDE EXCEPTION TO TERMI-*  
7 *NATION AND REPAYMENT REQUIREMENTS UNDER CERTAIN*  
8 *CIRCUMSTANCES.—Section 303a(e) of title 37, United*  
9 *States Code, is amended—*

10 *(1) in the subsection heading, by inserting “;*  
11 *TERMINATION OF ENTITLEMENT TO UNPAID*  
12 *AMOUNTS” after “MET”;*

13 *(2) in paragraph (1)—*

14 *(A) by striking “A member” and inserting*  
15 *“(A) Except as provided in paragraph (2), a*  
16 *member”;* and

17 *(B) by striking “the requirements, except in*  
18 *certain circumstances authorized by the Sec-*  
19 *retary concerned.” and inserting “the eligibility*  
20 *requirements and may not receive any unpaid*  
21 *amounts of the bonus or similar benefit after the*  
22 *member fails to satisfy the requirements, unless*  
23 *the Secretary concerned determines that the im-*  
24 *position of the repayment requirement and ter-*  
25 *mination of the payment of unpaid amounts of*  
26 *the bonus or similar benefit with regard to the*

1           *member would be contrary to a personnel policy*  
2           *or management objective, would be against eq-*  
3           *uity and good conscience, or would be contrary*  
4           *to the best interests of the United States.”; and*  
5           *(3) by redesignating paragraph (2) as subpara-*  
6           *graph (B) of paragraph (1).*

7           ***(b) MANDATORY PAYMENT OF UNPAID AMOUNTS***  
8           ***UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF UN-***  
9           ***EARNED AMOUNTS.***—*Section 303a(e) of title 37, United*  
10          *States Code, is amended by inserting after paragraph (1),*  
11          *as amended by subsection (a), the following new paragraph*  
12          *(2):*

13           *“(2)(A) If a member of the uniformed services dies*  
14           *(other than as a result the member’s misconduct) or is re-*  
15           *tired or separated for disability under chapter 61 of title*  
16           *10, the Secretary concerned—*

17                   *“(i) shall not require repayment by the member*  
18                   *or the member’s estate of the unearned portion of any*  
19                   *bonus or similar benefit previously paid to the mem-*  
20                   *ber; and*

21                   *“(ii) shall require the payment to the member or*  
22                   *the member’s estate of the remainder of any bonus or*  
23                   *similar benefit that was not yet paid to the member,*  
24                   *but to which the member was entitled immediately be-*  
25                   *fore the death, retirement, or separation of the mem-*

1        *ber, and would be paid if not for the death, retire-*  
2        *ment, or separation of the member.*

3        *“(B) The amount to be paid under subparagraph*  
4        *(A)(ii) shall be equal to the full amount specified by the*  
5        *agreement or contract applicable to the bonus or similar*  
6        *benefit as if the member continued to be entitled to the*  
7        *bonus or similar benefit following the death, retirement, or*  
8        *separation.*

9        *“(C) Amounts to be paid to a member or the member’s*  
10       *estate under subparagraph (A)(ii) shall be paid in a lump*  
11       *sum not later than 90 days after the date of the death, re-*  
12       *tirement, or separation of the member, whichever applies.”.*

13       *(c) CONFORMING AMENDMENTS REFLECTING CONSOLI-*  
14       *DATED SPECIAL PAY AND BONUS AUTHORITIES.—*

15                *(1) CONFORMING AMENDMENTS.—Section 373 of*  
16        *title 37, United States Code, as added by section 661*  
17        *of the National Defense Authorization Act for Fiscal*  
18        *Year 2008, is amended—*

19                        *(A) in subsection (a)—*

20                                *(i) in the subsection heading, by insert-*  
21                                *ing “AND TERMINATION” after “REPAY-*  
22                                *MENT”; and*

23                                *(ii) by inserting before the period at*  
24                                *the end the following: “, and the member*  
25                                *may not receive any unpaid amounts of the*

1           *bonus, incentive pay, or similar benefit*  
2           *after the member fails to satisfy such service*  
3           *or eligibility requirement”; and*

4           *(B) by striking subsection (b) and inserting*  
5           *the following new subsection:*

6           “(b) *EXCEPTIONS.—*

7           “(1) *DISCRETION TO PROVIDE EXCEPTION TO*  
8           *TERMINATION AND REPAYMENT REQUIREMENTS.—*  
9           *Pursuant to the regulations prescribed to administer*  
10           *this section, the Secretary concerned may grant an*  
11           *exception to the repayment requirement and require-*  
12           *ment to terminate the payment of unpaid amounts of*  
13           *a bonus, incentive pay, or similar benefit if the Sec-*  
14           *retary concerned determines that the imposition of the*  
15           *repayment and termination requirements with regard*  
16           *to a member of the uniformed services would be con-*  
17           *trary to a personnel policy or management objective,*  
18           *would be against equity and good conscience, or*  
19           *would be contrary to the best interests of the United*  
20           *States.*

21           “(2) *MANDATORY PAYMENT OF UNPAID AMOUNTS*  
22           *UNDER CERTAIN CIRCUMSTANCES; NO REPAYMENT OF*  
23           *UNEARNED AMOUNTS.—(A) If a member of the uni-*  
24           *formed services dies (other than as a result the mem-*  
25           *ber’s misconduct) or is retired or separated for dis-*

1 *ability under chapter 61 of title 10, the Secretary*  
2 *concerned—*

3 *“(i) shall not require repayment by the*  
4 *member or the member’s estate of the unearned*  
5 *portion of any bonus, incentive pay, or similar*  
6 *benefit previously paid to the member; and*

7 *“(ii) shall require the payment to the mem-*  
8 *ber or the member’s estate of the remainder of*  
9 *any bonus, incentive pay, or similar benefit that*  
10 *was not yet paid to the member, but to which the*  
11 *member was entitled immediately before the*  
12 *death, retirement, or separation of the member,*  
13 *and would be paid if not for the death, retire-*  
14 *ment, or separation of the member.*

15 *“(B) The amount to be paid under subparagraph*  
16 *(A)(ii) shall be equal to the full amount specified by*  
17 *the agreement or contract applicable to the bonus, in-*  
18 *centive pay, or similar benefit as if the member con-*  
19 *tinued to be entitled to the bonus, incentive pay, or*  
20 *similar benefit following the death, retirement, or sep-*  
21 *aration.*

22 *“(C) Amounts to be paid to a member or the*  
23 *member’s estate under subparagraph (A)(ii) shall be*  
24 *paid in a lump sum not later than 90 days after the*

1       *date of the death, retirement, or separation of the*  
2       *member, whichever applies.”.*

3               (2) *CLERICAL AMENDMENTS.—*

4                       (A) *SECTION HEADING.—The heading of*  
5                       *such section is amended to read as follows:*

6       **“§373. Repayment of unearned portion of bonus, in-**  
7                       **centive pay, or similar benefit, and termi-**  
8                       **nation of remaining payments, when con-**  
9                       **ditions of payment not met”.**

10                      (B) *TABLE OF CONTENTS.—The table of sec-*  
11                      *tions at the beginning of chapter 5 of title 37,*  
12                      *United States Code, is amended by striking the*  
13                      *item relating to section 373 and inserting the*  
14                      *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.”.*

15       **SEC. 663. PROVIDING INJURED MEMBERS OF THE ARMED**  
16                       **FORCES INFORMATION CONCERNING BENE-**  
17                       **FITS.**

18       *Section 1651 of the National Defense Authorization*  
19       *Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*  
20       *476; 10 U.S.C. 1071 note) is amended to read as follows:*

1 **“SEC. 1651. HANDBOOK FOR MEMBERS OF THE ARMED**  
2 **FORCES ON COMPENSATION AND BENEFITS**  
3 **AVAILABLE FOR SERIOUS INJURIES AND ILL-**  
4 **NESSES.**

5 “(a) *INFORMATION ON AVAILABLE COMPENSATION AND*  
6 *BENEFITS.*—*Not later than March 31, 2009, the Secretary*  
7 *of Defense shall develop and maintain a comprehensive de-*  
8 *scription of the compensation and other benefits to which*  
9 *a member of the Armed Forces, and the family of such mem-*  
10 *ber, would be entitled upon the separation or retirement of*  
11 *the member from the Armed Forces as a result of a serious*  
12 *injury or illness. Such description shall be published—*

13 “(1) *in a handbook; and*

14 “(2) *on a publically available, searchable Inter-*  
15 *net website or comparable successor facility.*

16 “(b) *CONTENTS.*—*The comprehensive description shall*  
17 *include the following:*

18 “(1) *The range of compensation and benefits*  
19 *based on grade, length of service, degree of disability*  
20 *at separation or retirement, and other factors affect-*  
21 *ing compensation and benefits as the Secretary con-*  
22 *siders appropriate.*

23 “(2) *Information concerning the Disability Eval-*  
24 *uation System of each military department, includ-*  
25 *ing—*

1           “(A) *an explanation of the process of the*  
2           *Disability Evaluation System;*

3           “(B) *a general timeline of the process of the*  
4           *Disability Evaluation System;*

5           “(C) *the role and responsibilities of the*  
6           *military department throughout the process of*  
7           *the Disability Evaluation System; and*

8           “(D) *the role and responsibilities of a mem-*  
9           *ber of the Armed Forces throughout the process*  
10          *of the Disability Evaluation System.*

11          “(3) *Benefits administered by the Department of*  
12          *Veterans Affairs that a member of the Armed Forces*  
13          *would be entitled upon the separation or retirement*  
14          *from the Armed Forces as a result of a serious injury*  
15          *or illness.*

16          “(4) *A list of State veterans service organizations*  
17          *and their contact information and Internet website*  
18          *addresses.*

19          “(c) *CONSULTATION.—The Secretary of Defense shall*  
20          *develop and maintain the comprehensive description re-*  
21          *quired by subsection (a) in consultation with the Secretary*  
22          *of Veterans Affairs, the Secretary of Health and Human*  
23          *Services, and the Commissioner of Social Security.*

24          “(d) *UPDATE.—The Secretary of Defense shall up-*  
25          *date—*



1           “(1) the handbook on a periodic basis, but not  
2           less often than annually; and

3           “(2) the Internet website or comparable successor  
4           facility immediately after any change has been made  
5           to the compensation or other benefits described in sub-  
6           section (a).

7           “(e) *PROVISION TO MEMBERS.*—The Secretary of the  
8           military department concerned shall provide the handbook  
9           to each member of the Armed Forces under the jurisdiction  
10          of that Secretary as soon as practicable following an injury  
11          or illness for which the member may retire or separate from  
12          the Armed Forces.

13          “(f) *PROVISION TO REPRESENTATIVES.*—If a member  
14          is incapacitated or otherwise unable to receive the hand-  
15          book, the handbook shall be provided to the next of kin or  
16          a legal representative of the member, as determined in ac-  
17          cordance with regulations prescribed by the Secretary of the  
18          military department concerned for purposes of this sec-  
19          tion.”.

20                           **TITLE VII—HEALTH CARE**  
21                           **PROVISIONS**

*Subtitle A—Improvements to Health Benefits*

*Sec. 701. One-year extension of prohibition on increases in certain health care costs for members of the uniformed services.*

*Sec. 702. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.*

*Sec. 703. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.*

*Sec. 704. Chiropractic health care for members on active duty.*

*Sec. 705. Requirement to recalculate TRICARE Reserve Select premiums based on actual cost data.*

*Sec. 706. Program for health care delivery at military installations projected to grow.*

*Sec. 707. Guidelines for combined Federal medical facilities.*

*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. Availability of allowance to assist members of the Armed Forces and their dependents procure preventive health care services.*

*Subtitle C—Wounded Warrior Matters*

*Sec. 721. Center of excellence in prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss and auditory system injuries.*

*Sec. 722. Clarification to center of excellence relating to military eye injuries.*

*Sec. 723. National Casualty Care Research Center.*

*Sec. 724. Peer-reviewed research program on extremity war injuries.*

*Sec. 725. Review of policies and processes related to the delivery of mail to wounded members of the Armed Forces.*

*Subtitle D—Other Matters*

*Sec. 731. Report on stipend for members of reserve components for health care for certain dependents.*

*Sec. 732. Report on providing the Extended Care Health Option Program to autistic dependents of military retirees.*

*Sec. 733. Sense of Congress regarding autism therapy services.*

1 ***Subtitle A—Improvements to Health***  
2 ***Benefits***

3 ***SEC. 701. ONE-YEAR EXTENSION OF PROHIBITION ON IN-***  
4 ***CREASES IN CERTAIN HEALTH CARE COSTS***  
5 ***FOR MEMBERS OF THE UNIFORMED SERV-***  
6 ***ICES.***

7 (a) *CHARGES UNDER CONTRACTS FOR MEDICAL*  
8 *CARE.—Section 1097(e) of title 10, United States Code, is*  
9 *amended by striking “September 30, 2008” and inserting*  
10 *“September 30, 2009”.*

1       (b) *CHARGES FOR INPATIENT CARE.*—Section  
 2 1086(b)(3) of such title is amended by striking “September  
 3 30, 2008” and inserting “September 30, 2009”.

4 **SEC. 702. TEMPORARY PROHIBITION ON INCREASE IN CO-**  
 5 **PAYMENTS UNDER RETAIL PHARMACY SYS-**  
 6 **TEM OF PHARMACY BENEFITS PROGRAM.**

7       *During the period beginning on October 1, 2008, and*  
 8 *ending on September 30, 2009, the cost sharing require-*  
 9 *ments established under paragraph (6) of section 1074g(a)*  
 10 *of title 10, United States Code, for pharmaceutical agents*  
 11 *available through retail pharmacies covered by paragraph*  
 12 *(2)(E)(ii) of such section may not exceed amounts as fol-*  
 13 *lows:*

14               (1) *In the case of generic agents, \$3.*

15               (2) *In the case of formulary agents, \$9.*

16               (3) *In the case of nonformulary agents, \$22.*

17 **SEC. 703. PROHIBITION ON CONVERSION OF MILITARY**  
 18 **MEDICAL AND DENTAL POSITIONS TO CIVIL-**  
 19 **IAN MEDICAL AND DENTAL POSITIONS.**

20       (a) *PROHIBITION.*—*The Secretary of a military de-*  
 21 *partment may not convert any military medical or dental*  
 22 *position to a civilian medical or dental position on or after*  
 23 *October 1, 2008.*

24       (b) *RESTORATION OF CERTAIN POSITIONS TO MILI-*  
 25 *TARY POSITIONS.*—*In the case of any military medical or*

1 dental position that is converted to a civilian medical or  
2 dental position during the period beginning on October 1,  
3 2004, and ending on September 30, 2008, if the position  
4 is not filled by a civilian by September 30, 2008, the Sec-  
5 retary of the military department concerned shall restore  
6 the position to a military medical or dental position that  
7 can be filled only by a member of the Armed Forces who  
8 is a health professional.

9 (c) *DEFINITIONS.*—*In this section:*

10 (1) The term “military medical or dental posi-  
11 tion” means a position for the performance of health  
12 care functions (or coded to work within a military  
13 treatment facility) within the Armed Forces held by  
14 a member of the Armed Forces.

15 (2) The term “civilian medical or dental posi-  
16 tion” means a position for the performance of health  
17 care functions within the Department of Defense held  
18 by an employee of the Department or of a contractor  
19 of the Department.

20 (3) The term “conversion”, with respect to a  
21 military medical or dental position, means a change  
22 of the position to a civilian medical or dental posi-  
23 tion, effective as of the date of the manning authoriza-  
24 tion document of the military department making the  
25 change (through a change in designation from mili-

1 *tary to civilian in the document, the elimination of*  
2 *the listing of the position as a military position in*  
3 *the document, or through any other means indicating*  
4 *the change in the document or otherwise).*

5 *(d) REPEAL.—Section 721 of the National Defense Au-*  
6 *thorization Act for Fiscal Year 2008 (Public Law 110–181)*  
7 *is repealed.*

8 **SEC. 704. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON**  
9 **ACTIVE DUTY.**

10 *(a) REQUIREMENT FOR CHIROPRACTIC CARE.—Sub-*  
11 *ject to such regulations as the Secretary of Defense may pre-*  
12 *scribe, the Secretary shall provide chiropractic services for*  
13 *members of the uniformed services who are entitled to care*  
14 *under section 1074(a) of title 10, United States Code. Such*  
15 *chiropractic services may be provided only by a doctor of*  
16 *chiropractic.*

17 *(b) DEMONSTRATION PROJECTS.—The Secretary of*  
18 *Defense may conduct one or more demonstration projects*  
19 *to provide chiropractic services to deployed members of the*  
20 *uniformed services. Such chiropractic services may be pro-*  
21 *vided only by a doctor of chiropractic.*

22 *(c) DEFINITIONS.—In this section:*

23 *(1) The term “chiropractic services”—*

24 *(A) includes diagnosis (including by diag-*  
25 *nostic X-ray tests), evaluation and management,*

1           *and therapeutic services for the treatment of a*  
2           *patient’s health condition, including neuro-*  
3           *musculoskeletal conditions and the subluxation*  
4           *complex, and such other services determined ap-*  
5           *propriate by the Secretary and as authorized*  
6           *under State law; and*

7                   *(B) does not include the use of drugs or sur-*  
8                   *gery.*

9           *(2) The term “doctor of chiropractic” means only*  
10          *a doctor of chiropractic who is licensed as a doctor*  
11          *of chiropractic, chiropractic physician, or chiro-*  
12          *practor by a State, the District of Columbia, or a ter-*  
13          *ritory or possession of the United States.*

14 **SEC. 705. REQUIREMENT TO RECALCULATE TRICARE RE-**  
15                   **SERVE SELECT PREMIUMS BASED ON ACTUAL**  
16                   **COST DATA.**

17          *(a) CALCULATION BASED ON ACTUAL COST DATA.—*

18          *Paragraph (3) of section 1076d(d) of title 10, United States*  
19          *Code, is amended to read as follows:*

20                   *“(3) The monthly amount of the premium in effect for*  
21          *a month for TRICARE Standard coverage under this sec-*  
22          *tion shall be not more than the lesser of—*

23                   *“(A) the amount equal to 28 percent of the total*  
24          *average monthly amount for that coverage, as deter-*

1        *mined by the Secretary based on actual cost data for*  
2        *the preceding fiscal year; or*

3                *“(B) the amount in effect for the month of March*  
4        *2006.”.*

5        *(b) EFFECTIVE DATE.—Paragraph (3) of section*  
6        *1076d(d) of title 10, United States Code, as amended by*  
7        *this section, shall apply with respect to fiscal year 2009*  
8        *and fiscal years thereafter.*

9        **SEC. 706. PROGRAM FOR HEALTH CARE DELIVERY AT MILI-**  
10                    **TARY INSTALLATIONS PROJECTED TO GROW.**

11        *(a) PROGRAM.—Not later than 90 days after the date*  
12        *of the enactment of this Act, the Secretary of Defense shall*  
13        *develop a plan to establish a program to build cooperative*  
14        *health care arrangements and agreements between military*  
15        *installations projected to grow and local and regional non-*  
16        *military health care systems.*

17        *(b) REQUIREMENTS OF PLAN.—In developing the plan,*  
18        *the Secretary of Defense shall—*

19                *(1) identify and analyze health care delivery op-*  
20        *tions involving the private sector and health care*  
21        *services in military facilities located on military in-*  
22        *stallations;*

23                *(2) develop methods for determining the cost*  
24        *avoidance or savings resulting from innovative part-*

1        *nerships between the Department of Defense and the*  
2        *private sector;*

3            *(3) develop requirements for Department of De-*  
4        *fense health care providers to deliver health care in ci-*  
5        *vilian community hospitals; and*

6            *(4) collaborate with State and local authorities*  
7        *to create an arrangement to share and exchange, be-*  
8        *tween the Department of Defense and nonmilitary*  
9        *health care systems, personal health information, and*  
10       *data of military personnel and their families.*

11        *(c) COORDINATION WITH OTHER ENTITIES.—The*  
12       *plan shall include requirements for coordination with Fed-*  
13       *eral, State, and local entities, TRICARE managed care*  
14       *support contractors, and other contracted assets around in-*  
15       *stallations selected for participation in the program.*

16        *(d) CONSULTATION REQUIREMENTS.—The Secretary*  
17       *of Defense shall develop the plan in consultation with the*  
18       *Secretaries of the military departments.*

19        *(e) SELECTION OF MILITARY INSTALLATIONS.—The*  
20       *program shall be implemented at each installation partici-*  
21       *pating in the pilot program conducted pursuant to section*  
22       *721 of the Ronald W. Reagan National Defense Authoriza-*  
23       *tion Act for Fiscal Year 2005 (Public Law 108–375; 118*  
24       *Stat. 1988) and other military installations selected by the*



1 *Secretary of Defense. Each selected military installation*  
2 *shall meet the following criteria:*

3           (1) *The military installation has members of the*  
4 *Armed Forces on active duty and members of reserve*  
5 *components of the Armed Forces that use the installa-*  
6 *tion as a training and operational base, with mem-*  
7 *bers routinely deploying in support of the global war*  
8 *on terrorism.*

9           (2) *The military population of an installation*  
10 *will significantly increase by 2013 due to actions re-*  
11 *lated to either Grow the Force initiatives or rec-*  
12 *ommendations of the Defense Base Realignment and*  
13 *Closure Commission.*

14           (3) *There is a military treatment facility on the*  
15 *installation that has—*

16                   (A) *no inpatient or trauma center care ca-*  
17 *pabilities; and*

18                   (B) *no current or planned capacity that*  
19 *would satisfy the proposed increase in military*  
20 *personnel at the installation.*

21           (4) *There is a civilian community hospital near*  
22 *the military installation, and the military treatment*  
23 *facility has—*

1           (A) *no inpatient services or limited capa-*  
2           *bility to expand inpatient care beds, intensive*  
3           *care, and specialty services; and*

4           (B) *limited or no capability to provide*  
5           *trauma care.*

6           (f) *REPORTS.*—*Not later than one year after the date*  
7           *of the enactment of this Act, and every year thereafter, the*  
8           *Secretary of Defense shall submit to the Committees on*  
9           *Armed Services of the Senate and House of Representatives*  
10          *an annual report describing the results of the program.*

11       **SEC. 707. GUIDELINES FOR COMBINED FEDERAL MEDICAL**  
12                               **FACILITIES.**

13          *Before a facility may be designated a combined Fed-*  
14          *eral medical facility of the Department of Defense and the*  
15          *Department of Veterans Affairs, the Secretary of Defense*  
16          *and the Secretary of Veterans Affairs shall issue a signed*  
17          *agreement that specifies, at a minimum, a binding oper-*  
18          *ational agreement on the following areas:*

19               (1) *Patient priority categories.*

20               (2) *Budgeting.*

21               (3) *Staffing.*

22               (4) *Construction.*

23               (5) *Physical plant management.*

1           **Subtitle B—Preventive Care**

2   **SEC. 711. WAIVER OF COPAYMENTS FOR PREVENTIVE SERV-**  
3                   **ICES FOR CERTAIN TRICARE BENEFICIARIES.**

4           (a) *WAIVER OF CERTAIN COPAYMENTS.*—Subject to  
5   *subsection (b) and under regulations prescribed by the Sec-*  
6   *retary of Defense, the Secretary shall—*

7                   (1) *waive all copayments under sections 1079(b)*  
8                   *and 1086(b) of title 10, United States Code, for pre-*  
9                   *ventive services for all beneficiaries who would other-*  
10                   *wise pay copayments; and*

11                   (2) *ensure that a beneficiary pays nothing for*  
12                   *preventive services during a year even if the bene-*  
13                   *ficiary has not paid the amount necessary to cover*  
14                   *the beneficiary's deductible for the year.*

15           (b) *EXCLUSION FOR MEDICARE-ELIGIBLE BENE-*  
16   *FICIARIES.*—*Subsection (a) shall not apply to a medicare-*  
17   *eligible beneficiary.*

18           (c) *REFUND OF COPAYMENTS.*—

19                   (1) *AUTHORITY.*—*Under regulations prescribed*  
20                   *by the Secretary of Defense, the Secretary may pay*  
21                   *a refund to a medicare-eligible beneficiary excluded*  
22                   *by subsection (b), subject to the availability of appro-*  
23                   *priations specifically for such refunds, consisting of*  
24                   *an amount up to the difference between—*

1           (A) the amount the beneficiary pays for co-  
2           payments for preventive services during fiscal  
3           year 2009; and

4           (B) the amount the beneficiary would have  
5           paid during such fiscal year if the copayments  
6           for preventive services had been waived pursuant  
7           to subsection (a) during that year.

8           (2) *COPAYMENTS COVERED.*—The refunds under  
9           paragraph (1) are available only for copayments paid  
10          by medicare-eligible beneficiaries during fiscal year  
11          2009.

12          (3) *FUNDING.*—Of the amounts authorized to be  
13          appropriated under title XIV of this Act for the De-  
14          fense Health Program, \$10,000,000 is authorized for  
15          the purposes of the refund authorized under this sub-  
16          section.

17          (d) *DEFINITIONS.*—In this section:

18           (1) *PREVENTIVE SERVICES.*—The term “preven-  
19           tive services” includes, taking into consideration the  
20           age and gender of the beneficiary:

21           (A) Colorectal screening.

22           (B) Breast screening.

23           (C) Cervical screening.

24           (D) Prostate screening.

25           (E) Annual physical exam.

1                   (F) *Vaccinations*

2                   (2) *MEDICARE-ELIGIBLE.*—*The term “medicare-*  
3 *eligible” has the meaning provided by section*  
4 *1111(b) of title 10, United States Code.*

5 **SEC. 712. MILITARY HEALTH RISK MANAGEMENT DEM-**  
6 **ONSTRATION PROJECT.**

7                   (a) *DEMONSTRATION PROJECT REQUIRED.*—*The Sec-*  
8 *retary of Defense shall conduct a demonstration project de-*  
9 *signed to evaluate the efficacy of providing incentives to en-*  
10 *courage healthy behaviors on the part of eligible military*  
11 *health system beneficiaries.*

12                   (b) *ELEMENTS OF DEMONSTRATION PROJECT.*—

13                   (1) *WELLNESS ASSESSMENT.*—*The Secretary*  
14 *shall develop a wellness assessment to be offered to*  
15 *beneficiaries enrolled in the demonstration project.*  
16 *The wellness assessment shall incorporate nationally*  
17 *recognized standards for health and healthy behaviors*  
18 *and shall be offered to determine a baseline and at*  
19 *appropriate intervals determined by the Secretary.*  
20 *The wellness assessment shall include the following:*

21                               (A) *A self-reported health risk assessment.*

22                               (B) *Physiological and biometric measures,*  
23 *including at least—*

24   (i) *blood pressure;*

25   (ii) *glucose level;*

1                   (iii) lipids; and

2                   (iv) nicotine use.

3                   (2) *POPULATION ENROLLED.*—*Non-medicare eli-*  
4 *gible retired beneficiaries of the military health sys-*  
5 *tem and their dependents who are enrolled in*  
6 *TRICARE Prime and who reside in the demonstra-*  
7 *tion project service area shall be enrolled in the dem-*  
8 *onstration project.*

9                   (3) *GEOGRAPHIC COVERAGE OF DEMONSTRATION*  
10 *PROJECT.*—*The demonstration project shall be con-*  
11 *ducted in at least three geographic areas within the*  
12 *United States where TRICARE Prime is offered, as*  
13 *determined by the Secretary. The area covered by the*  
14 *project shall be referred to as the demonstration*  
15 *project service area.*

16                   (4) *PROGRAMS.*—*The Secretary shall develop*  
17 *programs to assist enrollees to improve healthy behav-*  
18 *iors, as identified by the wellness assessment.*

19                   (5) *INCLUSION OF INCENTIVES REQUIRED.*—*For*  
20 *the purpose of conducting the demonstration project,*  
21 *the Secretary may offer monetary and non-monetary*  
22 *incentives to enrollees to encourage participation in*  
23 *the demonstration project.*

1           (c) *EVALUATION OF DEMONSTRATION PROJECT.*—The  
2 Secretary shall annually evaluate the demonstration project  
3 for the following:

4           (1) *The extent to which the health risk assess-*  
5 *ment and the physiological and biometric measures of*  
6 *beneficiaries are improved from the baseline (as deter-*  
7 *mined in the wellness assessment).*

8           (2) *In the case of baseline health risk assessments*  
9 *and physiological and biometric measures that reflect*  
10 *healthy behaviors, the extent to which the measures*  
11 *are maintained.*

12          (d) *IMPLEMENTATION PLAN.*—The Secretary of De-  
13 fense shall submit a plan to implement the health risk man-  
14 agement demonstration project required by this section not  
15 later than 90 days after the date of the enactment of this  
16 Act.

17          (e) *DURATION OF PROJECT.*—The health risk manage-  
18 ment demonstration project shall be implemented for a pe-  
19 riod of three years, beginning not later than March 1, 2009,  
20 and ending three years after that date.

21          (f) *REPORT.*—

22           (1) *IN GENERAL.*—The Secretary of Defense shall  
23 submit to the Committees on Armed Services of the  
24 Senate and the House of Representatives an annual  
25 report on the effectiveness of the health risk manage-

1        *ment demonstration project in improving the health*  
2        *risk measures of military health system beneficiaries*  
3        *enrolled in the demonstration project. The first report*  
4        *shall be submitted not later than one year after the*  
5        *date of the enactment of this Act, and subsequent re-*  
6        *ports shall be submitted for each year of the dem-*  
7        *onstration project with the final report being sub-*  
8        *mitted not later than 90 days after the termination*  
9        *of the demonstration project.*

10            (2) *MATTERS COVERED.—Each report shall ad-*  
11            *dress, at a minimum, the following:*

12                    (A) *The number of beneficiaries who were*  
13                    *enrolled in the project.*

14                    (B) *The number of enrolled beneficiaries*  
15                    *who participate in the project.*

16                    (C) *The incentives to encourage healthy be-*  
17                    *haviors that were provided to the beneficiaries in*  
18                    *each beneficiary category, and the extent to*  
19                    *which the incentives encouraged healthy behav-*  
20                    *iors.*

21                    (D) *An assessment of the effectiveness of the*  
22                    *demonstration project.*

23                    (E) *Recommendations for adjustments to*  
24                    *the demonstration project.*



1           (F) *The estimated costs avoided as a result*  
2           *of decreased health risk conditions on the part of*  
3           *each of the beneficiary categories.*

4           (G) *Recommendations for extending the*  
5           *demonstration project or implementing a perma-*  
6           *nent wellness assessment program.*

7           (H) *Identification of legislative authorities*  
8           *required to implement a permanent program.*

9 **SEC. 713. SMOKING CESSATION PROGRAM UNDER TRICARE.**

10       (a) *TRICARE SMOKING CESSATION PROGRAM.—Not*  
11 *later than 180 days after the date of the enactment of this*  
12 *Act, the Secretary of Defense shall establish a smoking ces-*  
13 *sation program under the TRICARE program, to be made*  
14 *available to all beneficiaries under the TRICARE program*  
15 *who are not medicare-eligible. The Secretary may prescribe*  
16 *such regulations as may be necessary to implement the pro-*  
17 *gram.*

18       (b) *ELEMENTS.—The program shall include, at a min-*  
19 *imum, the following elements:*

20           (1) *The availability, at no cost to the bene-*  
21 *ficiary, of pharmaceuticals used for smoking ces-*  
22 *sation, with a limitation on the availability of such*  
23 *pharmaceuticals to the national mail-order pharmacy*  
24 *program under the TRICARE program if appro-*  
25 *priate.*

1           (2) *Access to a toll-free quit line that is available*  
2           *24 hours a day, 7 days a week.*

3           (3) *Access to printed and Internet web-based to-*  
4           *bacco cessation material.*

5           (c) *PLAN.*—*Not later than 90 days after the date of*  
6           *the enactment of this Act, the Secretary shall submit to the*  
7           *congressional defense committees a plan to implement the*  
8           *program.*

9           (d) *REFUND OF COPAYMENTS.*—

10           (1) *AUTHORITY.*—*Under regulations prescribed*  
11           *by the Secretary of Defense, the Secretary may pay*  
12           *a refund to a medicare-eligible beneficiary otherwise*  
13           *excluded by this section, subject to the availability of*  
14           *appropriations specifically for such refunds, con-*  
15           *sisting of an amount up to the difference between—*

16                   (A) *the amount the beneficiary pays for co-*  
17                   *payments for smoking cessation services de-*  
18                   *scribed in subsection (b) during fiscal year 2009;*  
19                   *and*

20                   (B) *the amount the beneficiary would have*  
21                   *paid during such fiscal year if the copayments*  
22                   *for smoking cessation services had been waived*  
23                   *pursuant to subsection (b) during that year.*

24           (2) *COPAYMENTS COVERED.*—*The refunds under*  
25           *paragraph (1) are available only for copayments paid*

1       *by medicare-eligible beneficiaries during fiscal year*  
2       *2009.*

3           (3) *FUNDING.*—*Of the amounts authorized to be*  
4       *appropriated under title XIV for the Defense Health*  
5       *Program, \$3,000,000 is authorized for the purposes of*  
6       *the refund authorized under this subsection.*

7           (e) *REPORT.*—*Not later than one year after the date*  
8       *of the enactment of this Act, the Secretary shall submit to*  
9       *the congressional defense committees a report covering the*  
10       *following:*

11           (1) *The status of the program.*

12           (2) *The number of participants in the program.*

13           (3) *The cost of the program.*

14           (4) *The costs avoided that are attributed to the*  
15       *program.*

16           (5) *The success rates of the program compared to*  
17       *other nationally recognized smoking cessation pro-*  
18       *grams.*

19           (6) *Findings regarding the success rate of par-*  
20       *ticipants in the program.*

21           (7) *Recommendations to modify the policies and*  
22       *procedures of the program.*

23           (8) *Recommendations concerning the future util-*  
24       *ity of the program.*

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

1           (1) *TRICARE PROGRAM.*—The term “*TRICARE*  
2           *program*” has the meaning provided by section  
3           1072(7) of title 10, United States Code.

4           (2) *MEDICARE-ELIGIBLE.*—The term “*medicare-*  
5           *eligible*” has the meaning provided by section 1111(b)  
6           of title 10, United States Code.

7   **SEC. 714. AVAILABILITY OF ALLOWANCE TO ASSIST MEM-**  
8                   **BERS OF THE ARMED FORCES AND THEIR DE-**  
9                   **PENDENTS PROCURE PREVENTIVE HEALTH**  
10                  **CARE SERVICES.**

11           (a) *ALLOWANCE.*—Chapter 7 of title 37, United States  
12           Code, is amended by adding at the end the following new  
13           section:

14   **“§ 438. Preventive health services allowance**

15           “(a) *DEMONSTRATION PROJECT.*—During the period  
16           beginning on January 1, 2009, and ending on December  
17           31, 2011, the Secretary of Defense shall conduct a dem-  
18           onstration project designed to evaluate the efficacy of pro-  
19           viding an annual allowance (to be known as a ‘preventive  
20           health services allowance’) to members of the armed forces  
21           described in subsection (b) to increase the use of preventive  
22           health services by such members and their dependents.

23           “(b) *ELIGIBLE MEMBERS.*—(1) Subject to the numer-  
24           ical limitations specified in paragraph (2), a member of  
25           the armed forces who is serving on active duty for a period

1 of more than 30 days and meets the medical and dental  
2 readiness requirements for the armed force of the member  
3 may receive a preventive health services allowance.

4 “(2) Not more than 1,500 members of each of the  
5 Army, Navy, Air Force, and Marine Corps may receive a  
6 preventive health services allowance during any year, of  
7 which half in each armed force shall be members without  
8 dependents and half shall be members with dependents.

9 “(c) *AMOUNT OF ALLOWANCE.*—The Secretary of the  
10 military department concerned shall pay a preventive  
11 health services allowance to a member selected to receive the  
12 allowance in an amount equal to—

13 “(1) \$500 per year, in the case of a member  
14 without dependents; and

15 “(2) \$1,000 per year, in the case of a member  
16 with dependents.

17 “(d) *AUTHORIZED PREVENTIVE HEALTH SERVICES.*—  
18 (1) The Secretary of Defense shall specify the types of pre-  
19 ventive health services that may be procured using a preven-  
20 tive health services allowance and the frequency at which  
21 such services may be procured.

22 “(2) At a minimum, authorized preventive health serv-  
23 ices shall include, taking into consideration the age and  
24 gender of the member and dependents of the member:

25 “(A) Colorectal screening.

1           “(B) *Breast screening.*

2           “(C) *Cervical screening.*

3           “(D) *Prostate screening.*

4           “(E) *Annual physical exam.*

5           “(F) *Annual dental exam.*

6           “(G) *Vaccinations.*

7           “(3) *The Secretary of Defense shall ensure that mem-*  
8 *bers selected to receive the preventive health services allow-*  
9 *ance and their dependents are provided a reasonable oppor-*  
10 *tunity to receive the services authorized under this sub-*  
11 *section in their local area.*

12          “(e) *DATA COLLECTION.—At a minimum, the Sec-*  
13 *retary of Defense shall monitor and record the health of*  
14 *members receiving a preventive health services allowance*  
15 *and their dependents and the results the testing required*  
16 *to qualify for payment of the allowance, if conducted. The*  
17 *Secretary shall assess the medical utility of the testing re-*  
18 *quired to qualify for payment of a preventive health allow-*  
19 *ance.*

20          “(f) *REPORTING REQUIREMENT.—Not later than*  
21 *March 31, 2010, and March 31, 2012, the Secretary of De-*  
22 *fense shall submit to Congress a report on the status of the*  
23 *demonstration project, including findings regarding the*  
24 *medical status of participants, recommendations to modify*

1 *the policies and procedures of the program, and rec-*  
2 *ommendations concerning the future utility of the project.*

3 “(g) *REGULATIONS.*—*The Secretary of Defense shall*  
4 *prescribe regulations to carry out this section.*”.

5 (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
6 *the beginning of such chapter is amended by adding at the*  
7 *end the following new item:*

*“438. Preventive health care allowance.”.*

8 ***Subtitle C—Wounded Warrior***  
9 ***Matters***

10 ***SEC. 721. CENTER OF EXCELLENCE IN PREVENTION, DIAG-***  
11 ***NOSIS, MITIGATION, TREATMENT, AND REHA-***  
12 ***BILITATION OF HEARING LOSS AND AUDI-***  
13 ***TORY SYSTEM INJURIES.***

14 (a) *IN GENERAL.*—*The Secretary of Defense shall es-*  
15 *tablish within the Department of Defense a center of excel-*  
16 *lence in the prevention, diagnosis, mitigation, treatment,*  
17 *and rehabilitation of hearing loss and auditory system in-*  
18 *jury to carry out the responsibilities specified in subsection*  
19 *(c).*

20 (b) *PARTNERSHIPS.*—*The Secretary shall ensure that*  
21 *the center collaborates to the maximum extent practicable*  
22 *with the Secretary of Veterans Affairs, institutions of higher*  
23 *education, and other appropriate public and private enti-*  
24 *ties (including international entities) to carry out the re-*  
25 *sponsibilities specified in subsection (c).*

1       (c) *RESPONSIBILITIES.*—

2             (1) *IN GENERAL.*—*The center shall—*

3                     (A) *implement a comprehensive plan and*  
4                     *strategy for the Department of Defense, as devel-*  
5                     *oped by the Secretary of Defense, for a registry*  
6                     *of information for the tracking of the diagnosis,*  
7                     *surgical intervention or other operative proce-*  
8                     *dure, other treatment, and follow up for each*  
9                     *case of hearing loss and auditory system injury*  
10                    *incurred by a member of the Armed Forces while*  
11                    *serving on active duty;*

12                    (B) *ensure the electronic exchange with the*  
13                    *Secretary of Veterans Affairs of information ob-*  
14                    *tained through tracking under subparagraph*  
15                    *(A); and*

16                    (C) *enable the Secretary of Veterans Affairs*  
17                    *to access the registry and add information per-*  
18                    *taining to additional treatments or surgical pro-*  
19                    *cedures and eventual hearing outcomes for vet-*  
20                    *erans who were entered into the registry and*  
21                    *subsequently received treatment through the Vet-*  
22                    *erans Health Administration.*

23             (2) *DESIGNATION OF REGISTRY.*—*The registry*  
24             *under this subsection shall be known as the “Hearing*



1       *Loss and Auditory System Injury Registry*” (herein-  
2       after referred to as the “Registry”).

3               (3) *CONSULTATION IN DEVELOPMENT.*—The cen-  
4       ter shall develop the Registry in consultation with au-  
5       diologists, speech and language pathologists,  
6       otolaryngologists, and other specialist personnel of the  
7       Department of Defense and the audiologists, speech  
8       and language pathologists, otolaryngologists, and  
9       other specialist personnel of the Department of Vet-  
10      erans Affairs. The mechanisms and procedures of the  
11      Registry shall reflect applicable expert research on  
12      military and other hearing loss.

13              (4) *MECHANISMS.*—The mechanisms of the Reg-  
14      istry for tracking under paragraph (1)(A) shall en-  
15      sure that each military medical treatment facility or  
16      other medical facility shall submit to the center for  
17      inclusion in the Registry information on the diag-  
18      nosis, surgical intervention or other operative proce-  
19      dure, other treatment, and follow up for each case of  
20      hearing loss and auditory system injury described in  
21      that paragraph as follows (to the extent applicable):

22                      (A) Not later than 30 days after surgery or  
23                      other operative intervention, including a surgery  
24                      or other operative intervention carried out as a  
25                      result of a follow-up examination.

1                   (B) Not later than 180 days after the hear-  
2                   ing loss and auditory system injury is reported  
3                   or recorded in the medical record.

4                   (5) COORDINATION OF CARE AND BENEFITS.—

5                   (A) The center shall provide notice to the National  
6                   Center for Rehabilitative Auditory Research  
7                   (NCRAR) of the Department of Veterans Affairs and  
8                   to the auditory system impairment services of the Vet-  
9                   erans Health Administration on each member of the  
10                  Armed Forces described in subparagraph (B) for pur-  
11                  poses of ensuring the coordination of the provision of  
12                  ongoing auditory system rehabilitation benefits and  
13                  services by the Department of Veterans Affairs after  
14                  the separation or release of such member from the  
15                  Armed Forces.

16                  (B) A member of the Armed Forces described in  
17                  this subparagraph is a member of the Armed Forces  
18                  with significant hearing loss or auditory system in-  
19                  jury incurred while serving on active duty, including  
20                  a member with auditory dysfunction related to trau-  
21                  matic brain injury.

22                  (d) UTILIZATION OF REGISTRY INFORMATION.—The  
23                  Secretary of Defense and the Secretary of Veterans Affairs  
24                  shall jointly ensure that information in the Registry is  
25                  available to appropriate audiologists, speech and language

1 *pathologists, otolaryngologists, and other specialist per-*  
2 *sonnel of the Department of Defense and the Department*  
3 *of Veterans Affairs for purposes of encouraging and facili-*  
4 *tating the conduct of research, and the development of best*  
5 *practices and clinical education, on hearing loss or audi-*  
6 *tory system injury incurred by members of the Armed*  
7 *Forces.*

8       (e) *INCLUSION OF RECORDS OF OIF/OEF VET-*  
9 *ERANS.—The Secretary of Defense shall take appropriate*  
10 *actions to include in the Registry such records of members*  
11 *of the Armed Forces who incurred a hearing loss or audi-*  
12 *tory system injury while serving on active duty on or after*  
13 *September 11, 2001, but before the establishment of the Reg-*  
14 *istry, as the Secretary considers appropriate for purposes*  
15 *of the Registry.*

16 **SEC. 722. CLARIFICATION TO CENTER OF EXCELLENCE RE-**  
17 **LATING TO MILITARY EYE INJURIES.**

18       Section 1623(d) of Public Law 110–181 is amended  
19 by striking “in combat” at the end.

20 **SEC. 723. NATIONAL CASUALTY CARE RESEARCH CENTER.**

21       (a) *REDESIGNATION OF RESEARCH PROGRAM AS CEN-*  
22 *TER.—Not later than October 1, 2009, the Secretary of De-*  
23 *fense shall designate a center be known as the “National*  
24 *Casualty Care Research Center” (in this section referred to*  
25 *as the “Center”), which shall consist of the program known*

1 *as the combat casualty care research program at the Army*  
2 *Medical Research and Materiel Command as modified in*  
3 *accordance with this section.*

4 (b) *DIRECTOR.*—*There shall be a director of the Center,*  
5 *who shall be appointed by the Secretary after consultation*  
6 *with the commanding general of the Medical Research and*  
7 *Materiel Command.*

8 (c) *ACTIVITIES OF THE CENTER.*—*In addition to the*  
9 *functions already performed by the combat casualty care*  
10 *research program, the Center shall—*

11 (1) *provide a public-private partnership for*  
12 *funding clinical and experimental studies in combat*  
13 *injury;*

14 (2) *integrate laboratory and clinical research to*  
15 *hasten improvements in care to both civilians and*  
16 *members of the Armed Forces who are injured;*

17 (3) *ensure that data from both military and ci-*  
18 *vilian entities, including the Joint Theater Trauma*  
19 *Registry and the National Trauma Data Bank, are*  
20 *optimally used to establish research agendas and*  
21 *measure improvements in outcomes; and*

22 (4) *fund the full spectrum of injury research and*  
23 *evaluation, including—*

24 (A) *laboratory, translational, and clinical*  
25 *research;*

1           (B) *point of wounding and pre-hospital*  
2           *care;*

3           (C) *early resuscitative management;*

4           (D) *initial and definitive surgical care;*

5           (E) *rehabilitation and reintegration into*  
6           *society; and*

7           (F) *coordinate multi-institutional civilian/*  
8           *military collaboration and trauma research.*

9           (d) *AUTHORIZATION.—In addition to amounts author-*  
10          *ized for the combat casualty care research program of the*  
11          *Army Medical Research and Materiel Command, there is*  
12          *authorized to be appropriated \$1,000,000 for the Center es-*  
13          *tablished pursuant to this section.*

14          (e) *FUNDING ADJUSTMENTS.—For the amounts au-*  
15          *thorized in subsection (d):*

16               (1) *The amount for the Defense Health Program,*  
17               *Research and Development, is hereby increased by*  
18               *\$1,000,000, to be available for the United States*  
19               *Army Medical Research and Materiel Command.*

20               (2) *The amount for Weapons Procurement,*  
21               *Navy, is hereby reduced by \$1,000,000, to be derived*  
22               *from other missiles.*

1 **SEC. 724. PEER-REVIEWED RESEARCH PROGRAM ON EX-**  
2 **TREMITY WAR INJURIES.**

3 (a) *ESTABLISHMENT OF PEER-REVIEWED*  
4 *ORTHOPAEDIC EXTREMITY TRAUMA RESEARCH PRO-*  
5 *GRAM.*—Not later than 180 days after the date of the enact-  
6 ment of this Act, the Secretary of Defense shall establish  
7 a competitive, peer-reviewed research program within the  
8 Defense Health Program's research and development func-  
9 tion to conduct peer-reviewed medical research at military  
10 and civilian institutions designed to develop scientific in-  
11 formation aimed at saving injured extremities, avoiding  
12 amputations, and preserving and restoring the function of  
13 injured extremities. Such research shall address military  
14 medical needs and include the full range of scientific in-  
15 quiry encompassing basic, translational, and clinical re-  
16 search.

17 (b) *REPORT.*—Not later than 180 days after the date  
18 of the enactment of this Act, the Secretary of Defense shall  
19 submit to Congress a report on the plans for establishment,  
20 management, and operation of the Peer-Reviewed Research  
21 Program on Extremity War Injuries required under this  
22 section.

23 (c) *EFFECTIVE DATE.*—This section shall be in effect  
24 until September 30, 2013.

1 **SEC. 725. REVIEW OF POLICIES AND PROCESSES RELATED**  
2 **TO THE DELIVERY OF MAIL TO WOUNDED**  
3 **MEMBERS OF THE ARMED FORCES.**

4 (a) *REVIEW OF DELIVERY POLICY AND PROCESSES.*—  
5 *The Secretary of Defense shall review the policies and proc-*  
6 *esses related to the delivery of letters, packages, messages,*  
7 *and other communications that are intended as measures*  
8 *of support and addressed generally to wounded and injured*  
9 *members of the Armed Forces (such as “To any Wounded*  
10 *Warrior” or “To Any Wounded Service Member”)* *in mili-*  
11 *tary medical treatment facilities and other locations where*  
12 *members of the Armed Forces are treated and rehabilitated.*

13 (b) *SPECIFIC PROCESSES.*—*In conducting the review*  
14 *under subsection (a), the Secretary of Defense shall deter-*  
15 *mine the following:*

16 (1) *Whether the current Department of Defense*  
17 *prohibition on the direct delivery of such letters, pack-*  
18 *ages, messages, and other communications to wounded*  
19 *and injured members of the Armed Forces should be*  
20 *modified.*

21 (2) *The adequacy, particularly from the perspec-*  
22 *tive of wounded and injured members of the Armed*  
23 *Forces, of the current governmental and non-govern-*  
24 *mental delivery processes.*

25 (c) *CORRECTIVE ACTIONS.*—*Based on the review under*  
26 *subsection (a), the Secretary of Defense may take actions*

1 *to correct or modify the policies and processes related to*  
2 *the delivery of letters, packages, messages, and other com-*  
3 *munications to wounded and injured members of the Armed*  
4 *Forces as the Secretary determines appropriate.*

5       *(d) REPORT.—Not later than 90 days after the date*  
6 *of the enactment of this Act, the Secretary of Defense shall*  
7 *submit to the Committee on Armed Services of the Senate*  
8 *and the Committee on Armed Services of the House of Rep-*  
9 *resentatives a report on the results of the review under sub-*  
10 *section (a) and the ongoing and projected actions to correct*  
11 *or modify the policies and processes related to the delivery*  
12 *of letters, packages, messages, and other communications to*  
13 *wounded and injured members of the Armed Forces.*

## 14           ***Subtitle D—Other Matters***

### 15 ***SEC. 731. REPORT ON STIPEND FOR MEMBERS OF RESERVE*** 16                   ***COMPONENTS FOR HEALTH CARE FOR CER-*** 17                   ***TAIN DEPENDENTS.***

18       *The Secretary of Defense shall submit to the congres-*  
19 *sional defense committees a report on the extent to which*  
20 *the Secretary has exercised the authority provided in section*  
21 *704 of the National Defense Authorization Act for Fiscal*  
22 *Year 2008 (Public Law 110–181; 122 Stat. 188; 10 U.S.C.*  
23 *1076 note).*



1 **SEC. 732. REPORT ON PROVIDING THE EXTENDED CARE**  
2 **HEALTH OPTION PROGRAM TO AUTISTIC DE-**  
3 **PENDENTS OF MILITARY RETIREES.**

4 (a) *REPORT REQUIRED.*—Not later than 90 days after  
5 the date of the enactment of this Act, the Secretary of De-  
6 fense shall submit to the congressional defense committees  
7 a report that contains a plan for including autistic depend-  
8 ents of military retirees in the Extended Care Health Op-  
9 tion program (hereafter in this section referred to as the  
10 “ECHO program”).

11 (b) *CONTENTS OF REPORT.*—The report required  
12 under subsection (a) shall include the following:

13 (1) *The most current data on the number of*  
14 *military retirees with autistic dependents and an es-*  
15 *timate of the number of future military retirees with*  
16 *autistic dependents.*

17 (2) *The cost estimates of providing extended ben-*  
18 *efits under the ECHO program to autistic dependents*  
19 *of all current and future military retirees.*

20 (3) *The feasibility of including autistic depend-*  
21 *ents of military retirees in any ongoing demonstra-*  
22 *tion or pilot programs within the ECHO program.*

23 (4) *The statutory and regulatory impediments to*  
24 *including autistic dependents of military retirees in*  
25 *the ECHO program.*

1 **SEC. 733. SENSE OF CONGRESS REGARDING AUTISM THER-**  
2 **APY SERVICES.**

3 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*  
4 *that the Secretary of Defense should ensure that the process*  
5 *in determining eligibility for autistic therapy services pro-*  
6 *vided to the children of members of the Armed Forces is*  
7 *conducted in an expeditious manner and without delay.*

8 (b) *STUDY AND REPORT.*—

9 (1) *STUDY.*—*The Secretary of Defense shall con-*  
10 *duct a study on autistic therapy services in the De-*  
11 *partment of Defense. The study shall include—*

12 (A) *an evaluation of whether such services*  
13 *would be better managed under the TRICARE*  
14 *program; and*

15 (C) *the potential benefits and costs of a*  
16 *transition of the management of such services*  
17 *from the exceptional family member programs to*  
18 *the TRICARE program.*

19 (2) *REPORT.*—*Not later than July 30, 2009, the*  
20 *Secretary shall submit to the Committees on Armed*  
21 *Services of the Senate and the House of Representa-*  
22 *tives a report on the results of the study.*

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

24 (1) *AUTISTIC THERAPY SERVICES.*—*The term*  
25 *“autistic therapy services” includes applied behavior*  
26 *analysis.*

1           (2) *TRICARE PROGRAM.*—*The term “TRICARE*  
 2           *program” has the meaning provided by section 1072*  
 3           *of title 10, United States Code.*

4   **TITLE VIII—ACQUISITION POL-**  
 5   **ICY, ACQUISITION MANAGE-**  
 6   **MENT, AND RELATED MAT-**  
 7   **TERS**

*Subtitle A—Acquisition Policy and Management*

- Sec. 801. Review of impact of illegal subsidies on acquisition of KC-45 aircraft.*  
*Sec. 802. Assessment of urgent operational needs fulfillment.*  
*Sec. 803. Preservation of tooling for major defense acquisition programs.*  
*Sec. 804. Prohibition on procurement from beneficiaries of foreign subsidies.*  
*Sec. 805. Domestic industrial base considerations during source selection.*  
*Sec. 806. Commercial software reuse preference.*  
*Sec. 807. Comprehensive proposal analysis required during source selection.*

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

- Sec. 811. Acquisition workforce expedited hiring authority.*  
*Sec. 812. Definition of system for Defense Acquisition Challenge Program.*  
*Sec. 813. Career path and other requirements for military personnel in the acqui-  
 sition field.*  
*Sec. 814. Technical data rights for non-FAR agreements.*  
*Sec. 815. Clarification that cost accounting standards apply to Federal contracts  
 performed outside the United States.*

*Subtitle C—Provisions Relating to Inherently Governmental Functions*

- Sec. 821. Policy on personal conflicts of interest by employees of Department of  
 Defense contractors.*  
*Sec. 822. Development of guidance on personal services contracts.*  
*Sec. 823. Limitation on performance of product support integrator functions.*

*Subtitle D—Defense Industrial Security*

- Sec. 831. Requirements relating to facility clearances.*  
*Sec. 832. Foreign ownership control or influence.*  
*Sec. 833. Congressional oversight relating to facility clearances and foreign own-  
 ership control or influence; definitions.*

*Subtitle E—Other Matters*

- Sec. 841. Clarification of status of Government rights in the designs of depart-  
 ment of defense vessels, boats, and craft, and components thereof.*  
*Sec. 842. Expansion of authority to retain fees from licensing of intellectual  
 property.*

*Sec. 843. Transfer of sections of title 10 relating to Milestone A and Milestone B for clarity.*

*Sec. 844. Earned value management study and report.*

*Sec. 845. Report on market research.*

*Sec. 846. System development and demonstration benchmark report.*

*Sec. 847. Additional matters required to be reported by contractors performing security functions in areas of combat operations.*

*Sec. 848. Report relating to munitions.*

## 1 ***Subtitle A—Acquisition Policy and*** 2 ***Management***

### 3 ***SEC. 801. REVIEW OF IMPACT OF ILLEGAL SUBSIDIES ON*** 4 ***ACQUISITION OF KC-45 AIRCRAFT.***

5 *(a) REVIEW OF ILLEGAL SUBSIDIES REQUIRED.—The*  
6 *Secretary of the Air Force, not later than 10 days after*  
7 *a ruling by the World Trade Organization that either or*  
8 *both of the United States or the European Union, or any*  
9 *political entity within the United States or the European*  
10 *Union, has provided illegal subsidies to a manufacturer of*  
11 *large commercial aircraft, shall begin a review, as described*  
12 *in subsection (b), of the impact of such illegal subsidies on*  
13 *the source selection for the KC-45 Aerial Refueling Aircraft*  
14 *Program.*

15 *(b) PERFORMANCE OF THE REVIEW.—In performing*  
16 *the review required by subsection (a), the Secretary of Air*  
17 *Force shall comply with the following requirements:*

18 *(1) The Secretary shall seek information from*  
19 *the public on the potential impact of illegal subsidies*  
20 *on the source selection process for the KC-45 Aerial*  
21 *Refueling Aircraft Program through a notice and*

1        *comment process. The Secretary shall adopt such pro-*  
2        *cedures for handling information provided under such*  
3        *notice and comment process as are necessary to pro-*  
4        *tect national security and confidential business infor-*  
5        *mation.*

6            *(2) The Secretary shall consult with experts*  
7        *within the Department of Defense, the Office of Man-*  
8        *agement and Budget, the Office of the United States*  
9        *Trade Representative, and other agencies and offices*  
10       *of the Federal government, as appropriate, on the po-*  
11       *tential impact of illegal subsidies on the source selec-*  
12       *tion process for the KC-45 Aerial Refueling Aircraft*  
13       *Program.*

14           *(3) The Secretary shall request information from*  
15       *each of the offerors in the source selection process for*  
16       *the KC-45 Aerial Refueling Aircraft Program on the*  
17       *potential impact of illegal subsidies on such process.*

18        *(c) COMPLETION OF REVIEW.—The Secretary of the*  
19       *Air Force shall complete the review required by subsection*  
20       *(a) not later than 90 days after the World Trade Organiza-*  
21       *tion has ruled on all illegal subsidy cases involving large*  
22       *commercial aircraft pending at the World Trade Organiza-*  
23       *tion as of the date of the enactment of this Act.*

24           *(d) DETERMINATION AND REMEDY REQUIRED.—If the*  
25       *Secretary of the Air Force determines, after performing the*

1 review required by subsection (a), that an illegal subsidy  
2 or subsidies had a material impact on the source selection  
3 process for the KC-45 Aerial Refueling Aircraft Program  
4 sufficient to bring into question the fairness of such source  
5 selection process, the Secretary shall take such measures as  
6 are necessary and appropriate to ensure that the effect of  
7 such subsidy or subsidies is removed and the source selection  
8 process for the KC-45 Aerial Refueling Aircraft Program  
9 is fair to all offerors.

10 (e) DEFINITIONS.—In this section:

11 (1) The term “illegal subsidy” means a subsidy  
12 found to constitute a violation of the Agreement on  
13 Subsidies and Countervailing Measures.

14 (2) The term “Agreement on Subsidies and  
15 Countervailing Measures” means the agreement de-  
16 scribed in section 101(d)(12) of the Uruguay Round  
17 Agreements Act (19 U.S.C. 3511(d)(12)).

18 (3) The term “source selection”, with respect to  
19 a program of the Department of Defense, means the  
20 selection, through the use of competitive procedures or  
21 such other procurement procedures as may be appli-  
22 cable, of a contractor to perform a contract to carry  
23 out the program.

1 **SEC. 802. ASSESSMENT OF URGENT OPERATIONAL NEEDS**  
2 **FULFILLMENT.**

3 (a) *ASSESSMENT REQUIRED.*—*The Secretary of De-*  
4 *fense shall commission a study and report by a federally*  
5 *funded research and development center to assess the effec-*  
6 *tiveness of the processes used by the Department of Defense*  
7 *for the generation of urgent operational need requirements,*  
8 *and the acquisition processes used to fulfill such require-*  
9 *ments. Such assessment shall include the following:*

10 (1) *A description and evaluation of the effective-*  
11 *ness of the procedures used to generate warfighting re-*  
12 *quirements through the urgent operational need proc-*  
13 *ess.*

14 (2) *An evaluation of the extent to which urgent*  
15 *operational need statements are used to document re-*  
16 *quired capability gaps or are used to request specific*  
17 *acquisition outcomes, such as specific systems or*  
18 *equipment.*

19 (3) *A description and evaluation of the effective-*  
20 *ness of the processes used by each of the military de-*  
21 *partments to prioritize and fulfill urgent operational*  
22 *needs, including the rapid acquisition processes of the*  
23 *military departments.*

24 (4) *A description and evaluation of the effective-*  
25 *ness of the procedures used to generate warfighting re-*

1        *quirements through the joint urgent operational need*  
2        *process.*

3            *(5) An evaluation of the extent to which joint ur-*  
4        *gent operational need statements are used to docu-*  
5        *ment urgent joint capability gaps or are used—*

6            *(A) to avoid using service-specific urgent*  
7        *operational need and acquisition processes;*

8            *(B) to document non-urgent capability*  
9        *gaps; or*

10          *(C) to request specific acquisition outcomes,*  
11        *such as specific systems or equipment.*

12          *(6) A description and evaluation of the effective-*  
13        *ness of the processes used by the various elements of*  
14        *the Department of Defense to prioritize and fulfill*  
15        *joint urgent operational needs, including the Joint*  
16        *Improvised Explosive Device Defeat Organization and*  
17        *the Joint Rapid Acquisition Cell.*

18          *(7) An evaluation of the extent to which joint ac-*  
19        *quisition entities maintain oversight, once a military*  
20        *department or defense agency has been designated as*  
21        *responsible for execution and fielding of a capability*  
22        *in response to a joint urgent operational need state-*  
23        *ment, including oversight of—*

24            *(A) the responsiveness of the military de-*  
25        *partment or agency in execution;*



1           (B) the field performance of the capability  
2 delivered in response to the joint urgent oper-  
3 ational need statement; and

4           (C) the concurrent development of a long-  
5 term acquisition and sustainment strategy.

6       (8) Recommendations regarding—

7           (A) common definitions and standards for  
8 urgent operational needs statements and joint  
9 urgent operational need statements;

10           (B) best practices and process improvements  
11 for the creation, evaluation, prioritization, and  
12 fulfillment of urgent operational need statements  
13 and joint urgent operational need statements;  
14 and

15           (C) the extent to which rapid acquisition  
16 processes should be consolidated or expanded.

17       (b) SUBMISSION TO CONGRESS.—Not later than 180  
18 days after the date of the enactment of this Act, the Sec-  
19 retary of Defense shall submit to the congressional defense  
20 committees the report resulting from the study conducted  
21 pursuant to subsection (a).

22       (c) DEFINITIONS.—In this section:

23           (1) The term “urgent operational need” or “ur-  
24 gent operational need statement” means a high pri-

1 *ority capability gap from an ongoing, named oper-*  
2 *ation—*

3 *(A) that is validated and resourced by a*  
4 *specific military department or defense agency;*  
5 *and*

6 *(B) that, if not addressed immediately, will*  
7 *seriously endanger personnel or pose a major*  
8 *threat to ongoing operations.*

9 *(2) The term “joint urgent operational need”*  
10 *means a high priority capability gap from an ongo-*  
11 *ing, named operation—*

12 *(A) that is identified by a combatant com-*  
13 *mander;*

14 *(B) that requires validation and resourcing*  
15 *by the Joint Chiefs of Staff;*

16 *(C) that falls outside of the established proc-*  
17 *esses of the military departments; and*

18 *(D) that, if not addressed immediately will*  
19 *seriously endanger personnel or pose a major*  
20 *threat to ongoing operations.*

21 **SEC. 803. PRESERVATION OF TOOLING FOR MAJOR DE-**  
22 **FENSE ACQUISITION PROGRAMS.**

23 *(a) GUIDANCE REQUIRED.—The Secretary of Defense*  
24 *shall issue guidance requiring that all unique tooling asso-*  
25 *ciated with the production of hardware for a major defense*

1 *acquisition program be preserved and stored through the*  
2 *end of the service life of the end item associated with such*  
3 *a program. Such guidance shall—*

4 *(1) provide that either a component of the De-*  
5 *partment of Defense or a contractor (or subcontractor*  
6 *at any tier) may be responsible for preservation and*  
7 *storage of such tooling;*

8 *(2) require that the milestone decision authority*  
9 *approve a plan for the preservation and storage of*  
10 *such tooling prior to granting a Milestone C ap-*  
11 *proval;*

12 *(3) if such tooling is to be preserved and stored*  
13 *by a component of the Department of Defense, require*  
14 *the component to ensure adequate funds and facilities*  
15 *are available to preserve and store such tooling*  
16 *through the projected service life of the end item;*

17 *(4) if such tooling is to be preserved and stored*  
18 *by a contractor, or a subcontractor at any tier, re-*  
19 *quire that any production contract (or subcontract)*  
20 *awarded in support of the major defense acquisition*  
21 *program include a contract clause regarding the pres-*  
22 *ervation and storage of such tooling; and*

23 *(5) provide a mechanism for the Secretary of De-*  
24 *fense to waive such requirement if—*

1           (A) *the Secretary determines that such a*  
2           *waiver is in the best interest of national security;*  
3           *and*

4           (B) *notifies the congressional defense com-*  
5           *mittees at least 15 days before taking such ac-*  
6           *tion.*

7           (b) *DEFINITIONS.—In this section:*

8           (1) *MAJOR DEFENSE ACQUISITION PROGRAM.—*  
9           *The term “major defense acquisition program” has*  
10           *the meaning provided in section 2430 of title 10,*  
11           *United States Code.*

12           (2) *MILESTONE DECISION AUTHORITY.—The*  
13           *term “milestone decision authority” has the meaning*  
14           *provided in section 2366a(f)(2).*

15           (3) *MILESTONE C APPROVAL.—The term “Mile-*  
16           *stone C approval” has the meaning provided in sec-*  
17           *tion 2366(e)(8) of title 10, United States Code.*

18           **SEC. 804. PROHIBITION ON PROCUREMENT FROM BENE-**  
19           **FICIARIES OF FOREIGN SUBSIDIES.**

20           (a) *PROHIBITION.—Except as provided in subsections*  
21           *(c) and (d), the Secretary of Defense may not enter into*  
22           *a contract for the procurement of goods or services from any*  
23           *foreign person to which the government of a foreign country*  
24           *that is a member of the World Trade Organization has pro-*  
25           *vided a subsidy if—*

1           (1) *the United States has requested consultations*  
2 *with that foreign country under the Agreement on*  
3 *Subsidies and Countervailing Measures on the basis,*  
4 *in whole or in part, that the subsidy is a prohibited*  
5 *subsidy under that Agreement; and*

6           (2) *either—*

7                 (A) *the dispute before the World Trade Or-*  
8 *ganization has not been resolved; or*

9                 (B) *the World Trade Organization has*  
10 *ruled that the subsidy provided by the foreign*  
11 *country is a prohibited subsidy under the Agree-*  
12 *ment on Subsidies and Countervailing Measures.*

13 (b) *ADDITIONAL APPLICABILITY.—*

14           (1) *JOINT VENTURES.—The prohibition under*  
15 *subsection (a) with respect to a foreign person also*  
16 *applies to any joint venture, cooperative organization,*  
17 *partnership, or contracting team of which that for-*  
18 *ign person is a member.*

19           (2) *SUBCONTRACTS AND TASK AND DELIVERY OR-*  
20 *DETS.—The prohibition under subsection (a) with re-*  
21 *spect to a contract also applies to any subcontracts at*  
22 *any tier entered into under the contract and any task*  
23 *orders or delivery orders at any tier issued under the*  
24 *contract.*

25 (c) *EXCEPTIONS TO APPLICABILITY.—*

1           (1) *INAPPLICABILITY TO PROGRAMS WITH MILE-*  
2           *STONE B APPROVAL.*—*The prohibition under sub-*  
3           *section (a) shall not apply to any contract under a*  
4           *major defense acquisition program that has received*  
5           *Milestone B approval as of the date of the enactment*  
6           *of this Act.*

7           (2) *INAPPLICABILITY TO CERTAIN PROCURE-*  
8           *MENTS.*—*The prohibition under subsection (a) shall*  
9           *not apply to a contract for the procurement of goods*  
10           *or services from a foreign person being provided a*  
11           *subsidy if—*

12                   (A) *in any case in which goods or services*  
13                   *are the subject of the consultation requested by*  
14                   *the United States (as described in subsection*  
15                   *(a)(1)), the goods or services to be procured*  
16                   *under the contract are not related to the goods*  
17                   *and services that are the subject of the consulta-*  
18                   *tion; or*

19                   (B) *in any case in which the subject of the*  
20                   *consultation requested by the United States (as*  
21                   *described in subsection (a)) is not a good or serv-*  
22                   *ice (but is law, regulations, or other policies of*  
23                   *the foreign country), the Department of Defense*  
24                   *contracting officer for the contract has certified*  
25                   *that the foreign person has demonstrated that the*

1           *cost of the offeror's proposal is not materially af-*  
2           *ected by the subsidy.*

3           (d) *WAIVER.—The President may waive the prohibi-*  
4           *tion in this section with respect to a specific contract if*  
5           *the President (without delegation) determines that failure*  
6           *to waive the prohibition would result in a significant and*  
7           *imminent threat to national security. The President shall*  
8           *submit to Congress a notice of any waiver granted under*  
9           *this subsection within 7 days after granting it.*

10          (e) *DURATION OF PROHIBITION.—In the case of a sub-*  
11          *sidy that the World Trade Organization has ruled is a pro-*  
12          *hibited subsidy as described in subsection (a)(2)(B), the*  
13          *prohibition under subsection (a) shall not apply to a con-*  
14          *tract for the procurement of goods or services that were the*  
15          *subject of the consultation after—*

16                 (1) *the dispute is resolved; and*

17                 (2) *either—*

18                         (A) *a mutual agreement has been reached*  
19                         *between the United States and the foreign gov-*  
20                         *ernment with respect to the prohibited subsidy;*  
21                         *or*

22                         (B) *the foreign government has agreed to*  
23                         *comply with the requirements of the ruling*  
24                         *issued by the World Trade Organization in the*  
25                         *dispute.*

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

2           (1) *The term “Agreement on Subsidies and*  
3 *Countervailing Measures” means the agreement de-*  
4 *scribed in section 101(d)(12) of the Uruguay Round*  
5 *Agreements Act (19 U.S.C. 3501(d)(12)).*

6           (2) *The term “foreign person” means—*

7           (A) *an individual who is not a United*  
8 *States person or an alien lawfully admitted for*  
9 *permanent residence into the United States; or*

10          (B) *a corporation, partnership, or other*  
11 *nongovernmental entity which is not a United*  
12 *States person.*

13          (3) *The term “United States person” means—*

14          (A) *a natural person who is a citizen of the*  
15 *United States or who owes permanent allegiance*  
16 *to the United States; and*

17          (B) *a corporation or other legal entity*  
18 *which is organized under the laws of the United*  
19 *States, any State or territory thereof, or the Dis-*  
20 *trict of Columbia, if natural persons described in*  
21 *subparagraph (A) own, directly or indirectly,*  
22 *more than 50 percent of the outstanding capital*  
23 *stock or other beneficial interest in such legal en-*  
24 *tity.*



1           (4) *The term “major defense acquisition pro-*  
2           *gram” means a Department of Defense acquisition*  
3           *program that is a major defense acquisition program*  
4           *for purposes of section 2430 of title 10, United States*  
5           *Code.*

6           (5) *The term “Milestone B approval” has the*  
7           *meaning provided that term in section 2366(e)(7) of*  
8           *such title.*

9   **SEC. 805. DOMESTIC INDUSTRIAL BASE CONSIDERATIONS**  
10                           **DURING SOURCE SELECTION.**

11           (a) *REGULATIONS REQUIRED.—Not later than 120*  
12           *days after the date of the enactment of this Act, the Sec-*  
13           *retary of Defense shall prescribe regulations regarding the*  
14           *application of a domestic industrial base evaluation factor*  
15           *during source selection for a major defense acquisition pro-*  
16           *gram of the Department of Defense. Such regulations*  
17           *shall—*

18                   (1) *allow the source selection authority to con-*  
19                   *sider impacts on the domestic industrial base as an*  
20                   *evaluation factor during the source selection process;*

21                   (2) *provide the source selection authority flexi-*  
22                   *bility with regard to the importance assigned to such*  
23                   *an evaluation factor; and*

24                   (3) *provide defense acquisition officials with the*  
25                   *authority to impose penalties on the contractor*

1       awarded the contract resulting from the source selec-  
2       tion, including fines and contract termination, if—

3               (A) the domestic industrial base evaluation  
4       factor was used during source selection;

5               (B) the evaluation factor had a material ef-  
6       fect on the outcome of the source selection; and

7               (C) the official determines that the potential  
8       contractor knowingly or willfully misrepresented  
9       impacts to the domestic industrial base during  
10      source selection.

11      (b) *IMPACTS ON DOMESTIC INDUSTRIAL BASE.*—For  
12      purposes of the regulations, the Secretary shall consider, at  
13      a minimum, the following to be impacts on the domestic  
14      industrial base:

15              (1) *The creation or maintenance of domestic ca-*  
16      *pability for production of critical supplies.*

17              (2) *The creation or maintenance of domestic jobs.*

18              (3) *The creation or maintenance of domestic sci-*  
19      *entific and technological competencies or manufac-*  
20      *turing skills.*

21      (c) *REPORT REQUIRED.*—The Secretary of Defense  
22      shall notify the congressional defense committees at least 30  
23      days before the issuance of a request for proposal for any  
24      major defense acquisition program that will not use a do-

1 *mestic industrial base evaluation factor during the source*  
2 *selection process. Such notification shall include—*

3 *(1) a brief description of the major defense ac-*  
4 *quisition program;*

5 *(2) a justification for not using a domestic in-*  
6 *dustrial base evaluation factor; and*

7 *(3) an assessment of potential impacts on the do-*  
8 *mestic industrial base, if known, as a result of not*  
9 *using a domestic industrial base evaluation factor.*

10 *(d) DEFINITIONS.—In this section:*

11 *(1) DOMESTIC INDUSTRIAL BASE.—The term*  
12 *“domestic industrial base” means—*

13 *(A) persons and organizations that are en-*  
14 *gaged in research, development, production, or*  
15 *maintenance activities conducted within the*  
16 *United States and United States territories; and*

17 *(B) includes, at a minimum, prime con-*  
18 *tractors, as well as second and third tier sub-*  
19 *contractors, engaged in such activities.*

20 *(2) MAJOR DEFENSE ACQUISITION PROGRAM.—*  
21 *The term “major defense acquisition program” has*  
22 *the meaning provided in section 2430 of title 10,*  
23 *United States Code.*

24 *(3) SOURCE SELECTION.—The term “source se-*  
25 *lection”, with respect to a major defense acquisition*

1        *program, means the selection, through the use of com-*  
2        *petitive procedures or such other procurement proce-*  
3        *dures as may be applicable, of a contractor to per-*  
4        *form a contract to carry out the program.*

5            (4) *SOURCE SELECTION AUTHORITY.—The term*  
6        *“source selection authority”, with respect to a major*  
7        *defense acquisition program, means the official in the*  
8        *Department of Defense designated as responsible for*  
9        *the source selection for that program.*

10 **SEC. 806. COMMERCIAL SOFTWARE REUSE PREFERENCE.**

11        (a) *IN GENERAL.—The Secretary of Defense shall en-*  
12        *sure that contracting officials identify and evaluate, at all*  
13        *stages of the acquisition process (including concept refine-*  
14        *ment, concept decision, and technology development), op-*  
15        *portunities for the use of commercial computer software*  
16        *and, if practicable, use such software instead of developing*  
17        *new software.*

18        (b) *REGULATIONS.—The Secretary of Defense shall re-*  
19        *view and revise the Defense Federal Acquisition Regulation*  
20        *Supplement, Part 207.103, to clarify that the preference for*  
21        *commercial items in the acquisition process includes a pref-*  
22        *erence for commercial computer software, and the preference*  
23        *applies at all stages of the acquisition process.*

1 **SEC. 807. COMPREHENSIVE PROPOSAL ANALYSIS RE-**  
2 **QUIRED DURING SOURCE SELECTION.**

3 (a) *REGULATIONS REQUIRED.*—Not later than 120  
4 days after the date of the enactment of this Act, the Sec-  
5 retary of Defense shall prescribe regulations regarding the  
6 comprehensive evaluation of a proposal for a major defense  
7 acquisition program for which a significant proportion of  
8 the research, design, development, manufacturing, assembly,  
9 or test and evaluation will be performed outside the United  
10 States. Such regulations shall—

11 (1) *require the offeror of such a proposal, in ad-*  
12 *dition to providing a breakdown of costs as required*  
13 *by the Federal Acquisition Regulation, to provide a*  
14 *breakdown of costs not borne by the offeror as a result*  
15 *of activities performed outside the United States, and*  
16 *such costs shall—*

17 (A) *include, at a minimum, costs borne by*  
18 *a foreign government that are not borne by a*  
19 *local, State, or Federal Government in the*  
20 *United States, such as government-borne—*

21 (i) *health care;*

22 (ii) *retirement compensation; and*

23 (iii) *workman's compensation;*

24 (B) *not include direct labor and material*  
25 *costs; and*

1           (C) be limited to those costs that would oth-  
2           erwise be allowable and allocable to the contract  
3           for the major defense acquisition program if all  
4           activities were performed in the United States;

5           (2) be applicable only to proposals submitted in  
6           response to a solicitation from the Department of De-  
7           fense that requires cost or pricing data;

8           (3) require the contracting officer responsible for  
9           conducting proposal analysis to consider such costs in  
10          any cost and price analysis performed; and

11          (4) require the contracting officer to certify,  
12          prior to source selection, that the contracting officer  
13          has no reasonable grounds to believe that the final as-  
14          sessed price excludes any cost or other element of price  
15          (such as the monetary policy of a foreign government)  
16          that other offers performing in the United States  
17          could not also exclude.

18          (b) *ADDITIONAL APPLICABILITY WITH RESPECT TO*  
19          *SUBCONTRACTORS.*—The regulations under subsection (a)  
20          also shall apply with respect to any subcontractor (at any  
21          tier) of a prospective contractor if the subcontractor is ex-  
22          pected to perform outside the United States a significant  
23          portion of the research, design, development, manufac-  
24          turing, assembly, or test and evaluation under the proposal  
25          being evaluated.

1       (c) *DEFINITION.*—*In this section, the term “major de-*  
2 *fense acquisition program” means a Department of Defense*  
3 *acquisition program that is a major defense acquisition*  
4 *program for the purposes of section 2430 of title 10, United*  
5 *States Code.*

6       ***Subtitle B—Amendments to General***  
7       ***Contracting Authorities, Proce-***  
8       ***dures, and Limitations***

9       ***SEC. 811. ACQUISITION WORKFORCE EXPEDITED HIRING***  
10       ***AUTHORITY.***

11       *Section 1705 of title 10, United States Code, is amend-*  
12 *ed by adding at the end the following new subsection:*

13       “(h) *EXPEDITED HIRING AUTHORITY.*—

14               “(1) *For purposes of sections 3304, 5333, and*  
15 *5753 of title 5, United States Code, the Secretary of*  
16 *Defense may—*

17                       “(A) *designate any category of acquisition*  
18 *positions within the Department of Defense as*  
19 *shortage category positions; and*

20                       “(B) *utilize the authorities in such sections*  
21 *to recruit and appoint highly qualified persons*  
22 *directly to positions so designated.*

23               “(2) *The Secretary may not appoint a person to*  
24 *a position of employment under this subsection after*  
25 *September 30, 2012.”.*

1 **SEC. 812. DEFINITION OF SYSTEM FOR DEFENSE ACQUI-**  
2 **SION CHALLENGE PROGRAM.**

3 *Section 2359b of title 10, United States Code, is*  
4 *amended by adding at the end the following new subsection:*

5 “(l) *SYSTEM DEFINED.*—*In this section, the term ‘sys-*  
6 *tem’—*

7 “(1) *means—*

8 “(A) *the organization of hardware, software,*  
9 *material, facilities, personnel, data, and services*  
10 *needed to perform a designated function with*  
11 *specified results (such as the gathering of speci-*  
12 *fied data, its processing, and its delivery to*  
13 *users); or*

14 “(B) *a combination of two or more inter-*  
15 *related pieces (or sets) of equipment arranged in*  
16 *a functional package to perform an operational*  
17 *function or to satisfy a requirement; and*

18 “(2) *includes a major system (as defined in sec-*  
19 *tion 2302(5) of this title).”.*

20 **SEC. 813. CAREER PATH AND OTHER REQUIREMENTS FOR**  
21 **MILITARY PERSONNEL IN THE ACQUISITION**  
22 **FIELD.**

23 (a) *ACQUISITION PERSONNEL REQUIREMENTS.*—

24 (1) *IN GENERAL.*—*Chapter 87 of title 10, United*  
25 *States Code, is amended by inserting after section*  
26 *1722 the following new section:*



1 **“§ 1722a. Special requirements for military personnel**  
2 **in the acquisition field**

3 “(a) *REQUIREMENT FOR POLICY AND GUIDANCE RE-*  
4 *GARDING MILITARY PERSONNEL IN ACQUISITION.*—*The*  
5 *Secretary of Defense shall require the Secretary of each*  
6 *military department (with respect to the military depart-*  
7 *ments) and the Under Secretary of Defense for Acquisition,*  
8 *Technology, and Logistics (with respect to the Office of the*  
9 *Secretary of Defense, the unified combatant commands, the*  
10 *Defense Agencies, and Defense Field Activities), to establish*  
11 *policies and issue guidance to ensure the proper develop-*  
12 *ment, assignment, and employment of members of the*  
13 *armed forces in the acquisition field to achieve the objectives*  
14 *of this section as specified in subsection (b).*

15 “(b) *OBJECTIVES.*—*Policies established and guidance*  
16 *issued pursuant to subsection (a) shall ensure, at a min-*  
17 *imum, the following:*

18 “(1) *A career path in the acquisition field that*  
19 *attracts the highest quality officers and enlisted per-*  
20 *sonnel.*

21 “(2) *A number of command positions and senior*  
22 *non-commissioned officer positions, including acquisi-*  
23 *tion billets reserved for general officers and flag offi-*  
24 *cers under subsection (c), sufficient to ensure that*  
25 *members of the armed forces have opportunities for*  
26 *promotion and advancement in the acquisition field.*

1           “(3) *A number of qualified, trained members of*  
2           *the armed forces eligible for and active in the acquisi-*  
3           *tion field sufficient to ensure the appropriate use of*  
4           *military personnel in contingency contracting.*

5           “(c) *RESERVATION OF ACQUISITION BILLETS FOR*  
6           *GENERAL OFFICERS AND FLAG OFFICERS.—(1) The Sec-*  
7           *retary of Defense shall establish for each military depart-*  
8           *ment a minimum number of billets coded or classified for*  
9           *acquisition personnel that are reserved for general officers*  
10          *and flag officers and shall ensure that the policies estab-*  
11          *lished and guidance issued pursuant to subsection (a) by*  
12          *the Secretary of that military department reserve at least*  
13          *that minimum number of billets and fill the billets with*  
14          *qualified and trained general officers and flag officers.*

15          “(2) *The Secretary of Defense shall ensure that a suffi-*  
16          *cient number of billets for acquisition personnel who are*  
17          *general officers or flag officers exist within the Office of the*  
18          *Secretary of Defense, the unified combatant commands, the*  
19          *Defense Agencies, and the Defense Field Activities.*

20          “(3) *The Secretary of Defense shall ensure that a por-*  
21          *tion of the billets referred to in paragraphs (1) and (2) in-*  
22          *volve command of organizations primarily focused on con-*  
23          *tracting.*

24          “(d) *RELATIONSHIP TO LIMITATION ON PREFERENCE*  
25          *FOR MILITARY PERSONNEL.—Any designation or reserva-*

1 *tion of a position for a member of the armed forces as a*  
2 *result of a policy established or guidance issued pursuant*  
3 *to this section shall be deemed to meet the requirements for*  
4 *an exception under paragraph (2) of section 1722(b) of this*  
5 *title from the limitation in paragraph (1) of such section.*

6       “(e) *REPORT.*—Not later than January 1 of each year,  
7 *the Secretary of each military department shall submit to*  
8 *the Under Secretary of Defense for Acquisition, Technology,*  
9 *and Logistics a report describing how the Secretary fulfilled*  
10 *the objectives of this section in the preceding calendar year.*  
11 *The report shall include information on the reservation of*  
12 *acquisition billets for general officers and flag officers with-*  
13 *in the department.”.*

14       (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
15 *tions at the beginning of such chapter is amended by*  
16 *inserting after the item relating to section 1722 the*  
17 *following new item:*

*“1722a. Special requirements for military personnel in the acquisition field.”.*

18       (b) *ADDITIONAL ITEM FOR INCLUSION IN STRATEGIC*  
19 *PLAN.*—*Section 543(f)(3)(E) of the National Defense Au-*  
20 *thorization Act for Fiscal Year 2008 (Public Law 110–181;*  
21 *122 Stat 116) is amended by inserting after “officer assign-*  
22 *ments and grade requirements” the following: “, including*  
23 *requirements relating to the reservation of billets in the ac-*  
24 *quisition field for general and flag officers,”.*

1 **SEC. 814. TECHNICAL DATA RIGHTS FOR NON-FAR AGREE-**  
2 **MENTS.**

3 (a) *RIGHTS IN TECHNICAL DATA FOR NON-FAR*  
4 *AGREEMENTS.*—

5 (1) *IN GENERAL.*—Chapter 137 of title 10,  
6 *United States Code, is amended by inserting after sec-*  
7 *tion 2320 the following new section:*

8 **“§2320a. Rights in technical data for non-FAR agree-**  
9 **ments**

10 *“(a) POLICY GUIDANCE.*—

11 *“(1) The Secretary of Defense shall issue policy*  
12 *guidance with respect to the use of a non-FAR agree-*  
13 *ment for the development of a major weapon system*  
14 *or an item of personnel protective equipment.*

15 *“(2) The guidance shall—*

16 *“(A) define the legitimate interest of the*  
17 *United States and a party to such an agreement*  
18 *in technical data pertaining to an item or proc-*  
19 *ess to be developed under the agreement, includ-*  
20 *ing, at a minimum, the interest of—*

21 *“(i) the United States in increasing*  
22 *competition and lowering costs by devel-*  
23 *oping and locating alternative sources of*  
24 *supply and manufacture;*

25 *“(ii) the United States in the ability to*  
26 *conduct emergency repair and overhaul; or*

1                   “(iii) the party to the agreement to re-  
2                   strict the release of technical data relating  
3                   to an item or process developed at private  
4                   expense; and

5                   “(B) require that specific rights in technical  
6                   data shall be established during agreement nego-  
7                   tiations and be based upon negotiations between  
8                   the United States and the potential party to the  
9                   agreement, except in any case in which the Sec-  
10                  retary of Defense determines, on the basis of cri-  
11                  teria established in such policy guidance, that  
12                  the establishment of rights during or through  
13                  agreement negotiations would not be practicable.

14                  “(b) PROVISIONS IN NON-FAR AGREEMENTS.—When-  
15                  ever practicable, a non-FAR agreement described in sub-  
16                  section (a) shall contain appropriate provisions relating to  
17                  technical data, including provisions—

18                         “(1) defining the respective rights of the United  
19                         States and the party to the agreement regarding any  
20                         technical data to be delivered under the agreement;

21                         “(2) specifying the technical data to be delivered  
22                         under the agreement and delivery schedules for such  
23                         delivery;

1           “(3) *establishing or referencing procedures for*  
2           *determining the acceptability of technical data to be*  
3           *delivered under the agreement;*

4           “(4) *to the maximum practicable extent, identi-*  
5           *fying, in advance of delivery, technical data which is*  
6           *to be delivered with restrictions on the right of the*  
7           *United States to use such data;*

8           “(5) *requiring the party to the agreement to re-*  
9           *visе any technical data delivered under the agreement*  
10          *to reflect engineering design changes made during the*  
11          *performance of the agreement and affecting the form,*  
12          *fit, and function of the items specified in the agree-*  
13          *ment and to deliver such revised technical data to an*  
14          *agency within a time specified in the agreement; and*

15          “(6) *establishing remedies to be available to the*  
16          *United States when technical data required to be de-*  
17          *livered or made available under the agreement is*  
18          *found to be incomplete or inadequate or to not satisfy*  
19          *the requirements of the agreement concerning tech-*  
20          *nical data.*

21          “(c) *ASSESSMENT OF LONG-TERM TECHNICAL DATA*  
22          *NEEDS.—The Secretary of Defense shall require the pro-*  
23          *gram manager for a major weapon system or an item of*  
24          *personnel protective equipment that is to be developed using*  
25          *a non-FAR agreement described in subsection (a) to assess*

1 *the long-term technical data needs of such systems and*  
2 *items, in accordance with the requirements of section*  
3 *2320(e) of this title.*

4 “(d) *DEFINITIONS.—In this section:*

5 “(1) *The term ‘non-FAR agreement’ means an*  
6 *agreement that is not subject to laws pursuant to*  
7 *which the Federal Acquisition Regulation is pre-*  
8 *scribed, including—*

9 “(A) *a transaction authorized under section*  
10 *2371 of this title; and*

11 “(B) *a cooperative research and develop-*  
12 *ment agreement.*

13 “(2) *The term ‘party’, with respect to a non-*  
14 *FAR agreement, means a non-Federal entity and in-*  
15 *cludes any of the following:*

16 “(A) *A contractor and its subcontractors (at*  
17 *any tier).*

18 “(B) *A joint venture.*

19 “(C) *A consortium.”.*

20 (2) *CLERICAL AMENDMENT.—The table of sec-*  
21 *tions at the beginning of such chapter is amended by*  
22 *inserting after the item relating to section 2320 the*  
23 *following new item:*

*“2320a. Rights in technical data for non-FAR agreements.”.*

24 (b) *REPORT ON LIFE CYCLE PLANNING FOR TECH-*  
25 *NICAL DATA NEEDS.—Not later than 120 days after the*

1 *date of enactment of this Act, the Secretary of Defense shall*  
2 *submit to the Committees on Armed Services of the Senate*  
3 *and the House of Representatives a report on the implemen-*  
4 *tation of the requirements in section 2320(e) of title 10,*  
5 *United States Code, for the assessment of long-term tech-*  
6 *nical data needs to sustain major weapon systems. Such*  
7 *report shall include—*

8           (1) *a description of all relevant guidance or poli-*  
9           *cies issued;*

10           (2) *the extent to which program managers have*  
11 *received training to better assess the long-term tech-*  
12 *nical data needs of major weapon systems and sub-*  
13 *systems;*

14           (3) *a description of the data rights strategies de-*  
15 *veloped prior to the issuance of contract solicitations*  
16 *released since October 17, 2006; and*

17           (4) *a characterization of the extent to which such*  
18 *strategies made use of priced contract options for the*  
19 *future delivery of technical data or acquired all rel-*  
20 *evant technical data upon contract award.*

21 **SEC. 815. CLARIFICATION THAT COST ACCOUNTING STAND-**  
22 **ARDS APPLY TO FEDERAL CONTRACTS PER-**  
23 **FORMED OUTSIDE THE UNITED STATES.**

24           (a) *CLARIFICATION.—Section 26(f)(2)(A) of the Office*  
25 *of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)(A))*



1 *is amended by adding at the end the following: “, whether*  
2 *the contracts or subcontracts are performed inside or out-*  
3 *side the United States”.*

4 (b) *IMPLEMENTING REGULATIONS.—Not later than*  
5 *180 days after the date of the enactment of this Act, the*  
6 *cost accounting standards promulgated under section 26 of*  
7 *such Act shall be amended to take into account the amend-*  
8 *ment made by subsection (a).*

9 ***Subtitle C—Provisions Relating to***  
10 ***Inherently Governmental Functions***

11 ***SEC. 821. POLICY ON PERSONAL CONFLICTS OF INTEREST***  
12 ***BY EMPLOYEES OF DEPARTMENT OF DE-***  
13 ***FENSE CONTRACTORS.***

14 (a) *POLICY REQUIRED.—Not later than 180 days after*  
15 *the date of the enactment of this Act, the Secretary of De-*  
16 *fense shall develop a standard policy aimed at preventing*  
17 *personal conflicts of interest by employees of Department*  
18 *of Defense contractors that is similar to the policy of the*  
19 *Department of Defense aimed at preventing such conflicts*  
20 *by Department of Defense civilian employees.*

21 (b) *ELEMENTS OF POLICY.—The policy required under*  
22 *subsection (a) shall—*

23 (1) *provide a definition of the term “personal*  
24 *conflict of interest” as it relates to employees of De-*  
25 *partment of Defense contractors;*

1           (2) *identify types of contracts that raise height-*  
2           *ened concerns for potential personal conflicts of inter-*  
3           *est; and*

4           (3) *require each contractor that participates in*  
5           *the Department's decision-making in such mission-*  
6           *critical areas as the development, award, and admin-*  
7           *istration of Government contracts, and each con-*  
8           *tractor that is closely supporting inherently govern-*  
9           *mental functions, to—*

10                   (A) *identify and prevent personal conflicts*  
11                   *of interest for employees of the contractor who*  
12                   *are performing such functions;*

13                   (B) *report any personal conflict-of-interest*  
14                   *violation to the applicable contracting officer or*  
15                   *contracting officer's representative as soon as it*  
16                   *is identified;*

17                   (C) *maintain effective oversight to verify*  
18                   *compliance with personal conflict-of-interest safe-*  
19                   *guards; and*

20                   (D) *have procedures in place to screen for*  
21                   *potential conflicts of interest for all employees in*  
22                   *a position to make or materially influence find-*  
23                   *ings, recommendations, and decisions regarding*  
24                   *Department of Defense contracts and other advi-*

1            *sory and assistance functions, either by screening*  
2            *on a task-by-task basis or on an annual basis.*

3            (c) *CONTRACT CLAUSE.—The Secretary shall include*  
4 *in each contract entered into by the Secretary for the per-*  
5 *formance of functions described in subsection (b)(3) a clause*  
6 *that reflects the personal conflicts-of-interest policy devel-*  
7 *oped under this section and that sets forth the contractor’s*  
8 *responsibility under such policy.*

9            (d) *PANEL ON CONTRACTING INTEGRITY REC-*  
10 *COMMENDATIONS.—The Department of Defense Panel on*  
11 *Contracting Integrity, established by the section 813 of the*  
12 *John Warner National Defense Authorization Act for Fiscal*  
13 *Year 2007 (Public Law 109–364), shall consider and make*  
14 *recommendations on the feasibility of applying certain pro-*  
15 *curement integrity rules to employees of Department of De-*  
16 *fense contractors to include such rules related to—*

17            (1) *improper business practices and personal*  
18            *conflicts of interest under Federal Acquisition Regula-*  
19            *tions 3.104;*

20            (2) *public corruption;*

21            (3) *financial conflicts of interest;*

22            (4) *seeking other employment conflicts of inter-*  
23            *est;*

24            (5) *gifts and travel; and*

25            (6) *misuse of position or endorsement.*

1 **SEC. 822. DEVELOPMENT OF GUIDANCE ON PERSONAL**  
2 **SERVICES CONTRACTS.**

3 *Not later than 120 days after the date of the enactment*  
4 *of this Act, the Secretary of Defense shall develop guidance*  
5 *to—*

6 *(1) establish a clear definition of the term “per-*  
7 *sonal services contract”;*

8 *(2) require a clear distinction between employees*  
9 *of the Department of Defense and employees of De-*  
10 *partment of Defense contractors;*

11 *(3) provide appropriate safeguards with respect*  
12 *to when, where, and to what extent the Secretary may*  
13 *enter into a contract for the procurement of personal*  
14 *services; and*

15 *(4) assess and take steps to mitigate the risk*  
16 *that, as implemented and administered, non-personal*  
17 *services contracts may become personal services con-*  
18 *tracts.*

19 **SEC. 823. LIMITATION ON PERFORMANCE OF PRODUCT**  
20 **SUPPORT INTEGRATOR FUNCTIONS.**

21 *(a) LIMITATION.—*

22 *(1) IN GENERAL.—Chapter 141 of title 10,*  
23 *United States Code, is amended by adding at the end*  
24 *the following new section:*

1 **“§ 2410r. Performance-based logistics arrangements:**  
2 ***limitation on product support integrator***  
3 ***functions***

4 “(a) *LIMITATION.*—A function that is a product sup-  
5 port integrator function may be performed only by a mem-  
6 ber of the armed forces or an employee of the Department  
7 of Defense.

8 “(b) *DEFINITIONS.*—In this section:

9 “(1) The term ‘product support integrator func-  
10 tion’ means, with respect to a performance-based lo-  
11 gistics arrangement, the function of integrating all  
12 sources of support, both public and private, to achieve  
13 the specific outcomes specified in the arrangement.

14 “(2) The term ‘performance-based logistics ar-  
15 rangement’ means a performance-based contract, task  
16 order, or other arrangement for the logistics sup-  
17 port—

18 “(A) of a weapon system or major end item  
19 over the life cycle of the system or item; or

20 “(B) of parts, assemblies, subassemblies, or  
21 platforms of a weapon system or major end item.

22 “(3) The term ‘performance-based’ has the mean-  
23 ing given such term in section 2331(g) of this title.”.

24 (2) *CLERICAL AMENDMENT.*—The table of sec-  
25 tions at the beginning of such chapter is amended by

1       *adding after the item relating to section 2410q the fol-*  
 2       *lowing new item:*

      “2410r. *Performance-based logistics arrangements: limitation on product support integrator functions.*”.

3       **(b) EFFECTIVE DATE.**—*Section 2410r of title 10,*  
 4 *United States Code, as added by subsection (a), shall apply*  
 5 *to performance-based logistics arrangements entered into*  
 6 *after September 30, 2010.*

7               ***Subtitle D—Defense Industrial***  
 8                       ***Security***

9       ***SEC. 831. REQUIREMENTS RELATING TO FACILITY CLEAR-***  
 10                       ***ANCES.***

11       *Chapter 21 of title 10, United States Code, is amended*  
 12 *by adding at the end the following new subchapter:*

13       ***“SUBCHAPTER III—DEFENSE INDUSTRIAL***  
 14                       ***SECURITY***

      “*Sec. 438. Facility clearances: requirements.*”

15       ***“§ 438. Facility clearances: requirements***

16       ***“(a) FACILITY CLEARANCES: GENERAL PROVISIONS.—***

17               ***“(1) ACCESS TO CLASSIFIED INFORMATION BY***  
 18       ***CONTRACTORS.—A contractor of the Department of***  
 19       ***Defense may not be granted custody of classified in-***  
 20       ***formation unless the contractor has a facility clear-***  
 21       ***ance.***

22               ***“(2) REQUIREMENTS FOR ENTITIES WITH FACIL-***  
 23       ***ITY CLEARANCES.—An entity may not be granted a***

1       *facility clearance by the Department of Defense or*  
2       *continue to hold such a facility clearance unless the*  
3       *entity agrees to comply with, and maintains compli-*  
4       *ance with, the requirements set forth in this sub-*  
5       *chapter.*

6               “(3) *AUTHORITY TO REVOKE OR SUSPEND FACIL-*  
7       *ITY CLEARANCES.—The Secretary of Defense may re-*  
8       *voke or suspend a facility clearance granted by the*  
9       *Department of Defense at any time.*

10              “(b) *GENERAL REQUIREMENTS FOR FACILITY CLEAR-*  
11       *ANCES.—The Secretary of Defense shall require an entity*  
12       *granted a facility clearance by the Department of Defense*  
13       *to comply with the following requirements:*

14              “(1) *The entity shall safeguard classified infor-*  
15       *mation in its possession.*

16              “(2) *The entity shall safeguard covered controlled*  
17       *unclassified information in its possession.*

18              “(3) *The entity shall ensure that it complies with*  
19       *Department of Defense security agreements, contract*  
20       *provisions regarding security, and relevant regula-*  
21       *tions of the Department of Defense pertaining to in-*  
22       *dustrial security.*

23              “(4) *The entity shall ensure that its business and*  
24       *management practices do not result in the com-*

1        *promise of classified information or adversely affect*  
2        *the performance of classified contracts.*

3            *“(5) The entity shall undergo a determination*  
4        *under section 439 of this title of whether the entity is*  
5        *under foreign ownership control or influence and*  
6        *shall comply with ongoing notification requirements*  
7        *under that section related to foreign ownership and*  
8        *control.*

9            *“(c) REQUIREMENTS FOR DIRECTORS OF ENTITIES*  
10        *WITH FACILITY CLEARANCES.—*

11            *“(1) REQUIREMENTS.—Except as provided in*  
12        *paragraph (3), the Secretary of Defense shall require*  
13        *an entity with a facility clearance to require the di-*  
14        *rectors on the entity’s board of directors to ensure, in*  
15        *their capacity as fiduciaries of the entity, that the en-*  
16        *tity employs and maintains policies and procedures*  
17        *that meet the general requirements for facility clear-*  
18        *ances listed in subsection (b).*

19            *“(2) BY-LAWS REQUIREMENT.—The requirements*  
20        *of paragraph (1) shall be set forth in the by-laws of*  
21        *the entity.*

22            *“(3) EXCEPTIONS.—(A) The Secretary of Defense*  
23        *may waive the requirements of paragraph (1) for rea-*  
24        *sons of national security. In the event the Secretary*  
25        *grants such a waiver, the Secretary shall submit to*



1        *the Committees on Armed Services of the Senate and*  
2        *the House of Representatives a notification that such*  
3        *a waiver has been granted and a justification for*  
4        *granting the waiver.*

5            *“(B) The requirements of paragraph (1) shall*  
6        *not apply to an entity determined by the Secretary*  
7        *of Defense under section 439(a) of this title to be*  
8        *under foreign ownership control or influence.*

9            *“(d) REQUIREMENTS RELATING TO SECURITY MAN-*  
10        *AGEMENT OF ENTITIES WITH FACILITY CLEARANCES.—*

11            *“(1) DESIGNATION OF EMPLOYEE RESPONSIBLE*  
12        *FOR SECURITY.—The Secretary of Defense shall re-*  
13        *quire an entity, in consultation with and subject to*  
14        *the approval of the chairman of its board of directors,*  
15        *to designate an employee who meets the requirements*  
16        *of paragraph (2) to be responsible for the following:*

17            *“(A) Reporting to the board of directors of*  
18        *the entity as its principal advisor concerning the*  
19        *general requirements for facility clearances listed*  
20        *in subsection (b), the manner in which they are*  
21        *carried out through the policies and procedures*  
22        *required by subsection (c), and the related Fed-*  
23        *eral requirements for classified information.*

1           “(B) *Supervising and directing security*  
2           *measures necessary for implementing such re-*  
3           *quirements, policies, and procedures.*

4           “(C) *Establishing and administering all*  
5           *intracompany procedures to prevent unauthor-*  
6           *ized disclosure and export of controlled unclassi-*  
7           *fied information and ensuring that the entity*  
8           *otherwise complies with the requirements of Fed-*  
9           *eral export control laws.*

10          “(2) *QUALIFICATIONS OF EMPLOYEE.—An em-*  
11          *ployee may not be designated to be responsible for the*  
12          *matters described in paragraph (1) unless the em-*  
13          *ployee—*

14                 “(A) *is a citizen of the United States;*

15                 “(B) *obtains a security clearance at the*  
16                 *same level as the facility clearance; and*

17                 “(C) *completes security training that meets*  
18                 *the requirements of the Department of Defense.*

19          “(e) *REQUIREMENTS RELATING TO MANAGEMENT RE-*  
20          *SPONSIBILITIES FOR ENTITIES WITH FACILITY CLEAR-*  
21          *ANCES.—The Secretary of Defense shall require an entity*  
22          *with a facility clearance to provide a certification of secu-*  
23          *rity responsibilities to the Secretary. The certification of se-*  
24          *curity responsibilities shall—*

25                 “(1) *affirm the entity’s responsibility—*

1           “(A) to identify the key management per-  
2           sonnel of the entity involved in the performance  
3           of classified contracts or in the setting of policies  
4           and practices for such contracts and to designate  
5           a security manager with primary responsibility  
6           for security functions;

7           “(B) to ensure that such key management  
8           personnel of the entity meet all eligibility re-  
9           quirements for the performance of classified con-  
10          tracts;

11          “(C) to provide such key management per-  
12          sonnel of the entity with all the authority and  
13          capability necessary to safeguard classified infor-  
14          mation and covered controlled unclassified infor-  
15          mation in the performance of classified contracts  
16          in accordance with regulations prescribed by the  
17          Secretary; and

18          “(D) to manage all subcontractors and sup-  
19          pliers of the entity performing work on a classi-  
20          fied contract to ensure that use of such sub-  
21          contractors and suppliers does not result in the  
22          compromise of classified information or ad-  
23          versely affect the performance of classified con-  
24          tracts;

1           “(2) be signed by an appropriate member of the  
2 board of directors of the entity or a similar executive  
3 body determined by the Secretary to function as an  
4 equivalent to a board of directors;

5           “(3) be disseminated to all appropriate personnel  
6 of the entity; and

7           “(4) be updated as necessary according to proce-  
8 dures proscribed by the Secretary.

9           “(f) *REPORTING REQUIREMENTS.*—The Secretary of  
10 Defense shall require an entity with a facility clearance to  
11 submit to the Department of Defense a report on any  
12 event—

13           “(1) that affects the status of the facility clear-  
14 ance;

15           “(2) that affects proper safeguarding of classified  
16 information or that indicates classified information  
17 has been lost or compromised;

18           “(3) that affects the entity’s compliance with De-  
19 partment of Defense security agreements, contract  
20 provisions regarding security, and relevant regula-  
21 tions of the Department of Defense pertaining to in-  
22 dustrial security; or

23           “(4) that is related to the entity’s business and  
24 management practices that results in the compromise  
25 of classified information.”.

1 **SEC. 832. FOREIGN OWNERSHIP CONTROL OR INFLUENCE.**

2 (a) *IN GENERAL.*—Subchapter III of chapter 21 of  
3 title 10, United States Code, as added by section 831, is  
4 amended by adding at the end the following new section:

5 **“§ 439. Foreign ownership control or influence**

6 “(a) *DETERMINATION OF FOREIGN OWNERSHIP CON-*  
7 *TROL OR INFLUENCE.*—

8 “(1) *IN GENERAL.*—Before granting a facility  
9 clearance to an entity, and while such entity holds a  
10 facility clearance, the Secretary of Defense shall deter-  
11 mine whether an entity is under foreign ownership  
12 control or influence (in this subchapter referred to as  
13 ‘FOCI’).

14 “(2) *DESCRIPTION OF FOCI.*—For purposes of  
15 paragraph (1), the Secretary shall determine an enti-  
16 ty to be under FOCI if a foreign interest has the  
17 power, direct or indirect, whether or not exercised,  
18 and whether or not exercisable through the ownership  
19 of the entity’s securities, by contractual arrangements  
20 or other means, to direct or decide matters affecting  
21 the management or operations of that entity in a  
22 manner that may result in—

23 “(A) unauthorized access to classified infor-  
24 mation;

25 “(B) unauthorized access to covered con-  
26 trolled unclassified information;

1           “(C) *an adverse effect on the performance of*  
2           *classified contracts; or*

3           “(D) *an adverse effect on the entity’s com-*  
4           *pliance with Department of Defense security*  
5           *agreements, appropriate contract provisions re-*  
6           *garding security, and relevant Department regu-*  
7           *lations pertaining to industrial security.*

8           “(b) *FOCI FACTORS.—*

9           “(1) *IN GENERAL.—The following factors relat-*  
10          *ing to an entity, a foreign interest, or a government*  
11          *of a foreign interest shall be considered by the Sec-*  
12          *retary of Defense in determining under this section*  
13          *whether an entity is under foreign ownership control*  
14          *or influence and the protective measures that may be*  
15          *required to mitigate the FOCI of the entity:*

16                  “(A) *Record of economic and government es-*  
17                  *spionage against United States targets by the en-*  
18                  *tity, by any foreign interest in the entity, and*  
19                  *by the government of any such foreign interest.*

20                  “(B) *Record of enforcement of covered con-*  
21                  *trolled unclassified information or engagement*  
22                  *in unauthorized technology transfer.*

23                  “(C) *The type and sensitivity of the infor-*  
24                  *mation expected to be accessed in performing a*  
25                  *classified contract.*

1           “(D) *The source, nature, and extent of*  
2           *FOCI, including whether foreign interests hold a*  
3           *majority or substantial minority position in the*  
4           *entity, taking into consideration the immediate,*  
5           *intermediate, and ultimate parent entities, sister*  
6           *entities, joint ventures, and hedge funds.*

7           “(E) *Record of compliance with pertinent*  
8           *United States laws, regulations, and contracts by*  
9           *the entity, by the foreign interest (if any) in the*  
10          *entity, and by parent entities, sister entities,*  
11          *joint ventures, and hedge funds.*

12          “(F) *The nature of any bilateral and multi-*  
13          *lateral security and information exchange agree-*  
14          *ments that may pertain to the entity, any for-*  
15          *foreign interest in the entity, and the government*  
16          *of any such foreign interest.*

17          “(G) *Ownership, control, or influence of the*  
18          *entity, in whole or in part, by a foreign govern-*  
19          *ment.*

20          “(2) *MINORITY POSITION.—For purposes of*  
21          *paragraph (1)(D), a minority position shall be con-*  
22          *sidered substantial if—*

23                  “(A) *it consists of greater than 5 percent of*  
24                  *the ownership interests;*

1                   “(B) it consists of greater than 10 percent  
2                   of the voting interest; or

3                   “(C) the minority position controls a seat  
4                   on the entity’s board of directors.

5                   “(c) *MITIGATION OF FOREIGN OWNERSHIP CONTROL*  
6 *OR INFLUENCE.*—

7                   “(1) *PROTECTIVE MEASURES AUTHORIZED FOR*  
8 *MITIGATION OF FOCI.*—*With respect to any entity*  
9 *with a facility clearance under FOCl, as determined*  
10 *under subsection (a), the Secretary of Defense may*  
11 *impose any security method, safeguard, or restriction*  
12 *the Secretary believes necessary to ensure that the en-*  
13 *tity complies with the general requirements for facil-*  
14 *ity clearances listed in subsection (b) of section 438*  
15 *of this title.*

16                   “(2) *GOVERNMENT SECURITY COMMITTEE RE-*  
17 *QUIREMENT FOR MITIGATION OF FOCl.*—

18                   “(A) *IN GENERAL.*—*As part of the mitiga-*  
19 *tion of foreign ownership control or influence of*  
20 *an entity determined to be under FOCl, the Sec-*  
21 *retary of Defense shall require the entity to es-*  
22 *tablish a permanent committee of the entity’s*  
23 *board of directors, or equivalent executive body,*  
24 *to be known as the entity’s ‘Government Security*



1           Committee’, for purposes of carrying out the re-  
2           quirements of this paragraph.

3           “(B) *RESPONSIBILITIES OF GSC.*—The re-  
4           sponsibilities of the Government Security Com-  
5           mittee of an entity are to ensure that the entity  
6           employs and maintains policies and procedures  
7           that ensure that the entity complies with the gen-  
8           eral requirements for facility clearances listed in  
9           subsection (b) of section 438 of this title.

10          “(C) *ROLE OF SECURITY MANAGER IN*  
11          *GSC.*—The employee of the entity designated pur-  
12          suant to section 438(c)(1)(A) as the security  
13          manager shall be the principal advisor to the  
14          Government Security Committee and attend  
15          committee meetings. The chairman of the Gov-  
16          ernment Security Committee must concur with  
17          the appointment and replacement of persons fill-  
18          ing the position of security manager selected by  
19          management of the entity. The functions of the  
20          security manager shall be carried out under the  
21          authority of the Government Security Com-  
22          mittee.

23          “(3) *RELATIONSHIP TO FACILITY CLEARANCE.*—  
24          In the case of an entity with a facility clearance  
25          under FOCI, as determined under subsection (a), the

1       *following provisions apply with respect to the status*  
2       *of the facility clearance of the entity:*

3               “(A) *CONTINUATION IN EFFECT WHILE NE-*  
4               *GOTIATING MITIGATION MEASURE.—The facility*  
5               *clearance of the entity shall continue in effect if*  
6               *the entity is negotiating with the Secretary a*  
7               *mitigation measure and the Secretary determines*  
8               *that there is no indication that classified infor-*  
9               *mation or covered controlled unclassified infor-*  
10              *mation is at risk of compromise.*

11              “(B) *INVALIDATION IF NO MITIGATION*  
12              *MEASURE WITHIN SIX MONTHS.—(i) Subject to*  
13              *subparagraph (C), the Secretary shall invalidate*  
14              *the facility clearance of the entity if an accept-*  
15              *able mitigation measure has not been agreed to*  
16              *by the Secretary and the entity by the end of the*  
17              *six-month period beginning on the date of the de-*  
18              *termination by the Secretary that the entity is*  
19              *under FOCI.*

20              “(i) *The six-month period described in*  
21              *clause (i) may be extended for one additional*  
22              *three-month period upon request by the entity if*  
23              *the Secretary approves an extension.*

24              “(C) *REVOCATION IF POSSIBILITY OF UNAU-*  
25              *THORIZED ACCESS OR ADVERSE EFFECT.—The*

1            *Secretary shall revoke the facility clearance of*  
2            *the entity at any time if, regardless of whether*  
3            *the entity is negotiating a mitigation measure*  
4            *with the Secretary, the Secretary determines that*  
5            *security measures cannot be taken to remove the*  
6            *possibility of unauthorized access or an adverse*  
7            *effect on classified contracts.*

8            *“(d) NOTIFICATION TO DEPARTMENT OF DEFENSE RE-*  
9            *GARDING CHANGE IN FOCI.—The Secretary of Defense*  
10           *shall require an entity to notify the Secretary when mate-*  
11           *rial changes occur to information previously submitted to*  
12           *the Department of Defense pertaining to the FOCI factors*  
13           *affecting the entity as soon as such information is known*  
14           *to the entity.*

15           *“(e) NOTIFICATION TO DEPARTMENT OF DEFENSE RE-*  
16           *GARDING MERGERS, ACQUISITIONS, OR TAKEOVERS BY*  
17           *FOREIGN PERSONS.—The Secretary of Defense shall require*  
18           *that when an entity with a facility clearance enters into*  
19           *negotiations for a proposed merger, acquisition, or takeover*  
20           *by a foreign person, the entity shall submit to the Secretary*  
21           *of Defense a notification of the commencement of such nego-*  
22           *tiations and a plan to negate the FOCI resulting from the*  
23           *transaction.”.*

1           (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 2 *the beginning of such subchapter is amended by adding at*  
 3 *the end the following new item:*

“*Sec. 439. Foreign ownership control or influence.*”.

4 **SEC. 833. CONGRESSIONAL OVERSIGHT RELATING TO FA-**  
 5 **CILITY CLEARANCES AND FOREIGN OWNER-**  
 6 **SHIP CONTROL OR INFLUENCE; DEFINITIONS.**

7           (a) *NOTIFICATIONS AND REPORTS.*—*Subchapter III of*  
 8 *chapter 21 of title 10, United States Code, as added by sec-*  
 9 *tion 831, is further amended by adding at the end the fol-*  
 10 *lowing new section:*

11 **“§ 440. Notifications and reports**

12           “(a) *NOTIFICATIONS REQUIRED.*—*The Secretary of*  
 13 *Defense shall submit to the Committees on Armed Services*  
 14 *of the Senate and the House of Representatives a notifica-*  
 15 *tion within 30 days after the occurrence of any of the fol-*  
 16 *lowing:*

17                   “(1) *The revocation or suspension by the Sec-*  
 18 *retary of a facility clearance of an entity previously*  
 19 *determined to be under foreign ownership control or*  
 20 *influence.*

21                   “(2) *The receipt by the Secretary of a notifica-*  
 22 *tion under section 439(d) from an entity that the en-*  
 23 *tity has entered into negotiations for a proposed*  
 24 *merger, acquisition, or takeover by a foreign person.*

1       “(b) *BIANNUAL REPORT.*—(1) *The Secretary of De-*  
2 *fense shall, not later than September 1, 2009, and bian-*  
3 *nually thereafter, submit to the Committees on Armed Serv-*  
4 *ices of the Senate and the House of Representatives a report*  
5 *containing the following:*

6           “(A) *Specific, cumulative, and, as appropriate,*  
7 *trend information on the numbers of entities—*

8               “(i) *holding facility clearances;*

9               “(ii) *that have reported a material change*  
10 *relating to FOCI factors;*

11               “(iii) *that have measures in place to miti-*  
12 *gate foreign ownership control or influence; or*

13               “(iv) *that have had a facility clearance sus-*  
14 *pending or revoked.*

15           “(B) *Specific, cumulative, and, as appropriate,*  
16 *trend information, on—*

17               “(i) *the entities that have filed for or main-*  
18 *tain facility clearances;*

19               “(ii) *the number of such entities determined*  
20 *to be under foreign ownership control or influ-*  
21 *ence;*

22               “(iii) *the countries from which such entities*  
23 *have originated;*

1           “(iv) the number that went through the  
2           Committee on Foreign Investment in the United  
3           States; and

4           “(v) the types of security arrangements and  
5           conditions that the Government Security Com-  
6           mittees of entities have used to mitigate foreign  
7           ownership control or influence.

8           “(C) An analysis of trends in the Industrial Se-  
9           curity Program, including an assessment of the num-  
10          ber and types of errors found in compliance within  
11          the Program.

12          “(D) An analysis of the details of companies that  
13          have committed violations of the Industrial Security  
14          Program and the frequency of the violations, includ-  
15          ing the number of companies that have committed re-  
16          curring violations.

17          “(E) A description of the corrective actions, if  
18          any, taken by the Defense Security Service to address  
19          the violations.

20          “(2) The information required under paragraph  
21          (1)(B) shall be organized and set forth separately in the  
22          report by defense sector within the defense industrial base.

23          “(3) The report shall be submitted in an unclassified  
24          form, but may contain a classified annex.”.

1       (b) *DEFINITIONS.*—Subchapter III of chapter 21 of  
2 title 10, United States Code, as added by section 831, is  
3 further amended by adding at the end the following new  
4 section:

5       **“§ 440a. Definitions**

6       *“In this subchapter:*

7               “(1) *ENTITY.*—The term ‘entity’ includes a cor-  
8 poration, company, association, firm, partnership, so-  
9 ciety, or joint stock company, but does not include an  
10 individual.

11               “(2) *FACILITY CLEARANCE.*—The term ‘facility  
12 clearance’, with respect to an entity, means an ad-  
13 ministrative determination by the Secretary of De-  
14 fense that the entity is eligible for—

15                       “(A) access to classified information; or

16                       “(B) award of a classified contract.

17               “(3) *CLASSIFIED INFORMATION.*—The term ‘clas-  
18 sified information’ means any information that has  
19 been determined pursuant to Executive Order 12958  
20 or any predecessor order to require protection against  
21 unauthorized disclosure and is so designated. The  
22 classifications ‘top secret’, ‘secret’, and ‘confidential’  
23 are used to designate such information.

24               “(4) *CLASSIFIED CONTRACT.*—The term ‘classi-  
25 fied contract’ means any contract requiring access to

1       *classified information by a contractor or the contrac-*  
2       *tor’s employees in the performance of the contract or*  
3       *in any phase of precontract activity or post-contract*  
4       *activity.*

5               “(5) *COVERED CONTROLLED UNCLASSIFIED IN-*  
6       *FORMATION.—The term ‘covered controlled unclassi-*  
7       *fied information’ means unclassified information the*  
8       *export of which—*

9               “(A) *is controlled, in the case of technical*  
10       *data that is inherently military in nature, by*  
11       *the International Traffic in Arms Regulations*  
12       *(ITAR); and*

13               “(B) *is controlled, in the case of technical*  
14       *data that has both military and commercial*  
15       *uses, by the Export Administration Regulations*  
16       *(EAR).”.*

17       (c) *CLERICAL AMENDMENT.—The table of sections at*  
18       *the beginning of such subchapter is amended by adding at*  
19       *the end the following new items:*

      “Sec. 440. *Notifications and reports.*

      “Sec. 440a. *Definitions.*”.

20       (d) *REGULATIONS.—The Secretary of Defense shall*  
21       *prescribe regulations to carry out subchapter III of chapter*  
22       *21 of title 10, United States Code, not later than September*  
23       *1, 2009.*

24       (e) *STUDY AND REPORT.—*



1           (1) *IN GENERAL.*—*The Secretary of Defense shall*  
2 *conduct a study on investments in entities covered by*  
3 *subchapter III of chapter 21 of title 10, United States*  
4 *Code, as added by this title. The study shall examine*  
5 *investments in such entities by—*

6                   (A) *foreign governments;*

7                   (B) *entities controlled by or acting on be-*  
8 *half of a foreign government;*

9                   (C) *persons of foreign countries; and*

10                  (D) *hedge funds.*

11           (2) *REPORT.*—*Not later than 180 days after the*  
12 *date of the enactment of this Act, the Secretary of De-*  
13 *fense shall submit to Congress a report on the results*  
14 *of the study conducted under paragraph (1). The in-*  
15 *formation in the report shall be organized and set*  
16 *forth separately by defense sector within the defense*  
17 *industrial base.*

## 18           ***Subtitle E—Other Matters***

### 19 ***SEC. 841. CLARIFICATION OF STATUS OF GOVERNMENT*** 20 ***RIGHTS IN THE DESIGNS OF DEPARTMENT OF*** 21 ***DEFENSE VESSELS, BOATS, AND CRAFT, AND*** 22 ***COMPONENTS THEREOF.***

23           (a) *IN GENERAL.*—*Chapter 633 of title 10, United*  
24 *States Code, is amended by adding at the end the following*  
25 *new section:*

1 **“§ 7317. Status of Government rights in the designs of**  
 2 **vessels, boats, and craft, and components**  
 3 **thereof**

4 “Government rights in the design of a vessel, boat, or  
 5 craft, or its components, including the hull, decks, and su-  
 6 perstructure, shall be determined solely by operation of sec-  
 7 tion 2320 of this title or by the instrument under which  
 8 the design was developed for the Government.”.

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

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

12 **SEC. 842. EXPANSION OF AUTHORITY TO RETAIN FEES**  
 13 **FROM LICENSING OF INTELLECTUAL PROP-**  
 14 **ERTY.**

15 Section 2260 of title 10, United States Code, is amend-  
 16 ed—

17 (1) in subsection (a), by inserting “or the Sec-  
 18 retary of Homeland Security” after “Secretary of De-  
 19 fense”; and

20 (2) in subsection (f)—

21 (A) by striking “(f) DEFINITIONS.—In this  
 22 section, the” and inserting the following:

23 “(f) DEFINITIONS.—In this section:

24 “(1) The”; and

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

3           “(2) The term ‘Secretary concerned’ has the  
4 meaning provided in section 101(a)(9) of this title  
5 and also includes—

6           “(A) the Secretary of Defense, with respect  
7 to matters concerning the Defense Agencies and  
8 Department of Defense Field Activities; and

9           “(B) the Secretary of Homeland Security,  
10 with respect to matters concerning the Coast  
11 Guard when it is not operating as a service in  
12 the Department of the Navy.”.

13 **SEC. 843. TRANSFER OF SECTIONS OF TITLE 10 RELATING**  
14 **TO MILESTONE A AND MILESTONE B FOR**  
15 **CLARITY.**

16       (a) *REVERSAL OF ORDER OF SECTIONS.*—Section  
17 2366b of title 10, United States Code, is transferred so as  
18 to appear before section 2366a of such title.

19       (b) *REDESIGNATION OF SECTIONS.*—Section 2366b  
20 (relating to Milestone A) and section 2366a (relating to  
21 Milestone B) of such title, as so transferred, are redesignated  
22 as sections 2366a and 2366b, respectively.

23       (c) *TECHNICAL AMENDMENT.*—The table of sections at  
24 the beginning of chapter 139 of title 10, United States Code,

1 *is amended by striking the items relating sections 2366a*  
2 *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.”.*

3 *(d) CONFORMING AMENDMENTS.—*

4 *(1) SECTION 181 OF TITLE 10, UNITED STATES*  
5 *CODE.—Section 181(b)(4) of title 10, United States*  
6 *Code, is amended by striking “section 2366a(a)(4),*  
7 *section 2366b(b),” and inserting “section 2366a(b),*  
8 *section 2366b(a)(4),”.*

9 *(2) NATIONAL DEFENSE AUTHORIZATION ACT*  
10 *FOR FISCAL YEAR 2008.—The National Defense Au-*  
11 *thorization Act for Fiscal Year 2008 (Public Law*  
12 *110–181) is amended—*

13 *(A) in section 212(1) by striking “2366a”*  
14 *and inserting “2366b”; and*

15 *(B) in section 816—*

16 *(i) in subsection (a)(2) by striking*  
17 *“2366a” and inserting “2366b”;*

18 *(ii) in subsection (a)(3) by striking*  
19 *“2366b of title 10, United States Code, as*  
20 *added by section 943 of this Act” and in-*  
21 *serting “2366a of title 10, United States*  
22 *Code”; and*

1                   (iii) in subsection (c)(2) by striking  
2                   “2366a” each place such term appears (in-  
3                   cluding in the paragraph heading) and in-  
4                   serting “2366b”.

5                   (3) *JOHN WARNER NATIONAL DEFENSE AUTHOR-*  
6                   *IZATION ACT FOR FISCAL YEAR 2007.*—*The John War-*  
7                   *ner National Defense Authorization Act for Fiscal*  
8                   *Year 2007 (Public Law 109–364) is amended in sec-*  
9                   *tion 812 (120 Stat. 2317), in each of subsections*  
10                  *(c)(2)(A) and (d)(2), by striking “2366a” and insert-*  
11                  *ing “2366b”.*

12 **SEC. 844. EARNED VALUE MANAGEMENT STUDY AND RE-**  
13                   **PORT.**

14                  (a) *STUDY.*—*The Secretary of Defense shall conduct a*  
15                  *study that—*

16                   (1) *assesses weaknesses in earned value manage-*  
17                   *ment implementation, including a review of the meth-*  
18                   *odology, accuracy of data, training, and information*  
19                   *technology systems used to develop earned value man-*  
20                   *agement data;*

21                   (2) *audits the accuracy of the earned value man-*  
22                   *agement data provided by vendors to the Federal Gov-*  
23                   *ernment concerning acquisition categories I and II*  
24                   *programs; and*

1           (3) *measures the success of utilizing earned value*  
2           *management to deliver program objectives.*

3           (b) *REPORT.*—*Not later than 180 days after the date*  
4           *of the enactment of this Act, the Secretary of Defense shall*  
5           *submit to the appropriate committees a report that—*

6           (1) *identifies recommendations for improving the*  
7           *implementation of earned value management, includ-*  
8           *ing alternatives; and*

9           (2) *contains the findings of the study conducted*  
10          *under subsection (a).*

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

12          (1) *APPROPRIATE COMMITTEES.*—*The term “ap-*  
13          *propriate committees” means the Committee on*  
14          *Armed Services of the Senate and the Committee on*  
15          *Armed Services of the House of Representatives.*

16          (2) *EARNED VALUE MANAGEMENT.*—*The term*  
17          *“earned value management” has the meaning given*  
18          *that term in section 300 of part 7 of Office of Man-*  
19          *agement and Budget Circular A–11.*

20          **SEC. 845. REPORT ON MARKET RESEARCH.**

21          (a) *REPORT REQUIRED.*—*Not later than October 1,*  
22          *2009, the Secretary of Defense shall submit to the Commit-*  
23          *tees on Armed Services of the Senate and the House of Rep-*  
24          *resentatives a report on the market research conducted by*

1 *the Secretary in implementing section 2377 of title 10,*  
2 *United States Code.*

3 (b) *SAMPLE EXAMINED.*—*For purposes of the report,*  
4 *the Secretary shall examine a representative sample of con-*  
5 *tracts and task or delivery orders, each of which—*

6 (1) *is for an amount in excess of \$5,000,000; and*

7 (2) *is for the acquisition of a mission critical or*  
8 *a complex military system in which computer soft-*  
9 *ware is a component or subcomponent.*

10 (c) *MATTERS COVERED.*—*The report shall contain the*  
11 *following:*

12 (1) *A statement of the total number of contracts*  
13 *and task or delivery orders awarded in fiscal year*  
14 *2007 for a mission critical or complex military sys-*  
15 *tem in which software is a component or subcompo-*  
16 *nent.*

17 (2) *A statement of the number of contracts and*  
18 *task or delivery orders in the sample examined for*  
19 *purposes of the report (as described in subsection (b)),*  
20 *and a description of those contracts and orders.*

21 (3) *For the sampled contracts and orders, a de-*  
22 *scription of how often market research was performed*  
23 *on the sampled contracts and orders.*

24 (4) *For the sampled contracts and orders, a de-*  
25 *scription of whether a Government employee or a con-*

1 tractor employee performed the market research and  
2 how the market research was performed.

3 (5) For the sampled contracts and orders, an  
4 identification of—

5 (A) instances when the market research  
6 identified software that was available as a com-  
7 mercial item and that could be used to meet the  
8 Government's requirements;

9 (B) instances when the software was modi-  
10 fied or proposed to be modified to meet the De-  
11 partment's requirements; or

12 (C) instances when the Department's re-  
13 quirements were modified to meet the capability  
14 of the commercial item software.

15 (6) An identification of the training tools the  
16 Secretary of Defense has developed to assist con-  
17 tracting officials in performing market research.

18 (7) An identification of actions the Department  
19 of Defense intends to take to further implement sec-  
20 tion 2377 of title 10, United States Code, and section  
21 826(b) of the National Defense Authorization Act for  
22 Fiscal year 2007 (Public Law 110-181; 10 U.S.C.  
23 2377 note), including dissemination of best practices  
24 and corrective actions where necessary.



1 **SEC. 846. SYSTEM DEVELOPMENT AND DEMONSTRATION**  
2 **BENCHMARK REPORT.**

3 (a) *SYSTEM DEVELOPMENT AND DEMONSTRATION*  
4 *BENCHMARK REPORT.*—

5 (1) *BENCHMARK REPORT REQUIRED.*—*The Sec-*  
6 *retary of a military department shall submit a sys-*  
7 *tem development and demonstration benchmark re-*  
8 *port as an annex to the baseline description required*  
9 *in section 2435 of title 10, United States Code, for*  
10 *each major defense acquisition program identified in*  
11 *subsection (b). Such a system development and dem-*  
12 *onstration benchmark report shall be based upon the*  
13 *most recent contractor proposal, the capabilities devel-*  
14 *opment document, and the systems requirements docu-*  
15 *ment approved prior to Milestone B approval and*  
16 *shall include the following information:*

17 (A) *The key performance parameters and*  
18 *technical requirements identified in the capabili-*  
19 *ties development document and systems require-*  
20 *ments document.*

21 (B) *A detailed description of performance*  
22 *capabilities proposed by the contractor, matched*  
23 *to the capabilities and requirements in the capa-*  
24 *bilities development document and systems re-*  
25 *quirements document.*

1           (C) *A target cost for system development*  
2           *and demonstration, excluding incentive or award*  
3           *fees and including both government and non-gov-*  
4           *ernment costs.*

5           (D) *A detailed outline of negotiated contract*  
6           *incentive or award fees.*

7           (E) *A detailed outline of contract ceiling*  
8           *price, target cost, target profit, and contract*  
9           *share line.*

10          (F) *A schedule of key events.*

11          (G) *An identification of critical technologies*  
12          *and associated technology readiness levels esti-*  
13          *mated for each upon both the initiation and the*  
14          *conclusion of system development and dem-*  
15          *onstration.*

16          (H) *Estimated percentage completion of de-*  
17          *tail design at each scheduled design readiness re-*  
18          *view and the scheduled Milestone C approval*  
19          *date.*

20          (I) *A discussion of development risk and*  
21          *concurrency within the program.*

22          (J) *Any other factors that the milestone de-*  
23          *cision authority considers relevant.*

24          (2) *TIMELINE FOR SUBMISSION OF BENCHMARK*  
25          *REPORT.—A system development and demonstration*

1 *benchmark report for a major defense acquisition pro-*  
2 *gram identified in subsection (b) shall be submitted to*  
3 *the congressional defense committees and prepared*  
4 *under this section—*

5 *(A) not later than 30 days after the date of*  
6 *the enactment of this Act, if the Department of*  
7 *Defense has entered into a contract for system*  
8 *development and demonstration for such a major*  
9 *defense acquisition program prior to the date of*  
10 *enactment of this Act; or*

11 *(B) in accordance with the requirements for*  
12 *the establishment of a baseline description re-*  
13 *quired by section 2435 of title 10, United States*  
14 *Code, in any other case.*

15 *(3) ALTERATIONS.—No alterations or revisions*  
16 *may be made to a system development and dem-*  
17 *onstration benchmark report after the first such re-*  
18 *port is prepared in accordance with paragraph (2).*

19 *(b) MAJOR DEFENSE ACQUISITION PROGRAMS IN-*  
20 *CLUDED.—For the purposes of this section, the major de-*  
21 *fense acquisition programs to be included in the pilot pro-*  
22 *gram are the following:*

23 *(1) BAMS, broad area maritime surveillance un-*  
24 *manned aerial vehicle.*

1           (2) *CSAR-X, combat search and rescue heli-*  
2           *copter.*

3           (3) *JLTV, joint light tactical vehicle.*

4           (4) *KC-45A, aerial refueling tanker.*

5           (5) *VH-71, presidential helicopter, increment II.*

6           (6) *Warrior-Alpha, unmanned aerial vehicle.*

7           (c) *SYSTEM DEVELOPMENT AND DEMONSTRATION*  
8 *CHANGES.—The Under Secretary of Defense for Acquisi-*  
9 *tion, Technology, and Logistics shall establish a Configura-*  
10 *tion Steering Board for each major defense acquisition pro-*  
11 *gram identified in subsection (b). The Board shall oversee*  
12 *any proposed alteration to the requirements or to the pro-*  
13 *posed technical configuration for such a major defense ac-*  
14 *quisition program during system development and dem-*  
15 *onstration. If such an alteration would increase the cost to*  
16 *the Government, extend the schedule by more than 30 days,*  
17 *or alter the proposed performance capabilities, as estab-*  
18 *lished in the system development and demonstration base-*  
19 *line required by subsection (a), the Configuration Steering*  
20 *Board shall not approve the alteration until—*

21           (1) *the chair of the Configuration Steering*  
22 *Board has submitted to the congressional defense com-*  
23 *mittees a written description of the alteration and an*  
24 *explanation of the rationale for the alteration; and*

1           (2) *not less than 15 days have expired since the*  
2 *date of submission of such description and expla-*  
3 *nation to those committees.*

4 *(d) ADDITIONAL REPORTING REQUIREMENTS.—*

5           (1) *IN GENERAL.—The Secretary of a military*  
6 *department shall submit a semi-annual contract per-*  
7 *formance assessment report to the milestone decision*  
8 *authority and to the congressional defense committees*  
9 *on each major defense acquisition program identified*  
10 *in subsection (b). The report shall be in unclassified*  
11 *form, but may have a classified annex or an annex*  
12 *that is restricted to protect source selection, business-*  
13 *sensitive, or proprietary information.*

14           (2) *CONTENTS.—Each such report shall describe*  
15 *contract execution regarding contract cost perform-*  
16 *ance, schedule performance, and incentive or award*  
17 *fee reviews and outlays, and an estimated cost at*  
18 *completion of the end item compared to the system de-*  
19 *velopment and demonstration benchmark report re-*  
20 *quired in subsection (a)(1).*

21           (3) *FIRST REPORT.—The first such report shall*  
22 *be submitted not later than 180 days after—*

23                   (A) *system design and development contract*  
24 *award; or*

1           (B) after enactment of this Act in the case  
2           of a system design and development contract that  
3           was awarded before the date of the enactment of  
4           this Act.

5           (4) *TERMINATION OF REPORTING REQUIRE-*  
6           *MENT.—The reporting requirement shall terminate*  
7           *upon a full rate production decision for each major*  
8           *defense acquisition program identified in subsection*  
9           *(b).*

10          (e) *PROHIBITION ON MILESTONE C APPROVAL.—(1)*  
11          *Except as provided in paragraph (2), the Milestone C ap-*  
12          *proval shall not be granted if the milestone decision author-*  
13          *ity determines, on the basis of a report submitted pursuant*  
14          *to subsection (d), or has other reason to believe, that—*

15                 (A) *the cost (including any increase for ex-*  
16                 *pected inflation or currency exchange rates) for*  
17                 *system development and demonstration has in-*  
18                 *creased by more than 25 percent over the system*  
19                 *development and demonstration baseline estab-*  
20                 *lished in (a)(1), or*

21                 (B) *the schedule for key events is delayed by*  
22                 *more than 15 percent of the total number of*  
23                 *months between the award of the system develop-*  
24                 *ment and demonstration contract and the sched-*  
25                 *uled Milestone C approval date, as provided in*

1           *the system development and demonstration base-*  
2           *line established in subsection (a)(1).*

3           (2) *The Under Secretary of Defense for Acquisi-*  
4           *tion, Technology, and Logistics may waive the prohi-*  
5           *bition in paragraph (1) upon certification to the con-*  
6           *gressional defense committees, along with supporting*  
7           *rationale, that proceeding to low rate initial produc-*  
8           *tion is in the best interest of the Department of De-*  
9           *fense.*

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

11           (1) *CONFIGURATION STEERING BOARD.—The*  
12           *term “Configuration Steering Board” means the com-*  
13           *mittee described in the memorandum regarding Con-*  
14           *figuration Steering Boards from the Under Secretary*  
15           *of Defense for Acquisition, Technology, and Logistics*  
16           *dated July 30, 2007, for the secretaries of the military*  
17           *departments, Chairman of the Joint Chiefs of Staff,*  
18           *Under Secretaries of Defense, and Commander, U.S.*  
19           *Special Operations Command.*

20           (2) *MILESTONE B APPROVAL.—The term “Mile-*  
21           *stone B approval” has the meaning provided in sec-*  
22           *tion 2366(e)(7) of title 10, United States Code.*

23           (3) *MILESTONE C APPROVAL.—The term “Mile-*  
24           *stone C approval” has the meaning provided in sec-*  
25           *tion 2366(e)(8) of title 10, United States Code;*

1           (4) *MAJOR DEFENSE ACQUISITION PROGRAM.*—  
2           *The term “major defense acquisition program” has*  
3           *the meaning provided in section 2430 of title 10,*  
4           *United States Code.*

5 **SEC. 847. ADDITIONAL MATTERS REQUIRED TO BE RE-**  
6                                   **PORTED BY CONTRACTORS PERFORMING SE-**  
7                                   **CURITY FUNCTIONS IN AREAS OF COMBAT**  
8                                   **OPERATIONS.**

9           *Section 862(a)(2)(D) of the National Defense Author-*  
10          *ization Act for Fiscal Year 2008 (Public Law 110–181) is*  
11          *amended—*

12                   (1) *by striking “or” at the end of clause (ii); and*  
13                   (2) *by adding at the end the following new*  
14          *clauses:*

15                                   “(iv) *a weapon is discharged against*  
16                                   *personnel performing private security func-*  
17                                   *tions in an area of combat operations or*  
18                                   *personnel performing such functions believe*  
19                                   *a weapon was so discharged; or*

20                                   “(v) *active, non-lethal countermeasures*  
21                                   *(other than the discharge of a weapon) are*  
22                                   *employed by the personnel performing pri-*  
23                                   *ivate security functions in an area of combat*  
24                                   *operations in response to a perceived imme-*  
25                                   *diate threat to such personnel;”.*



1 **SEC. 848. REPORT RELATING TO MUNITIONS.**

2 *Not later than March 1, 2009, the Secretary of Defense*  
 3 *shall submit to the congressional defense committees a re-*  
 4 *port detailing how 60mm and 81mm munitions used by*  
 5 *the Armed Forces are procured, including, where relevant,*  
 6 *an explanation of the decision to procure such munitions*  
 7 *from non-domestic sources and the justification for award-*  
 8 *ing contracts to non-domestic sources. The report shall also*  
 9 *include a plan to develop a domestic producer as the source*  
 10 *for 60mm and 81mm munitions used by the Armed Forces*  
 11 *by 2012.*

12 **TITLE IX—DEPARTMENT OF DE-**  
 13 **FENSE ORGANIZATION AND**  
 14 **MANAGEMENT**

*Subtitle A—Department of Defense Management*

- Sec. 901. Revisions in functions and activities of special operations command.*  
*Sec. 902. Requirement to designate officials for irregular warfare.*  
*Sec. 903. Plan required for personnel management of special operations forces.*  
*Sec. 904. Director of Operational Energy Plans and Programs.*  
*Sec. 905. Corrosion control and prevention executives for the military depart-*  
*ments.*  
*Sec. 906. Alignment of Deputy Chief Management Officer responsibilities.*  
*Sec. 907. Requirement for the Secretary of Defense to prepare a strategic plan to*  
*enhance the role of the National Guard and Reserves.*  
*Sec. 908. Redesignation of the Department of the Navy as the Department of the*  
*Navy and Marine Corps.*  
*Sec. 909. Support to Committee review.*

*Subtitle B—Space Activities*

- Sec. 911. Extension of authority for pilot program for provision of space surveil-*  
*lance network services to non-United States Government entities.*  
*Sec. 912. Investment and acquisition strategy for commercial satellite capabili-*  
*ties.*

*Subtitle C—Chemical Demilitarization Program*

- Sec. 921. Chemical Demilitarization Citizens Advisory Commissions in Colorado*  
*and Kentucky.*

*Sec. 922. Prohibition on transport of hydrolysate at Pueblo Chemical Depot, Colorado.*

*Subtitle D—Intelligence-Related Matters*

*Sec. 931. Technical changes following the redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.*

*Sec. 932. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.*

*Sec. 933. Technical amendments relating to the Associate Director of the CIA for Military Affairs.*

*Subtitle E—Other Matters*

*Sec. 941. Department of Defense School of Nursing revisions.*

*Sec. 942. Amendments of authority for regional centers for security studies.*

*Sec. 943. Findings and Sense of Congress regarding the Western Hemisphere Institute for Security Cooperation.*

*Sec. 944. Restriction on obligation of funds for United States Southern Command development assistance activities.*

*Sec. 945. Authorization of non-conventional assisted recovery capabilities.*

*Sec. 946. Report on United States Northern Command development of inter-agency plans and command and control relationships.*

1    ***Subtitle A—Department of Defense***  
 2                                    ***Management***

3    ***SEC. 901. REVISIONS IN FUNCTIONS AND ACTIVITIES OF***  
 4                                    ***SPECIAL OPERATIONS COMMAND.***

5            *Subsection (j) of section 167 of title 10, United States*  
 6 *Code, is amended to read as follows:*

7            “(j) *SPECIAL OPERATIONS ACTIVITIES.*—*For purposes*  
 8 *of this section, special operations activities include each of*  
 9 *the following insofar as it relates to special operations:*

10                    “(1) *Unconventional warfare.*

11                    “(2) *Irregular warfare.*

12                    “(3) *Counterterrorism.*

13                    “(4) *Counterinsurgency.*

1           “(5) *Counterproliferation of weapons of mass de-*  
2           *struction.*

3           “(6) *Direct action.*

4           “(7) *Strategic reconnaissance.*

5           “(8) *Foreign internal defense.*

6           “(9) *Civil-military defense.*

7           “(10) *Psychological and information operations.*

8           “(11) *Humanitarian assistance.*

9           “(12) *Theater search and rescue.*

10           “(13) *Such other activities as may be specified*  
11           *by the President or the Secretary of Defense.”.*

12   **SEC. 902. REQUIREMENT TO DESIGNATE OFFICIALS FOR IR-**  
13           **REGULAR WARFARE.**

14           *The Secretary of Defense shall designate—*

15           (1) *a single executive agent for irregular warfare*  
16           *within the Department of Defense; and*

17           (2) *an Assistant Secretary of Defense to be re-*  
18           *sponsible for overall management and coordination of*  
19           *irregular warfare.*

20   **SEC. 903. PLAN REQUIRED FOR PERSONNEL MANAGEMENT**  
21           **OF SPECIAL OPERATIONS FORCES.**

22           (a) *REQUIREMENT FOR PLAN.—Not later than 30 days*  
23           *after the date of the enactment of this Act, the commander*  
24           *of the special operations command shall submit to the con-*

1 gressional defense committees a plan relating to personnel  
2 management of special operations forces.

3 (b) *MATTERS COVERED.*—The plan submitted under  
4 subsection (a) shall address the following:

5 (1) *Coordination among the military depart-*  
6 *ments in order to enhance the manpower management*  
7 *and improve overall readiness of special operations*  
8 *forces.*

9 (2) *Coordination by the commander of the spe-*  
10 *cial operations command with the Secretaries of the*  
11 *military departments in order to better execute his re-*  
12 *sponsibility to maintain readiness of special oper-*  
13 *ations forces, including in the areas of accessions, as-*  
14 *signments, compensation, promotions, professional de-*  
15 *velopment, retention, sustainment, and training.*

16 **SEC. 904. DIRECTOR OF OPERATIONAL ENERGY PLANS AND**  
17 **PROGRAMS.**

18 (a) *ESTABLISHMENT OF POSITION; DUTIES.*—Chapter  
19 4 of title 10, United States Code, is amended by inserting  
20 after section 139a the following new section:

21 **“§ 139b. Director of Operational Energy Plans and**  
22 **Programs**

23 “(a) *APPOINTMENT.*—There is a Director of Oper-  
24 ational Energy Plans and Programs in the Department of  
25 Defense (in this section referred to as the ‘Director’), ap-

1 *pointed by the President, by and with the advice and con-*  
2 *sent of the Senate. The Director shall be appointed without*  
3 *regard to political affiliation and solely on the basis of fit-*  
4 *ness to perform the duties of the office of Director.*

5 *“(b) DUTIES.—The Director shall—*

6 *“(1) provide leadership and facilitate commu-*  
7 *nication regarding, and conduct oversight to manage*  
8 *and be accountable for, operational energy plans and*  
9 *programs within the Department of Defense and the*  
10 *Army, Navy, Air Force, and Marine Corps;*

11 *“(2) establish the operational energy strategy;*

12 *“(3) coordinate and oversee planning and pro-*  
13 *gram activities of the Department of Defense and the*  
14 *Army, Navy, Air Force, and the Marine Corps related*  
15 *to—*

16 *“(A) implementation of the operational en-*  
17 *ergy strategy;*

18 *“(B) the consideration of operational energy*  
19 *demands in defense planning, requirements, and*  
20 *acquisition processes; and*

21 *“(C) research and development investments*  
22 *related to operational energy demand and sup-*  
23 *ply technologies; and*

24 *“(4) monitor and review all operational energy*  
25 *initiatives in the Department of Defense.*

1           “(c) *PRINCIPAL ADVISOR FOR OPERATIONAL ENERGY*  
2 *PLANS AND PROGRAMS.*—(1) *The Director is the principal*  
3 *adviser to the Secretary of Defense and the Deputy Sec-*  
4 *retary of Defense regarding operational energy plans and*  
5 *programs and the principal policy official within the senior*  
6 *management of the Department of Defense regarding oper-*  
7 *ational energy plans and programs.*

8           “(2) *The Director may communicate views on matters*  
9 *related to operational energy plans and programs and the*  
10 *energy strategy required by subsection (d) directly to the*  
11 *Secretary of Defense and the Deputy Secretary of Defense*  
12 *without obtaining the approval or concurrence of any other*  
13 *official within the Department of Defense.*

14           “(d) *OPERATIONAL ENERGY STRATEGY.*—(1) *The Di-*  
15 *rector shall be responsible for the establishment and mainte-*  
16 *nance of a department-wide transformational strategy for*  
17 *operational energy. The strategy shall establish near-term,*  
18 *mid-term, and long-term goals, performance metrics to*  
19 *measure progress in meeting the goals, and a plan for im-*  
20 *plementation of the strategy within the military depart-*  
21 *ments, the Office of the Secretary of Defense, and Defense*  
22 *Agencies.*

23           “(2) *Not later than 90 days after the date on which*  
24 *the Director is first appointed, the Secretary of each of the*  
25 *military departments shall designate a senior official with-*

1 *in each armed force under the jurisdiction of the Secretary*  
2 *who will be responsible for operational energy plans and*  
3 *programs for that armed force. The officials shall be respon-*  
4 *sible for coordinating with the Director and implementing*  
5 *initiatives pursuant to the strategy with regard to that offi-*  
6 *cial's armed force.*

7       “(3) *By authority of the Secretary of Defense, the Di-*  
8 *rector shall prescribe policies and procedures for the imple-*  
9 *mentation of the strategy. The Director shall provide guid-*  
10 *ance to, and consult with, the Secretary of Defense, the Dep-*  
11 *uty Secretary of Defense, the Secretaries of the military de-*  
12 *partments, and the officials designated under paragraph (2)*  
13 *with respect to specific operational energy plans and pro-*  
14 *grams to be carried out pursuant to the strategy.*

15       “(4) *The initial strategy shall be submitted to the con-*  
16 *gressional defense committees not later than 180 days after*  
17 *the date on which the Director is first appointed. Subse-*  
18 *quent updates to the strategy shall be submitted to the con-*  
19 *gressional defense committees as soon as practicable after*  
20 *the modifications to the strategy are made.*

21       “(e) *BUDGETARY AND FINANCIAL MATTERS.—(1) The*  
22 *Director shall review and make recommendations to the*  
23 *Secretary of Defense regarding all budgetary and financial*  
24 *matters relating to the operational energy strategy.*

1       “(2) *The Secretary of Defense shall require that the*  
2 *Secretary of each military department and the head of each*  
3 *Defense Agency with responsibility for executing activities*  
4 *associated with the strategy transmit their proposed budget*  
5 *for those activities for a fiscal year to the Director for re-*  
6 *view before submission of the proposed budget to the Under*  
7 *Secretary of Defense (Comptroller).*

8       “(3) *The Director shall review a proposed budget*  
9 *transmitted under paragraph (2) for a fiscal year and, not*  
10 *later than January 31 of the preceding fiscal year, shall*  
11 *submit to the Secretary of Defense a report containing the*  
12 *comments of the Director with respect to the proposed budg-*  
13 *et, together with the certification of the Director regarding*  
14 *whether the proposed budget is adequate for implementation*  
15 *of the strategy.*

16       “(4) *Not later than 10 days after the date on which*  
17 *the budget for a fiscal year is submitted to Congress pursu-*  
18 *ant to section 1105 of title 31, the Secretary of Defense shall*  
19 *submit to Congress a report on the proposed budgets for that*  
20 *fiscal year that the Director has not certified under para-*  
21 *graph (3). The report shall include the following:*

22               “(A) *A discussion of the actions that the Sec-*  
23 *retary proposes to take, together with any rec-*  
24 *ommended legislation that the Secretary considers ap-*



1       *appropriate, to address the inadequacy of the proposed*  
2       *budgets.*

3           “(B) *Any additional comments that the Sec-*  
4       *retary considers appropriate regarding the inad-*  
5       *equacy of the proposed budgets.*

6       “(5) *The report required by paragraph (4) shall also*  
7       *include a separate statement of estimated expenditures and*  
8       *requested appropriations for that fiscal year for the activi-*  
9       *ties of the Director in carrying out the duties of the Direc-*  
10      *tor.*

11      “(f) *ACCESS TO INITIATIVE RESULTS AND*  
12      *RECORDS.—(1) The Secretary of a military department*  
13      *shall submit to the Director the results of all studies and*  
14      *initiatives conducted by the military department in connec-*  
15      *tion with the operational energy strategy.*

16      “(2) *The Director shall have access to all records and*  
17      *data in the Department of Defense (including the records*  
18      *and data of each military department) necessary in order*  
19      *to permit the Director to carry out the duties of the Direc-*  
20      *tor.*

21      “(g) *STAFF.—The Director shall have a dedicated pro-*  
22      *fessional staff of military and civilian personnel in a num-*  
23      *ber sufficient to enable the Director to carry out the duties*  
24      *and responsibilities of the Director.*

25      “(h) *DEFINITIONS.—In this section:*

1           “(1) *OPERATIONAL ENERGY.*—The term ‘oper-  
2           *ational energy*’ means the energy required for moving  
3           *and sustaining military forces and weapons plat-*  
4           *forms for military operations. The term includes en-*  
5           *ergy used by tactical power systems and generators*  
6           *and weapons platforms.*”

7           “(2) *OPERATIONAL ENERGY STRATEGY.*—The  
8           *terms ‘operational energy strategy’ and ‘strategy’*  
9           *mean the operational energy strategy developed under*  
10           *subsection (d).”.*

11           “(b) *CLERICAL AMENDMENT.*—The table of sections at  
12           *the beginning of such chapter is amended by inserting after*  
13           *the item relating to section 139a the following new item:*  
          *“139b. Director of Operational Energy Plans and Programs.”.*

14   **SEC. 905. CORROSION CONTROL AND PREVENTION EXECU-**  
15                           **TIVES FOR THE MILITARY DEPARTMENTS.**

16           “(a) *REQUIREMENT TO DESIGNATE CORROSION CON-*  
17           *TROL AND PREVENTION EXECUTIVE.*—Not later than 90  
18           *days after the date of the enactment of this Act, the Assist-*  
19           *ant Secretary of each military department with responsi-*  
20           *bility for acquisition, technology, and logistics shall des-*  
21           *ignate an employee of the military department as the corro-*  
22           *sion control and prevention executive. Such executive shall*  
23           *be the senior official in the department with responsibility*  
24           *for coordinating department-level corrosion control and*  
25           *prevention program activities (including budget program-*

1 *ming) with the military department and the Office of the*  
2 *Secretary of Defense, the program executive officers of the*  
3 *military departments, and relevant major subordinate com-*  
4 *mands of the military departments.*

5 *(b) DUTIES.—(1) The corrosion control and prevention*  
6 *executive of a military department shall ensure that corro-*  
7 *sion control and prevention is maintained in the depart-*  
8 *ment's policy and guidance for management of each of the*  
9 *following:*

10 *(A) System acquisition and production, includ-*  
11 *ing design and maintenance.*

12 *(B) Research, development, test, and evaluation*  
13 *programs and activities.*

14 *(C) Equipment standardization programs, in-*  
15 *cluding international standardization agreements.*

16 *(D) Logistics research and development initia-*  
17 *tives.*

18 *(E) Logistics support analysis as it relates to in-*  
19 *tegrated logistic support in the materiel acquisition*  
20 *process.*

21 *(F) Military infrastructure design, construction,*  
22 *and maintenance.*

23 *(2) The corrosion control and prevention executive of*  
24 *a military department shall be responsible for identifying*

1 *the funding levels necessary to accomplish the items listed*  
2 *in subparagraphs (A) through (F) of paragraph (1).*

3       (3) *The corrosion control and prevention executive of*  
4 *a military department shall, in cooperation with the appro-*  
5 *priate staff of the department, develop, support, and provide*  
6 *the rationale for resources—*

7           (A) *to initiate and sustain an effective corrosion*  
8 *control and prevention program in the department;*

9           (B) *to evaluate the program's effectiveness; and*

10          (C) *to ensure that corrosion control and preven-*  
11 *tion requirements for materiel are reflected in budg-*  
12 *eting and policies of the department for the formula-*  
13 *tion, management, and evaluation of personnel and*  
14 *programs for the entire department, including its re-*  
15 *serve components.*

16       (4) *The corrosion control and prevention executive of*  
17 *a military department shall be the principal point of con-*  
18 *tact of the department to the Director of Corrosion Policy*  
19 *and Oversight (as assigned under section 2228 of title 10,*  
20 *United States Code).*

21       (5) *The corrosion control and prevention executive of*  
22 *a military department shall submit an annual report to*  
23 *the Secretary of Defense containing recommendations per-*  
24 *taining to the corrosion control and prevention program of*  
25 *the military department, including corrosion-related fund-*

1 *ing levels to carry out all of the duties of the executive under*  
2 *this section.*

3 **SEC. 906. ALIGNMENT OF DEPUTY CHIEF MANAGEMENT OF-**  
4 **FICER RESPONSIBILITIES.**

5 *Section 192(e) of title 10, United States Code, is*  
6 *amended to read as follows:*

7 *“(e) SPECIAL RULE FOR DEFENSE BUSINESS TRANS-*  
8 *FORMATION AGENCY.—Notwithstanding the results of any*  
9 *periodic review under subsection (c) with regard to the De-*  
10 *fense Business Transformation Agency, the Secretary of De-*  
11 *fense shall designate that the Director of the Agency shall*  
12 *report directly to the Deputy Chief Management Officer of*  
13 *the Department of Defense.”.*

14 **SEC. 907. REQUIREMENT FOR THE SECRETARY OF DEFENSE**  
15 **TO PREPARE A STRATEGIC PLAN TO EN-**  
16 **HANCE THE ROLE OF THE NATIONAL GUARD**  
17 **AND RESERVES.**

18 *(a) PLAN.—Not later than April 1, 2009, the Secretary*  
19 *of Defense, in consultation with the Chairman of the Joint*  
20 *Chiefs of Staff and the Chief of the National Guard Bureau,*  
21 *shall prepare a plan for enhancing the roles of the National*  
22 *Guard and Reserve—*

23 *(1) when federalized in the case of the National*  
24 *Guard, or activated in the case of the Reserves, in*

1       *support of operations conducted under title 10,*  
2       *United States Code; and*

3             (2) *in support of operations conducted under*  
4       *title 32, United States Code, or in support of State*  
5       *missions.*

6       (b) *MATTERS TO BE ASSESSED.*—*In preparing the*  
7       *plan, the Secretary shall assess—*

8             (1) *the findings, conclusions, and recommenda-*  
9       *tions of the Final Report to Congress and the Sec-*  
10       *retary of Defense of the Commission on the National*  
11       *Guard and Reserves, dated January 31, 2008, and ti-*  
12       *tled “Transforming the National Guard and Reserves*  
13       *into a 21st-Century Operational Force”; and*

14             (2) *the provisions of H.R. 5603 of the 110th Con-*  
15       *gress, as introduced on March 13, 2008 (the National*  
16       *Guard Empowerment and State-National Defense In-*  
17       *tegration Act of 2008).*

18       (c) *REPORT.*—*Not later than April 1, 2009, the Sec-*  
19       *retary of Defense shall submit to the Committees on Armed*  
20       *Services of the Senate and the House of Representatives a*  
21       *report on the plan required under this section. The report*  
22       *shall include recommendations on—*

23             (1) *any changes to the current Department of*  
24       *Defense organization, structure, command relation-*

1        *ships, budget authority, procurement authority, and*  
 2        *compensation and benefits;*

3            *(2) any legislation that the Secretary considers*  
 4        *necessary; and*

5            *(3) any other matter the Secretary considers ap-*  
 6        *propriate.*

7        **SEC. 908. REDESIGNATION OF THE DEPARTMENT OF THE**  
 8                            **NAVY AS THE DEPARTMENT OF THE NAVY**  
 9                            **AND MARINE CORPS.**

10        *(a) REDESIGNATION OF THE DEPARTMENT OF THE*  
 11        *NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE*  
 12        *CORPS.—*

13            *(1) REDESIGNATION OF MILITARY DEPART-*  
 14        *MENT.—The military department designated as the*  
 15        *Department of the Navy is redesignated as the De-*  
 16        *partment of the Navy and Marine Corps.*

17            *(2) REDESIGNATION OF SECRETARY AND OTHER*  
 18        *STATUTORY OFFICES.—*

19            *(A) SECRETARY.—The position of the Sec-*  
 20        *retary of the Navy is redesignated as the Sec-*  
 21        *retary of the Navy and Marine Corps.*

22            *(B) OTHER STATUTORY OFFICES.—The po-*  
 23        *sitions of the Under Secretary of the Navy, the*  
 24        *four Assistant Secretaries of the Navy, and the*  
 25        *General Counsel of the Department of the Navy*

1           *are redesignated as the Under Secretary of the*  
2           *Navy and Marine Corps, the Assistant Secre-*  
3           *taries of the Navy and Marine Corps, and the*  
4           *General Counsel of the Department of the Navy*  
5           *and Marine Corps, respectively.*

6           **(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED**  
7           **STATES CODE.—**

8           **(1) DEFINITION OF “MILITARY DEPARTMENT”.—**  
9           *Paragraph (8) of section 101(a) of title 10, United*  
10          *States Code, is amended to read as follows:*

11           *“(8) The term ‘military department’ means the*  
12          *Department of the Army, the Department of the Navy*  
13          *and Marine Corps, and the Department of the Air*  
14          *Force.”.*

15          **(2) ORGANIZATION OF DEPARTMENT.—***The text*  
16          *of section 5011 of such title is amended to read as fol-*  
17          *lows: “The Department of the Navy and Marine*  
18          *Corps is separately organized under the Secretary of*  
19          *the Navy and Marine Corps.”.*

20          **(3) POSITION OF SECRETARY.—***Section*  
21          *5013(a)(1) of such title is amended by striking “There*  
22          *is a Secretary of the Navy” and inserting “There is*  
23          *a Secretary of the Navy and Marine Corps”.*

24          **(4) CHAPTER HEADINGS.—**



1           (A) *The heading of chapter 503 of such title*  
2           *is amended to read as follows:*

3           **“CHAPTER 503—DEPARTMENT OF THE**  
4           **NAVY AND MARINE CORPS”.**

5           (B) *The heading of chapter 507 of such title*  
6           *is amended to read as follows:*

7           **“CHAPTER 507—COMPOSITION OF THE DE-**  
8           **PARTMENT OF THE NAVY AND MARINE**  
9           **CORPS”.**

10          (5) *OTHER AMENDMENTS.—*

11           (A) *Title 10, United States Code, is amend-*  
12           *ed by striking “Department of the Navy” and*  
13           *“Secretary of the Navy” each place they appear*  
14           *other than as specified in paragraphs (1), (2),*  
15           *(3), and (4) (including in section headings, sub-*  
16           *section captions, tables of chapters, and tables of*  
17           *sections) and inserting “Department of the Navy*  
18           *and Marine Corps” and “Secretary of the Navy*  
19           *and Marine Corps”, respectively, in each case*  
20           *with the matter inserted to be in the same type-*  
21           *face and typestyle as the matter stricken.*

22           (B)(i) *Sections 5013(f), 5014(b)(2), 5016(a),*  
23           *5017(2), 5032(a), and 5042(a) of such title are*  
24           *amended by striking “Assistant Secretaries of the*

1           *Navy” and inserting “Assistant Secretaries of*  
2           *the Navy and Marine Corps”.*

3           *(ii) The heading of section 5016 of such*  
4           *title, and the item relating to such section in the*  
5           *table of sections at the beginning of chapter 503*  
6           *of such title, are each amended by inserting “and*  
7           *Marine Corps” after “of the Navy”, with the*  
8           *matter inserted in each case to be in the same*  
9           *typeface and typestyle as the matter amended.*

10        (c) *OTHER PROVISIONS OF LAW AND OTHER REF-*  
11 *ERENCES.—*

12           (1) *TITLE 37, UNITED STATES CODE.—Title 37,*  
13           *United States Code, is amended by striking “Depart-*  
14           *ment of the Navy” and “Secretary of the Navy” each*  
15           *place they appear and inserting “Department of the*  
16           *Navy and Marine Corps” and “Secretary of the Navy*  
17           *and Marine Corps”, respectively.*

18           (2) *OTHER REFERENCES.—Any reference in any*  
19           *law other than in title 10 or title 37, United States*  
20           *Code, or in any regulation, document, record, or other*  
21           *paper of the United States, to the Department of the*  
22           *Navy shall be considered to be a reference to the De-*  
23           *partment of the Navy and Marine Corps. Any such*  
24           *reference to an office specified in subsection (b)(2)*

1       *shall be considered to be a reference to that officer as*  
2       *redesignated by that section.*

3       (d) *EFFECTIVE DATE.*—*This section and the amend-*  
4       *ments made by this section shall take effect on the first day*  
5       *of the first month beginning more than 60 days after the*  
6       *date of the enactment of this Act.*

7       **SEC. 909. SUPPORT TO COMMITTEE REVIEW.**

8       (a) *FINDINGS.*—*Congress finds the following:*

9               (1) *In accordance with section 118 of title 10,*  
10              *United States Code, the Department of Defense con-*  
11              *ducts a Quadrennial Defense Review as a comprehen-*  
12              *sive examination of “the national defense strategy,*  
13              *force structure, force modernization plans, infrastruc-*  
14              *ture, budget plan, and other elements of the defense*  
15              *program and policies of the United States with a*  
16              *view toward determining and expressing the defense*  
17              *strategy of the United States and establishing a de-*  
18              *fense program for the next 20 years”.*

19              (2) *In submitting reports on these reviews to the*  
20              *Committees on Armed Services of the Senate and the*  
21              *House of Representatives, the Secretary is mandated*  
22              *to include the threats to the assumed or defined na-*  
23              *tional security interests of the United States, the*  
24              *threat-based scenarios developed to conduct the review,*  
25              *and other assumptions that impact the ability to*

1       *counter such threats, including force readiness, co-*  
2       *operation of allies, warning times, and levels of en-*  
3       *gagement in operations other than war and smaller-*  
4       *scale contingencies.*

5               *(3) There is no statutory requirement to assume*  
6       *certain funding levels available to the Department of*  
7       *Defense in the conduct of this review because Congress*  
8       *reserves its prerogative to provide the resources nec-*  
9       *essary to address threats to United States national se-*  
10       *curity interests and uses this review as a data point*  
11       *in determining the proper level of those resources.*

12               *(4) The reports associated with the 1997, 2001,*  
13       *and 2006 reviews clearly demonstrated that the Sec-*  
14       *retary made certain assumptions about anticipated*  
15       *funding.*

16               *(5) As a result, the reported recommendations*  
17       *were unnecessarily constrained by those funding as-*  
18       *sumptions.*

19               *(6) As the Department of Defense is preparing to*  
20       *conduct another Quadrennial Defense Review with a*  
21       *report due to the Congress by 2010, the Committee on*  
22       *Armed Services of the House of Representatives should*  
23       *review in a bipartisan, thorough manner the military*  
24       *capabilities required to address challenges to United*

1       *States national security interests over the next 20*  
2       *years.*

3       **(b) SUPPORT REQUIRED.**—*Within 15 days after re-*  
4       *ceiving a request, the Secretary of Defense shall provide the*  
5       *Committee on Armed Services of the House of Representa-*  
6       *tives with any information or data requested by that Com-*  
7       *mittee so that it can review in a comprehensive, threat-*  
8       *based, and bipartisan manner the national defense strategy,*  
9       *force structure, force modernization plans, infrastructure,*  
10       *budget plan, and other elements of the defense program and*  
11       *policies of the United States with a view toward deter-*  
12       *mining and expressing the defense strategy of the United*  
13       *States and establishing a defense program for the next 20*  
14       *years, as well as preparing for the upcoming Quadrennial*  
15       *Roles and Missions Review and Quadrennial Defense Re-*  
16       *view.*

17                   ***Subtitle B—Space Activities***

18       ***SEC. 911. EXTENSION OF AUTHORITY FOR PILOT PROGRAM***  
19                   ***FOR PROVISION OF SPACE SURVEILLANCE***  
20                   ***NETWORK SERVICES TO NON-UNITED STATES***  
21                   ***GOVERNMENT ENTITIES.***

22       *Section 2274(i) of title 10, United States Code, is*  
23       *amended by striking “September 30, 2009” and inserting*  
24       *“September 30, 2010”.*

1 **SEC. 912. INVESTMENT AND ACQUISITION STRATEGY FOR**  
2 **COMMERCIAL SATELLITE CAPABILITIES.**

3 (a) *REQUIREMENT.*—*The Secretary of Defense shall*  
4 *conduct an assessment to determine a recommended invest-*  
5 *ment and acquisition strategy for commercial satellite ca-*  
6 *pabilities.*

7 (b) *ELEMENTS.*—*The assessment required under sub-*  
8 *section (a) shall include the following:*

9 (1) *Review of national and defense policy rel-*  
10 *evant to the requirements for, acquisition of, and use*  
11 *of commercial satellite capabilities, and the relation-*  
12 *ship with commercial satellite providers.*

13 (2) *Assessment of the manner in which commer-*  
14 *cial satellite capabilities are utilized by the Depart-*  
15 *ment of Defense and options for expanding such utili-*  
16 *zation or identifying new means to leverage commer-*  
17 *cial satellite capabilities, such as hosting payloads.*

18 (3) *Review of military requirements for satellite*  
19 *communications and remote sensing by quantity,*  
20 *quality, timeline, and any other metric considered*  
21 *appropriate.*

22 (4) *Description of current and planned commer-*  
23 *cial satellite capabilities and an assessment of their*  
24 *ability to meet the requirements identified in para-*  
25 *graph (3).*

1           (5) *Assessment of the ability of commercial sat-*  
2 *ellite capabilities to meet other military requirements*  
3 *not identified in paragraph (3).*

4           (6) *Description of the utilization of and re-*  
5 *sources allocated to commercial satellite communica-*  
6 *tions and remote sensing in the past (past five years),*  
7 *present (current date through Future Years Defense*  
8 *Plan (FYDP)), and future (beyond the FYDP) to*  
9 *meet the requirements identified in paragraph (3).*

10          (7) *Assessment of purchasing patterns that may*  
11 *lead to recommendations in which the Department*  
12 *may consolidate requirements, centralize operations,*  
13 *aggregate purchases, or leverage purchasing power*  
14 *(including the use of multiyear contracting).*

15          (8) *Assessment of various models for acquiring*  
16 *commercial satellite capabilities, including funding,*  
17 *management, and operations models.*

18       (c) *REPORT.*—

19           (1) *IN GENERAL.*—*Not later than February 1,*  
20 *2009, the Secretary of Defense shall submit to the con-*  
21 *gressional defense committees a report setting forth*  
22 *the results of the assessment required under subsection*  
23 *(a) and provide recommendations, to include—*

1           (A) *the recommended investment and acqui-*  
2           *sition strategy or strategies of the Department*  
3           *for commercial satellite capabilities;*

4           (B) *how the investment and acquisition*  
5           *strategy or strategies should be addressed in fis-*  
6           *cal years after fiscal year 2009; and*

7           (C) *a proposal for such legislative action as*  
8           *the Secretary considers necessary to acquire ap-*  
9           *propriate types and amounts of commercial sat-*  
10          *ellite capabilities.*

11          (2) *FORM.—The report shall be in unclassified*  
12          *form, but may include a classified annex.*

13          (d) *DEFINITIONS.—In this section:*

14           (1) *The term “commercial satellite capabilities”*  
15           *means the system, capability, or service provided by*  
16           *a commercial satellite provider.*

17           (2) *The term “commercial satellite provider” re-*  
18           *fers to privately owned and operated space systems,*  
19           *their technology, components, products, data, services,*  
20           *and related information, as well as foreign systems*  
21           *whose products and services are sold commercially.*



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

3   **SEC. 921. CHEMICAL DEMILITARIZATION CITIZENS ADVI-**  
4                   **SORY COMMISSIONS IN COLORADO AND KEN-**  
5                   **TUCKY.**

6           *Section 172 of the National Defense Authorization Act*  
7 *for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended by*  
8 *adding at the end the following:*

9           “(i) *COLORADO AND KENTUCKY CHEMICAL DEMILI-*  
10 *TARIZATION CITIZENS ADVISORY COMMISSIONS.—Notwith-*  
11 *standing subsections (b), (f), and (g), and consistent with*  
12 *section 142 of the Strom Thurmond National Defense Au-*  
13 *thorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note)*  
14 *and section 8122 of the Department of Defense Appropria-*  
15 *tions Act, 2003 (50 U.S.C. 1521 note), responsibilities for*  
16 *the Chemical Demilitarization Citizens Advisory Commis-*  
17 *sions in Colorado and Kentucky shall be transferred from*  
18 *the Secretary of the Army to the Program Manager for As-*  
19 *sembled Chemical Weapons Alternatives. The Program*  
20 *Manager for Assembled Chemical Weapons Alternatives*  
21 *shall ensure the ability to receive citizen and State concerns*  
22 *regarding the ongoing chemical destruction program in*  
23 *these States. A representative from the Office of the Assist-*  
24 *ant to the Secretary of Defense for Nuclear, Chemical, and*  
25 *Biological Defense Programs shall meet with these commis-*

1 sions not less often than twice a year. Funds appropriated  
2 for the Assembled Chemical Weapons Alternatives Program  
3 shall be used for travel and associated travel costs for these  
4 Citizens Advisory Commissioners, when such travel is con-  
5 ducted at the invitation of the Department of Defense Spe-  
6 cial Assistant for Chemical and Biological Defense and  
7 Chemical Demilitarization Programs.”.

8 **SEC. 922. PROHIBITION ON TRANSPORT OF HYDROLYSATE**  
9 **AT PUEBLO CHEMICAL DEPOT, COLORADO.**

10 (a) *PROHIBITION.*—During fiscal year 2009, the Sec-  
11 retary of Defense may not transport hydrolysate from the  
12 Pueblo Chemical Depot, Colorado, to an off-site location for  
13 treatment, storage, or disposal.

14 (b) *SAVINGS CLAUSE.*—Nothing in this section limits  
15 or otherwise affects section 8119 of the Department of De-  
16 fense Appropriations Act, 2008 (Public Law 110–116; 50  
17 U.S.C. 1521 note).

18 (c) *REPORT.*—Not later than February 15, 2009, the  
19 Secretary shall submit to the congressional defense commit-  
20 tees a report on hydrolysate stockpiled at the Pueblo Chem-  
21 ical Depot, Colorado. The report shall include a comprehen-  
22 sive cost-benefit analysis between on-site and off-site meth-  
23 ods for disposing of such hydrolysate.

1       **Subtitle D—Intelligence-Related**  
2                               **Matters**

3       **SEC. 931. TECHNICAL CHANGES FOLLOWING THE REDESIG-**  
4                               **NATION OF NATIONAL IMAGERY AND MAP-**  
5                               **PING AGENCY AS NATIONAL GEOSPATIAL-IN-**  
6                               **TELLIGENCE AGENCY.**

7       (a) *TECHNICAL CHANGES TO UNITED STATES*  
8       *CODE.—*

9               (1) *TITLE 5.—Title 5, United States Code, is*  
10              *amended by striking “National Imagery and Map-*  
11              *ping Agency” each place it appears and inserting*  
12              *“National Geospatial-Intelligence Agency”.*

13             (2) *TITLE 44.—Title 44, United States Code, is*  
14              *amended by striking “National Imagery and Map-*  
15              *ping Agency” each place it appears and inserting*  
16              *“National Geospatial-Intelligence Agency”.*

17       (b) *TECHNICAL CHANGES TO OTHER ACTS.—*

18             (1) *ETHICS IN GOVERNMENT ACT OF 1978.—Sec-*  
19              *tion 105(a)(1) of the Ethics in Government Act of*  
20              *1978 (Public Law 95–521; 5 U.S.C. App. 4) is*  
21              *amended by striking “National Imagery and Map-*  
22              *ping Agency” and inserting “National Geospatial-In-*  
23              *telligence Agency”.*

1           (2) *INSPECTOR GENERAL ACT OF 1978*.—Section  
2       8H of the *Inspector General Act of 1978* (Public Law  
3       95–452; 5 U.S.C. App.) is amended—

4           (A) in subsection (a)(1)(A), by striking  
5       “National Imagery and Mapping Agency” and  
6       inserting “National Geospatial-Intelligence  
7       Agency”; and

8           (B) in subsection (g)(1), by striking “Na-  
9       tional Imagery and Mapping Agency” and in-  
10      serting “National Geospatial-Intelligence Agen-  
11      cy”.

12          (3) *EMPLOYEE POLYGRAPH PROTECTION ACT OF*  
13      1988.—Section 7(b)(2)(A)(i) of the *Employee Poly-*  
14      *graph Protection Act of 1988* (29 U.S.C.  
15      2006(b)(2)(A)(i)) is amended by striking “National  
16      Imagery and Mapping Agency” and inserting “Na-  
17      tional Geospatial-Intelligence Agency”.

18          (4) *LEGISLATIVE BRANCH APPROPRIATIONS ACT,*  
19      1993.—Section 207(a)(2)(B) of the *Legislative*  
20      *Branch Appropriations Act, 1993* (Public Law 102–  
21      392; 44 U.S.C. 501 note), is amended by striking  
22      “National Imagery and Mapping Agency” and insert-  
23      ing “National Geospatial-Intelligence Agency”.

24          (5) *HOMELAND SECURITY ACT OF 2002*.—Section  
25      201(e)(2) of the *Homeland Security Act of 2002* (6

1       *U.S.C. 121(e)(2)) is amended by striking “National*  
2       *Imagery and Mapping Agency” and inserting “Na-*  
3       *tional Geospatial-Intelligence Agency”.*

4       ***SEC. 932. TECHNICAL AMENDMENTS TO TITLE 10, UNITED***  
5                   ***STATES CODE, ARISING FROM ENACTMENT***  
6                   ***OF THE INTELLIGENCE REFORM AND TER-***  
7                   ***RORISM PREVENTION ACT OF 2004.***

8       *(a) REFERENCES TO HEAD OF INTELLIGENCE COMMU-*  
9       *NITY.—Title 10, United States Code, is amended by striking*  
10       *“Director of Central Intelligence” each place it appears and*  
11       *inserting “Director of National Intelligence” in the fol-*  
12       *lowing:*

- 13               (1) *Section 193(d)(2).*  
14               (2) *Section 193(e).*  
15               (3) *Section 201(a).*  
16               (4) *Section 201(b)(1).*  
17               (5) *Section 201(c)(1).*  
18               (6) *Section 425(a).*  
19               (7) *Section 431(b)(1).*  
20               (8) *Section 441(c).*  
21               (9) *Section 441(d).*  
22               (10) *Section 443(d).*  
23               (11) *Section 2273(b)(1).*  
24               (12) *Section 2723(a).*

1       (b) *CLERICAL AMENDMENTS.*—Such title is further  
 2 amended by striking “DIRECTOR OF CENTRAL INTEL-  
 3 LIGENCE” each place it appears and inserting “DIRECTOR  
 4 OF NATIONAL INTELLIGENCE” in the following:

5               (1) Section 441(c).

6               (2) Section 443(d).

7       (c) *REFERENCE TO HEAD OF CENTRAL INTELLIGENCE*  
 8 *AGENCY.*—Section 444 of such title is amended by striking  
 9 “Director of Central Intelligence” each place it appears and  
 10 inserting “Director of the Central Intelligence Agency”.

11 **SEC. 933. TECHNICAL AMENDMENTS RELATING TO THE AS-**  
 12                               **SOCIATE DIRECTOR OF THE CIA FOR MILI-**  
 13                               **TARY AFFAIRS.**

14       Section 528(c) of title 10, United States Code, is  
 15 amended—

16               (1) in the heading, by striking “MILITARY SUP-  
 17 PORT” and inserting “MILITARY AFFAIRS”; and

18               (2) by striking “Military Support” and insert-  
 19 ing “Military Affairs”.

20                               **Subtitle E—Other Matters**

21 **SEC. 941. DEPARTMENT OF DEFENSE SCHOOL OF NURSING**  
 22                               **REVISIONS.**

23       (a) *SCHOOL OF NURSING.*—The text of section 2117  
 24 of title 10, United States Code, is amended to read as fol-  
 25 lows:

1           “(a) *ESTABLISHMENT.*—*The Secretary of Defense shall*  
2 *establish within the University a School of Nursing, not*  
3 *later than July 1, 2010. It shall be so organized as to grad-*  
4 *uate not less than 25 students with a bachelor of science*  
5 *in nursing in the first class not later than June 30, 2012,*  
6 *not less than 50 in the second class, and not less than 100*  
7 *annually thereafter.*

8           “(b) *MINIMUM REQUIREMENT.*—*The School of Nursing*  
9 *shall include, at a minimum, a program that awards a*  
10 *bachelor of science in nursing.*

11           “(c) *PHASED DEVELOPMENT.*—*The development of the*  
12 *School of Nursing may be by such phases as the Secretary*  
13 *may prescribe, subject to the requirements of subsection*  
14 *(a).”.*

15           (b) *RETIRED NURSE CORPS OFFICER DEMONSTRATION PROJECT.*—

17                   (1) *IN GENERAL.*—*The Secretary of Defense may*  
18 *conduct a demonstration project to encourage retired*  
19 *military nurses to serve as faculty at civilian nursing*  
20 *schools.*

21                   (2) *ELIGIBILITY REQUIREMENTS.*—

22                           (A) *INDIVIDUAL.*—*An individual is eligible*  
23 *to participate in the demonstration project if the*  
24 *individual—*

1           (i) is a retired nurse corps officer of  
2           one of the Armed Forces;

3           (ii) has had at least 26 years of active  
4           Federal commissioned service before retir-  
5           ing; and

6           (iii) possesses a doctoral or master de-  
7           gree in nursing that qualifies the officer to  
8           become a full faculty member of an accred-  
9           ited school of nursing.

10          (B) INSTITUTION.—An accredited school of  
11          nursing is eligible to participate in the dem-  
12          onstration project if the school or its parent in-  
13          stitution of higher education—

14               (i) is a school of nursing that is ac-  
15               credited to award, at a minimum, a bach-  
16               elor of science in nursing and provides edu-  
17               cational programs leading to such degree;

18               (ii) has a resident Reserve Officer  
19               Training Corps unit at the institution of  
20               higher education that fulfils the require-  
21               ments of sections 2101 and 2102 of title 10,  
22               United States Code;

23               (iii) does not prevent ROTC access or  
24               military recruiting on campus, as defined



1           *in section 983 of title 10, United States*  
2           *Code;*

3           *(iv) provides any retired nurse corps*  
4           *officer participating in the demonstration*  
5           *project a salary and other compensation at*  
6           *the level to which other similarly situated*  
7           *faculty members of the accredited school of*  
8           *nursing are entitled, as determined by the*  
9           *Secretary of Defense; and*

10           *(v) agrees to comply with paragraph*  
11           *(4).*

12           (3) *COMPENSATION.—*

13           *(A) The Secretary of Defense may authorize*  
14           *a Secretary of a military department to author-*  
15           *ize qualified institutions of higher education to*  
16           *employ as faculty those eligible individuals (as*  
17           *described in paragraph (2)) who are receiving*  
18           *retired pay, whose qualifications are approved*  
19           *by the Secretary and the institution of higher*  
20           *education concerned, and who request such em-*  
21           *ployment, subject to the following:*

22           *(i) A retired nurse corps officer so em-*  
23           *ployed is entitled to receive the officer's re-*  
24           *tired pay without reduction by reason of*  
25           *any additional amount paid to the officer*

1           by the institution of higher education con-  
2           cerned. In the case of payment of any such  
3           additional amount by the institution of  
4           higher education concerned, the Secretary of  
5           the military department concerned may pay  
6           to that institution the amount equal to one-  
7           half the amount paid to the retired officer  
8           by the institution for any period, up to a  
9           maximum of one-half of the difference be-  
10          tween the officer's retired pay for that pe-  
11          riod and the active duty pay and allow-  
12          ances that the officer would have received  
13          for that period if on active duty. Payments  
14          by the Secretary concerned under this para-  
15          graph shall be made from funds specifically  
16          appropriated for that purpose.

17                   (ii) Notwithstanding any other provi-  
18                   sion of law contained in title 10, title 32,  
19                   or title 37, United States Code, such a re-  
20                   tired nurse corps officer is not, while so em-  
21                   ployed, considered to be on active duty or  
22                   inactive duty training for any purpose.

23                   (4) *SCHOLARSHIPS FOR NURSE OFFICER CAN-*  
24                   *DIDATES.*—For purposes of the eligibility of an insti-

1        *tution under paragraph (2)(B)(v), the following re-*  
2        *quirements apply:*

3                *(A) Each accredited school of nursing at*  
4                *which a retired nurse corps officer serves on the*  
5                *faculty under this subsection shall provide full*  
6                *academic scholarships to individuals under-*  
7                *taking an educational program at such school*  
8                *leading to a bachelor of science in nursing degree*  
9                *who agree, upon completion of such program, to*  
10               *accept a commission as an officer in the nurse*  
11               *corps of one of the Armed Forces.*

12               *(B) The total number of scholarships pro-*  
13               *vided by an accredited school of nursing under*  
14               *subparagraph (A) for each officer serving on the*  
15               *faculty of that school under this subsection shall*  
16               *be such number as the Secretary of Defense shall*  
17               *specify for purposes of this subsection.*

18               *(C) Each accredited school of nursing shall*  
19               *pay to the Department of Defense an amount*  
20               *equal to the value of the scholarship for every*  
21               *nurse officer candidate who fails to be accessed*  
22               *as a nurse corps officer into one of the Armed*  
23               *Forces within one year of receiving a bachelor of*  
24               *science degree in nursing from that school.*

1           (D) *The Secretary concerned is authorized*  
2 *to discontinue the demonstration project author-*  
3 *ized in this subsection at any institution of high-*  
4 *er education that fails to fulfill the requirements*  
5 *of subparagraph (C).*

6           (5) *REPORT.—*

7           (A) *Not later than 24 months after the com-*  
8 *mencement of any demonstration project under*  
9 *this subsection, the Secretary of Defense shall*  
10 *submit to the congressional defense committees a*  
11 *report on the demonstration project. The report*  
12 *shall include a description of the project and a*  
13 *description of plans for the continuation of the*  
14 *project, if any.*

15           (B) *ELEMENTS.—The report shall also in-*  
16 *clude, at a minimum, the following:*

17                   (i) *The current number of retired nurse*  
18 *corps officers who have at least 26 years of*  
19 *active Federal commissioned service who*  
20 *would be eligible to participate in the pro-*  
21 *gram.*

22                   (ii) *The number of retired nurse corps*  
23 *officers participating in the demonstration*  
24 *project.*

1                   (iii) *The number of accredited schools*  
2                   *of nursing participating in the demonstra-*  
3                   *tion project.*

4                   (iv) *The number of nurse officer can-*  
5                   *didates who have accessed into the military*  
6                   *as commissioned nurse corps officers.*

7                   (v) *The number of scholarships award-*  
8                   *ed to nurse officer candidates.*

9                   (vi) *The number of nurse officer can-*  
10                   *didates who have failed to access into the*  
11                   *military, if any.*

12                   (vii) *The amount paid to the Depart-*  
13                   *ment of Defense in the event any nurse offi-*  
14                   *cer candidates awarded scholarships by the*  
15                   *accredited school of nursing fail to access*  
16                   *into the military as commissioned nurse*  
17                   *corps officers.*

18                   (viii) *The funds expended in the oper-*  
19                   *ation of the demonstration project.*

20                   (ix) *The recommendation of the Sec-*  
21                   *retary of Defense as to whether the dem-*  
22                   *onstration project should be extended.*

23                   (6) *SUNSET.—The authority in this subsection*  
24                   *shall expire on June 30, 2014.*

1           (7) *DEFINITIONS.*—*In this subsection, the terms*  
2           *“school of nursing” and “accredited” have the meet-*  
3           *ing given those terms in section 801 of the Public*  
4           *Health Service Act (42 U.S.C. 296).*

5 **SEC. 942. AMENDMENTS OF AUTHORITY FOR REGIONAL**  
6           **CENTERS FOR SECURITY STUDIES.**

7           (a) *IN GENERAL.*—*Section 184(f) of title 10, United*  
8           *States Code, is amended by adding at the end the following*  
9           *new paragraph:*

10            “(6) *Funds available to the Department of De-*  
11            *fense for a Regional Center for any fiscal year (begin-*  
12            *ning with funds available for fiscal year 2009), in-*  
13            *cluding funds available under paragraphs (4) and*  
14            *(5), are available for use for programs that begin in*  
15            *such fiscal year but end in the next fiscal year.”.*

16           (b) *ESTABLISHMENT OF A PILOT PROGRAM FOR NON-*  
17            *GOVERNMENTAL PERSONNEL.*—

18            (1) *IN GENERAL.*—*In fiscal years 2009 and*  
19            *2010, the Secretary of Defense, with the concurrence*  
20            *of the Secretary of State, may waive reimbursement*  
21            *of the costs of activities of the Regional Centers for*  
22            *nongovernmental and international organization per-*  
23            *sonnel who participate in activities that enhance co-*  
24            *operation of nongovernmental organizations and*  
25            *international organizations with Armed Forces of the*

1 *United States, if the Secretary of Defense determines*  
2 *that attendance of such personnel without reimburse-*  
3 *ment is in the national security interests of the*  
4 *United States. Costs for which reimbursement is*  
5 *waived pursuant to this subsection shall not exceed*  
6 *\$1,000,000 in each of fiscal years 2009 and 2010 and*  
7 *shall be paid from appropriations available to the Re-*  
8 *gional Centers in each of those fiscal years.*

9 (2) *REPORT REQUIRED.—For each of fiscal*  
10 *years 2009 and 2010, the Secretary of Defense shall*  
11 *include in the annual report required under section*  
12 *184(h) of title 10, United States Code, a description*  
13 *of the extent of nongovernmental and international*  
14 *organization participation in the programs of each*  
15 *regional center, including the costs incurred by the*  
16 *United States for the participation of each organiza-*  
17 *tion.*

18 **SEC. 943. FINDINGS AND SENSE OF CONGRESS REGARDING**  
19 **THE WESTERN HEMISPHERE INSTITUTE FOR**  
20 **SECURITY COOPERATION.**

21 (a) *FINDINGS.—The Congress finds the following:*

22 (1) *The mission of the Western Hemisphere In-*  
23 *stitute for Security Cooperation (hereafter in this sec-*  
24 *tion referred to as “WHINSEC”) is to provide profes-*  
25 *sional education and training to military personnel,*

1 *law enforcement officials, and civilian personnel in*  
2 *support of the democratic principles set forth in the*  
3 *Charter of the Organization of American States, while*  
4 *fostering mutual knowledge, transparency, confidence,*  
5 *and cooperation among the participating nations,*  
6 *and promoting democratic values, respect for human*  
7 *rights, and knowledge and understanding of United*  
8 *States customs and traditions.*

9 (2) *WHINSEC supports the Security Coopera-*  
10 *tion Guidance of the Secretary of Defense by address-*  
11 *ing the education and training needs of the United*  
12 *States Southern Command and United States North-*  
13 *ern Command.*

14 (3) *In enacting legislation establishing*  
15 *WHINSEC, Congress specified that the curriculum of*  
16 *WHINSEC may include leadership development,*  
17 *counterdrug operations, peacekeeping, resource man-*  
18 *agement, and disaster relief planning. Congress also*  
19 *mandated a minimum of eight hours of instruction*  
20 *on human rights, due process, the rule of law, the role*  
21 *of the Armed Forces in a democratic society, and ci-*  
22 *vilian control of the military. WHINSEC averages*  
23 *twelve hours of such instruction per course.*

24 (4) *On March 21, 2007, Admiral Stavridis,*  
25 *Commander of United States Southern Command,*



1       *stated before the House Armed Services Committee*  
2       *that WHINSEC “is the military’s crown jewel for*  
3       *human rights training.”.*

4               (5) *WHINSEC does not select students for par-*  
5       *ticipation. A partner nation nominates students to*  
6       *attend WHINSEC, and in accordance with the law of*  
7       *the United States and the policies of the Departments*  
8       *of Defense and State, the United States Embassy in*  
9       *such partner nation screens and conducts background*  
10       *checks on such nominees. The vetting process of*  
11       *WHINSEC nominees includes a background check by*  
12       *United States embassies in partner nations, as well*  
13       *as checks by the Bureau of Western Hemisphere Af-*  
14       *airs and the Bureau of Democracy, Human Rights,*  
15       *and Labor. Further, the Abuse Case Evaluation Sys-*  
16       *tem of the Department of State, a central database*  
17       *that aggregates human rights abuse data into a sin-*  
18       *gle, searchable location, is used as a resource for*  
19       *checking abuse allegations when conducting vetting*  
20       *requests.*

21               (6) *WHINSEC operates in accordance with the*  
22       *“Leahy Law,” which was first enacted in 1997 and*  
23       *has since expanded to prohibit United States military*  
24       *assistance to foreign military units that violate*  
25       *human rights including security assistance programs*

1 *funded through foreign operations appropriations*  
2 *Acts and training programs made available pursuant*  
3 *to Department of Defense appropriations Acts.*

4 (7) *Independent review, observation, and rec-*  
5 *ommendation regarding operations of WHINSEC is*  
6 *provided by a Board of Visitors which is chaired by*  
7 *Bishop Robert Morlino of Wisconsin and includes*  
8 *four Members of Congress, two from each political*  
9 *party.*

10 (8) *WHINSEC is open to visitors at any time.*  
11 *Anyone can visit, sit in classes, talk with students*  
12 *and faculty, and review instructional materials.*

13 (9) *On May 7, 2008, the Department of Defense*  
14 *provided Congress requested information regarding*  
15 *the students, instructors, and courses at WHINSEC.*

16 (b) *SENSE OF CONGRESS.—It is the sense of Congress*  
17 *that—*

18 (1) *WHINSEC is one of the most effective mech-*  
19 *anisms that the United States has to build relation-*  
20 *ships with future leaders throughout the Western*  
21 *Hemisphere, influence the human rights records and*  
22 *democracy trajectory of countries in the Western*  
23 *Hemisphere, and mitigate the growing influence of*  
24 *non-hemispheric powers;*

1           (2) *WHINSEC is succeeding in meeting its stat-*  
2           *ed mission of providing professional education and*  
3           *training to eligible military personnel, law enforce-*  
4           *ment officials, and civilians of nations of the Western*  
5           *Hemisphere that support the democratic principles set*  
6           *forth in the Charter of the Organization of American*  
7           *States, while fostering mutual knowledge, trans-*  
8           *parency, confidence, and cooperation among the par-*  
9           *ticipating nations and promoting democratic values*  
10          *and respect for human rights; and*

11          (3) *WHINSEC is an invaluable education and*  
12          *training facility which the Department of Defense*  
13          *should continue to utilize in order to help foster a*  
14          *spirit of partnership that will ensure security and en-*  
15          *hance stability and interoperability among the*  
16          *United States military and the militaries of partici-*  
17          *pating nations.*

18 **SEC. 944. RESTRICTION ON OBLIGATION OF FUNDS FOR**  
19                                   **UNITED STATES SOUTHERN COMMAND DE-**  
20                                   **VELOPMENT ASSISTANCE ACTIVITIES.**

21          (a) *REPORT AND CERTIFICATION REQUIRED.*—*Not*  
22          *later than 30 days after the date of the enactment of this*  
23          *Act, the Secretary of Defense shall submit to the congres-*  
24          *sional defense committees a report describing the develop-*  
25          *ment assistance activities carried out by the United States*

1 *Southern Command during fiscal year 2008 and planned*  
2 *for fiscal year 2009 and containing a certification by the*  
3 *Secretary that such development assistance activities—*

4           (1) *will not adversely diminish the ability of the*  
5 *United States Southern Command or its components*  
6 *to carry out its combat or military missions;*

7           (2) *do not divert resources from funded or un-*  
8 *funded requirements of the United States Southern*  
9 *Command in connection with the role of the Depart-*  
10 *ment of Defense under section 124 of title 10, United*  
11 *States Code, as the single lead agency of the Federal*  
12 *Government for the detection and monitoring of aer-*  
13 *ial and maritime transit of illegal drugs into the*  
14 *United States;*

15           (3) *are not unnecessarily duplicative of activities*  
16 *already conducted or planned to be conducted by any*  
17 *other Federal department or agency during fiscal*  
18 *year 2009; and*

19           (4) *are designed, planned, and conducted to com-*  
20 *plement joint training and exercises, host-country ca-*  
21 *capacity building, or similar activities directly con-*  
22 *ected to the responsibilities of the United States*  
23 *Southern Command.*

24           (b) *RESTRICTION ON OBLIGATION OF FUNDS PENDING*  
25 *CERTIFICATION.—Of the amounts appropriated pursuant*

1 *to an authorization of appropriations in this Act or other-*  
2 *wise made available for fiscal year 2009 for operation and*  
3 *maintenance for the United States Southern Command, not*  
4 *more than 90 percent may be obligated or expended until*  
5 *30 days after the certification required by subsection (a)*  
6 *is received by the congressional defense committees.*

7       (c) *DEVELOPMENT ASSISTANCE ACTIVITIES DE-*  
8 *FINED.—In this section, the term “development assistance*  
9 *activities” means assistance activities carried out by the*  
10 *United States Southern Command that are comparable to*  
11 *the assistance activities carried out by the United States*  
12 *under—*

13           (1) *chapters 1, 10, 11, and 12 of part I of the*  
14 *Foreign Assistance Act of 1961 (22 U.S.C. 2151,*  
15 *2293, 2295, and 2296 et seq.); and*

16           (2) *any other provision of law for purposes com-*  
17 *parable to the purposes for which assistance activities*  
18 *are carried out under the provisions of law referred*  
19 *to in paragraph (1).*

20 **SEC. 945. AUTHORIZATION OF NON-CONVENTIONAL AS-**  
21 **SISTED RECOVERY CAPABILITIES.**

22       (a) *NON-CONVENTIONAL ASSISTED RECOVERY CAPA-*  
23 *BILITIES.—Upon a determination by a combatant com-*  
24 *mander that an action is necessary in connection with a*  
25 *non-conventional assisted recovery effort, an amount not to*

1 exceed \$20,000,000 of the funds appropriated pursuant to  
2 an authorization of appropriations or otherwise made  
3 available for “Operation and Maintenance, Navy” may be  
4 used to establish, develop, and maintain non-conventional  
5 assisted recovery capabilities.

6 (b) *PROCEDURES.*—The Secretary of Defense shall es-  
7 tablish procedures for the exercise of the authority under  
8 subsection (a). The Secretary shall notify the congressional  
9 defense committees of those procedures before any exercise  
10 of that authority.

11 (c) *AUTHORIZED ACTIVITIES.*—Non-conventional as-  
12 sisted recovery capabilities authorized under subsection (a)  
13 may, in limited and special circumstances, include the pro-  
14 vision of support to foreign forces, irregular forces, groups,  
15 or individuals in order to facilitate the recovery of Depart-  
16 ment of Defense or Coast Guard military or civilian per-  
17 sonnel, or other individuals who, while conducting activities  
18 in support of United States military operations, become  
19 separated or isolated and cannot rejoin their units without  
20 the assistance authorized in subsection (a). Such support  
21 may include the provision of limited amounts of equipment,  
22 supplies, training, transportation, or other logistical sup-  
23 port or funding.

24 (d) *ANNUAL REPORT.*—Not later than 30 days after  
25 the close of each fiscal year during which subsection (a) is

1 *in effect, the Secretary of Defense shall submit to the con-*  
2 *gressional defense committees a report on support provided*  
3 *under that subsection during that fiscal year.*

4 (e) *LIMITATION ON INTELLIGENCE ACTIVITIES.—This*  
5 *section does not constitute authority to conduct a covert ac-*  
6 *tion, as such term is defined in section 503(e) of the Na-*  
7 *tional Security Act of 1947 (50 U.S.C. 413b(e)).*

8 (f) *LIMITATION ON FOREIGN ASSISTANCE ACTIVI-*  
9 *TIES.—This section does not constitute authority—*

10 (1) *to build the capacity of foreign military*  
11 *forces or provide security and stabilization assistance,*  
12 *as described in sections 1206 and 1207 of the Na-*  
13 *tional Defense Authorization Act for Fiscal Year 2006*  
14 *(Public Law 109–163; 119 Stat. 3456 and 3458), re-*  
15 *spectively; and*

16 (2) *to provide assistance that is otherwise pro-*  
17 *hibited by any other provision in law, including any*  
18 *provision of law relating to the control of exports of*  
19 *defense articles or defense services.*

20 (g) *PERIOD OF AUTHORITY.—The authority under this*  
21 *section is in effect during each of the fiscal years 2009*  
22 *through 2012.*

1 **SEC. 946. REPORT ON UNITED STATES NORTHERN COM-**  
2 **MAND DEVELOPMENT OF INTERAGENCY**  
3 **PLANS AND COMMAND AND CONTROL RELA-**  
4 **TIONSHIPS.**

5 (a) *REPORT REQUIRED.*—Not later than 90 days after  
6 the date of the enactment of this Act, the Secretary of De-  
7 fense, in consultation with the Secretary of Homeland Secu-  
8 rity and the heads of other appropriate Federal agencies,  
9 shall submit a report to Congress describing the progress  
10 made to address certain deficiencies in the United States  
11 Northern Command identified in the Comptroller General  
12 report 08–251/252. To prepare the report, the Secretary of  
13 Defense shall direct the United States Northern Command  
14 to perform the following:

15 (1) *Provide a compendium of all roles, mission*  
16 *requirements and resources from all 50 States. Each*  
17 *role and mission in the docket will be accompanied*  
18 *by a brief explanation of the requirement and proof*  
19 *of endorsement by the respective State Adjutant Gen-*  
20 *erals and the Department of Homeland Security.*

21 (2) *Synchronize and continually update its unit*  
22 *requirements with the deployment schedules of the*  
23 *units it depends on. The commander of the United*  
24 *States Northern Command shall develop plans for*  
25 *primary and secondary units to cover the roles and*  
26 *missions coordinated in paragraph (1).*



1           (3) *Coordinate with all source units and other*  
 2           *commands. The report shall include copies of all these*  
 3           *unit and command mission statements.*

4           (4) *Coordinate with its interagency partners to*  
 5           *form charters that govern the agreements among*  
 6           *them, including qualifications for personnel with liai-*  
 7           *son functions between interagency partners.*

8           (b) *IMPROVED COORDINATION.*—*The commander of the*  
 9           *United States Northern Command shall coordinate with its*  
 10           *Federal interagency partners to ascertain requirements for*  
 11           *plans, training, equipment, and resources in support of—*

12                   (1) *homeland defense;*

13                   (2) *domestic emergency response; and*

14                   (3) *military support to civil authorities.*

## 15   **TITLE X—GENERAL PROVISIONS**

### *Subtitle A—Financial Matters*

*Sec. 1001. General transfer authority.*

*Sec. 1002. Requirement for separate display of budget for Afghanistan.*

*Sec. 1003. Requirement for separate display of budget for Iraq.*

*Sec. 1004. One-time shift of military retirement payments.*

### *Subtitle B—Policy Relating to Vessels and Shipyards*

*Sec. 1011. Conveyance, Navy drydock, Aransas Pass, Texas.*

*Sec. 1012. Report on repair of naval vessel in foreign shipyards.*

*Sec. 1013. Policy relating to major combatant vessels of the strike forces of the*  
*United States Navy.*

*Sec. 1014. National Defense Sealift Fund amendments.*

*Sec. 1015. Report on contributions to the domestic supply of steel and other met-*  
*als from scrapping of certain vessels.*

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

*Sec. 1021. Continuation of reporting requirement regarding Department of De-*  
*fense expenditures to support foreign counter-drug activities.*

*Sec. 1022. Extension of authority for joint task forces to provide support to law*  
*enforcement agencies conducting counter-terrorism activities.*

- Sec. 1023. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia and continuation of numerical limitation on assignment of United States personnel.*
- Sec. 1024. Expansion and extension of authority to provide additional support for counter-drug activities of certain foreign governments.*
- Sec. 1025. Comprehensive Department of Defense strategy for counter-narcotics efforts for West Africa and the Maghreb.*
- Sec. 1026. Comprehensive Department of Defense strategy for counter-narcotics efforts in South and Central Asian regions.*

*Subtitle D—Boards and Commissions*

- Sec. 1031. Strategic Communication Management Board.*
- Sec. 1032. Extension of certain dates for Congressional Commission on the Strategic Posture of the United States.*
- Sec. 1033. Extension of Commission to Assess the Threat to the United States from Electromagnetic Pulse (EMP) Attack.*

*Subtitle E—Studies and Reports*

- Sec. 1041. Report on corrosion control and prevention.*
- Sec. 1042. Study on using Modular Airborne Fire Fighting Systems (MAFFS) in a Federal response to wildfires.*
- Sec. 1043. Study on rotorcraft survivability.*
- Sec. 1044. Studies to analyze alternative models for acquisition and funding of inter-connected cyberspace systems.*
- Sec. 1045. Report on nonstrategic nuclear weapons.*
- Sec. 1046. Study on national defense implications of section 1083.*
- Sec. 1047. Report on methods Department of Defense utilizes to ensure compliance with Guam tax and licensing laws.*

*Subtitle F—Congressional Recognitions*

- Sec. 1051. Sense of Congress honoring the Honorable Duncan Hunter.*
- Sec. 1052. Sense of Congress in honor of the Honorable Jim Saxton, a Member of the House of Representatives.*
- Sec. 1053. Sense of Congress honoring the Honorable Terry Everett.*
- Sec. 1054. Sense of Congress honoring the Honorable Jo Ann Davis.*

*Subtitle G—Other Matters*

- Sec. 1061. Amendment to annual submission of information regarding information technology capital assets.*
- Sec. 1062. Restriction on Department of Defense relocation of missions or functions from Cheyenne Mountain Air Force Station.*
- Sec. 1063. Technical and clerical amendments.*
- Sec. 1064. Submission to Congress of revision to regulation on enemy prisoners of war, retained personnel, civilian internees, and other detainees.*
- Sec. 1065. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.*
- Sec. 1066. State Defense Force Improvement.*
- Sec. 1067. Barnegat Inlet to Little Egg Inlet, New Jersey.*
- Sec. 1068. Sense of Congress regarding the roles and missions of the Department of Defense and other national security institutions.*
- Sec. 1069. Sense of Congress relating to 2008 supplemental appropriations.*
- Sec. 1070. Sense of Congress regarding defense requirements of the United States.*

1       **Subtitle A—Financial Matters**

2       **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

3       (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—

4               (1) *AUTHORITY.*—Upon determination by the  
5       Secretary of Defense that such action is necessary in  
6       the national interest, the Secretary may transfer  
7       amounts of authorizations made available to the De-  
8       partment of Defense in this division for fiscal year  
9       2009 between any such authorizations for that fiscal  
10      year (or any subdivisions thereof). Amounts of au-  
11     thorizations so transferred shall be merged with and  
12     be available for the same purposes as the authoriza-  
13     tion to which transferred.

14              (2) *LIMITATION.*—Except as provided in para-  
15     graph (3), the total amount of authorizations that the  
16     Secretary may transfer under the authority of this  
17     section may not exceed \$\_\_\_\_\_.

18              (3) *EXCEPTION FOR TRANSFERS BETWEEN MILI-*  
19     *TARY PERSONNEL AUTHORIZATIONS.*—A transfer of  
20     funds between military personnel authorizations  
21     under title IV shall not be counted toward the dollar  
22     limitation in paragraph (2).

23              (b) *LIMITATIONS.*—The authority provided by this sec-  
24     tion to transfer authorizations—



1 *description of the assumptions underlying the funding re-*  
2 *quest.*

3 **SEC. 1003. REQUIREMENT FOR SEPARATE DISPLAY OF**  
4 **BUDGET FOR IRAQ.**

5 *For any annual or supplemental budget request sub-*  
6 *mission for the Department of Defense, beginning with fis-*  
7 *cal year 2010, the Secretary of Defense shall set forth sepa-*  
8 *rately any funding requested for any United States oper-*  
9 *ations or other activities concerning Iraq. The submission*  
10 *shall clearly display the amounts requested for such oper-*  
11 *ations or activities at the appropriation account level and*  
12 *at the program, project, or activity level. The submission*  
13 *by the Secretary shall also include a separate detailed de-*  
14 *scription of the assumptions underlying the funding re-*  
15 *quest.*

16 **SEC. 1004. ONE-TIME SHIFT OF MILITARY RETIREMENT PAY-**  
17 **MENTS.**

18 (a) *REDUCTION OF PAYMENTS.*—*Notwithstanding any*  
19 *other provision of law, any amounts that would otherwise*  
20 *be payable from the fund to individuals for the month of*  
21 *August 2013 (with disbursements scheduled for September*  
22 *2013) shall be reduced by 1 percent.*

23 (b) *REVERSION.*—*Beginning on September 1, 2013*  
24 *(with disbursements beginning in October 2013), amounts*  
25 *payable to individuals from the fund shall revert back to*

1 amounts as specified in law as if the reduction in subsection  
2 (a) did not take place.

3 (c) *REFUND.*—Any individual who has a payment re-  
4 duced under subsection (a) shall receive a one-time pay-  
5 ment, from the fund, in an amount equal to the amount  
6 of such reduction. This one-time payment shall be included  
7 with disbursements from the fund scheduled for October  
8 2013.

9 (d) *FUND.*—In this section, the term “fund” refers to  
10 the Department of Defense Military Retirement Fund estab-  
11 lished by section 1461 of title 10, United States Code.

12 (e) *TRANSFER.*—Not later than 60 days after the date  
13 of the enactment of this Act, the Secretary of Defense shall  
14 transfer \$40,000,000 from the unobligated balances of the  
15 National Defense Stockpile Transaction Fund to the Mis-  
16 cellaneous Receipts Fund of the United States Treasury to  
17 offset estimated costs arising from section 702 and the  
18 amendments made by such section.

19 ***Subtitle B—Policy Relating to***  
20 ***Vessels and Shipyards***

21 ***SEC. 1011. CONVEYANCE, NAVY DRYDOCK, ARANSAS PASS,***  
22 ***TEXAS.***

23 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the  
24 Navy is authorized to convey the floating drydock AFDL-  
25 23, located in Aransas Pass, Texas, to Gulf Copper Ship

1 *Repair, that company being the current lessee of the dry-*  
2 *dock.*

3 (b) *CONDITION OF CONVEYANCE.—The Secretary shall*  
4 *require as a condition of the conveyance under subsection*  
5 *(a) that the drydock remain at the facilities of Gulf Copper*  
6 *Ship Repair, at Aransas Pass, Texas, until at least Sep-*  
7 *tember 30, 2010.*

8 (c) *CONSIDERATION.—As consideration for the convey-*  
9 *ance of the drydock under subsection (a), the purchaser shall*  
10 *provide compensation to the United States the value of*  
11 *which, as determined by the Secretary, is equal to the fair*  
12 *market value of the drydock, as determined by the Sec-*  
13 *retary. The Secretary shall take into account amounts paid*  
14 *by, or due and owing from, the lessee.*

15 (d) *TRANSFER AT NO COST TO UNITED STATES.—The*  
16 *provisions of section 7306(c) of title 10, United States Code,*  
17 *shall apply to the conveyance under this section.*

18 (e) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
19 *retary may require such additional terms and conditions*  
20 *in connection with the conveyance under subsection (a) as*  
21 *the Secretary considers appropriate to protect the interests*  
22 *of the United States.*

1 **SEC. 1012. REPORT ON REPAIR OF NAVAL VESSEL IN FOR-**  
2 **EIGN SHIPYARDS.**

3 *Section 7310 of title 10, United States Code, is amend-*  
4 *ed by adding at the end the following new subsection:*

5 *“(c) REPORT.—The Secretary of the Navy shall submit*  
6 *to the Committees on Armed Services of the Senate and the*  
7 *House of Representatives a report any time it is determined*  
8 *that a naval vessel (or any other vessel under the jurisdic-*  
9 *tion of the Secretary) is to undergo work for the repair of*  
10 *the vessel in a shipyard outside the United States or Guam.*  
11 *The report shall be submitted at least 30 days before the*  
12 *repair work begins and shall contain the following:*

13 *“(1) The justification under law for the repair*  
14 *in a foreign shipyard.*

15 *“(2) The vessel to be repaired.*

16 *“(3) The shipyard where the repair work will be*  
17 *carried out.*

18 *“(4) The cost of the repair.*

19 *“(5) The schedule for repair.*

20 *“(6) The homeport or location of the vessel prior*  
21 *to its voyage for repair.”.*



1 **SEC. 1013. POLICY RELATING TO MAJOR COMBATANT VES-**  
2 **SELS OF THE STRIKE FORCES OF THE UNITED**  
3 **STATES NAVY.**

4 *Section 1012(c)(1) of the National Defense Authoriza-*  
5 *tion Act for Fiscal Year 2008 (Public Law 110–181) is*  
6 *amended by adding at the end the following:*

7 *“(D) Amphibious assault ships, including*  
8 *dock landing ships (LSD), amphibious trans-*  
9 *port–dock ships (LPD), helicopter assault ships*  
10 *(LHA/LHD), and amphibious command ships*  
11 *(LCC), if such vessels exceed 15,000 dead weight*  
12 *ton light ship displacement.”*

13 **SEC. 1014. NATIONAL DEFENSE SEALIFT FUND AMEND-**  
14 **MENTS.**

15 *Section 2218 of title 10, United States Code, is amend-*  
16 *ed—*

17 *(1) by striking subsection (j) and redesignating*  
18 *subsections (k) and (l) as subsections (j) and (k), re-*  
19 *spectively; and*

20 *(2) in paragraph (2) of subsection (k) (as so re-*  
21 *designated), by striking subparagraphs (B) thru (I)*  
22 *and inserting the following new subparagraph (B):*

23 *“(B) Any other auxiliary vessel that was*  
24 *procured or chartered with specific authorization*  
25 *in law for the vessel, or class of vessels, to be*  
26 *funded in the National Defense Sealift Fund.”*

1 **SEC. 1015. REPORT ON CONTRIBUTIONS TO THE DOMESTIC**  
2 **SUPPLY OF STEEL AND OTHER METALS FROM**  
3 **SCRAPPING OF CERTAIN VESSELS.**

4 *Not later than 30 days after the date of the enactment*  
5 *of this Act, the Secretary of the Navy shall submit to the*  
6 *congressional defense committees a report containing—*

7 *(1) the estimated contribution to the domestic*  
8 *market for steel and other metals from the scrapping*  
9 *of each vessel over 50,000 tons displacement stricken*  
10 *from the Naval Vessel Register but not yet disposed of*  
11 *by the Navy; and*

12 *(2) a plan for the sale and disposal of such ves-*  
13 *sels.*

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

15 **SEC. 1021. CONTINUATION OF REPORTING REQUIREMENT**  
16 **REGARDING DEPARTMENT OF DEFENSE EX-**  
17 **PENDITURES TO SUPPORT FOREIGN**  
18 **COUNTER-DRUG ACTIVITIES.**

19 *Section 1022(a) of the Floyd D. Spence National De-*  
20 *fense Authorization Act for Fiscal Year 2001 (as enacted*  
21 *into law by Public Law 106–398; 114 Stat. 1654A–255),*  
22 *as most recently amended by section 1024 of the National*  
23 *Defense Authorization Act for Fiscal Year 2007 (Public*  
24 *Law 109–364; 120 Stat. 2383), is further amended by strik-*  
25 *ing “and February 15, 2008” and inserting “February 15,*  
26 *2008, and February 15, 2009”.*

1 **SEC. 1022. EXTENSION OF AUTHORITY FOR JOINT TASK**  
2 **FORCES TO PROVIDE SUPPORT TO LAW EN-**  
3 **FORCEMENT AGENCIES CONDUCTING**  
4 **COUNTER-TERRORISM ACTIVITIES.**

5 *Section 1022(b) of the National Defense Authorization*  
6 *Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C.*  
7 *371 note), as amended by section 1021 of the National De-*  
8 *fense Authorization Act for Fiscal Year 2008 (Public Law*  
9 *110–181; 122 Stat. 304), is amended by striking “2008”*  
10 *and inserting “2009”.*

11 **SEC. 1023. EXTENSION OF AUTHORITY TO SUPPORT UNI-**  
12 **FIED COUNTER-DRUG AND**  
13 **COUNTERTERRORISM CAMPAIGN IN COLOM-**  
14 **BIA AND CONTINUATION OF NUMERICAL LIM-**  
15 **ITATION ON ASSIGNMENT OF UNITED STATES**  
16 **PERSONNEL.**

17 *Section 1021 of the Ronald W. Reagan National De-*  
18 *fense Authorization Act for Fiscal Year 2005 (Public Law*  
19 *108–375; 118 Stat. 2042), as amended by section 1023 of*  
20 *the John Warner National Defense Authorization Act for*  
21 *Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382),*  
22 *is further amended—*

23 *(1) in subsection (a), by striking “2008” and in-*  
24 *serting “2009”; and*

25 *(2) in subsection (c), by striking “2008” and in-*  
26 *serting “2009”.*

1 **SEC. 1024. EXPANSION AND EXTENSION OF AUTHORITY TO**  
2 **PROVIDE ADDITIONAL SUPPORT FOR**  
3 **COUNTER-DRUG ACTIVITIES OF CERTAIN**  
4 **FOREIGN GOVERNMENTS.**

5 (a) *EXTENSION OF AUTHORITY.*—Subsection (a)(2) of  
6 section 1033 of the National Defense Authorization Act for  
7 Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as  
8 amended by section 1021 of the National Defense Authoriza-  
9 tion Act for Fiscal Year 2004 (Public Law 108–136, 117  
10 Stat. 1593), section 1022 of the John Warner National De-  
11 fense Authorization Act for Fiscal Year 2007 (Public Law  
12 109–364; 120 Stat. 2137), and section 1022 of the National  
13 Defense Authorization Act for Fiscal Year 2008 (Public  
14 Law 110–181; 122 Stat. 304), is further amended by strik-  
15 ing “2008” and inserting “2009”.

16 (b) *ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE*  
17 *SUPPORT.*—Subsection (b) of such section is amended by  
18 adding at the end the following new paragraphs:

19 “(19) The Government of Guinea–Bissau.

20 “(20) The Government of Senegal.

21 “(21) The Government of Ghana.”

22 (c) *MAXIMUM ANNUAL AMOUNT OF SUPPORT.*—Sub-  
23 section (e)(2) of such section is amended—

24 (1) by striking “or” after “2006,”; and

25 (2) by striking the period at the end and insert-  
26 ing “, or \$65,000,000 during fiscal year 2009.”.

1       (d) *CONDITION ON PROVISION OF SUPPORT.*—Sub-  
2 section (f) of such section is amended—

3           (1) in paragraph (2), by inserting after “In the  
4 case of” the following: “funds appropriated for fiscal  
5 year 2009 to carry out this section and”; and

6           (2) in paragraph (4)(B), by striking “Committee  
7 on International Relations” and inserting “Com-  
8 mittee on Foreign Affairs”.

9       (e) *COUNTER-DRUG PLAN.*—Subsection (h) of such sec-  
10 tion is amended—

11           (1) in the matter preceding paragraph (1), by  
12 striking “fiscal year 2004” and inserting “fiscal year  
13 2009”; and

14           (2) in subparagraph (7), by striking “For the  
15 first fiscal year” and inserting “For fiscal year 2009,  
16 and thereafter, for the first fiscal year”.

17 **SEC. 1025. COMPREHENSIVE DEPARTMENT OF DEFENSE**  
18 **STRATEGY FOR COUNTER-NARCOTICS EF-**  
19 **FORTS FOR WEST AFRICA AND THE**  
20 **MAGHREB.**

21       (a) *REPORT REQUIRED.*—Not later than March 1,  
22 2009, the Secretary of Defense shall submit to the congres-  
23 sional defense committees a comprehensive strategy of the  
24 Department of the Defense with regard to counter-narcotics  
25 efforts in Africa, with an emphasis on West Africa and the

1 *Maghreb. The Secretary of Defense shall prepare the strat-*  
2 *egy in consultation with the Secretary of State.*

3 (b) *MATTERS TO BE INCLUDED.—The comprehensive*  
4 *strategy shall consist of a general overview and a separate*  
5 *detailed section for each of the following:*

6 (1) *The roles and missions of the Department of*  
7 *Defense in support of the overall United States*  
8 *counter-narcotics policy for Africa.*

9 (2) *The priorities for the Department of Defense*  
10 *to meet programmatic objectives one-year, three-years,*  
11 *and five-years after the end of fiscal year 2009, in-*  
12 *cluding a description of the expected allocation of re-*  
13 *sources of the Department of Defense to accomplish*  
14 *these priorities.*

15 (3) *The efforts to coordinate the counter-narcotics*  
16 *activities of the Department of Defense with the*  
17 *counter-narcotics activities of the governments eligible*  
18 *to receive support under section 1033 of the National*  
19 *Defense Authorization Act for Fiscal Year 1998 (Pub-*  
20 *lic Law 105–85; 111 Stat. 1881) and the counter-nar-*  
21 *cotics activities in Africa of European countries and*  
22 *other international and regional partners.*

23 (c) *PLANS.—The comprehensive strategy shall also in-*  
24 *clude the following plans:*

1           (1) *A detailed and comprehensive plan to utilize*  
2           *the capabilities and assets of Joint Inter-Agency Task*  
3           *Force-South of the United States Southern Command*  
4           *for the counter-narcotics efforts and activities of the*  
5           *United States Africa Command on a temporary basis*  
6           *until the United States Africa Command develops its*  
7           *own commensurate capabilities and assets, including*  
8           *in the plan a description of what measures will be*  
9           *taken to effectuate the transition of the missions,*  
10          *which are accomplished using such capabilities and*  
11          *assets, from Joint Inter-Agency Task Force-South to*  
12          *United States Africa Command.*

13          (2) *A detailed and comprehensive plan to en-*  
14          *hance cooperation with certain African countries,*  
15          *which are often geographically contiguous to other Af-*  
16          *rican countries that have a significant narcotics-traf-*  
17          *ficking challenges, to increase the effectiveness of the*  
18          *counter-narcotics activities of the Department of De-*  
19          *fense and its international and regional partners.*

20 **SEC. 1026. COMPREHENSIVE DEPARTMENT OF DEFENSE**  
21                                   **STRATEGY FOR COUNTER-NARCOTICS EF-**  
22                                   **FORTS IN SOUTH AND CENTRAL ASIAN RE-**  
23                                   **GIONS.**

24          (a) *REPORT REQUIRED.*—*Not later than March 1,*  
25          *2009, the Secretary of Defense shall submit to the congress-*

1 sional defense committees a comprehensive strategy of the  
2 Department of the Defense with regard to counter-narcotics  
3 efforts in the South and Central Asian regions, including  
4 the countries of Afghanistan, Turkmenistan, Tajikistan,  
5 Kyrgyzstan, Kazakhstan, Pakistan, and India, as well as  
6 the countries of Armenia, Azerbaijan, and China.

7 (b) *MATTERS TO BE INCLUDED.*—The comprehensive  
8 strategy shall consist of a general overview and a separate  
9 detailed section for each of the following:

10 (1) *The roles and missions of the Department of*  
11 *Defense in support of the overall United States*  
12 *counter-narcotics policy for countries of the South*  
13 *and Central Asian regions and the other countries*  
14 *specified in subsection (a).*

15 (2) *The priorities for the Department of Defense*  
16 *to meet programmatic objectives for fiscal year 2010,*  
17 *including a description of the expected allocation of*  
18 *resources of the Department of Defense to accomplish*  
19 *these priorities.*

20 (3) *The ongoing and planned counter-narcotics*  
21 *activities funded by the Department of Defense for*  
22 *such regions and countries, including a description of*  
23 *the accompanying allocation of resources of the De-*  
24 *partment of Defense to carry out these activities.*



1           (4) *The efforts to coordinate the counter-narcotics*  
2           *activities of the Department of Defense with the*  
3           *counter-narcotics activities of such regions and coun-*  
4           *tries and the counter-narcotics activities of other*  
5           *international partners in such regions and countries.*

6           (5) *The specific metrics used by the Department*  
7           *of Defense to evaluate progress of activities to reduce*  
8           *the production and trafficking of illicit narcotics in*  
9           *such regions and countries.*

10                           ***Subtitle D—Boards and***  
11                           ***Commissions***

12       ***SEC. 1031. STRATEGIC COMMUNICATION MANAGEMENT***  
13                           ***BOARD.***

14           (a) *IN GENERAL.—The Secretary of Defense shall es-*  
15           *tablish a Strategic Communication Management Board (in*  
16           *this section referred to as the “Board”) to provide advice*  
17           *to the Secretary on strategic direction and to help establish*  
18           *priorities for strategic communication activities.*

19           (b) *COMPOSITION.—*

20           (1) *IN GENERAL.—The Board shall be composed*  
21           *of members selected in accordance with this sub-*  
22           *section.*

23           (2) *MEMBERS.—The Secretary of Defense shall*  
24           *appoint members within 30 days after the date of the*  
25           *enactment of this Act, selected from among organiza-*

1        *tions within the Department of Defense responsible*  
2        *for strategic communication, public diplomacy, and*  
3        *public affairs, including the following:*

4                (A) *Civil affairs, strategic communication,*  
5                *or public affairs offices of the military depart-*  
6                *ments.*

7                (B) *The Joint Staff.*

8                (C) *The combatant commands.*

9                (D) *The Office of the Secretary of Defense.*

10              (3) *ADVISORY MEMBERS.—The Board shall ap-*  
11              *point advisory members of the Board after the mem-*  
12              *bers have been selected under paragraph (2), upon pe-*  
13              *tition from entities seeking advisory membership. Ad-*  
14              *visory members shall be selected from the broader*  
15              *interagency community, and may include representa-*  
16              *tives from the following;*

17              (A) *The Department of State.*

18              (B) *The Department of Justice.*

19              (C) *The Department of Commerce.*

20              (D) *The United States Agency for Inter-*  
21              *national Development.*

22              (E) *The Office of the Director of National*  
23              *Intelligence.*

24              (F) *The National Security Council.*

25              (G) *The Broadcasting Board of Governors.*

1           (4) *LEADERSHIP.*—*The Under Secretary of De-*  
2 *fense for Policy (or his designee) shall chair the*  
3 *Board.*

4           (c) *DUTIES.*—*The duties of the Board are as follows:*

5           (1) *Provide strategic direction for efforts of the*  
6 *Department of Defense related to strategic commu-*  
7 *nication and military support to public diplomacy.*

8           (2) *Establish Department of Defense priorities in*  
9 *these areas.*

10           (3) *Evaluate and select proposals for efforts that*  
11 *support the Department of Defense strategic commu-*  
12 *nication mission.*

13           (4) *Such other duties as the Secretary may as-*  
14 *sign.*

15 **SEC. 1032. EXTENSION OF CERTAIN DATES FOR CONGRES-**  
16 **SIONAL COMMISSION ON THE STRATEGIC**  
17 **POSTURE OF THE UNITED STATES.**

18           (a) *EXTENSION OF DATES.*—*Section 1062 of the Na-*  
19 *tional Defense Authorization Act for Fiscal Year 2008 (Pub-*  
20 *lic Law 110–181) is amended—*

21           (1) *in subsection (e) by striking “December 1,*  
22 *2008” and inserting “March 1, 2009”; and*

23           (2) *in subsection (g) by striking “June 1, 2009”*  
24 *and inserting “September 30, 2009”.*

1           (b) *INTERIM REPORT.*—Not later than December 1,  
2 2008, the Congressional Commission on the Strategic Pos-  
3 ture of the United States shall submit to the President, the  
4 Secretary of Defense, the Secretary of Energy, the Secretary  
5 of State, the Committee on Armed Services of the Senate,  
6 and the Committee on Armed Services of the House of Rep-  
7 resentatives an interim report on the commission’s initial  
8 findings, conclusions, and recommendations. To the extent  
9 practicable, the interim report shall address the matters re-  
10 quired to be included in the report under subsection (e) of  
11 such section 1062.

12 **SEC. 1033. EXTENSION OF COMMISSION TO ASSESS THE**  
13                           **THREAT TO THE UNITED STATES FROM ELEC-**  
14                           **TROMAGNETIC PULSE (EMP) ATTACK.**

15           (a) *EXTENSION.*—Section 1409 of the Floyd D. Spence  
16 National Defense Authorization Act for Fiscal Year 2001  
17 (as enacted into law by Public Law 106–398; 114 Stat.  
18 1654A–348; 50 U.S.C. 2301 note), as amended by section  
19 1052(j) of the National Defense Authorization Act for Fiscal  
20 Year 2006 (Public Law 109–163; 119 Stat. 3435), is  
21 amended by striking “The Commission shall terminate”  
22 and all that follows through the period at the end and in-  
23 serting “The Commission shall terminate March 31, 2012.”.

24           (b) *ANNUAL REPORTS.*—Section 1403 of that Act (114  
25 Stat. 1654A–346; 50 U.S.C. 2301 note), as amended by sec-

1 *tion 1052(f) of the National Defense Authorization Act for*  
2 *Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3434),*  
3 *is amended by adding at the end the following:*

4       “(c) *ANNUAL REPORTS.*—*The Commission shall, not*  
5 *later than March 1 of each of years 2010, 2011, and 2012,*  
6 *submit to Congress a report—*

7               “(1) *assessing the changes to the vulnerability of*  
8 *United States military systems and critical civilian*  
9 *infrastructures resulting from the EMP threat and*  
10 *changes in the threat;*

11               “(2) *describing the progress, or lack of progress,*  
12 *in protecting United States military systems and*  
13 *critical civilian infrastructures from EMP attack;*  
14 *and*

15               “(3) *containing recommendations to address the*  
16 *threat and protect United States military systems*  
17 *and critical civilian infrastructures from attack.”.*

18       “(c) *FUNDING.*—*Section 1408 of that Act (114 Stat.*  
19 *1654A–348; 50 U.S.C. 2301 note), as amended by section*  
20 *1052(i) of the National Defense Authorization Act for Fiscal*  
21 *Year 2006 (Public Law 109–163; 119 Stat. 3435), is*  
22 *amended by adding at the end the following: “Such funds*  
23 *shall not exceed \$3,000,000 per fiscal year.”.*

24       “(d) *ADDITIONAL MEMBERS.*—*Effective as of the date*  
25 *that is 90 days after the date of the enactment of this Act—*

1           (1) *section 1401 of that Act (114 Stat. 1654A–*  
2           *346; 50 U.S.C. 2301 note), as amended by section*  
3           *1052(d) of the National Defense Authorization Act for*  
4           *Fiscal Year 2006 (Public Law 109–163; 119 Stat.*  
5           *3434), is amended by striking subsections (c) and (d)*  
6           *and inserting the following:*

7           “(c) *COMPOSITION.—*

8           “(1) *IN GENERAL.—The Commission shall be*  
9           *composed of eleven members.*

10           “(2) *DOD AND FEMA MEMBERS.—Seven of the*  
11           *members shall be appointed by the Secretary of De-*  
12           *fense, and two of the members shall be appointed by*  
13           *the Director of the Federal Emergency Management*  
14           *Agency. In the event of a vacancy in the membership*  
15           *of the Commission under this paragraph, the Sec-*  
16           *retary of Defense shall appoint a new member. In se-*  
17           *lecting individuals for appointment to the Commis-*  
18           *sion, the Secretary of Defense shall consult with the*  
19           *chairmen and ranking minority members of the Com-*  
20           *mittees on Armed Services of the Senate and House*  
21           *of Representatives.*

22           “(3) *FCC AND HHS MEMBERS.—One of the mem-*  
23           *bers shall be appointed by the Chairman of the Fed-*  
24           *eral Communications Commission, and one of the*  
25           *members shall be appointed by the Secretary of*

1       *Health and Human Services. In the event of a va-*  
2       *cancy in the membership of the Commission under*  
3       *this paragraph, the vacancy shall be filled in the*  
4       *same manner as the original appointment under this*  
5       *paragraph. In selecting an individual for appoint-*  
6       *ment to the Commission, the Chairman of the Federal*  
7       *Communications Commission shall consult with the*  
8       *chairmen and ranking minority members of the Com-*  
9       *mittee on Commerce, Science, and Transportation of*  
10      *the Senate and the Committee on Energy and Com-*  
11      *merce of the House of Representatives. In selecting an*  
12      *individual for appointment to the Commission, the*  
13      *Secretary of Health and Human Services shall con-*  
14      *sult with the chairmen and ranking minority mem-*  
15      *bers of the Committee on Health, Education, Labor,*  
16      *and Pensions of the Senate and the Committee on*  
17      *Energy and Commerce of the House of Representa-*  
18      *tives.*

19      “(d) *QUALIFICATIONS.—Members of the Commission*  
20      *appointed by the Secretary of Defense and the Director of*  
21      *the Federal Emergency Management Agency shall be ap-*  
22      *pointed from among private United States citizens with*  
23      *knowledge and expertise in the scientific, technical, and*  
24      *military aspects of electromagnetic pulse effects referred to*  
25      *in subsection (b). The member of the Commission appointed*

1 *by the Chairman of the Federal Communications Commis-*  
2 *sion shall be appointed from among private United States*  
3 *citizens with knowledge and expertise in telecommuni-*  
4 *cations, network infrastructure and management, informa-*  
5 *tion services, and emergency preparedness communications.*  
6 *The member of the Commission appointed by the Secretary*  
7 *of Health and Human Services shall be appointed from*  
8 *among private United States citizens with knowledge and*  
9 *expertise in public health, including preparedness for, and*  
10 *response to, public health emergencies.”; and*

11 *(2) section 1405 of that Act (114 Stat. 1654A–*  
12 *347; 50 U.S.C. 2301 note) is amended in subsection*  
13 *(b)(1) by striking “Five” and inserting “Six”.*

## 14 ***Subtitle E—Studies and Reports***

### 15 ***SEC. 1041. REPORT ON CORROSION CONTROL AND PREVEN-*** 16 ***TION.***

17 *(a) REPORT REQUIRED.—The Secretary of Defense,*  
18 *acting through the Director of Corrosion Policy and Over-*  
19 *sight, shall prepare and submit to the Committees on Armed*  
20 *Services of the Senate and the House of Representatives a*  
21 *report on corrosion control and prevention in weapons sys-*  
22 *tems and equipment.*

23 *(b) MATTERS COVERED.—The report shall include the*  
24 *comments and recommendations of the Department of De-*  
25 *fense regarding potential improvements in corrosion control*



1 and prevention through earlier planning. In particular, the  
2 report shall include an evaluation and business case anal-  
3 ysis of options for improving corrosion control and preven-  
4 tion in the requirements and acquisition processes of the  
5 Department of Defense for weapons systems and equipment.  
6 The evaluation shall include an analysis of the impact of  
7 such potential improvements on system acquisition costs  
8 and life cycle sustainment. The options for improved corro-  
9 sion control and prevention shall include corrosion control  
10 and prevention—

11           (1) as a key performance parameter for assessing  
12           the selection of materials and processes;

13           (2) as a key performance parameter for  
14           sustainment;

15           (3) as part of the capability development docu-  
16           ment in the joint capabilities integration and devel-  
17           opment system; and

18           (4) as a requirement for weapons systems man-  
19           agers to assess their corrosion control and prevention  
20           requirements over a system's life cycle and incor-  
21           porate the results into their acquisition strategies  
22           prior to issuing a solicitation for contracts.

23           (c) *DEADLINE.*—The report shall be submitted not  
24           later than February 1, 2009.

1           (d) *REVIEW BY COMPTROLLER GENERAL.*—The Comp-  
2 troller General shall review the report required under sub-  
3 section (a), including the methodology used in the Depart-  
4 ment’s analysis, and shall provide the results of the review  
5 to the Committees on Armed Services of the Senate and the  
6 House of Representatives not later than 60 days after the  
7 Department submits the report.

8 **SEC. 1042. STUDY ON USING MODULAR AIRBORNE FIRE**  
9                           **FIGHTING SYSTEMS (MAFFS) IN A FEDERAL**  
10                           **RESPONSE TO WILDFIRES.**

11           (a) *IN GENERAL.*—The Secretary of Defense shall  
12 carry out a study to determine—

13                   (1) *how to utilize the Department’s Modular Air-*  
14 *borne Fire Fighting Systems (MAFFS) in all contin-*  
15 *gencies where there is a Federal response to wildfires;*  
16 *and*

17                   (2) *how to decrease the costs of using the Depart-*  
18 *ment’s MAFFS when supporting National Inter-*  
19 *agency Fire Center (NIFC) fire fighting operations.*

20           (b) *REPORT.*—Not later than 6 months after the date  
21 of the enactment of this Act, the Secretary shall submit to  
22 the congressional defense committees a report on the results  
23 of the study.

1 **SEC. 1043. STUDY ON ROTORCRAFT SURVIVABILITY.**

2 (a) *STUDY REQUIRED.*—*The Secretary of Defense and*  
3 *the Chairman of the Joint Chiefs of Staff shall carry out*  
4 *a study on Department of Defense rotorcraft survivability.*  
5 *The study shall—*

6 (1) *with respect to actual losses of rotorcraft in*  
7 *combat—*

8 (A) *identify the rates of such losses from*  
9 *1965 through 2008, measured in total annual*  
10 *losses by type of aircraft and by cause, with*  
11 *rates for loss per flight hour and loss per sortie*  
12 *provided;*

13 (B) *identify by category of hostile action*  
14 *(such as small arms, Man-Portable Air Defense*  
15 *Systems, and so on), the causal factors for the*  
16 *losses; and*

17 (C) *propose candidate solutions for surviv-*  
18 *ability (such as training, tactics, speed, counter-*  
19 *measures, maneuverability, lethality, technology,*  
20 *and so on), in a prioritized list with expla-*  
21 *nations, to mitigate each such causal factor,*  
22 *along with recommended funding adequate to*  
23 *achieve rates at least equal to the experience in*  
24 *the Vietnam conflict;*

25 (2) *with respect to actual losses of rotorcraft in*  
26 *combat theater not related to hostile action—*

1           (A) identify the causal factors of loss in a  
2 ranked list; and

3           (B) propose candidate solutions for surviv-  
4 ability (such as training, tactics, speed, counter-  
5 measures, maneuverability, lethality, technology,  
6 and so on), in a prioritized list, to mitigate each  
7 such causal factor, along with recommended  
8 funding adequate to achieve the Secretary's Mis-  
9 hap Reduction Initiative goal of not more than  
10 0.5 mishaps per 100,000 flight hours;

11          (3) with respect to losses of rotorcraft in training  
12 or other non-combat operations during peacetime or  
13 interwar years—

14           (A) identify by category (such as inad-  
15 vertent instrument meteorological conditions,  
16 wire strike, and so on) the causal factors of loss  
17 in a ranked list; and

18           (B) identify candidate solutions for surviv-  
19 ability and performance (such as candidate solu-  
20 tions referred to in paragraph (2)(B) as well as  
21 maintenance, logistics, systems development, and  
22 so on) in a prioritized list, to mitigate each such  
23 causal factor, along with recommended funding  
24 adequate to achieve the goal of rotorcraft loss  
25 rates to non-combat causes being reduced to 1.0;

1           (4) *identify the key technical factors (causes of*  
2 *mishaps that are not related to human factors) nega-*  
3 *tively impacting the rotorcraft mishap rates and sur-*  
4 *vivability trends, to include reliability, availability,*  
5 *maintainability, and other logistical considerations;*  
6 *and*

7           (5) *identify what TACAIR is and has done dif-*  
8 *ferently to have such a decrease in losses per sortie*  
9 *when compared to rotorcraft, to include—*

10           (A) *examination of aircraft, aircraft main-*  
11 *tenance, logistics, operations, and pilot and oper-*  
12 *ator training;*

13           (B) *an emphasis on the development of com-*  
14 *mon service requirements that TACAIR has im-*  
15 *plemented already which are minimizing losses*  
16 *within TACAIR; and*

17           (C) *candidate solutions, in a prioritized*  
18 *list, to mitigate each causal factor with rec-*  
19 *ommended funding adequate to achieve the goal*  
20 *of rotorcraft loss rates stated above.*

21           (b) *REPORT.—Not later than August 1, 2009, the Sec-*  
22 *retary and the Chairman shall submit to the congressional*  
23 *defense committees a report on the results of the study.*

1 **SEC. 1044. STUDIES TO ANALYZE ALTERNATIVE MODELS**  
2 **FOR ACQUISITION AND FUNDING OF INTER-**  
3 **CONNECTED CYBERSPACE SYSTEMS.**

4 (a) *STUDIES REQUIRED.*—

5 (1) *FFRDC.*—Not later than 90 days after the  
6 date of the enactment of this Act, the Secretary of De-  
7 fense shall enter into a contract with an independent  
8 federally funded research and development center  
9 (FFRDC) to carry out a comprehensive study of poli-  
10 cies, procedures, organization, and regulatory con-  
11 straints affecting the acquisition of technologies sup-  
12 porting network-centric operations. The contract shall  
13 be funded from amounts appropriated or otherwise  
14 made available to the Secretary for fiscal year 2009  
15 for operation and maintenance, Defense-wide.

16 (2) *JOINT CHIEFS OF STAFF.*—Concurrently, the  
17 Chairman of the Joint Chiefs of Staff shall carry out  
18 a comprehensive study of the same subjects covered by  
19 paragraph (1). The study shall be independent of the  
20 study required by paragraph (1) and shall be carried  
21 out in conjunction with the military departments and  
22 in coordination with the Secretary of Defense.

23 (b) *MATTERS TO BE ADDRESSED.*—Each study re-  
24 quired by subsection (a) shall address the following matters:

25 (1) *Development of a taxonomy for under-*  
26 *standing the different yet key foundational compo-*

1        *nents that contribute to network-centric operations,*  
2        *such as data transport, processing, storage, data col-*  
3        *lection, and dissemination.*

4            *(2) Mapping ongoing acquisition programs to*  
5        *this taxonomy.*

6            *(3) Development of alternative acquisition and*  
7        *funding models utilizing this network-centric tax-*  
8        *onomy, which might include—*

9            *(A) a model under which a joint entity*  
10        *independent of any military service (such as the*  
11        *Joint Staff) is established with responsibility*  
12        *and control of all funding for the acquisition of*  
13        *technologies for network-centric operations, and*  
14        *with authority to oversee the incorporation of*  
15        *such technologies into the acquisition programs*  
16        *of the military departments;*

17            *(B) a model under which an executive agent*  
18        *is established that would manage and oversee the*  
19        *acquisition of technologies for network-centric*  
20        *operations, but would not have exclusive owner-*  
21        *ship or control of funding for such programs;*

22            *(C) a model under which the current ap-*  
23        *proach to the acquisition and funding of tech-*  
24        *nologies supporting network-centric operations is*  
25        *maintained; and*

1           (D) any other models that the entity car-  
2           rying out the study considers relevant and de-  
3           serving of consideration.

4           (4) An analysis of each of the alternative models  
5           under paragraph (3) with respect to potential gains  
6           in—

7                   (A) information sharing (collecting, proc-  
8                   essing, disseminating);

9                   (B) network commonality;

10                  (C) common communications;

11                  (D) interoperability;

12                  (E) mission impact and success; and

13                  (F) cost effectiveness.

14           (5) An evaluation of each of the alternative mod-  
15           els under paragraph (3) with respect to feasibility,  
16           including identification of legal, policy, or regulatory  
17           barriers that would impede implementation.

18           (c) *REPORT REQUIRED.*—Not later than September  
19           30, 2009, the Secretary of Defense shall submit to the con-  
20           gressional defense committees a report on the results of the  
21           studies required by subsection (a). The report shall include  
22           the findings and recommendations of the studies and any  
23           observations and comments that the Secretary considers ap-  
24           propriate.



1       (d) *NETWORK-CENTRIC OPERATIONS DEFINED.*—In  
2 *this section, the term “network-centric operations” refers to*  
3 *the ability to exploit all human and technical elements of*  
4 *the Joint Force and mission partners through the full inte-*  
5 *gration of collected information, awareness, knowledge, ex-*  
6 *perience, and decision-making, enabled by secure access and*  
7 *distribution, all to achieve agility and effectiveness in a dis-*  
8 *persed, decentralized, dynamic, or uncertain operational*  
9 *environment.*

10 **SEC. 1045. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.**

11       (a) *FINDINGS.*—Congress finds that—

12               (1) *numerous nonstrategic nuclear weapons are*  
13 *held in the arsenals of various countries around the*  
14 *world and that their prevalence and portability make*  
15 *them attractive targets for theft and for use by ter-*  
16 *rorist organizations;*

17               (2) *the United States should identify, track, and*  
18 *monitor these weapons as a matter of national secu-*  
19 *rity;*

20               (3) *the United States should reevaluate the roles*  
21 *and missions of nonstrategic nuclear weapons within*  
22 *the United States nuclear posture;*

23               (4) *the United States should assess the security*  
24 *risks associated with existing stockpiles of nonstra-*  
25 *tegic nuclear weapons and should assess the risks of*

1       *nonstrategic nuclear weapons being developed, ac-*  
2       *quired, or utilized by other countries, particularly*  
3       *rogue states, and by terrorists and other non-state ac-*  
4       *tors; and*

5               *(5) the United States should work cooperatively*  
6       *with other countries to improve the security of non-*  
7       *strategic nuclear weapons and to promote multilat-*  
8       *eral reductions in the numbers of nonstrategic nuclear*  
9       *weapons.*

10       *(b) REVIEW.—The Secretary of Defense, in consulta-*  
11       *tion with the Secretary of State, the Secretary of Energy,*  
12       *and the Director of National Intelligence, shall conduct a*  
13       *review of nonstrategic nuclear weapons world-wide that in-*  
14       *cludes—*

15               *(1) an inventory of the nonstrategic nuclear ar-*  
16       *senals of the United States and each of the other*  
17       *countries that possess, or is believed to possess, non-*  
18       *strategic nuclear weapons, which indicates, as accu-*  
19       *rately as possible, the nonstrategic nuclear weapons*  
20       *that are known, or are believed, to exist according to*  
21       *nationality, type, yield, and form of delivery, and an*  
22       *assessment of the methods that are currently employed*  
23       *to identify, track, and monitor nonstrategic nuclear*  
24       *weapons and their component materials;*

1           (2) *an analysis of the reliance placed on non-*  
2 *strategic nuclear weapons by the United States and*  
3 *each of the other countries that possess, or is believed*  
4 *to possess, nonstrategic nuclear weapons, and an eval-*  
5 *uation of nonstrategic nuclear weapons as deterrents*  
6 *against the use of nuclear weapons and other weapons*  
7 *of mass destruction by state or non-state actors;*

8           (3) *an assessment of the risks associated with the*  
9 *deployment, transfer, and storage of nonstrategic nu-*  
10 *clear weapons by the United States and each of the*  
11 *other countries that possess, or is believed to possess,*  
12 *nonstrategic nuclear weapons and the risks of non-*  
13 *strategic nuclear weapons being employed by rogue*  
14 *states, terrorists, and other state or non-state actors;*  
15 *and*

16           (4) *recommendations for—*

17           (A) *mechanisms and procedures to improve*  
18 *security safeguards for the nonstrategic nuclear*  
19 *weapons of the United States and of each of the*  
20 *other countries that possess, or is believed to pos-*  
21 *sess, nonstrategic nuclear weapons;*

22           (B) *mechanisms and procedures for imple-*  
23 *menting transparent multilateral reductions in*  
24 *nonstrategic nuclear weapons arsenals; and*

1           (C) *methods for consolidating, dismantling,*  
2           *and disposing of the nonstrategic nuclear weap-*  
3           *ons of the United States and of each of the other*  
4           *countries that possess, or is believed to possess,*  
5           *nonstrategic nuclear weapons, including methods*  
6           *of monitoring and verifying consolidation, dis-*  
7           *mantlement, and disposal.*

8           (c) *REPORT.—*

9           (1) *REPORT REQUIRED.—Not later than 180*  
10          *days after the date of the enactment of this Act, the*  
11          *Secretary of Defense shall submit to Congress a report*  
12          *on the findings and recommendations of the review*  
13          *required under subsection (b).*

14          (2) *CLASSIFICATION OF REPORT.—The report re-*  
15          *quired under paragraph (1) shall be submitted in un-*  
16          *classified form, but it may be accompanied by a clas-*  
17          *sified annex.*

18          (d) *DEFINITION.—For purposes of this section, the*  
19          *term “nonstrategic nuclear weapon” means a nuclear weap-*  
20          *on employed by land, sea, or air (including, without limita-*  
21          *tion, by short, medium and intermediate range ballistic*  
22          *missiles, air and sea launched cruise missiles, gravity*  
23          *bombs, torpedoes, land mines, sea mines, artillery shells,*  
24          *and personnel carried devices) against opposing forces, sup-*  
25          *porting installations, or facilities in support of operations*

1 *that contribute to the accomplishment of a military mission*  
2 *of limited scope.*

3 **SEC. 1046. STUDY ON NATIONAL DEFENSE IMPLICATIONS**  
4 **OF SECTION 1083.**

5 *The Department of Defense shall study the national*  
6 *defense implications of section 1083 of the National Defense*  
7 *Authorization Act for Fiscal Year 2008 (Public Law 110–*  
8 *181; 122 Stat. 338).*

9 **SEC. 1047. REPORT ON METHODS DEPARTMENT OF DE-**  
10 **FENSE UTILIZES TO ENSURE COMPLIANCE**  
11 **WITH GUAM TAX AND LICENSING LAWS.**

12 *Not later than 180 days after the date of the enactment*  
13 *of this Act, the Secretary of Defense, in consultation with*  
14 *the Secretary of the Navy and the Joint Guam Program*  
15 *Office, shall submit to the congressional defense committees*  
16 *a report on the steps that the Department is taking to en-*  
17 *sure that all contractors of the Department performing work*  
18 *on Guam comply with local tax and licensing requirements.*

19 *The report shall—*

20 *(1) include what language will be utilized in*  
21 *contract documents requiring compliance with local*  
22 *tax and licensing laws;*

23 *(2) identify what authorities the Department*  
24 *will use to compliance with such local laws; and*

1           (3) also include the steps being taken by the De-  
2           partment to partner with the Government of Guam  
3           Department of Revenue and Taxation to ensure that  
4           there is transparency and a coordination of effort to  
5           ensure that the local government has visibility of con-  
6           tractors performing work on Guam.

7                           **Subtitle F—Congressional**  
8                           **Recognitions**

9   **SEC. 1051. SENSE OF CONGRESS HONORING THE HONOR-**  
10                           **ABLE DUNCAN HUNTER.**

11           (a) *FINDINGS.*—Congress makes the following findings:

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

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

20                   (3) *Representative Hunter was awarded the*  
21                   *Bronze Star, Air Medal, National Defense Service*  
22                   *Medal, and Vietnam Service Medal for his heroic acts*  
23                   *during the Vietnam Conflict.*

24                   (4) *Representative Hunter served on the Com-*  
25                   *mittee on Armed Services of the House of Representa-*

1 *tives for 28 years, including service as Chairman of*  
2 *the Subcommittee on Military Research and Develop-*  
3 *ment from 2001 through 2002 and the Subcommittee*  
4 *on Military Procurement from 1995 through 2000, the*  
5 *Chairman of the full committee from 2003 through*  
6 *2006, and the ranking member of the full committee*  
7 *from 2007 through 2008.*

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

12 *(6) Representative Hunter is known by his col-*  
13 *leagues to put the security of the Nation above all else*  
14 *and to provide for the men and women in uniform*  
15 *who valiantly dedicate and sacrifice themselves for the*  
16 *protection of the Nation.*

17 *(7) Representative Hunter has demonstrated this*  
18 *devotion to the troops by authorizing and ensuring*  
19 *quick deployment of add-on vehicle armor and impro-*  
20 *vised explosive device jammers, which have been in-*  
21 *valuable in protecting the troops from attack in Iraq.*

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





1           (1) *Representative Hugh James “Jim” Saxton*  
2           *was elected in November 1984 to fill both the unex-*  
3           *pired term of Congressman Edwin B. Forsythe in the*  
4           *98th Congress, and the open seat for the 99th Con-*  
5           *gress.*

6           (2) *Representative Saxton is a senior member of*  
7           *the Committee on Armed Services, having served on*  
8           *the committee since 1989, and is today the ranking*  
9           *Member of its Air and Land Forces Subcommittee in*  
10          *the 110th Congress, 2007–2008.*

11          (3) *Representative Saxton is one of the few Mem-*  
12          *bers to have ever represented a district that included*  
13          *active-duty Army, Navy, and Air Force bases.*

14          (4) *Representative Saxton served as Chairman of*  
15          *the Military Installations and Facilities Sub-*  
16          *committee from 2001 to 2002, and Chairman of the*  
17          *Terrorism and Unconventional Threats and Capabili-*  
18          *ties Subcommittee from 2003 to 2006.*

19          (5) *Representative Saxton has served soldiers,*  
20          *sailors, airmen, and Department of Defense civilians*  
21          *and military families in New Jersey, the United*  
22          *States, and around the world, regarding issues of fair*  
23          *pay, housing modernization, benefits, health care,*  
24          *force protection, and other issues.*

1           (6) *Representative Saxton worked diligently and*  
2           *successfully to save all three military bases in south-*  
3           *ern New Jersey—Fort Dix, McGuire Air Force Base,*  
4           *and Lakehurst Naval Air Engineering Station.*

5           (7) *Representative Saxton secured the future of*  
6           *the three bases by having the foresight to encourage*  
7           *them to participate in multiple inter-service joint*  
8           *projects and exercises for more than 10 years prior to*  
9           *the 2005 base realignment and closure (BRAC) action*  
10          *that directed that they become a single, joint installa-*  
11          *tion, the Nation’s only Army-Navy-Air Force base, to*  
12          *be stood-up in 2009 as Joint Base McGuire-Dix-*  
13          *Lakehurst.*

14          (8) *Representative Saxton has helped modernize*  
15          *Fort Dix, McGuire Air Force Base, and Lakehurst*  
16          *Navy Base, by working with Secretaries and Chiefs of*  
17          *the Army, Navy, Marines, and Air Force, and other*  
18          *officials, and in particular the Army Reserve, Army*  
19          *National Guard, National Guard Bureau, Air Na-*  
20          *tional Guard, Air Mobility Command, and Air Force*  
21          *Reserve, to enhance the three bases’ national security*  
22          *missions and bring \$1,800,000,000 in infrastructure*  
23          *during his tenure.*

24          (9) *Representative Saxton saved the 1,400-mem-*  
25          *ber 108th New Jersey Air National Guard Air Refuel-*

1 *ing Wing from dismantlement in 2005 by directing*  
2 *that newer KC-135R Stratotanker aircraft be sent to*  
3 *replace retiring KC-135 E model aircraft.*

4 *(10) Representative Saxton saved the cargo air-*  
5 *lift mission of McGuire Air Force Base by bringing*  
6 *a squadron of C-17 Globemasters to McGuire after*  
7 *the mandatory retirement of all of the bases' C-141*  
8 *Starlifter transports, and worked to procure many*  
9 *other C-17s for other bases across the country to per-*  
10 *form the Nation's airlift missions.*

11 *(11) Representative Saxton took the leadership*  
12 *role in bringing the mothballed battleship USS New*  
13 *Jersey home to the Delaware River from where it was*  
14 *launched in 1943, so it could become a naval museum*  
15 *and monument to the 20th Century conflicts in which*  
16 *the dreadnought served.*

17 *(12) Representative Saxton, a long time advocate*  
18 *of anti terrorism efforts, served as the Chairman of*  
19 *the House Task Force on Terrorism and Unconven-*  
20 *tional Warfare from 1996 to 2003.*

21 *(13) Representative Saxton in 1998 helped create*  
22 *and later expand the Weapons of Mass Destruction*  
23 *Civil Support Teams (WMD-CST) program in the*  
24 *National Guard, ultimately leading to a WMD-CST*

1        *in each State and territory to respond to domestic*  
2        *terrorism.*

3            *(14) Representative Saxton was appointed by the*  
4        *Speaker of the House of Representatives in March*  
5        *2000 to be chairman of the Committee on Armed*  
6        *Services' newly formed Special Oversight Panel on*  
7        *Terrorism, due to long advocacy of anti-terrorism*  
8        *preparedness.*

9            *(15) Representative Saxton is a long-time sup-*  
10       *porter of the warriors of the Special Operations Com-*  
11       *mand (SOCOM), both before and after the attacks of*  
12       *September 11, 2001, and has met with special opera-*  
13       *tors in Washington, DC, at SOCOM bases in the*  
14       *United States, and in theater.*

15           *(16) Representative Saxton worked for over a*  
16       *decade to create the first terrorism subcommittee on*  
17       *the Committee on Armed Services, becoming its first*  
18       *chairman when the Subcommittee on Terrorism and*  
19       *Unconventional Threats and Capabilities organized*  
20       *in 2003 with oversight of United States elite forces,*  
21       *including Army Rangers, Green Berets, Navy*  
22       *SEALS, and Marine Special Forces.*

23        *(b) SENSE OF CONGRESS.—It is the sense of Congress*  
24       *that the Honorable Jim Saxton, Representative from New*  
25       *Jersey, has discharged his official duties with integrity and*

1 *distinction, has served the House of Representatives and the*  
2 *American people selflessly, and deserves the sincere and*  
3 *humble gratitude of Congress and the Nation.*

4 **SEC. 1053. SENSE OF CONGRESS HONORING THE HONOR-**  
5 **ABLE TERRY EVERETT.**

6 (a) *FINDINGS.—Congress makes the following findings:*

7 (1) *Representative Terry Everett was elected to*  
8 *represent Alabama’s 2d Congressional district in 1992*  
9 *and served in the House of Representatives until the*  
10 *end of the 110th Congress in 2008 with distinction,*  
11 *class, integrity, and honor.*

12 (2) *Representative Everett served on the Com-*  
13 *mittee on Armed Services of the House of Representa-*  
14 *tives for 16 years, including service as Chairman of*  
15 *the Subcommittee on Strategic Forces from 2002*  
16 *through 2006 and, from 2006 through 2008, as Rank-*  
17 *ing Member of the Subcommittee on Strategic Forces.*

18 (3) *Representative Everett’s colleagues know him*  
19 *to be a fair and effective lawmaker who worked for*  
20 *the national interest while always serving South-*  
21 *eastern Alabama.*

22 (4) *Representative Everett’s efforts on the Com-*  
23 *mittee on Armed Services have been instrumental to*  
24 *the military value of, and quality of life at, military*  
25 *installations in Southeastern Alabama, including*

1 *Maxwell-Gunter Air Force Base in Montgomery, home*  
2 *of Air University, and Fort Rucker in the Wiregrass*  
3 *area, home of the Army's Aviation Warfighting Cen-*  
4 *ter.*

5 (5) *Representative Everett has been a leader in*  
6 *efforts to develop and deploy robust and effective*  
7 *space and intelligence capabilities and missile defense*  
8 *systems to enhance the capabilities of the Armed*  
9 *Forces and protect the American people, the United*  
10 *States and its deployed troops, and allies of the*  
11 *United States.*

12 (6) *Representative Everett also has been a leader*  
13 *on issues relating to national security space activities*  
14 *and missile defense space activities.*

15 (b) *SENSE OF CONGRESS.—It is the Sense of Congress*  
16 *that the Honorable Terry Everett, Representative from Ala-*  
17 *bama, has served the House of Representatives and the*  
18 *American people selflessly, and deserves the sincere and*  
19 *humble gratitude of Congress and the Nation.*

20 **SEC. 1054. SENSE OF CONGRESS HONORING THE HONOR-**  
21 **ABLE JO ANN DAVIS.**

22 (a) *FINDINGS.—Congress makes the following findings:*

23 (1) *Representative Jo Ann Davis was elected to*  
24 *the House of Representatives in November 2000 fol-*  
25 *lowing the late Congressman Herbert H. Bateman.*

1           (2) *Representative Davis was the second woman*  
2           *elected to Congress in the Commonwealth of Virginia,*  
3           *and the first Republican woman elected to Congress*  
4           *in the Commonwealth of Virginia.*

5           (3) *Representative Davis was a member of the*  
6           *Committee on Armed Services, serving as Ranking*  
7           *Member of the Readiness Subcommittee in the 110th*  
8           *Congress.*

9           (4) *Representative Davis served soldiers, sailors,*  
10          *airmen and Department of Defense civilians and*  
11          *military personnel regarding issues of health care,*  
12          *modernization, benefits, force protection and other*  
13          *issues.*

14          (5) *Representative Davis also served on the*  
15          *House Permanent Select Committee on Intelligence in*  
16          *the 109th Congress and as Chairwoman of the Sub-*  
17          *committee on Intelligence Policy.*

18          (6) *Representative Davis, a strong proponent of*  
19          *Naval Force Structure, helped secure construction on*  
20          *the Navy's next-generation aircraft carrier, CVN-21,*  
21          *during her tenure.*

22          (b) *SENSE OF CONGRESS.—It is the sense of Congress*  
23          *that the Honorable Jo Ann Davis, a late Representative*  
24          *from Virginia, performed her official duties with integrity*  
25          *and distinction, served the House of Representatives and*

1 *the American people selflessly, and deserves the sincere and*  
2 *humble gratitude of Congress and the Nation.*

3 ***Subtitle G—Other Matters***

4 ***SEC. 1061. AMENDMENT TO ANNUAL SUBMISSION OF IN-***  
5 ***FORMATION REGARDING INFORMATION***  
6 ***TECHNOLOGY CAPITAL ASSETS.***

7 *Section 351(a)(2) of the Bob Stump National Defense*  
8 *Authorization Act for Fiscal Year 2003 (Public Law 107–*  
9 *314; 116 Stat. 2516), is amended to read as follows:*

10 *“(2) Information technology capital assets that—*

11 *“(A) have an estimated total cost for the fis-*  
12 *cal year for which the budget is submitted in ex-*  
13 *cess of \$30,000,000;*

14 *“(B) have been determined by the Chief In-*  
15 *formation Officer of the Department of Defense*  
16 *and the Director of the Office of Management*  
17 *and Budget to be significant investments; and*

18 *“(C) with respect to which the Department*  
19 *of Defense is required to submit a capital asset*  
20 *plan to the Office of Management and Budget in*  
21 *accordance with section 300 of Office of Manage-*  
22 *ment and Budget Circular A–11.”.*



1 **SEC. 1062. RESTRICTION ON DEPARTMENT OF DEFENSE RE-**  
2 **LOCATION OF MISSIONS OR FUNCTIONS**  
3 **FROM CHEYENNE MOUNTAIN AIR FORCE STA-**  
4 **TION.**

5 *The Secretary of Defense may not relocate, make prep-*  
6 *arations for relocation, or undertake the relocation of any*  
7 *mission or function from Cheyenne Mountain Air Force*  
8 *Station until 30 days after the date on which the Secretary*  
9 *of Defense submits to the congressional defense committees*  
10 *certification in writing that the Secretary intends to relo-*  
11 *cate the mission or function. Such certification shall be*  
12 *comprised of a report, which shall include—*

13 *(1) a description of the mission or function to be*  
14 *relocated;*

15 *(2) the validated requirements for relocation of*  
16 *the mission or function, and the benefits of such relo-*  
17 *cation;*

18 *(3) the estimate of the total costs associated with*  
19 *such relocation;*

20 *(4) the results of independent vulnerability, secu-*  
21 *rity, and risk assessments of the relocation of the mis-*  
22 *sion or function; and*

23 *(5) the Secretary's implementation plan for*  
24 *mitigating any security or vulnerability risk identi-*  
25 *fied through an independent assessment referred to in*

1        *paragraph (4), including the cost, schedule, and per-*  
2        *sonnel estimates associated with such plan.*

3        **SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.**

4        *(a) TITLE 10, UNITED STATES CODE.—Title 10,*  
5        *United States Code, is amended as follows:*

6                *(1) The table of sections at the beginning of*  
7        *chapter 2 is amended by inserting after the item re-*  
8        *lating to 118a the following new item:*

*“118b. Quadrennial roles and missions review.”.*

9                *(2) The table of sections at the beginning of*  
10        *chapter 5 is amended in the item relating to section*  
11        *156 by inserting a period at the end.*

12                *(3) The table of sections at the beginning of*  
13        *chapter 7 is amended in the item relating to section*  
14        *183 by inserting a period at the end.*

15                *(4) Section 1477(e) is amended by inserting a*  
16        *period at the end.*

17                *(5) Section 2192a is amended—*

18                        *(A) in subsection (e)(4), by striking “title*  
19        *11, United States Code,” and inserting “title*  
20        *11”; and*

21                        *(B) in subsection (f), by striking “title 10,*  
22        *United States Code” and inserting “this title”.*

23                *(6) The table of chapters at the beginning of sub-*  
24        *title C of such title, and the table of chapters at the*  
25        *beginning of part IV of such subtitle, are each amend-*

1        *ed by striking the item relating to chapter 667 and*  
 2        *inserting the following new item:*

**“667. Issue of Serviceable Material Other Than to Armed  
 Forces ..... 7911”.**

3        *(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR*  
 4        *FISCAL YEAR 2008.—Effective as of January 28, 2008, and*  
 5        *as if included therein as enacted, the National Defense Au-*  
 6        *thorization Act for Fiscal Year 2008 (Public Law 110–181)*  
 7        *is amended as follows:*

8            *(1) Section 371(c) is amended by striking “‘oper-*  
 9            *ational strategies’” and inserting “‘operational sys-*  
 10           *tems’”.*

11           *(2) Section 585(b)(3)(C) (122 Stat. 132) is*  
 12           *amended by inserting “both places it appears” before*  
 13           *the period at the end.*

14           *(3) Section 703(b) is amended by striking “as*  
 15           *amended by” and inserting “as inserted by”.*

16           *(4) Section 805(a) is amended by striking*  
 17           *“Act ,” and inserting “Act,”.*

18           *(5) Section 883(b) is amended by striking “Sec-*  
 19           *tion 832(c)(1) of such Act, as redesignated by sub-*  
 20           *section (a), is amend by” and inserting “Section*  
 21           *832(b)(1) of such Act is amended by”.*

22           *(6) Section 890(d)(2) is amended by striking*  
 23           *“sections” and inserting “parts”.*

1           (7) *Section 904(a)(4) is amended by striking*  
2           *“131(b)(2)” and inserting “131(b)”.*

3           (8) *Section 954(a)(3)(B) (122 Stat. 294) is*  
4           *amended by inserting “, as redesignated by section*  
5           *524(a)(1)(A),” after “of such title”.*

6           (9) *Section 954(b)(2) (122 Stat. 294) is amend-*  
7           *ed—*

8                     *(A) by striking “2114(e) of such title” and*  
9                     *inserting “2114(f) of such title, as redesignated*  
10                    *by section 524(a)(1)(A),”; and*

11                    *(B) by striking the period at the end and*  
12                    *inserting “and inserting ‘President.’”.*

13           (10) *Section 1063(d)(1) (122 Stat. 323) is*  
14           *amended by striking “semicolon” and inserting*  
15           *“comma”.*

16           (11) *Section 1229(i)(3) (122 Stat. 383) is*  
17           *amended by striking “publically” and inserting “pub-*  
18           *licly”.*

19           (12) *Section 1422(e)(2) (122 Stat. 422) is*  
20           *amended by striking “subsection (c)” and inserting*  
21           *“subsection (c)(1)”.*

22           (13) *Section 1602(4) (122 Stat. 432) is amended*  
23           *by striking “section 411 h(b)” and inserting “section*  
24           *411h(b)(1)”.*

1           (14) Section 1617(b) (122 Stat. 449) is amended  
2           by striking “by adding at the end” and inserting “by  
3           inserting after the item relating to section 1074k”.

4           (15) Section 2106 (122 Stat. 508) is amended by  
5           striking “for 2007” both places it appears and insert-  
6           ing “for Fiscal Year 2007”.

7           (16) Section 2826(a)(2)(A) (122 Stat. 546) is  
8           amended by striking “the Army” and inserting  
9           “Army”.

10          (c) TITLE 31, UNITED STATES CODE.—Title 31,  
11          United States Code, is amended as follows:

12           (1) Chapter 35 is amended by striking the first  
13           section 3557.

14           (2) The second section 3557 is amended in the  
15           section heading by striking “**Public-Private**” and  
16           inserting “**public-private**”.

17           (3) The table of sections at the beginning of  
18           chapter 35 is amended by striking the second item re-  
19           lating to section 3557.

20          (d) TITLE 28, UNITED STATES CODE.—Section  
21          1491(b) of title 28, United States Code, is amended by strik-  
22          ing the first paragraph (5).

23          (e) RONALD W. REAGAN NATIONAL DEFENSE AU-  
24          THORIZATION ACT FOR FISCAL YEAR 2005.—Section 721(e)  
25          of the Ronald W. Reagan National Defense Authorization

1 *Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat.*  
 2 *1988; 10 U.S.C. 1092 note) is amended by striking “fiscal*  
 3 *years 2005” and all that follows through “2010” and insert-*  
 4 *ing “fiscal years 2005 through 2010”.*

5 (f) *PUBLIC LAW 106–113.—Effective as of November*  
 6 *29, 1999, and as if included therein as enacted, section 553*  
 7 *of the Foreign Operations, Export Financing, and Related*  
 8 *Programs Appropriations Act, 2000 (as enacted into law*  
 9 *by section 1000(a)(2) of Public Law 106–113 (113 Stat.*  
 10 *1535, 1501A–99)) is amended by striking “five-year pe-*  
 11 *riod” and inserting “eight-year period”.*

12 **SEC. 1064. SUBMISSION TO CONGRESS OF REVISION TO**  
 13 **REGULATION ON ENEMY PRISONERS OF WAR,**  
 14 **RETAINED PERSONNEL, CIVILIAN INTERN-**  
 15 **EES, AND OTHER DETAINEES.**

16 (a) *SUBMISSION TO CONGRESS.—No activity relating*  
 17 *to a successor regulation to Army Regulation 190–8 Enemy*  
 18 *Prisoners of War, Retained Personnel, Civilian Internees*  
 19 *and Other Detainees (dated October 1, 1997) may be car-*  
 20 *ried out until the date that is 60 days after the date on*  
 21 *which the Secretary of Defense submits to the Committees*  
 22 *on Armed Services of the Senate and House of Representa-*  
 23 *tives such successor regulation.*

24 (b) *SAVINGS CLAUSE.—Nothing in this section shall*  
 25 *affect the continued effectiveness of Army Regulation 190–*

1 *8 Enemy Prisoners of War, Retained Personnel, Civilian*  
2 *Internees and Other Detainees (dated October 1, 1997).*

3 **SEC. 1065. AUTHORIZATION OF APPROPRIATIONS FOR PAY-**  
4 **MENTS TO PORTUGUESE NATIONALS EM-**  
5 **PLOYED BY THE DEPARTMENT OF DEFENSE.**

6 (a) *AUTHORIZATION FOR PAYMENTS.*—Subject to sub-  
7 section (b), the Secretary of Defense may authorize pay-  
8 ments to Portuguese nationals employed by the Department  
9 of Defense in Portugal, for the difference between—

10 (1) *the salary increases resulting from section*  
11 *8002 of the Department of Defense Appropriations*  
12 *Act, 2006 (Public Law 109–148 119 Stat. 2697; 10*  
13 *U.S.C. 1584 note) and section 8002 of the Depart-*  
14 *ment of Defense Appropriations Act, 2007 (Public*  
15 *Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note);*  
16 *and*

17 (2) *salary increases supported by the Depart-*  
18 *ment of Defense Azores Foreign National wage sur-*  
19 *veys for survey years 2006 and 2007.*

20 (b) *LIMITATION.*—The authority provided in sub-  
21 section (a) may be exercised only if—

22 (1) *the wage survey methodology described in the*  
23 *United States—Portugal Agreement on Cooperation*  
24 *and Defense, with supplemental technical and labor*  
25 *agreements and exchange of notes, signed at Lisbon*

1       on June 1, 1995, and entered into force on November  
2       21, 1995, is eliminated; and

3               (2) the agreements and exchange of notes referred  
4       to in paragraph (1) and any implementing regula-  
5       tions thereto are revised to explicitly state the require-  
6       ment that future increases in the pay of Portuguese  
7       nationals employed by the Department of Defense in  
8       Portugal are to be made in compliance with United  
9       States law and regulations prescribed by the Sec-  
10      retary of Defense.

11      (c) *AUTHORIZATION FOR APPROPRIATION.*—There is  
12      authorized to be appropriated to the Secretary of Defense  
13      \$240,000 for fiscal year 2009 for the purpose of the pay-  
14      ments authorized by subsection (a).

15      **SEC. 1066. STATE DEFENSE FORCE IMPROVEMENT.**

16      (a) *FINDINGS.*—Congress makes the following findings:

17               (1) Domestic threats to national security and the  
18       increased use of National Guard forces for out-of-  
19       State deployments greatly increase the potential for  
20       service by members of State defense forces established  
21       under section 109(c) of title 32, United States Code.

22               (2) The efficacy of State defense forces is im-  
23       peded by lack of clarity in the Federal regulations  
24       concerning those forces, particularly in defining levels



1       of coordination and cooperation between those forces  
2       and the Department of Defense.

3           (3) *The State defense forces suffer from lack of*  
4       *standardized military training, arms, equipment,*  
5       *support, and coordination with the Department of*  
6       *Defense as a result of real and perceived Federal regu-*  
7       *latory impediments.*

8       (b) *RECOGNITION AND SUPPORT FOR STATE DEFENSE*  
9       *FORCES.*—Section 109 of title 32, United States Code, is  
10      amended—

11           (1) *by redesignating subsections (d) and (e) as*  
12      *subsections (j) and (k), respectively; and*

13           (2) *by inserting after subsection (c) the following*  
14      *new subsections:*

15      “(d) *RECOGNITION.*—Congress hereby recognizes forces  
16      *established under subsection (c) as an integral military*  
17      *component of the United States, while reaffirming that*  
18      *those forces remain entirely State regulated, organized, and*  
19      *equipped and recognizing that those forces will be used ex-*  
20      *clusively at the local level and in accordance with State*  
21      *law.*

22      “(e) *ASSISTANCE BY DEPARTMENT OF DEFENSE.*—(1)  
23      *The Secretary of Defense may coordinate with, and provide*  
24      *assistance to, a defense force established under subsection*  
25      *(c) to the extent such assistance is requested by a State or*

1 *by a force established under subsection (c) and subject to*  
2 *the provisions of this section.*

3       “(2) *The Secretary may not provide assistance under*  
4 *paragraph (1) if, in the judgment of the Secretary, such*  
5 *assistance would—*

6               “(A) *impede the ability of the Department of De-*  
7 *fense to execute missions of the Department;*

8               “(B) *take resources away from warfighting*  
9 *units;*

10              “(C) *incur nonreimbursed identifiable costs; or*

11              “(D) *consume resources in a manner incon-*  
12 *sistent with the mission of the Department of Defense.*

13       “(f) *USE OF DEPARTMENT OF DEFENSE PROPERTY*  
14 *AND EQUIPMENT.—The Secretary of Defense may authorize*  
15 *qualified personnel of a force established under subsection*  
16 *(c) to use and operate property, arms, equipment, and fa-*  
17 *cilities of the Department of Defense as needed in the course*  
18 *of training activities and State active duty.*

19       “(g) *TRANSFER OF EXCESS EQUIPMENT.—(1) The*  
20 *Secretary of Defense may transfer to a State or a force es-*  
21 *tablished under subsection (c) any personal property of the*  
22 *Department of Defense that the Secretary determines is—*

23              “(A) *excess to the needs of the Department of De-*  
24 *fense; and*

1           “(B) suitable for use by a force established under  
2           subsection (c).

3           “(2) The Secretary of Defense may transfer personal  
4           property under this section only if—

5           “(A) the property is drawn from existing stocks  
6           of the Department of Defense;

7           “(B) the recipient force established under sub-  
8           section (c) accepts the property on an as-is, where-is  
9           basis;

10           “(C) the transfer is made without the expendi-  
11           ture of any funds available to the Department of De-  
12           fense for the procurement of defense equipment; and

13           “(D) all costs incurred subsequent to the transfer  
14           of the property are borne or reimbursed by the recipi-  
15           ent.

16           “(3) Subject to paragraph (2)(D), the Secretary may  
17           transfer personal property under this section without charge  
18           to the recipient force established under subsection (c).

19           “(h) FEDERAL/STATE TRAINING COORDINATION.—(1)  
20           Participation by a force established under subsection (c) in  
21           a training program of the Department of Defense is at the  
22           discretion of the State.

23           “(2) Nothing in this section may be construed as re-  
24           quiring the Department of Defense to provide any training  
25           program to any such force.

1       “(3) *Any such training program shall be conducted in*  
2 *accordance with an agreement between—*

3               “(A) *the Secretary of Defense; and*

4               “(B) *the State or the force established under sub-*  
5 *section (c) if so authorized by State law.*

6       “(4) *Any direct costs to the Department of Defense of*  
7 *providing training assistance to a force established under*  
8 *subsection (c) shall be reimbursed by the State. Any agree-*  
9 *ment under paragraph (3) between the Department of De-*  
10 *fense and a State or a force established under subsection*  
11 *(c) for such training assistance shall provide for payment*  
12 *of such costs.*

13       “(i) *FEDERAL FUNDING OF STATE DEFENSE*  
14 *FORCES.—Funds available to the Department of Defense*  
15 *may not be made available to a State defense force.”.*

16       (c) *DEFINITION OF STATE.—*

17               (1) *DEFINITION.—Such section is further amend-*  
18 *ed by adding at the end the following new subsection:*

19               “(l) *STATE DEFINED.—In this section, the term ‘State’*  
20 *includes the District of Columbia, the Commonwealth of*  
21 *Puerto Rico, Guam, and the Virgin Islands.”.*

22               (2) *CONFORMING AMENDMENTS.—Such section is*  
23 *further amended in subsections (a), (b), and (c) by*  
24 *striking “a State, the Commonwealth of Puerto Rico,*

1       *the District of Columbia, Guam, or the Virgin Is-*  
2       *lands” each place it appears and inserting “a State”.*

3       (d) *STYLISTIC AMENDMENTS.—Such section is further*  
4       *amended—*

5             (1) *in subsection (a), by inserting “PROHIBITION*  
6       *ON MAINTENANCE OF OTHER TROOPS.—” after “(a)”;*

7             (2) *in subsection (b), by inserting “USE WITHIN*  
8       *STATE BORDERS.—” after “(b)”;*

9             (3) *in subsection (c), by inserting “STATE DE-*  
10       *ENSE FORCES AUTHORIZED.—” after “(c)”;*

11            (4) *in subsection (j), as redesignated by sub-*  
12       *section (a)(1), by inserting “EFFECT OF MEMBER-*  
13       *SHIP IN DEFENSE FORCES.—” after “(j)”;* *and*

14            (5) *in subsection (k), as redesignated by sub-*  
15       *section (a)(1), by inserting “PROHIBITION ON RE-*  
16       *SERVE COMPONENT MEMBERS JOINING DEFENSE*  
17       *FORCES.—” after “(k)”.*

18       (e) *CLERICAL AMENDMENTS.—*

19            (1) *SECTION HEADING.—The heading of such sec-*  
20       *tion is amended to read as follows:*

21       **“§ 109. Maintenance of other troops: State defense**  
22       **forces”.**

23            (2) *CLERICAL AMENDMENT.—The item relating*  
24       *to such section in the table of sections at the begin-*



1       (d) *ELIGIBLE ACTIVITIES.*—Measures authorized by  
2 subsection (a) include monitoring, removal, and disposal of  
3 the munitions referred to in subsection (a).

4       (e) *FUNDING.*—Of the amounts authorized to be appro-  
5 priated by section 301(13) of this Act, \$7,175,000 is author-  
6 ized to carry out subsection (a).

7 **SEC. 1068. SENSE OF CONGRESS REGARDING THE ROLES**  
8                   **AND MISSIONS OF THE DEPARTMENT OF DE-**  
9                   **FENSE AND OTHER NATIONAL SECURITY IN-**  
10                   **STITUTIONS.**

11       *It is the sense of Congress as follows:*

12               (1) *To ensure the future security of the United*  
13 *States, all of the national security organizations of*  
14 *the Federal Government must work together more ef-*  
15 *fectively.*

16               (2) *The conflicts in Iraq and Afghanistan have*  
17 *demonstrated a need to expand the definition of na-*  
18 *tional security organizations to include all depart-*  
19 *ments and agencies that contribute to the relations of*  
20 *the United States with the world.*

21               (3) *As the largest national security organization,*  
22 *the Department of Defense must effectively collaborate*  
23 *in both a supported and supporting role with other*  
24 *departments and agencies.*

1           (4) *Section 941 of Public Law 110–181 created*  
2           *an opportunity for the Department of Defense to ad-*  
3           *dress internal assignments of functions.*

4           (5) *The Initial Perspectives report of the Panel*  
5           *on Roles and Missions of the Committee on Armed*  
6           *Services of the House of Representatives illustrated*  
7           *the following three levels of coordination that must be*  
8           *improved:*

9                   (A) *Inter-agency coordination.*

10                   (B) *Department of Defense-wide coordina-*  
11                   *tion.*

12                   (C) *Inter-service coordination.*

13           (6) *Institutionalizing effective coordination with-*  
14           *in and among the national security organizations of*  
15           *the Federal Government may require fundamental re-*  
16           *form.*

17   **SEC. 1069. SENSE OF CONGRESS RELATING TO 2008 SUPPLE-**  
18                   **MENTAL APPROPRIATIONS.**

19           *It is the sense of Congress that readiness shortfalls exist*  
20           *within the Armed Forces of the United States, thus increas-*  
21           *ing risk to the national security of the United States. Con-*  
22           *gress has provided, and will continue to provide, funds to*  
23           *address the readiness shortfalls in the Armed Forces of the*  
24           *United States.*



1 **SEC. 1070. SENSE OF CONGRESS REGARDING DEFENSE RE-**  
 2 **QUIREMENTS OF THE UNITED STATES.**

3 *It is the sense of Congress that the defense requirements*  
 4 *of the United States should be based upon a comprehensive*  
 5 *national security strategy and fully funded to counter*  
 6 *present and emerging threats.*

7 **TITLE XI—CIVILIAN PERSONNEL**  
 8 **MATTERS**

*Sec. 1101. Temporary authority to waive limitation on premium pay for Federal employees.*

*Sec. 1102. Extension of authority to make lump-sum severance payments.*

*Sec. 1103. Extension of voluntary reduction-in-force authority of Department of Defense.*

*Sec. 1104. Technical amendment to definition of professional accounting position.*

*Sec. 1105. Expedited hiring authority for health care professionals.*

*Sec. 1106. Authority to adjust certain limitations on personnel and reports on such adjustments.*

*Sec. 1107. Temporary discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.*

*Sec. 1108. Requirement relating to furloughs during the time of a contingency operation.*

*Sec. 1109. Direct hire authority for certain positions at personnel demonstration laboratories.*

9 **SEC. 1101. TEMPORARY AUTHORITY TO WAIVE LIMITATION**  
 10 **ON PREMIUM PAY FOR FEDERAL EMPLOYEES.**

11 *(a) WAIVER AUTHORITY.—Subject to subsection (b),*  
 12 *the head of an agency may waive the limitation under sec-*  
 13 *tion 5547(a) of title 5, United States Code, with respect*  
 14 *to premium pay for any service which is performed by an*  
 15 *employee of such agency—*

16 *(1) in an overseas location within the area of re-*  
 17 *sponsibility of the Commander of the United States*  
 18 *Central Command; and*

1           (2) *in direct support of or directly related to—*

2                   (A) *a military operation, including a con-*  
3                   *tingency operation; or*

4                   (B) *an operation in response to an emer-*  
5                   *gency declared by the President.*

6           (b) *LIMITATIONS.—Waiver authority under this sec-*  
7           *tion shall be available only with respect to premium pay*  
8           *for service performed in 2009, and only to the extent that*  
9           *its exercise would not cause an employee’s total basic pay*  
10           *and premium pay for 2009 to exceed \$212,100.*

11           (c) *ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—*  
12           *Any amount of premium pay that would not have been pay-*  
13           *able but for a waiver under this section shall not be consid-*  
14           *ered to be basic pay for any purpose and shall not be used*  
15           *in computing a lump-sum payment for accumulated and*  
16           *accrued annual leave under section 5551 of title 5, United*  
17           *States Code.*

18           (d) *REGULATIONS.—The Director of the Office of Per-*  
19           *sonnel Management may prescribe any regulations which*  
20           *may be necessary to ensure consistency among heads of*  
21           *agencies in the application of this section.*

22           (e) *DEFINITIONS.—For purposes of this section—*

23                   (1) *the terms “agency” and “employee” have the*  
24                   *respective meanings given such terms by section 5541*  
25                   *of title 5, United States Code;*

1           (2) the term “premium pay” refers to any pre-  
2           mium pay described in section 5547(a) of such title  
3           5; and

4           (3) the term “contingency operation” has the  
5           meaning given such term by section 101(a)(13) of  
6           title 10, United States Code.

7   **SEC. 1102. EXTENSION OF AUTHORITY TO MAKE LUMP-SUM**  
8                                   **SEVERANCE PAYMENTS.**

9           Section 5595(i)(4) of title 5, United States Code, is  
10          amended by striking “October 1, 2010” and inserting “Oc-  
11          tober 1, 2014”.

12   **SEC. 1103. EXTENSION OF VOLUNTARY REDUCTION-IN-**  
13                                   **FORCE AUTHORITY OF DEPARTMENT OF DE-**  
14                                   **FENSE.**

15          Section 3502(f)(5) of title 5, United States Code, is  
16          amended by striking “September 30, 2010” and inserting  
17          “September 30, 2014”.

18   **SEC. 1104. TECHNICAL AMENDMENT TO DEFINITION OF**  
19                                   **PROFESSIONAL ACCOUNTING POSITION.**

20          Section 1599d(e) of title 10, United States Code, is  
21          amended by striking “GS–510, GS–511, and GS–505” and  
22          inserting “0505, 0510, or 0511 (or an equivalent)”.

1 **SEC. 1105. EXPEDITED HIRING AUTHORITY FOR HEALTH**  
2 **CARE PROFESSIONALS.**

3 (a) *EXPEDITED HIRING AUTHORITY.*—Section  
4 1599c(a) of title 10, United States Code, is amended—

5 (1) by inserting “(1)” before “The Secretary of  
6 Defense may”; and

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

9 “(2)(A) For purposes of sections 3304, 5333, and 5753  
10 of title 5, the Secretary of Defense may—

11 “(i) designate any category of medical or health  
12 professional positions within the Department of De-  
13 fense as shortage category positions; and

14 “(ii) utilize the authorities in such sections to re-  
15 cruit and appoint highly qualified persons directly to  
16 positions so designated.

17 “(B) In using the authority provided by this para-  
18 graph, the Secretary shall apply the principles of preference  
19 for the hiring of veterans and other persons established in  
20 subchapter 1 of chapter 33 of title 5.”.

21 (b) *TERMINATION OF AUTHORITY.*—Section 1599c(c)  
22 of such title is amended—

23 (1) by inserting “(1)” before “The authority of”;

24 (2) by striking “September 30, 2010” and insert-  
25 ing “September 30, 2012”; and

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

3           “(2) *The Secretary may not appoint a person to a po-*  
4           *sition of employment under subsection (a)(2) after Sep-*  
5           *tember 30, 2012.*”.

6   **SEC. 1106. AUTHORITY TO ADJUST CERTAIN LIMITATIONS**  
7                   **ON PERSONNEL AND REPORTS ON SUCH AD-**  
8                   **JUSTMENTS.**

9           (a) *AUTHORITY TO ADJUST LIMITATIONS ON OSD*  
10          *PERSONNEL.—*

11           (1) *Section 143 of title 10, United States Code,*  
12          *is amended—*

13                   (A) *in subsection (a), by striking “The*  
14                   *number” and inserting “Subject to subsection*  
15                   *(b), the number”;*

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

18                   (C) *by inserting after subsection (a) the fol-*  
19                   *lowing new subsection (b):*

20           “(b) *AUTHORITY TO ADJUST LIMITATION.—(1) For*  
21          *fiscal year 2009 and fiscal years thereafter, the Secretary*  
22          *of Defense may adjust the limitation on OSD personnel in*  
23          *accordance with paragraph (2) to accommodate increases*  
24          *in workload or to modify the type of personnel required to*  
25          *accomplish work.*

1       “(2) *The Secretary may adjust the baseline personnel*  
2 *limitation under paragraph (1) by increasing it by no more*  
3 *than 5 percent in a fiscal year.*”; and

4               *(D) by amending subsection (c) (as so reded-*  
5 *ignated) to read as follows:*

6       “(c) *DEFINITIONS.—In this section:*

7               “(1) *The term ‘OSD personnel’ means military*  
8 *and civilian personnel of the Department of Defense*  
9 *who are assigned to, or employed in, functions in the*  
10 *Office of the Secretary of Defense (including Direct*  
11 *Support Activities of that Office and the Washington*  
12 *Headquarters Services of the Department of Defense).*

13              “(2) *The term ‘baseline personnel limitation’,*  
14 *with respect to OSD personnel, means—*

15               “(A) *for fiscal year 2009, the number de-*  
16 *scribed in subsection (a); and*

17               “(B) *for any fiscal year thereafter, such*  
18 *number as increased (if at all) by the Secretary*  
19 *under subsection (b) during preceding fiscal*  
20 *years.*”.

21       *(b) DEFENSE AGENCIES AND FIELD ACTIVITIES.—Sec-*  
22 *tion 194 of title 10, United States Code, is amended—*

23               *(1) in subsections (a) and (b), by striking “The*  
24 *total” each place it appears and inserting “Subject to*  
25 *subsection (c), the total”;*

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

3           (3) by inserting after subsection (b) the following  
4           new subsection (c):

5           “(c) *AUTHORITY TO ADJUST LIMITATION.*—(1) For  
6           fiscal year 2009 and fiscal years thereafter, the Secretary  
7           of Defense may adjust the baseline personnel limitations in  
8           subsection (a) in accordance with paragraph (2) to accom-  
9           modate increases in workload or to modify the type of per-  
10          sonnel required to accomplish work.

11          “(2) The Secretary may adjust a baseline personnel  
12          limitation under paragraph (1) by increasing it by no more  
13          than 5 percent in a fiscal year.”; and

14          (4) by amending subsection (g) (as so redesign-  
15          ated)—

16                  (A) by striking “In this section, the” and  
17                  inserting “In this section:

18          “(1) The”; and

19                  (B) by adding at the end the following new  
20          paragraph:

21          “(2) The term ‘baseline personnel limitation’,  
22          with respect to members of the armed forces and civil-  
23          ian employees described in subsection (a) or sub-  
24          section (b), means—

1           “(A) for fiscal year 2009, the number de-  
2           scribed in subsection (a) or (b), respectively; and

3           “(B) for any fiscal year thereafter, such  
4           number as increased (if at all) by the Secretary  
5           under subsection (c) during preceding fiscal  
6           years.”.

7           (c) OFFICE OF THE SECRETARY OF THE ARMY AND  
8           ARMY STAFF.—Subsection (f) of section 3014 of title 10,  
9           United States Code, is amended by adding at the end the  
10          following new paragraph:

11           “(5)(A) For fiscal year 2009 and fiscal years  
12          thereafter, the Secretary of the Army may adjust the  
13          baseline personnel limitation in paragraph (1), (2),  
14          or (3) in accordance with subparagraph (B) to ac-  
15          commodate increases in workload or to modify the  
16          type of personnel required to accomplish work.

17           “(B) The Secretary may adjust a baseline per-  
18          sonnel limitation under subparagraph (A) by increas-  
19          ing it by no more than 5 percent in a fiscal year.

20           “(C) In this subsection, the term ‘baseline per-  
21          sonnel limitation’, with respect to members of the  
22          armed forces and civilian employees described in  
23          paragraph (1), (2), or (3), means—



1           “(i) for fiscal year 2009, the number de-  
2           scribed in paragraph (1), (2), or (3), respec-  
3           tively; and

4           “(ii) for any fiscal year thereafter, such  
5           number as increased (if at all) by the Secretary  
6           under subparagraph (A) during preceding fiscal  
7           years.”.

8           (d) OFFICE OF THE SECRETARY OF THE NAVY, OFFICE  
9           OF THE CHIEF OF NAVAL OPERATIONS, AND HEAD-  
10          QUARTERS, MARINE CORPS.—Subsection (f) of section 5014  
11          of title 10, United States Code, is amended by adding at  
12          the end the following new paragraph:

13                 “(5)(A) For fiscal year 2009 and fiscal years  
14                 thereafter, the Secretary of the Navy may adjust the  
15                 baseline personnel limitation in paragraph (1), (2),  
16                 or (3) in accordance with subparagraph (B) to ac-  
17                 commodate increases in workload or to modify the  
18                 type of personnel required to accomplish work.

19                 “(B) The Secretary may adjust a baseline per-  
20                 sonnel limitation under subparagraph (A) by increas-  
21                 ing it by no more than 5 percent in a fiscal year.

22                 “(C) In this subsection, the term ‘baseline per-  
23                 sonnel limitation’, with respect to members of the  
24                 armed forces and civilian employees described in  
25                 paragraph (1), (2), or (3), means—

1           “(i) for fiscal year 2009, the number de-  
2           scribed in paragraph (1), (2), or (3), respec-  
3           tively; and

4           “(ii) for any fiscal year thereafter, such  
5           number as increased (if at all) by the Secretary  
6           under subparagraph (A) during any preceding  
7           fiscal years.”.

8           (e) *OFFICE OF THE SECRETARY OF THE AIR FORCE*  
9           *AND AIR STAFF.*—Subsection (f) of section 8014 of title 10,  
10          *United States Code, is amended by adding at the end the*  
11          *following new paragraph:*

12           “(5)(A) For fiscal year 2009 and fiscal years  
13           thereafter, the Secretary of the Air Force may adjust  
14           the baseline personnel limitation in paragraph (1),  
15           (2), or (3) in accordance with subparagraph (B) to  
16           accommodate increases in workload or to modify the  
17           type of personnel required to accomplish work.

18           “(B) The Secretary may adjust a baseline per-  
19           sonnel limitation under subparagraph (A) by increas-  
20           ing it by no more than 5 percent in a fiscal year.

21           “(C) In this subsection, the term ‘baseline per-  
22           sonnel limitation’, with respect to members of the  
23           armed forces and civilian employees described in  
24           paragraph (1), (2), or (3), means—

1           “(i) for fiscal year 2009, the number de-  
2           scribed in paragraph (1), (2), or (3), respec-  
3           tively; and

4           “(ii) for any fiscal year thereafter, such  
5           number as increased (if at all) by the Secretary  
6           under subparagraph (A) during preceding fiscal  
7           years.”.

8           (f) *REPORT REQUIRED.*—The Secretary of Defense  
9           shall submit a report to the congressional defense commit-  
10          tees at the same time that the defense budget materials for  
11          each fiscal year are presented to Congress. The report shall  
12          include the following information:

13               (1) During the preceding fiscal year, the average  
14               number of military personnel and civilian employees  
15               of the Department of Defense assigned to or detailed  
16               to permanent duty in—

17                       (A) the Office of the Secretary of Defense;

18                       (B) the management headquarters activities  
19                       and management headquarters support activities  
20                       in the Defense Agencies and Department of De-  
21                       fense Field Activities;

22                       (C) the Office of the Secretary of the Army  
23                       and the Army Staff;

1           (D) the Office of the Secretary of the Navy,  
2           the Office of Chief of Naval Operations, and the  
3           Headquarters, Marine Corps; and

4           (E) the Office of the Secretary of the Air  
5           Force and the Air Staff.

6           (2) The total increase in personnel assigned to  
7           the activities or entities described in paragraph (1),  
8           if any, during the preceding fiscal year—

9           (A) attributable to the replacement of con-  
10          tract personnel with military personnel or civil-  
11          ian employees of the Department of Defense, in-  
12          cluding the number of positions associated with  
13          the replacement of contract personnel performing  
14          inherently governmental functions or performing  
15          lead system integrator functions; and

16          (B) attributable to reasons other than the  
17          replacement of contract personnel with military  
18          personnel or civilian employees of the Depart-  
19          ment, such as workload or operational demand  
20          increases.

21          (3) The number of military personnel and civil-  
22          ian employees of the Department of Defense assigned  
23          to the activities or entities described in paragraph (1)  
24          as of October 1 of the preceding fiscal year.

1           (4) *An analysis and justification for any in-*  
2 *crease in personnel assigned to the activities or enti-*  
3 *ties described in paragraph (1), if any, during the*  
4 *preceding fiscal year, including an analysis of the*  
5 *workload of the activity or entity and the manage-*  
6 *ment of the workload.*

7           (g) *DEFINITIONS.—In this section:*

8           (1) *DEFENSE BUDGET MATERIALS.—The term*  
9 *“defense budget materials”, with respect to a fiscal*  
10 *year, means the materials submitted to Congress by*  
11 *the Secretary of Defense in support of the budget for*  
12 *that fiscal year that is submitted to Congress by the*  
13 *President under section 1105 of title 31, United*  
14 *States Code.*

15           (2) *CONTRACT PERSONNEL.—The term “contract*  
16 *personnel” means persons hired under a contract with*  
17 *the Department of Defense for the performance of*  
18 *major Department of Defense headquarters activities.*

19           (h) *COMPTROLLER GENERAL EVALUATION.—Not later*  
20 *than April 15, 2009, the Comptroller General shall—*

21           (1) *conduct an evaluation of the overall manage-*  
22 *ment of the staffing processes and procedures for the*  
23 *personnel affected by the amendments made by this*  
24 *section; and*

1           (2) *submit to the congressional defense commit-*  
2           *tees a report on the results of such evaluation, with*  
3           *such findings and recommendations as the Comp-*  
4           *troller General considers appropriate.*

5 **SEC. 1107. TEMPORARY DISCRETIONARY AUTHORITY TO**  
6                           **GRANT ALLOWANCES, BENEFITS, AND GRATU-**  
7                           **ITIES TO PERSONNEL ON OFFICIAL DUTY IN A**  
8                           **COMBAT ZONE.**

9           (a) *IN GENERAL.*—Section 1603(a) of the *Emergency*  
10 *Supplemental Appropriations Act for Defense, the Global*  
11 *War on Terror, and Hurricane Recovery, 2006 (Public Law*  
12 *109–234; 120 Stat. 443)* is amended—

13           (1) *by striking “During fiscal years 2006, 2007,*  
14 *and 2008” and inserting “(1) During fiscal years*  
15 *2006 (including the period beginning on October 1,*  
16 *2005, and ending on June 15, 2006), 2007, and*  
17 *2008”; and*

18           (2) *by adding at the end the following:*

19           “(2) *During fiscal years 2009, 2010, and 2011, the*  
20 *head of an agency may, in the agency head’s discretion,*  
21 *provide to an individual employed by, or assigned or de-*  
22 *tailed to, such agency allowances, benefits, and gratuities*  
23 *comparable to those provided by the Secretary of State to*  
24 *members of the Foreign Service under section 413 and chap-*  
25 *ter 9 of title I of the Foreign Service Act of 1980, if such*

1 *individual is on official duty in a combat zone (as defined*  
2 *by section 112(c) of the Internal Revenue Code of 1986).”.*

3 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*  
4 *section (a) shall take effect as if included in the enactment*  
5 *of the Emergency Supplemental Appropriations Act for De-*  
6 *fense, the Global War on Terror, and Hurricane Recovery,*  
7 *2006 (Public Law 109–234).*

8 **SEC. 1108. REQUIREMENT RELATING TO FURLOUGHS DUR-**  
9 **ING THE TIME OF A CONTINGENCY OPER-**  
10 **ATION.**

11 (a) *IN GENERAL.*—*Subchapter I of chapter 35 of title*  
12 *5, United States Code, is amended by adding at the end*  
13 *the following new section:*

14 **“§ 3505. Furloughs within Department of Defense**

15 “(a) *For purposes of this section—*

16 “(1) *the term ‘furlough’ means the placing of an*  
17 *employee in a temporary status without duties and*  
18 *pay because of a lack of funds;*

19 “(2) *the term ‘contingency operation’ has the*  
20 *meaning given such term by section 101(a)(13) of*  
21 *title 10; and*

22 “(3) *the term ‘defense committees’ has the mean-*  
23 *ing given such term by section 119(g) of title 10.*

24 “(b)(1) *The Secretary of Defense may not issue notice*  
25 *of a furlough described in paragraph (2) until the Secretary*

1 *has certified to the defense committees that the Secretary*  
 2 *has no other legal measures to avoid such furloughs.*

3       “(2) *This subsection applies with respect to any fur-*  
 4 *lough that impacts substantial portions of the civilian*  
 5 *workforce of the Department of Defense commencing during*  
 6 *the time of a contingency operation.”.*

7       **(b) CLERICAL AMENDMENT.**—*The analysis for chapter*  
 8 *35 of title 5, United States Code, is amended by inserting*  
 9 *after the item relating to section 3504 the following new*  
 10 *item:*

*“3505. Furloughs within Department of Defense.”.*

11 **SEC. 1109. DIRECT HIRE AUTHORITY FOR CERTAIN POSI-**  
 12 **TIONS AT PERSONNEL DEMONSTRATION LAB-**  
 13 **ORATORIES.**

14       **(a) AUTHORITY.**—*The Secretary of Defense may make*  
 15 *appointments to positions described in subsection (b) with-*  
 16 *out regard to the provisions of subchapter I of chapter 33*  
 17 *of title 5, United States Code, other than sections 3303 and*  
 18 *3328 of such title.*

19       **(b) POSITIONS DESCRIBED.**—*This section applies with*  
 20 *respect to any scientific or engineering position within a*  
 21 *laboratory identified in section 9902(c)(2) of title 5, United*  
 22 *States Code, appointment to which requires an advanced*  
 23 *degree.*

24       **(c) LIMITATION.**—*(1) Authority under this section*  
 25 *may not, in any calendar year and with respect to any*



1 laboratory, be exercised with respect to a number of posi-  
 2 tions greater than the number equal to 2 percent of the total  
 3 number of positions within such laboratory that are filled  
 4 as of the close of the fiscal year last ending before the start  
 5 of such calendar year.

6 (2) For purposes of this subsection, positions shall be  
 7 counted on a full-time equivalent basis.

8 (d) *EMPLOYEE DEFINED.*—As used in this section, the  
 9 term “employee” has the meaning given such term by sec-  
 10 tion 2105 of title 5, United States Code.

11 (e) *TERMINATION.*—The authority to make appoint-  
 12 ments under this section shall not be available after Decem-  
 13 ber 31, 2013.

14 **TITLE XII—MATTERS RELATING**  
 15 **TO FOREIGN NATIONS**

*Subtitle A—Assistance and Training*

*Sec. 1201. Extension of authority to build the capacity of the Pakistan Frontier Corps.*

*Sec. 1202. Military-to-military contacts and comparable activities.*

*Sec. 1203. Enhanced authority to pay incremental expenses for participation of developing countries in combined exercises.*

*Sec. 1204. Extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.*

*Sec. 1205. One-year extension of authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability.*

*Sec. 1206. Modification and extension of authorities relating to program to build the capacity of foreign military forces.*

*Sec. 1207. Extension of authority for security and stabilization assistance.*

*Sec. 1208. Authority for support of special operations to combat terrorism.*

*Sec. 1209. Regional Defense Combating Terrorism Fellowship Program.*

*Subtitle B—Matters Relating to Iraq and Afghanistan*

*Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.*

*Sec. 1212. Report on status of forces agreements between the United States and Iraq.*

*Sec. 1213. Strategy for United States-led Provincial Reconstruction Teams in Iraq.*

*Sec. 1214. Commanders' Emergency Response Program.*

*Sec. 1215. Performance monitoring system for United States-led Provincial Reconstruction Teams in Afghanistan.*

*Sec. 1216. Report on command and control structure for military forces operating in Afghanistan.*

*Sec. 1217. Report on enhancing security and stability in the region along the border of Afghanistan and Pakistan.*

*Sec. 1218. Study and report on Iraqi police training teams.*

*Subtitle C—Other Matters*

*Sec. 1221. Payment of personnel expenses for multilateral cooperation programs.*

*Sec. 1222. Extension of Department of Defense authority to participate in multinational military centers of excellence.*

*Sec. 1223. Study of limitation on classified contracts with foreign companies engaged in space business with China.*

*Sec. 1224. Sense of Congress and congressional briefings on readiness of the Armed Forces and report on nuclear weapons capabilities of Iran.*

1                   ***Subtitle A—Assistance and***  
 2   ***Training***

3   ***SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CA-***  
 4   ***PACITY OF THE PAKISTAN FRONTIER CORPS.***

5           (a) *AUTHORITY.*—Subsection (a) of section 1206 of the  
 6 *National Defense Authorization Act for Fiscal Year 2008*  
 7 *(Public Law 110–181; 122 Stat. 366)* is amended by strik-  
 8 *ing “during fiscal year 2008” and inserting “during fiscal*  
 9 *years 2008, 2009, and 2010”.*

10           (b) *FUNDING LIMITATION.*—Subsection (c)(1) of such  
 11 *section is amended by striking “for fiscal year 2008 to pro-*  
 12 *vide the assistance under subsection (a)” and inserting “for*  
 13 *a fiscal year specified in subsection (a) to provide the assist-*  
 14 *ance under such subsection for such fiscal year”.*

1 **SEC. 1202. MILITARY-TO-MILITARY CONTACTS AND COM-**  
2 **PARABLE ACTIVITIES.**

3 *Section 168(e) of title 10, United States Code, is*  
4 *amended by adding at the end the following:*

5 *“(5) Funds available under this section for fiscal year*  
6 *2009 or any subsequent fiscal year may be used for pro-*  
7 *grams that begin in such fiscal year but end in the next*  
8 *fiscal year.”.*

9 **SEC. 1203. ENHANCED AUTHORITY TO PAY INCREMENTAL**  
10 **EXPENSES FOR PARTICIPATION OF DEVEL-**  
11 **OPING COUNTRIES IN COMBINED EXERCISES.**

12 *Section 2010 of title 10, United States Code, is amend-*  
13 *ed by adding at the end the following new subsection:*

14 *“(e) Funds available under this section for fiscal year*  
15 *2009 or any subsequent fiscal year may be used for pro-*  
16 *grams that begin in such fiscal year but end in the next*  
17 *fiscal year.”.*

18 **SEC. 1204. EXTENSION OF TEMPORARY AUTHORITY TO USE**  
19 **ACQUISITION AND CROSS-SERVICING AGREE-**  
20 **MENTS TO LEND MILITARY EQUIPMENT FOR**  
21 **PERSONNEL PROTECTION AND SURVIV-**  
22 **ABILITY.**

23 *(a) SEMIANNUAL REPORTS TO CONGRESSIONAL COM-*  
24 *MITTEES.—Subsection (b)(3) of section 1202 of the John*  
25 *Warner National Defense Authorization Act for Fiscal Year*  
26 *2007 (Public Law 109–364; 120 Stat. 2412), as amended*

1 *by section 1252 of Public Law 110–181 (122 Stat. 402),*  
2 *is further amended by adding at the end the following:*

3           “(E) *With respect to equipment provided to*  
4 *each foreign force that is not returned to the*  
5 *United States, a description of the terms of dis-*  
6 *position of the equipment to the foreign force.*

7           “(F) *The percentage of equipment provided*  
8 *to foreign forces under the authority of this sec-*  
9 *tion that is not returned to the United States.”.*

10       (b) *EXPIRATION.*—*Subsection (e) of such section is*  
11 *amended by striking “September 30, 2009” and inserting*  
12 *“September 30, 2010”.*

13 **SEC. 1205. ONE-YEAR EXTENSION OF AUTHORITY FOR DIS-**  
14 **TRIBUTION TO CERTAIN FOREIGN PER-**  
15 **SONNEL OF EDUCATION AND TRAINING MA-**  
16 **TERIALS AND INFORMATION TECHNOLOGY**  
17 **TO ENHANCE MILITARY INTEROPERABILITY.**

18       (a) *LIMITATIONS.*—*Section 1207 of the John Warner*  
19 *National Defense Authorization Act for Fiscal Year 2007*  
20 *(Public Law 109–364; 120 Stat. 2419) is amended—*

21           (1) *by redesignating subsections (g) and (h) as*  
22 *subsections (h) and (i), respectively; and*

23           (2) *by inserting after subsection (f) the following:*

24       “(g) *LIMITATIONS.*—



1 *by section 1206 of Public Law 109–364 (120 Stat. 2418),*  
2 *is further amended by adding at the end the following new*  
3 *sentence: “Amounts available under the authority of sub-*  
4 *section (a) for fiscal year 2009 or any subsequent fiscal year*  
5 *may be used for programs that begin in such fiscal year*  
6 *but end in the next fiscal year.”.*

7 *(b) TWO-YEAR EXTENSION OF PROGRAM AUTHOR-*  
8 *ITY.—Subsection (g) of such section is amended—*

9 *(1) in the first sentence, by striking “2008” and*  
10 *inserting “2010”; and*

11 *(2) in the second sentence, by striking “2006,*  
12 *2007, or 2008” and inserting “2009 or 2010”.*

13 **SEC. 1207. EXTENSION OF AUTHORITY FOR SECURITY AND**  
14 **STABILIZATION ASSISTANCE.**

15 *Section 1207(g) of the National Defense Authorization*  
16 *Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.*  
17 *3458), as amended by section 1210 of Public Law 110–181*  
18 *(122 Stat. 369), is further amended by striking “September*  
19 *30, 2008” and inserting “September 30, 2010”.*

20 **SEC. 1208. AUTHORITY FOR SUPPORT OF SPECIAL OPER-**  
21 **ATIONS TO COMBAT TERRORISM.**

22 *(a) IN GENERAL.—Chapter 3 of title 10, United States*  
23 *Code, is amended by inserting after section 127d the fol-*  
24 *lowing new section:*

1 **“§ 127e. Authority for support of special operations to**  
2 **combat terrorism**

3 “(a) *AUTHORITY.*—*The Secretary of Defense may ex-*  
4 *pend up to \$35,000,000 during any fiscal year to provide*  
5 *support to foreign forces, irregular forces, groups, or indi-*  
6 *viduals engaged in supporting or facilitating ongoing mili-*  
7 *tary operations by United States special operations forces*  
8 *to combat terrorism.*

9 “(b) *PROCEDURES.*—*The Secretary of Defense shall es-*  
10 *tablish procedures for the exercise of the authority under*  
11 *subsection (a). The Secretary shall notify the congressional*  
12 *defense committees of those procedures before any exercise*  
13 *of that authority.*

14 “(c) *NOTIFICATION.*—*Upon using the authority pro-*  
15 *vided in subsection (a) to make funds available for support*  
16 *of an approved military operation, the Secretary of Defense*  
17 *shall notify the congressional defense committees expedi-*  
18 *tiously, and in any event within 48 hours, of the use of*  
19 *such authority with respect to that operation. Such a notifi-*  
20 *cation need be provided only once with respect to any such*  
21 *operation. Any such notification shall be in writing.*

22 “(d) *LIMITATION ON DELEGATION.*—*The authority of*  
23 *the Secretary of Defense to make funds available under sub-*  
24 *section (a) for support of a military operation may not be*  
25 *delegated.*

1       “(e) *INTELLIGENCE ACTIVITIES.*—*This section does*  
2 *not constitute authority to conduct covert action, as such*  
3 *term is defined in section 503(e) of the National Security*  
4 *Act of 1947 (50 U.S.C. 413b(e)).*

5       “(f) *ANNUAL REPORT.*—

6               “(1) *REPORT REQUIRED.*—*Not later than 120*  
7 *days after the close of each fiscal year, the Secretary*  
8 *of Defense shall submit to the congressional defense*  
9 *committees a report on support provided under sub-*  
10 *section (a) during that fiscal year.*

11              “(2) *MATTERS TO BE INCLUDED.*—*Each report*  
12 *required by paragraph (1) shall describe the support*  
13 *provided, including—*

14                   “(A) *the country involved in the activity,*  
15 *the individual or force receiving the support,*  
16 *and, to the maximum extent practicable, the spe-*  
17 *cific region of each country involved in the activ-*  
18 *ity;*

19                   “(B) *the respective dates and a summary of*  
20 *congressional notifications for each activity;*

21                   “(C) *the unified commander for each activ-*  
22 *ity, as well as the related objectives, as estab-*  
23 *lished by that commander;*

24                   “(D) *the total amount obligated to provide*  
25 *support;*



1           “(E) for each activity that amounts to more  
2           than \$500,000, specific budget details that ex-  
3           plain the overall funding level for that activity;  
4           and

5           “(F) a statement providing a brief assess-  
6           ment of the outcome of the support, including  
7           specific indications of how the support furthered  
8           the mission objective of special operations forces  
9           and the type of follow-on support, if any, that  
10          may be necessary.

11          “(g) ANNUAL LIMITATION.—Support may be provided  
12          under subsection (a) from funds made available for oper-  
13          ations and maintenance.”.

14          (b) CLERICAL AMENDMENT.—The table of sections at  
15          the beginning of chapter 3 of such title is amended by in-  
16          serting after the item relating to section 127d the following  
17          new item:

          “127e. Authority for support of special operations to combat terrorism.”.

18          (c) REPEAL.—Section 1208 of the Ronald W. Reagan  
19          National Defense Authorization Act for Fiscal Year 2005  
20          (Public Law 108–375; 118 Stat. 2086) is hereby repealed.

21          **SEC. 1209. REGIONAL DEFENSE COMBATING TERRORISM**  
22                                   **FELLOWSHIP PROGRAM.**

23          Section 2249c(b) of title 10, United States Code, is  
24          amended in the first sentence by striking “\$25,000,000”  
25          and inserting “\$35,000,000”.

1       ***Subtitle B—Matters Relating to***  
2                   ***Iraq and Afghanistan***

3   **SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
4                   **CERTAIN PURPOSES RELATING TO IRAQ.**

5       (a) *LIMITATION.*—No funds appropriated pursuant to  
6   an authorization of appropriations in this Act or any other  
7   Act for any fiscal year may be obligated or expended for  
8   a purpose as follows:

9           (1) *To establish any military installation or base*  
10   *for the purpose of providing for the permanent sta-*  
11   *tioning of United States Armed Forces in Iraq.*

12          (2) *To exercise United States control of the oil*  
13   *resources of Iraq.*

14       (b) *DEFINITION.*—In this section, the term “permanent  
15   stationing of United States Armed Forces in Iraq” means  
16   the stationing of United States Armed Forces in Iraq on  
17   a continuing or lasting basis, as distinguished from tem-  
18   porary, although the basis may be permanent even though  
19   it may be dissolved eventually at the request either of the  
20   United States or of the Government of Iraq, in accordance  
21   with law.

22   **SEC. 1212. REPORT ON STATUS OF FORCES AGREEMENTS**  
23                   **BETWEEN THE UNITED STATES AND IRAQ.**

24       (a) *REQUIREMENT FOR REPORT.*—

1           (1) *IN GENERAL.*—(A) *Not later than 90 days*  
2 *after the date of the enactment of this Act, the Presi-*  
3 *dent shall transmit to the appropriate congressional*  
4 *committees a report on each agreement between the*  
5 *United States and Iraq relating to—*

6                   (i) *the legal status of United States military*  
7 *personnel, civilian personnel, and contractor per-*  
8 *sonnel of contracts awarded by any department*  
9 *or agency of the United States Government;*

10                   (ii) *the establishment of or access to mili-*  
11 *tary bases;*

12                   (iii) *the rules of engagement under which*  
13 *United States Armed Forces operate in Iraq; and*

14                   (iv) *any security commitment, arrange-*  
15 *ment, or assurance that obligates the United*  
16 *States to respond to internal or external threats*  
17 *against Iraq.*

18           (B) *If, on the date that is 90 days after the date*  
19 *of the enactment of this Act, no agreement between the*  
20 *United States and Iraq described in subparagraph*  
21 *(A) has been completed, the President shall notify the*  
22 *appropriate congressional committees that no such*  
23 *agreement has been completed, and shall transmit to*  
24 *the appropriate congressional committees the report*  
25 *required under subparagraph (A) as soon as prac-*

1        *licable after such an agreement or agreements are*  
2        *completed.*

3            (2) *UPDATE OF REPORT.—The President shall*  
4        *transmit to the appropriate congressional committees*  
5        *an update of the report required under paragraph (1)*  
6        *whenever an agreement between the United States and*  
7        *Iraq relating to the matters described in the report is*  
8        *entered into or is substantially revised.*

9            (b) *MATTERS TO BE INCLUDED.—The report required*  
10       *under subsection (a) shall include, with respect to each*  
11       *agreement described in subsection (a), the following:*

12            (1) *A discussion of limits placed on United*  
13       *States combat operations by the Government of Iraq,*  
14       *including required coordination, if any, before such*  
15       *operations can be undertaken.*

16            (2) *An assessment of the extent to which condi-*  
17       *tions placed on United States combat operations are*  
18       *greater than the conditions under which United*  
19       *States Armed Forces operated prior to the signing of*  
20       *the agreement, and any constraints placed on United*  
21       *States military personnel, civilian personnel, and*  
22       *contractor personnel of contracts awarded by any de-*  
23       *partment or agency of the United States Government*  
24       *as a result of such conditions.*

1           (3) *A discussion of the conditions under which*  
2 *United States military personnel, civilian personnel,*  
3 *or contractor personnel of contracts awarded by any*  
4 *department or agency of the United States Govern-*  
5 *ment could be tried by an Iraqi court for alleged*  
6 *crimes occurring both during the performance of offi-*  
7 *cial duties and during other such times. The discus-*  
8 *sion should include an assessment of the protections*  
9 *that such personnel would be extended in an Iraqi*  
10 *court, if applicable.*

11           (4) *An assessment of the protections accorded by*  
12 *the agreement to third country nationals who carry*  
13 *out work for the United States Armed Forces.*

14           (5) *An assessment of authorities under the agree-*  
15 *ment for United States Armed Forces and Coalition*  
16 *partners to apprehend, detain, and interrogate pris-*  
17 *oners and otherwise collect intelligence.*

18           (6) *A description and discussion of any security*  
19 *commitment, arrangement, or assurance by the*  
20 *United States to respond to internal or external*  
21 *threats against Iraq, including the manner in which*  
22 *such commitment, arrangement, or assurance may be*  
23 *implemented.*

24           (7) *An assessment of any payments required*  
25 *under the agreement to be paid to the Government of*

1 *Iraq or other Iraqi entities for rights, access, or sup-*  
2 *port for bases and facilities.*

3 (8) *An assessment of any payments required*  
4 *under the agreement for any claims for deaths and*  
5 *damages caused by United States military personnel,*  
6 *civilian personnel, and contractor personnel of con-*  
7 *tracts awarded by any department or agency of the*  
8 *United States Government in the performance of their*  
9 *official duties.*

10 (9) *An assessment of any other provisions in the*  
11 *agreement that would restrict the performance of the*  
12 *mission of United States military personnel, civilian*  
13 *personnel, and contractor personnel of contracts*  
14 *awarded by any department or agency of the United*  
15 *States Government.*

16 (10) *A discussion of how the agreement or modi-*  
17 *fication to the agreement was approved by the Gov-*  
18 *ernment of Iraq, and if this process was consistent*  
19 *with the Constitution of Iraq.*

20 (11) *A description of the arrangements required*  
21 *under the agreement to resolve disputes arising over*  
22 *matters contained in the agreement or to consider*  
23 *changes to the agreement.*

24 (12) *A discussion of the extent to which the*  
25 *agreement applies to other Coalition partners.*

1           (13) *A description of how the agreement can be*  
2           *terminated by the United States or Iraq.*

3           (c) *FORM.*—*The report required under subsection (a)*  
4           *shall be submitted in unclassified form, but may include*  
5           *a classified annex.*

6           (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
7           *FINED.*—*In this section, the term “appropriate congres-*  
8           *sional committees” means—*

9                   (1) *the Committee on Armed Services and the*  
10            *Committee on Foreign Affairs of the House of Rep-*  
11            *resentatives; and*

12                   (2) *the Committee on Armed Services and the*  
13            *Committee on Foreign Relations of the Senate.*

14           (e) *TERMINATION OF REQUIREMENT.*—*The require-*  
15            *ment to submit the report and updates of the report under*  
16            *subsection (a) terminates on September 30, 2013.*

17   **SEC. 1213. STRATEGY FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN IRAQ.**  
18

19           (a) *IN GENERAL.*—*The President shall—*

20                   (1) *establish a strategy to ensure that United*  
21            *States-led Provincial Reconstruction Teams (PRTs),*  
22            *including embedded PRTs and Provincial Support*  
23            *Teams, in Iraq are supporting the operational and*  
24            *strategic goals of Coalition Forces in Iraq; and*

1           (2) *establish measures of effectiveness and per-*  
2 *formance in meeting PRT-specific work plans with*  
3 *clearly defined objectives in furtherance of the strategy*  
4 *required under paragraph (1).*

5           **(b) REPORT.—**

6           (1) *IN GENERAL.—Not later than 60 days after*  
7 *the date of the enactment of this Act, and every 90*  
8 *days thereafter through the end of fiscal year 2010,*  
9 *the President shall transmit to the appropriate con-*  
10 *gressional committees a report on the implementation*  
11 *of the strategy required under subsection (a) and an*  
12 *assessment of the specific contributions PRTs are*  
13 *making in supporting the operational and strategic*  
14 *goals of Coalition Forces in Iraq. The initial report*  
15 *required under this subsection should include a de-*  
16 *scription of the strategy and a general discussion of*  
17 *the measures of effectiveness and performance required*  
18 *under subsection (a).*

19           (2) *INCLUSION IN OTHER REPORT.—The report*  
20 *required under this subsection may be included in the*  
21 *report required by section 1227 of the National De-*  
22 *fense Authorization Act for Fiscal Year 2006 (Public*  
23 *Law 109–163; 119 Stat. 3465).*



1           (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
2 *FINED.*—*In this section, the term “appropriate congres-*  
3 *sional committees” means—*

4                   (1) *the Committee on Armed Services, the Com-*  
5 *mittee on Appropriations, and the Committee on For-*  
6 *oreign Affairs of the House of Representatives; and*

7                   (2) *the Committee on Armed Services, the Com-*  
8 *mittee on Appropriations, and the Committee on For-*  
9 *eign Relations of the Senate.*

10 **SEC. 1214. COMMANDERS’ EMERGENCY RESPONSE PRO-**  
11 **GRAM.**

12           (a) *AUTHORITY FOR FISCAL YEARS 2008 AND 2009.*—  
13 *Subsection (a) of section 1202 of the National Defense Au-*  
14 *thorization Act for Fiscal Year 2006 (Public Law 109–163;*  
15 *119 Stat. 3455), as amended by section 1205 of Public Law*  
16 *110–181 (122 Stat. 366), is further amended in the matter*  
17 *preceding paragraph (1)—*

18                   (1) *by striking “\$977,441,000” and inserting*  
19 *“\$1,700,000,000 in fiscal year 2008 and*  
20 *\$1,500,000,000 in fiscal year 2009,”; and*

21                   (2) *by striking “in such fiscal year”.*

22           (b) *LIMITATION ON AMOUNTS FOR IRAQ FOR FISCAL*  
23 *YEAR 2009.*—*Such section is further amended by adding*  
24 *at the end the following:*

1       “(f) *LIMITATION ON AMOUNTS FOR IRAQ FOR FISCAL*  
2 *YEAR 2009.*—

3               “(1) *LIMITATION.*—*The amount obligated and*  
4 *expended under this section for the Commanders’*  
5 *Emergency Response Program in Iraq for fiscal year*  
6 *2009 may not exceed twice the amount obligated by*  
7 *the Government of Iraq during calendar year 2008*  
8 *under the Government of Iraq Commanders’ Emer-*  
9 *gency Response Program (commonly known as ‘I-*  
10 *CERP’), as established pursuant to the Memorandum*  
11 *of Understanding Between the Supreme Reconstruc-*  
12 *tion Council of the Secretariat of Ministers and the*  
13 *Multi-National Force-Iraq Concerning Implementa-*  
14 *tion of the Government of Iraq Commanders’ Emer-*  
15 *gency Response Program (I-CERP), signed by the*  
16 *parties on March 25, 2008, and April 3, 2008, respec-*  
17 *tively.*

18               “(2) *WAIVER.*—*The Secretary of Defense may*  
19 *waive the limitation under paragraph (1) if the Sec-*  
20 *retary of Defense—*

21                       “(A) *determines that such a waiver is re-*  
22 *quired to meet urgent and compelling needs that*  
23 *would not otherwise be met and which, if unmet,*  
24 *could rationally be expected to lead to increased*

1           *threats to United States military or civilian per-*  
2           *sonnel; and*

3           “(B) submits in writing to the appropriate  
4           congressional committees a notification of the  
5           waiver, together with a discussion of—

6                   “(i) the unmet urgent and compelling  
7                   needs and the impact on the threat level fac-  
8                   ing United States military or civilian per-  
9                   sonnel, if the waiver is not exercised;

10                   “(ii) efforts undertaken by the Depart-  
11                   ment of Defense to convince the Government  
12                   of Iraq to provide funds to meet the urgent  
13                   and compelling needs and the reason these  
14                   efforts were unsuccessful; and

15                   “(iii) efforts of the Department of De-  
16                   fense to convince the Government of Iraq to  
17                   provide additional funds in the future to  
18                   meet such urgent and compelling needs or to  
19                   undertake other measures to meet such needs  
20                   on their own.

21           “(3) *APPROPRIATE CONGRESSIONAL COMMITTEES*  
22           *DEFINED.*—*In this subsection, the term ‘appropriate*  
23           *congressional committees’ means—*

24                   “(A) the Committees on Armed Services of  
25                   the House of Representatives and the Senate; and

1                   “(B) the Committees on Appropriations of  
2                   the House of Representatives and the Senate.”.

3 **SEC. 1215. PERFORMANCE MONITORING SYSTEM FOR**  
4                   **UNITED STATES-LED PROVINCIAL RECON-**  
5                   **STRUCTION TEAMS IN AFGHANISTAN.**

6           (a) *IN GENERAL.*—The President, acting through the  
7 Secretary of Defense and the Secretary of State, shall de-  
8 velop and implement a system to monitor the performance  
9 of United States-led Provincial Reconstruction Teams  
10 (PRTs) in Afghanistan.

11           (b) *ELEMENTS OF PERFORMANCE MONITORING SYS-*  
12 *TEM.*—The performance monitoring system required under  
13 subsection (a)—

14                   (1) shall include PRT-specific work plans that  
15 incorporate the long-term strategy, mission, and  
16 clearly defined objectives required by section  
17 1230(c)(3) of the National Defense Authorization Act  
18 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
19 386); and

20                   (2) shall include comprehensive performance in-  
21 dicators and measures of progress toward sustainable  
22 long-term security and stability in Afghanistan, and  
23 include performance standards and progress goals to-  
24 gether with a notional timetable for achieving such  
25 goals, consistent with the requirements of section

1       1230(d) of the National Defense Authorization Act for  
2       Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
3       388).

4       (c) *REPORT*.—Not later than 90 days after the date  
5       of the enactment of this Act, the President shall submit to  
6       the appropriate congressional committees a report on the  
7       implementation of the performance monitoring system re-  
8       quired under subsection (a).

9       (d) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
10      *FINED*.—In this section, the term “appropriate congres-  
11      sional committees” means—

12               (1) the Committee on Armed Services, the Com-  
13               mittee on Appropriations, and the Committee on For-  
14               eign Affairs of the House of Representatives; and

15               (2) the Committee on Armed Services, the Com-  
16               mittee on Appropriations, and the Committee on For-  
17               eign Relations of the Senate.

18      **SEC. 1216. REPORT ON COMMAND AND CONTROL STRUC-**  
19                               **TURE FOR MILITARY FORCES OPERATING IN**  
20                               **AFGHANISTAN.**

21       (a) *SENSE OF CONGRESS*.—It is the sense of Congress  
22       that the command and control structure for military forces  
23       operating in Afghanistan, which consist of North Atlantic  
24       Treaty Organization (NATO) International Security As-  
25       sistance Force (ISAF) forces and separate United States

1 *forces operating under Operation Enduring Freedom,*  
2 *should be modified to better coordinate and de-conflict mili-*  
3 *tary operations and achieve unity of command and unity*  
4 *of effort whenever possible in Afghanistan.*

5 (b) *REPORT REQUIRED.*—

6 (1) *IN GENERAL.*—*Not later than 60 days after*  
7 *the date of the enactment of this Act, or December 1,*  
8 *2008, whichever occurs later, the Secretary of Defense*  
9 *shall submit to the appropriate congressional commit-*  
10 *tees a report on the command and control structure*  
11 *for military forces operating in Afghanistan.*

12 (2) *MATTERS TO BE INCLUDED.*—*The report re-*  
13 *quired under paragraph (1) shall include the fol-*  
14 *lowing:*

15 (A) *A detailed description of efforts by the*  
16 *Secretary of Defense, in coordination with senior*  
17 *leaders of NATO ISAF forces, including the com-*  
18 *mander of NATO ISAF forces, to modify the*  
19 *chain of command structure for military forces*  
20 *operating in Afghanistan to better coordinate*  
21 *and de-conflict military operations and achieve*  
22 *unity of command whenever possible in Afghani-*  
23 *stan, and the results of such efforts.*

24 (B) *A comprehensive assessment of options*  
25 *for improving the command and control struc-*

1 *ture for military forces operating in Afghani-*  
2 *stan, including—*

3 *(i) the establishment by the United*  
4 *States Central Command of a United States*  
5 *headquarters in Kabul, Afghanistan, led by*  
6 *a commander holding the grade of lieuten-*  
7 *ant general, or in the case of the Navy, vice*  
8 *admiral, and charged with—*

9 *(I) leading United States Armed*  
10 *Forces operating under Operation En-*  
11 *during Freedom;*

12 *(II) leading country-wide Depart-*  
13 *ment of Defense–led initiatives; and*

14 *(III) closely coordinating efforts*  
15 *with NATO ISAF forces, the United*  
16 *States Embassy in Afghanistan, and*  
17 *other United States and international*  
18 *elements in Afghanistan; and*

19 *(ii) authorization for the highest-rank-*  
20 *ing United States commander of NATO*  
21 *ISAF forces to have additional command*  
22 *authority over separate United States forces*  
23 *operating under Operation Enduring Free-*  
24 *dom.*

1           (C) *A detailed description of any United*  
2 *States or NATO ISAF plan or strategy for im-*  
3 *proving the command and control structure for*  
4 *military forces operating in Afghanistan.*

5           (D) *A description of how rules of engage-*  
6 *ment are determined and managed for United*  
7 *States forces operating under NATO ISAF or*  
8 *Operation Enduring Freedom, and a description*  
9 *of any key differences between rules of engage-*  
10 *ment for NATO ISAF forces and separate*  
11 *United States forces operating under Operation*  
12 *Enduring Freedom.*

13           (E) *An assessment of how possible modifica-*  
14 *tions to the command and control structure for*  
15 *military forces operating in Afghanistan would*  
16 *impact coordination of military and civilian ef-*  
17 *forts in Afghanistan.*

18           (3) *FORM.—The report required under para-*  
19 *graph (1) shall be submitted in an unclassified form,*  
20 *but may include a classified annex, if necessary.*

21           (4) *APPROPRIATE CONGRESSIONAL COMMITTEES*  
22 *DEFINED.—In this subsection, the term “appropriate*  
23 *congressional committees” means—*



1           (A) *the Committee on Armed Services and*  
2           *the Committee on Foreign Affairs of the House*  
3           *of Representatives; and*

4           (B) *the Committee on Armed Services and*  
5           *the Committee on Foreign Relations of the Sen-*  
6           *ate.*

7   **SEC. 1217. REPORT ON ENHANCING SECURITY AND STA-**  
8           **BILITY IN THE REGION ALONG THE BORDER**  
9           **OF AFGHANISTAN AND PAKISTAN.**

10       (a) *REPORT REQUIRED.*—*Subsection (a) of section*  
11       *1232 of the National Defense Authorization Act for Fiscal*  
12       *Year 2008 (Public Law 110–181; 122 Stat. 392) is amended*  
13       *by striking paragraph (5).*

14       (b) *NOTIFICATION RELATING TO DEPARTMENT OF DE-*  
15       *FENSE COALITION SUPPORT FUNDS FOR PAKISTAN.*—*Sub-*  
16       *section (b)(1)(A) of such section is amended by striking*  
17       *“congressional defense committees” and inserting “appro-*  
18       *priate congressional committees”.*

19       (c) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
20       *FINED.*—*Such section is further amended by adding at the*  
21       *end the following:*

22       “*(c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
23       *FINED.*—*In this section, the term ‘appropriate congres-*  
24       *sional committees’ means—*

1           “(1) the Committee on Armed Services, the Com-  
2           mittee on Appropriations, and the Committee on For-  
3           eign Affairs of the House of Representatives; and

4           “(2) the Committee on Armed Services, the Com-  
5           mittee on Appropriations, and the Committee on For-  
6           eign Relations of the Senate.”.

7   **SEC. 1218. STUDY AND REPORT ON IRAQI POLICE TRAINING**

8           **TEAMS.**

9           (a) *STUDY.*—Not later than 60 days after the date of  
10          the enactment of this Act, the Secretary of Defense, in con-  
11          sultation with the Secretary of State and the Government  
12          of Iraq, shall conduct a study and submit to the appropriate  
13          congressional committees a report containing the rec-  
14          ommendations of the Secretary of Defense on—

15               (1) the number of advisors needed to sufficiently  
16               staff enough Iraqi police training teams to cover a  
17               majority of the approximately 1,100 Iraqi police sta-  
18               tions in fiscal year 2009 and estimated levels in fiscal  
19               year 2010;

20               (2) the funding required to staff the Iraqi police  
21               training teams in fiscal year 2009 and estimated lev-  
22               els in fiscal year 2010; and

23               (3) the feasibility of transferring responsibility  
24               for the program to staff and support the Iraqi police

1        *training teams from the Department of Defense to the*  
2        *Department of State.*

3        (b) *APPROPRIATE CONGRESSIONAL COMMITTEES.—In*  
4        *this section, the term “appropriate congressional commit-*  
5        *tees” means—*

6                (1) *the Committee on Armed Services and the*  
7        *Committee on Foreign Affairs of the House of Rep-*  
8        *resentatives; and*

9                (2) *the Committee on Armed Services and the*  
10        *Committee on Foreign Relations of the Senate.*

## 11                ***Subtitle C—Other Matters***

### 12        ***SEC. 1221. PAYMENT OF PERSONNEL EXPENSES FOR MULTI-*** 13                ***LATERAL COOPERATION PROGRAMS.***

14        (a) *IN GENERAL.—Section 1051 of title 10, United*  
15        *States Code, is amended—*

16                (1) *in the heading, by striking “**Bilateral or***  
17        ***regional*” and inserting “**Bilateral, multilat-****  
18        ***eral, or regional*”;**

19                (2) *in subsection (a), by striking “bilateral or re-*  
20        *gional” and inserting “bilateral, multilateral, or re-*  
21        *gional”;*

22                (3) *in subsection (b)—*

23                        (A) *in paragraph (1)—*

24                                (i) *by striking “to and within” and in-*  
25        *serting “to, from, and within”; and*

1                   (ii) by striking “bilateral or regional”  
2                   and inserting “bilateral, multilateral, or re-  
3                   gional”; and

4                   (B) in paragraph (2), by striking “bilateral  
5                   or regional” and inserting “bilateral, multilat-  
6                   eral, or regional”; and

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

8                   “(e) Funds available under this section for fiscal year  
9                   2009 and subsequent fiscal years may be used for programs  
10                  that begin in such fiscal year but end in the next fiscal  
11                  year.”.

12                  (b) *CLERICAL AMENDMENT.*—The table of sections at  
13                  the beginning of chapter 53 of such title is amended by  
14                  striking the item relating to section 1051 and inserting the  
15                  following:

                  “1051. *Bilateral, multilateral, or regional cooperation programs: payment of per-  
                  sonnel expenses.*”.

16   **SEC. 1222. EXTENSION OF DEPARTMENT OF DEFENSE AU-**  
17                                   **THORITY TO PARTICIPATE IN MULTI-**  
18                                   **NATIONAL MILITARY CENTERS OF EXCEL-**  
19                                   **LENCE.**

20                  (a) *EXTENSION OF AUTHORITY.*—Subsection (a) of sec-  
21                  tion 1205 of the John Warner National Defense Authoriza-  
22                  tion Act for Fiscal Year 2007 (Public Law 109–364; 120  
23                  Stat. 2416), as amended by section 1204 of Public Law  
24                  110–181 (122 Stat. 365), is further amended by striking

1 “fiscal years 2007 and 2008” and inserting “fiscal years  
2 2007, 2008, and 2009”.

3 (b) *LIMITATION ON AMOUNTS AVAILABLE FOR PAR-*  
4 *TICIPATION.*—Subsection (e)(2) of such section is amend-  
5 ed—

6 (1) in subparagraph (A), by striking “and” at  
7 the end;

8 (2) in subparagraph (B), by striking the period  
9 at the end and inserting “; and”; and

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

11 “(C) in fiscal year 2009, \$5,000,000.”.

12 (c) *REPORTS.*—Subsection (g)(1) of such section is  
13 amended—

14 (1) by striking “and October 31, 2008,” and in-  
15 sserting “October 31, 2008, and October 31, 2009,”;  
16 and

17 (2) by striking “fiscal years 2007 and 2008” and  
18 inserting “fiscal years 2007, 2008, and 2009”.

19 **SEC. 1223. STUDY OF LIMITATION ON CLASSIFIED CON-**  
20 **TRACTS WITH FOREIGN COMPANIES EN-**  
21 **GAGED IN SPACE BUSINESS WITH CHINA.**

22 (a) *LIMITATION.*—

23 (1) *IN GENERAL.*—Subject to subsection (b), no  
24 funds appropriated pursuant to an authorization of  
25 appropriations in this Act or otherwise made avail-

1        *able for the Department of Defense for fiscal year*  
2        *2009 or any fiscal year thereafter may be obligated*  
3        *or expended under one or more contracts for classified*  
4        *work between the Department of Defense and a for-*  
5        *foreign-owned company if that company, or any parent,*  
6        *sister, subsidiary, or affiliate of that company, is en-*  
7        *gaged with China in the development, manufacture,*  
8        *or launch of ITAR-free satellites.*

9            (2) *EXCEPTION.—Paragraph (1) does not apply*  
10        *to a foreign-owned company if the Secretary of De-*  
11        *fense, in consultation with the Secretary of State, sub-*  
12        *mits to Congress a certification that—*

13            (A) *no satellite or space launch vehicle tech-*  
14        *nology, technical information, or intellectual*  
15        *property gained by the foreign-owned company*  
16        *through the contracts for classified work referred*  
17        *to in paragraph (1) is being disclosed (inten-*  
18        *tionally or unintentionally) in a manner that*  
19        *may improve China’s satellite, rocket, or missile*  
20        *capabilities; and*

21            (B) *it is in the national security interests*  
22        *of the Department to continue to enter into con-*  
23        *tracts for classified work with the foreign-owned*  
24        *company.*

25        (b) *STUDY AND SUSPENSION OF LIMITATION.—*

1           (1) *STUDY.*—*The Secretary of Defense shall con-*  
2 *duct a study of the implications of imposing a limita-*  
3 *tion such as the limitation in subsection (a) and shall*  
4 *provide the study to the congressional defense commit-*  
5 *tees not later than 60 days after the date of the enact-*  
6 *ment of this Act.*

7           (2) *SUSPENSION OF LIMITATION.*—*The Secretary*  
8 *shall suspend the application of the limitation in sub-*  
9 *section (a) until—*

10                   (A) *the Secretary has completed the study*  
11 *required by paragraph (1);*

12                   (B) *the Secretary has determined, as a re-*  
13 *sult of the study, that applying the limitation in*  
14 *subsection (a) promotes the national interest;*  
15 *and*

16                   (C) *the Secretary has submitted to the Com-*  
17 *mittees on Armed Services of the Senate and*  
18 *House of Representatives a report on the results*  
19 *of the study, including the rationale for the de-*  
20 *termination described in subparagraph (B).*

21 (c) *DEFINITIONS.*—*In this section:*

22           (1) *The term “TTAR-free satellite” applies to a*  
23 *satellite if no component of the satellite and no tech-*  
24 *nical information relating to the satellite is subject to*

1 *export controls specified in the International Traffic*  
2 *in Arms Regulations.*

3 (2) *The term “International Traffic in Arms*  
4 *Regulations” means those regulations contained in*  
5 *parts 120 through 130 of title 22, Code of Federal*  
6 *Regulations (or successor regulations).*

7 **SEC. 1224. SENSE OF CONGRESS AND CONGRESSIONAL**  
8 **BRIEFINGS ON READINESS OF THE ARMED**  
9 **FORCES AND REPORT ON NUCLEAR WEAPONS**  
10 **CAPABILITIES OF IRAN.**

11 (a) *SENSE OF CONGRESS.—It is the sense of Congress*  
12 *that the Department of Defense should return the Armed*  
13 *Forces to a state of full readiness so that they are fully pre-*  
14 *pared to execute the National Military Strategy, including*  
15 *the full range of contingencies that could occur in the Mid-*  
16 *dle East region.*

17 (b) *REQUIREMENT FOR BRIEFINGS.—Not later than*  
18 *90 days after the date of the enactment of this Act, and*  
19 *every 180 days thereafter until July 1, 2010, the Secretary*  
20 *of Defense shall provide for briefings for the Committees on*  
21 *Armed Services of the Senate and the House of Representa-*  
22 *tives on matters pertaining to the preparation for contin-*  
23 *gencies described in subsection (a), including a comprehen-*  
24 *sive description of the information used in the preparation*  
25 *of contingency plans relating to the military and nuclear*



1 *capabilities of countries in the Middle East that are part*  
2 *of the Central Command Area of Responsibility.*

3 *(c) REPORT ON NUCLEAR WEAPONS CAPABILITIES OF*  
4 *IRAN.—*

5 *(1) REPORT REQUIREMENT.—Not later than*  
6 *March 1 each year, the Secretary of Defense shall sub-*  
7 *mit a report to the congressional defense committees,*  
8 *in both classified and unclassified form, on the ele-*  
9 *ments identified in paragraph (2) addressing the cur-*  
10 *rent and future nuclear weapons capabilities of the*  
11 *Islamic Republic of Iran.*

12 *(2) ELEMENTS.—The elements that shall be in-*  
13 *cluded in the report, at a minimum, include—*

14 *(A) locations, types, and number of cen-*  
15 *trifuges that the Islamic Republic of Iran has in-*  
16 *stalled and in operation to enrich uranium at*  
17 *the Natanz facility and any other facility to en-*  
18 *rich uranium;*

19 *(B) locations, types, and number of cen-*  
20 *trifuges that the Islamic Republic of Iran plans*  
21 *to install and operate at the Natanz facility and*  
22 *any other facility to enrich uranium, estimated*  
23 *by time periods of near, mid, and far-term ep-*  
24 *ochs;*

1           (C) number of nuclear weapons that could  
2 be made from the enriched uranium that the Is-  
3 lamic Republic of Iran has produced to date and  
4 is anticipated to produce, estimated by time pe-  
5 riods of near, mid, and far-term epochs;

6           (D) number of nuclear weapons that could  
7 be made from the plutonium produced by the  
8 Bushehr nuclear reactor and any other nuclear  
9 reactor in the Islamic Republic of Iran to date,  
10 and number of weapons that could be made in  
11 the future, estimated by time periods of near,  
12 mid, and far-term epochs;

13          (E) a description of the safeguard and secu-  
14 rity measures in place at the Bushehr nuclear re-  
15 actor and at any other nuclear reactor in the Is-  
16 lamic Republic of Iran to prevent Iran from re-  
17 processing spent plutonium;

18          (F) a description of weaponization activi-  
19 ties, such as the design, development, or test of  
20 nuclear weapon or weapon related-components,  
21 estimated by time periods of near, mid, and far-  
22 term epochs;

23          (G) numbers, types, and performance of sys-  
24 tems which could provide a means to deliver a

1           *nuclear warhead, estimated by time periods of*  
 2           *near, mid, and far-term epochs; and*

3                   *(H) a summary of assessments of other key*  
 4           *nations, such as Israel and France, of the Is-*  
 5           *lamic Republic of Iran’s nuclear program, capa-*  
 6           *bilities, and timelines for acquiring nuclear*  
 7           *weapons capabilities, and their judgment of the*  
 8           *threat.*

9           *(3) NOTIFICATION.—The Secretary of Defense*  
 10          *shall provide the congressional defense committees*  
 11          *with written notification within 15 days of assessing*  
 12          *that the Islamic Republic of Iran produces enough en-*  
 13          *riched uranium or plutonium for a nuclear weapon.*

14                  *(4) DEFINITION.—In this subsection, the term*  
 15          *“nuclear weapons capabilities” means the nuclear*  
 16          *material, weaponization activities, and delivery sys-*  
 17          *tem.*

18                   ***TITLE XIII—COOPERATIVE***  
 19                   ***THREAT REDUCTION***

*Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.*

*Sec. 1302. Funding allocations.*

20          ***SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-***  
 21                   ***DUCTION PROGRAMS AND FUNDS.***

22                  *(a) SPECIFICATION OF COOPERATIVE THREAT REDUC-*  
 23          *TION PROGRAMS.—For purposes of section 301 and other*  
 24          *provisions of this Act, Cooperative Threat Reduction pro-*

1 *grams are the programs specified in section 1501 of the Na-*  
2 *tional Defense Authorization Act for Fiscal Year 1997 (50*  
3 *U.S.C. 2362 note), as amended by section 1303 of the Na-*  
4 *tional Defense Authorization Act for Fiscal Year 2008 (Pub-*  
5 *lic Law 110–181; 122 Stat. 412).*

6 (b) *FISCAL YEAR 2009 COOPERATIVE THREAT REDUC-*  
7 *TION FUNDS DEFINED.—As used in this title, the term “fis-*  
8 *cal year 2009 Cooperative Threat Reduction funds” means*  
9 *the funds appropriated pursuant to the authorization of ap-*  
10 *propriations in section 301 for Cooperative Threat Reduc-*  
11 *tion programs.*

12 (c) *AVAILABILITY OF FUNDS.—Funds appropriated*  
13 *pursuant to the authorization of appropriations in section*  
14 *301 for Cooperative Threat Reduction programs shall be*  
15 *available for obligation for fiscal years 2009, 2010, and*  
16 *2011.*

17 **SEC. 1302. FUNDING ALLOCATIONS.**

18 (a) *FUNDING FOR SPECIFIC PURPOSES.—Of the*  
19 *\$445,135,000 authorized to be appropriated to the Depart-*  
20 *ment of Defense for fiscal year 2009 in section 301(19) for*  
21 *Cooperative Threat Reduction programs, the following*  
22 *amounts may be obligated for the purposes specified:*

23 (1) *For strategic offensive arms elimination in*  
24 *Russia, \$79,985,000.*

1           (2) *For strategic nuclear arms elimination in*  
2           *Ukraine, \$6,400,000.*

3           (3) *For nuclear weapons storage security in Rus-*  
4           *sia, \$24,101,000.*

5           (4) *For nuclear weapons transportation security*  
6           *in Russia, \$40,800,000.*

7           (5) *For weapons of mass destruction prolifera-*  
8           *tion prevention in the states of the former Soviet*  
9           *Union, \$70,286,000.*

10          (6) *For biological threat reduction in the former*  
11          *Soviet Union, \$184,463,000.*

12          (7) *For chemical weapons destruction,*  
13          *\$1,000,000.*

14          (8) *For defense and military contacts,*  
15          *\$8,000,000.*

16          (9) *For new Cooperative Threat Reduction ini-*  
17          *tiatives, \$10,000,000.*

18          (10) *For activities designated as Other Assess-*  
19          *ments/Administrative Costs, \$20,100,000.*

20          (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*  
21          *FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Coop-*  
22          *erative Threat Reduction funds may be obligated or ex-*  
23          *pended for a purpose other than a purpose listed in para-*  
24          *graphs (1) through (9) of subsection (a) until 30 days after*  
25          *the date that the Secretary of Defense submits to Congress*

1 a report on the purpose for which the funds will be obligated  
2 or expended and the amount of funds to be obligated or ex-  
3 pended. Nothing in the preceding sentence shall be construed  
4 as authorizing the obligation or expenditure of fiscal year  
5 2009 Cooperative Threat Reduction funds for a purpose for  
6 which the obligation or expenditure of such funds is specifi-  
7 cally prohibited under this title or any other provision of  
8 law.

9 (c) *LIMITED AUTHORITY TO VARY INDIVIDUAL*  
10 *AMOUNTS.*—

11 (1) *IN GENERAL.*—Subject to paragraph (2), in  
12 any case in which the Secretary of Defense determines  
13 that it is necessary to do so in the national interest,  
14 the Secretary may obligate amounts appropriated for  
15 fiscal year 2009 for a purpose listed in paragraphs  
16 (1) through (9) of subsection (a) in excess of the spe-  
17 cific amount authorized for that purpose.

18 (2) *NOTICE-AND-WAIT REQUIRED.*—An obligation  
19 of funds for a purpose stated in paragraphs (1)  
20 through (9) of subsection (a) in excess of the specific  
21 amount authorized for such purpose may be made  
22 using the authority provided in paragraph (1) only  
23 after—

24 (A) the Secretary submits to Congress noti-  
25 fication of the intent to do so together with a

1           *complete discussion of the justification for doing*  
 2           *so; and*

3                     *(B) 15 days have elapsed following the date*  
 4           *of the notification.*

5                                     **TITLE XIV—OTHER**  
 6                                     **AUTHORIZATIONS**

*Subtitle A—Military Programs*

*Sec. 1401. Working capital funds.*

*Sec. 1402. National Defense Sealift Fund.*

*Sec. 1403. Defense Health Program.*

*Sec. 1404. Chemical agents and munitions destruction, Defense.*

*Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.*

*Sec. 1406. Defense Inspector General.*

*Subtitle B—National Defense Stockpile*

*Sec. 1411. Authorized uses of National Defense Stockpile funds.*

*Sec. 1412. Revisions to previously authorized disposals from the National Defense Stockpile.*

*Subtitle C—Armed Forces Retirement Home*

*Sec. 1421. Armed Forces Retirement Home.*

*Subtitle D—Inapplicability of Executive Order 13457*

*Sec. 1431. Inapplicability of Executive Order 13457.*

7                     ***Subtitle A—Military Programs***

8           **SEC. 1401. WORKING CAPITAL FUNDS.**

9                     *Funds are hereby authorized to be appropriated for fis-*  
 10           *cal year 2009 for the use of the Armed Forces and other*  
 11           *activities and agencies of the Department of Defense for*  
 12           *providing capital for working capital and revolving funds*  
 13           *in amounts as follows:*

14                     *(1) For the Defense Working Capital Funds,*  
 15           *\$198,150,000.*

1           (2) *For the Defense Working Capital Fund, De-*  
2           *fense Commissary, \$1,291,084,000.*

3 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

4           *Funds are hereby authorized to be appropriated for fis-*  
5           *cal year 2009 for the National Defense Sealift Fund in the*  
6           *amount of \$1,401,553,000.*

7 **SEC. 1403. DEFENSE HEALTH PROGRAM.**

8           (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
9           *hereby authorized to be appropriated for the Department*  
10           *of Defense for fiscal year 2009 for expenses, not otherwise*  
11           *provided for, for the Defense Health Program, in the*  
12           *amount of \$24,746,172,000, of which—*

13           (1) *\$24,259,029,000 is for Operation and Main-*  
14           *tenance;*

15           (2) *\$198,738,000 is for Research, Development,*  
16           *Test, and Evaluation; and*

17           (3) *\$288,405,000 is for Procurement.*

18           (b) *TRANSFER FROM NATIONAL DEFENSE STOCKPILE*  
19           *TRANSACTION FUND TO SUPPORT DEFENSE HEALTH PRO-*  
20           *GRAM.—Of the total amount specified in subsection (a), up*  
21           *to \$1,300,000,000 shall be derived, to the extent specifically*  
22           *provided in advance in an appropriations Act for fiscal*  
23           *year 2009, by transfer from the unobligated balances of the*  
24           *National Defense Stockpile Transaction Fund.*



1 **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
2 **TION, DEFENSE.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are  
4 hereby authorized to be appropriated for the Department  
5 of Defense for fiscal year 2009 for expenses, not otherwise  
6 provided for, for Chemical Agents and Munitions Destruc-  
7 tion, Defense, in the amount of \$1,485,634,000, of which—

8 (1) \$1,152,668,000 is for Operation and Mainte-  
9 nance;

10 (2) \$268,881,000 is for Research, Development,  
11 Test, and Evaluation; and

12 (3) \$64,085,000 is for Procurement.

13 (b) *USE.*—Amounts authorized to be appropriated  
14 under subsection (a) are authorized for—

15 (1) the destruction of lethal chemical agents and  
16 munitions in accordance with section 1412 of the De-  
17 partment of Defense Authorization Act, 1986 (50  
18 U.S.C. 1521); and

19 (2) the destruction of chemical warfare materiel  
20 of the United States that is not covered by section  
21 1412 of such Act.

22 **SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
23 **TIVITIES, DEFENSE-WIDE.**

24 Funds are hereby authorized to be appropriated for the  
25 Department of Defense for fiscal year 2009 for expenses, not  
26 otherwise provided for, for Drug Interdiction and Counter-

1 *Drug Activities, Defense-wide, in the amount of*  
2 *\$1,060,463,000.*

3 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

4 *Funds are hereby authorized to be appropriated for the*  
5 *Department of Defense for fiscal year 2009 for expenses, not*  
6 *otherwise provided for, for the Office of the Inspector Gen-*  
7 *eral of the Department of Defense, in the amount of*  
8 *\$273,845,000, of which—*

9 *(1) \$270,445,000 is for Operation and Mainte-*  
10 *nance; and*

11 *(2) \$3,400,000 is for Procurement.*

12 ***Subtitle B—National Defense***  
13 ***Stockpile***

14 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**  
15 **STOCKPILE FUNDS.**

16 *(a) OBLIGATION OF STOCKPILE FUNDS.—During fis-*  
17 *cal year 2009, the National Defense Stockpile Manager may*  
18 *obligate up to \$41,153,000 of the funds in the National De-*  
19 *fense Stockpile Transaction Fund established under sub-*  
20 *section (a) of section 9 of the Strategic and Critical Mate-*  
21 *rials Stock Piling Act (50 U.S.C. 98h) for the authorized*  
22 *uses of such funds under subsection (b)(2) of such section,*  
23 *including the disposal of hazardous materials that are envi-*  
24 *ronmentally sensitive.*

1           (b) *ADDITIONAL OBLIGATIONS.*—*The National Defense*  
2 *Stockpile Manager may obligate amounts in excess of the*  
3 *amount specified in subsection (a) if the National Defense*  
4 *Stockpile Manager notifies Congress that extraordinary or*  
5 *emergency conditions necessitate the additional obligations.*  
6 *The National Defense Stockpile Manager may make the ad-*  
7 *ditional obligations described in the notification after the*  
8 *end of the 45-day period beginning on the date on which*  
9 *Congress receives the notification.*

10           (c) *LIMITATIONS.*—*The authorities provided by this*  
11 *section shall be subject to such limitations as may be pro-*  
12 *vided in appropriations Acts.*

13 **SEC. 1412. REVISIONS TO PREVIOUSLY AUTHORIZED DIS-**  
14 **POSALS FROM THE NATIONAL DEFENSE**  
15 **STOCKPILE.**

16           (a) *FISCAL YEAR 1999 DISPOSAL AUTHORITY.*—*Sec-*  
17 *tion 3303(a)(7) of the Strom Thurmond National Defense*  
18 *Authorization Act for Fiscal Year 1999 (Public Law 105-*  
19 *261; 50 U.S.C. 98d note), as most recently amended by sec-*  
20 *tion 1412(b) of the National Defense Authorization Act for*  
21 *Fiscal Year 2008 (Public Law 110–181; 122 Stat. 418), is*  
22 *further amended by striking “\$1,066,000,000 by the end of*  
23 *fiscal year 2015” and inserting “\$1,476,000,000 by the end*  
24 *of fiscal year 2016”.*

1       (b) *FISCAL YEAR 1998 DISPOSAL AUTHORITY.*—*Sec-*  
2 *tion 3305(a)(5) of the National Defense Authorization Act*  
3 *for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d*  
4 *note), as most recently amended by section 3302(b) of the*  
5 *John Warner National Defense Authorization Act for Fiscal*  
6 *Year 2007 (Public Law 109–364; 120 Stat. 2513), is further*  
7 *amended by striking “2008” and inserting “2009”.*

8                   ***Subtitle C—Armed Forces***  
9                   ***Retirement Home***

10 ***SEC. 1421. ARMED FORCES RETIREMENT HOME.***

11       *There is authorized to be appropriated for fiscal year*  
12 *2009 from the Armed Forces Retirement Home Trust Fund*  
13 *the sum of \$63,010,000 for the operation of the Armed*  
14 *Forces Retirement Home.*

15                   ***Subtitle D—Inapplicability of***  
16                   ***Executive Order 13457***

17 ***SEC. 1431. INAPPLICABILITY OF EXECUTIVE ORDER 13457.***

18       *Executive Order 13457, and any successor to that Ex-*  
19 *ecutive Order, shall not apply to this Act or to the Joint*  
20 *Explanatory Statement submitted by the Committee of Con-*  
21 *ference for the conference report to accompany this Act or*  
22 *to H. Rept. \_\_\_\_\_ or S. Rept. \_\_\_\_\_.*

1 **TITLE XV—AUTHORIZATION OF**  
 2 **ADDITIONAL APPROPRIA-**  
 3 **TIONS FOR OPERATION IRAQI**  
 4 **FREEDOM AND OPERATION**  
 5 **ENDURING FREEDOM**

*Sec. 1501. Purpose.*

*Sec. 1502. Army procurement.*

*Sec. 1503. Navy and Marine Corps procurement.*

*Sec. 1504. Air Force procurement.*

*Sec. 1505. Defense-wide activities procurement.*

*Sec. 1506. Rapid acquisition fund.*

*Sec. 1507. Joint Improvised Explosive Device Defeat Fund.*

*Sec. 1508. Limitation on obligation of funds for the Joint Improvised Explosive  
 Devices Defeat Organization pending notification to Congress.*

*Sec. 1509. Research, development, test, and evaluation.*

*Sec. 1510. Operation and maintenance.*

*Sec. 1511. Other Department of Defense programs.*

*Sec. 1512. Iraq Security Forces Fund.*

*Sec. 1513. Afghanistan Security Forces Fund.*

*Sec. 1514. Military personnel.*

*Sec. 1515. Mine Resistant Ambush Protected Vehicle Fund.*

*Sec. 1516. Special transfer authority.*

*Sec. 1517. Treatment as additional authorizations.*

6 **SEC. 1501. PURPOSE.**

7 *The purpose of this title is to authorize appropriations*  
 8 *for the Department of Defense for fiscal year 2009 to pro-*  
 9 *vide additional funds for Operation Iraqi Freedom and Op-*  
 10 *eration Enduring Freedom.*

11 **SEC. 1502. ARMY PROCUREMENT.**

12 *Funds are hereby authorized to be appropriated for fis-*  
 13 *cal year 2009 for procurement accounts of the Army in*  
 14 *amounts as follows:*

15 (1) *For aircraft procurement, \$84,000,000.*

1           (2) *For weapons and tracked combat vehicles*  
2           *procurement, \$822,674,000.*

3           (3) *For ammunition procurement, \$46,500,000.*

4           (4) *For other procurement, \$1,255,050,000.*

5 **SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.**

6           (a) *NAVY.—Funds are hereby authorized to be appro-*  
7           *priated for fiscal year 2009 for other procurement for the*  
8           *Navy in the amount of \$476,248,000.*

9           (b) *MARINE CORPS.—Funds are hereby authorized to*  
10           *be appropriated for fiscal year 2009 for the procurement*  
11           *account for the Marine Corps in the amount of*  
12           *\$565,425,000.*

13 **SEC. 1504. AIR FORCE PROCUREMENT.**

14           *Funds are hereby authorized to be appropriated for fis-*  
15           *cal year 2009 for procurement accounts for the Air Force*  
16           *in amounts as follows:*

17           (1) *For aircraft procurement, \$4,624,842,000.*

18           (2) *For other procurement, \$1,500,644,000.*

19 **SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

20           *Funds are hereby authorized to be appropriated for fis-*  
21           *cal year 2009 for the procurement account for Defense-wide*  
22           *in the amount of \$177,237,000.*

1 **SEC. 1506. RAPID ACQUISITION FUND.**

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

5 **SEC. 1507. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
6 **FUND.**

7 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
8 *hereby authorized for fiscal year 2009 for the Joint Impro-*  
9 *vised Explosive Device Defeat Fund in the amount of*  
10 *\$2,496,300,000.*

11 *(b) USE AND TRANSFER OF FUNDS.—Subsections (b)*  
12 *and (c) of section 1514 of the John Warner National De-*  
13 *fense Authorization Act for Fiscal Year 2007 (Public Law*  
14 *109–364; 120 Stat. 2439) shall apply to the funds appro-*  
15 *priated pursuant to the authorization of appropriations in*  
16 *subsection (a).*

17 *(c) REVISION OF MANAGEMENT PLAN.—The Secretary*  
18 *of Defense shall revise the management plan required by*  
19 *section 1514(d) of the John Warner National Defense Au-*  
20 *thorization Act for Fiscal Year 2007 to identify projected*  
21 *transfers and obligations through September 30, 2009.*

22 *(d) FUNDS FOR ADDITIONAL ARMS PLATFORMS.—Of*  
23 *the funds appropriated pursuant to the authorization of ap-*  
24 *propriations in subsection (a), \$50,000,000 shall be made*  
25 *available for the rapid fielding of additional Aerial Recon-*  
26 *naissance Multi-Sensor (ARMS) platforms for tactical op-*

1 *erations in Operation Iraqi Freedom and Operation En-*  
2 *during Freedom.*

3 **SEC. 1508. LIMITATION ON OBLIGATION OF FUNDS FOR THE**  
4 **JOINT IMPROVISED EXPLOSIVE DEVICES DE-**  
5 **FEAT ORGANIZATION PENDING NOTIFICA-**  
6 **TION TO CONGRESS.**

7 (a) *LIMITATION.*—*Of the amounts appropriated pur-*  
8 *suant to each of the authorizations of appropriations de-*  
9 *scribed in subsection (b) for research, development, test, and*  
10 *evaluation for the Joint Improvised Explosive Devices De-*  
11 *feat Organization (in this section referred to as*  
12 *“JIEDDO”), not more than 50 percent of the amounts re-*  
13 *maining unobligated as of the date of the enactment of this*  
14 *Act may be obligated until JIEDDO submits to the congres-*  
15 *sional defense committees a report describing the investment*  
16 *strategy of JIEDDO for science and technology.*

17 (b) *COVERED AUTHORIZATIONS OF APPROPRIA-*  
18 *TIONS.*—

19 (1) *SCOPE OF LIMITATION.*—*The limitation con-*  
20 *tained in subsection (a) applies with respect to*  
21 *amounts appropriated pursuant to the authorizations*  
22 *of appropriations specified in paragraph (2) for all*  
23 *science and technology efforts within the account for*  
24 *research, development, test, and evaluation for*



1        *JIEDDO applied to efforts of Technology Readiness*  
2        *Level 5 or lower.*

3            (2) *AUTHORIZATIONS.—Paragraph (1) applies*  
4        *to—*

5                    (A) *the authorization of appropriations in*  
6                    *section 1507 of the National Defense Authoriza-*  
7                    *tion Act for Fiscal Year 2008 (Public Law 110-*  
8                    *181; 122 Stat. 425); and*

9                    (B) *the authorization of appropriations in*  
10                   *section 1508 of this Act.*

11 **SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
12                    **TION.**

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

16            (1) *For the Navy, \$113,228,000.*

17            (2) *For the Air Force, \$72,041,000.*

18            (3) *For Defense-wide activities, \$202,559,000.*

19 **SEC. 1510. OPERATION AND MAINTENANCE.**

20        *Funds are hereby authorized to be appropriated for fis-*  
21        *cal year 2009 for the use of the Armed Forces for expenses,*  
22        *not otherwise provided for, for operation and maintenance,*  
23        *in amounts as follows:*

24            (1) *For the Army, \$37,363,243,000.*

25            (2) *For the Navy, \$3,500,000,000*

1           (3) *For the Marine Corps, \$2,900,000,000.*

2           (4) *For the Air Force, \$5,000,000,000.*

3           (5) *For Defense-wide activities, \$2,648,569,000.*

4           (6) *For the Army Reserve, \$79,291,000.*

5           (7) *For the Navy Reserve, \$42,490,000.*

6           (8) *For the Marine Corps Reserve, \$47,076,000.*

7           (9) *For the Air Force Reserve, \$12,376,000.*

8           (10) *For the Army National Guard,*  
9           *\$333,540,000.*

10          (11) *For the Air National Guard, \$52,667,000.*

11 **SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

12          (a) *DEFENSE HEALTH PROGRAM.—Funds are hereby*  
13 *authorized to be appropriated for the Department of Defense*  
14 *for fiscal year 2009 for expenses, not otherwise provided for,*  
15 *for the Defense Health Program in the amount of*  
16 *\$1,100,000,000 for operation and maintenance.*

17          (b) *DRUG INTERDICTION AND COUNTER-DRUG ACTIVI-*  
18 *TIES, DEFENSE-WIDE.—Funds are hereby authorized to be*  
19 *appropriated for the Department of Defense for fiscal year*  
20 *2009 for expenses, not otherwise provided for, for Drug*  
21 *Interdiction and Counter-Drug Activities, Defense-wide in*  
22 *the amount of \$188,000,000.*

23 **SEC. 1512. IRAQ SECURITY FORCES FUND.**

24          (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
25 *hereby authorized to be appropriated for fiscal year 2009*

1 *for the Iraq Security Forces Fund in the amount of*  
2 *\$1,000,000,000.*

3 *(b) USE OF FUNDS.—*

4 *(1) IN GENERAL.—Funds appropriated pursuant*  
5 *to subsection (a) shall be available to the Secretary of*  
6 *Defense for the purpose of allowing the Commander,*  
7 *Multi-National Security Transition Command–Iraq,*  
8 *to provide assistance to the security forces of Iraq.*

9 *(2) TYPES OF ASSISTANCE AUTHORIZED.—As-*  
10 *sistance provided under this section may include the*  
11 *provision of equipment, supplies, services, training,*  
12 *facility and infrastructure repair, and funding.*

13 *(3) SECRETARY OF STATE CONCURRENCE.—As-*  
14 *sistance may be provided under this section only with*  
15 *the concurrence of the Secretary of State.*

16 *(c) AUTHORITY IN ADDITION TO OTHER AUTHORI-*  
17 *TIES.—The authority to provide assistance under this sec-*  
18 *tion is in addition to any other authority to provide assist-*  
19 *ance to foreign nations.*

20 *(d) TRANSFER AUTHORITY.—*

21 *(1) TRANSFERS AUTHORIZED.—Subject to para-*  
22 *graph (2), amounts authorized to be appropriated by*  
23 *subsection (a) may be transferred from the Iraq Secu-*  
24 *rity Forces Fund to any of the following accounts and*

1 *funds of the Department of Defense to accomplish the*  
2 *purposes provided in subsection (b):*

3 *(A) Military personnel accounts.*

4 *(B) Operation and maintenance accounts.*

5 *(C) Procurement accounts.*

6 *(D) Research, development, test, and evalua-*  
7 *tion accounts.*

8 *(E) Defense working capital funds.*

9 *(F) Overseas Humanitarian, Disaster, and*  
10 *Civic Aid account.*

11 *(2) ADDITIONAL AUTHORITY.—The transfer au-*  
12 *thority provided by paragraph (1) is in addition to*  
13 *any other transfer authority available to the Depart-*  
14 *ment of Defense.*

15 *(3) TRANSFERS BACK TO THE FUND.—Upon de-*  
16 *termination that all or part of the funds transferred*  
17 *from the Iraq Security Forces Fund under paragraph*  
18 *(1) are not necessary for the purpose provided, such*  
19 *funds may be transferred back to the Iraq Security*  
20 *Forces Fund.*

21 *(4) EFFECT ON AUTHORIZATION AMOUNTS.—A*  
22 *transfer of an amount to an account under the au-*  
23 *thority in paragraph (1) shall be deemed to increase*  
24 *the amount authorized for such account by an*  
25 *amount equal to the amount transferred.*

1           (e) *PRIOR NOTICE OF OBLIGATION OR TRANSFER OF*  
2 *FUNDS.*—*Funds may not be obligated from the Iraq Secu-*  
3 *rity Forces Fund, or transferred under the authority pro-*  
4 *vided in subsection (d)(1), until five days after the date on*  
5 *which the Secretary of Defense notifies the congressional de-*  
6 *fense committees, the Committee on Foreign Relations of the*  
7 *Senate, and the Committee on Foreign Affairs of the House*  
8 *of Representatives, in writing, of the details of the proposed*  
9 *obligation or transfer.*

10           (f) *CONTRIBUTIONS.*—

11           (1) *AUTHORITY TO ACCEPT CONTRIBUTIONS.*—  
12           *Subject to paragraph (2), the Secretary of Defense*  
13 *may accept contributions of amounts to the Iraq Se-*  
14 *curity Forces Fund for the purposes provided in sub-*  
15 *section (b) from any person, foreign government, or*  
16 *international organization. Any amounts so accepted*  
17 *shall be credited to the Iraq Security Forces Fund.*

18           (2) *LIMITATION.*—*The Secretary may not accept*  
19 *a contribution under this subsection if the acceptance*  
20 *of the contribution would compromise or appear to*  
21 *compromise the integrity of any program of the De-*  
22 *partment of Defense.*

23           (3) *USE.*—*Amounts accepted under this sub-*  
24 *section shall be available for assistance authorized by*

1        *subsection (b), including transfer under subsection (d)*  
2        *for that purpose.*

3            (4) *NOTIFICATION.—The Secretary shall notify*  
4        *the congressional committees referred to in subsection*  
5        *(e), in writing, upon the acceptance, and upon the*  
6        *transfer under subsection (d), of any contribution*  
7        *under this subsection. Such notice shall specify the*  
8        *source and amount of any amount so accepted and*  
9        *the use of any amount so accepted.*

10        (g) *PROHIBITION RELATED TO FACILITIES.—*

11            (1) *PROHIBITION.—Funds may not be obligated*  
12        *from the Iraq Security Forces Fund, or transferred*  
13        *under the authority provided in subsection (d)(1), for*  
14        *the acquisition, conversion, rehabilitation, or installa-*  
15        *tion of facilities.*

16            (2) *EXCEPTIONS.—Nothing in this section shall*  
17        *be construed as to forbid—*

18            (A) *the provision of technical assistance*  
19        *necessary to assist the Government of Iraq to*  
20        *carry out the acquisition, conversion, rehabilita-*  
21        *tion, or installation of facilities on its own be-*  
22        *half; or*

23            (B) *the acquisition, conversion, rehabilita-*  
24        *tion, or installation of facilities utilizing*  
25        *amounts contributed to the Iraq Security Forces*

1           *Fund under subsection (f) by the Government of*  
2           *Iraq or another foreign country.*

3           *(h) QUARTERLY REPORTS.—Not later than 30 days*  
4           *after the end of each fiscal-year quarter, the Secretary of*  
5           *Defense shall submit to the congressional committees re-*  
6           *ferred to in subsection (e) a report summarizing the details*  
7           *of any obligation or transfer of funds from the Iraq Security*  
8           *Forces Fund during such fiscal-year quarter.*

9           *(i) DURATION OF AUTHORITY.—Amounts authorized*  
10          *to be appropriated or contributed to the Iraq Security*  
11          *Forces Fund during fiscal year 2009 are available for obli-*  
12          *gation or transfer from the Iraq Security Forces Fund in*  
13          *accordance with this section until September 30, 2010.*

14          **SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.**

15          *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
16          *hereby authorized to be appropriated for fiscal year 2009*  
17          *for the Afghanistan Security Forces Fund in the amount*  
18          *of \$2,000,000,000.*

19          *(b) USE OF FUNDS.—*

20                  *(1) IN GENERAL.—Funds authorized to be appro-*  
21                  *priated by subsection (a) shall be available to the Sec-*  
22                  *retary of Defense to provide assistance to the security*  
23                  *forces of Afghanistan.*

24                  *(2) TYPES OF ASSISTANCE AUTHORIZED.—As-*  
25                  *sistance provided under this section may include the*

1        *provision of equipment, supplies, services, training,*  
2        *facility and infrastructure repair, renovation, con-*  
3        *struction, and funds.*

4            (3) *SECRETARY OF STATE CONCURRENCE.—As-*  
5        *istance may be provided under this section only with*  
6        *the concurrence of the Secretary of State.*

7            (c) *AUTHORITY IN ADDITION TO OTHER AUTHORI-*  
8        *TIES.—The authority to provide assistance under this sec-*  
9        *tion is in addition to any other authority to provide assist-*  
10       *ance to foreign nations.*

11          (d) *TRANSFER AUTHORITY.—*

12            (1) *TRANSFERS AUTHORIZED.—Subject to para-*  
13        *graph (2), amounts authorized to be appropriated by*  
14        *subsection (a) may be transferred from the Afghani-*  
15        *stan Security Forces Fund to any of the following ac-*  
16        *counts and funds of the Department of Defense to ac-*  
17        *complish the purposes provided in subsection (b):*

18                    (A) *Military personnel accounts.*

19                    (B) *Operation and maintenance accounts.*

20                    (C) *Procurement accounts.*

21                    (D) *Research, development, test, and evalua-*  
22        *tion accounts.*

23                    (E) *Defense working capital funds.*

24                    (F) *Overseas Humanitarian, Disaster, and*  
25        *Civic Aid.*



1           (2) *ADDITIONAL AUTHORITY.*—*The transfer au-*  
2           *thority provided by paragraph (1) is in addition to*  
3           *any other transfer authority available to the Depart-*  
4           *ment of Defense.*

5           (3) *TRANSFERS BACK TO FUND.*—*Upon a deter-*  
6           *mination that all or part of the funds transferred*  
7           *from the Afghanistan Security Forces Fund under*  
8           *paragraph (1) are not necessary for the purpose for*  
9           *which transferred, such funds may be transferred back*  
10          *to the Afghanistan Security Forces Fund.*

11          (4) *EFFECT ON AUTHORIZATION AMOUNTS.*—*A*  
12          *transfer of an amount to an account under the au-*  
13          *thority in paragraph (1) shall be deemed to increase*  
14          *the amount authorized for such account by an*  
15          *amount equal to the amount transferred.*

16          (e) *PRIOR NOTICE OF OBLIGATION OR TRANSFER OF*  
17          *FUNDS.*—*Funds may not be obligated from the Afghanistan*  
18          *Security Forces Fund, or transferred under the authority*  
19          *provided in subsection (d)(1), until five days after the date*  
20          *on which the Secretary of Defense notifies the congressional*  
21          *defense committees, the Committee on Foreign Relations of*  
22          *the Senate, and the Committee on Foreign Affairs of the*  
23          *House of Representatives, in writing, of the details of the*  
24          *proposed obligation or transfer.*

25          (f) *CONTRIBUTIONS.*—

1           (1) *AUTHORITY TO ACCEPT CONTRIBUTIONS.*—  
2           *Subject to paragraph (2), the Secretary of Defense*  
3           *may accept contributions of amounts to the Afghani-*  
4           *stan Security Forces Fund for the purposes provided*  
5           *in subsection (b) from any person, foreign govern-*  
6           *ment, or international organization. Any amounts so*  
7           *accepted shall be credited to the Afghanistan Security*  
8           *Forces Fund.*

9           (2) *LIMITATION.*—*The Secretary may not accept*  
10          *a contribution under this subsection if the acceptance*  
11          *of the contribution would compromise or appear to*  
12          *compromise the integrity of any program of the De-*  
13          *partment of Defense.*

14          (3) *USE.*—*Amounts accepted under this sub-*  
15          *section shall be available for assistance authorized by*  
16          *subsection (b), including transfer under subsection (d)*  
17          *for that purpose.*

18          (4) *NOTIFICATION.*—*The Secretary shall notify*  
19          *the congressional committees referred to in subsection*  
20          *(e), in writing, upon the acceptance, and upon the*  
21          *transfer under subsection (d), of any contribution*  
22          *under this subsection. Such notice shall specify the*  
23          *source and amount of any amount so accepted and*  
24          *the use of any amount so accepted.*

1       (g) *QUARTERLY REPORTS.*—Not later than 30 days  
2 after the end of each fiscal-year quarter, the Secretary of  
3 Defense shall submit to the congressional committees re-  
4 ferred to in subsection (e) a report summarizing the details  
5 of any obligation or transfer of funds from the Afghanistan  
6 Security Forces Fund during such fiscal-year quarter.

7       (h) *DURATION OF AUTHORITY.*—Amounts authorized  
8 to be appropriated or contributed to the Afghanistan Secu-  
9 rity Forces Fund during fiscal year 2009 are available for  
10 obligation or transfer from the Afghanistan Security Forces  
11 Fund in accordance with this section until September 30,  
12 2010.

13 **SEC. 1514. MILITARY PERSONNEL.**

14       There is hereby authorized to be appropriated to the  
15 Department of Defense for military personnel accounts for  
16 fiscal year 2009 a total of \$1,194,000,000.

17 **SEC. 1515. MINE RESISTANT AMBUSH PROTECTED VEHICLE**  
18 **FUND.**

19       The Secretary of Defense may use the transfer author-  
20 ity provided by section 1516 to transfer amounts of author-  
21 izations made available to the Department of Defense in  
22 this title for fiscal year 2009 from such authorizations to  
23 the Mine Resistant Ambush Protected Vehicle Fund in the  
24 total amount of \$2,610,000,000.

1 **SEC. 1516. SPECIAL TRANSFER AUTHORITY.**

2 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—

3 (1) *AUTHORITY.*—Upon determination by the  
4 Secretary of Defense that such action is necessary in  
5 the national interest, the Secretary may transfer  
6 amounts of authorizations made available to the De-  
7 partment of Defense in this title for fiscal year 2009  
8 between any such authorizations for that fiscal year  
9 (or any subdivisions thereof). Amounts of authoriza-  
10 tions so transferred shall be merged with and be  
11 available for the same purposes as the authorization  
12 to which transferred.

13 (2) *LIMITATION.*—The total amount of author-  
14 izations that the Secretary may transfer under the  
15 authority of this section may not exceed  
16 \$4,000,000,000.

17 (b) *TERMS AND CONDITIONS.*—Transfers under this  
18 section shall be subject to the same terms and conditions  
19 as transfers under section 1001.

20 (c) *ADDITIONAL AUTHORITY.*—The transfer authority  
21 provided by this section is in addition to the transfer au-  
22 thority provided under section 1001.

23 **SEC. 1517. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

24 The amounts authorized to be appropriated by this  
25 title are in addition to amounts otherwise authorized to be  
26 appropriated by this Act.

1 **TITLE XVI—RECONSTRUCTION**  
2 **AND STABILIZATION CIVILIAN**  
3 **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.*

4 **SEC. 1601. SHORT TITLE.**

5 *This title may be cited as the “Reconstruction and Sta-*  
6 *bilization Civilian Management Act of 2008”.*

7 **SEC. 1602. FINDINGS.**

8 *Congress finds the following:*

9 *(1) In June 2004, the Office of the Coordinator*  
10 *for Reconstruction and Stabilization (referred to as*  
11 *the “Coordinator”) was established in the Department*  
12 *of State with the mandate to lead, coordinate, and in-*  
13 *stitutionalize United States Government civilian ca-*  
14 *capacity to prevent or prepare for post-conflict situa-*  
15 *tions and help reconstruct and stabilize a country or*  
16 *region that is at risk of, in, or is in transition from,*  
17 *conflict or civil strife.*

18 *(2) In December 2005, the Coordinator’s man-*  
19 *date was reaffirmed by the National Security Presi-*  
20 *dential Directive 44, which instructed the Secretary of*  
21 *State, and at the Secretary’s direction, the Coordi-*

1       nator, to coordinate and lead integrated United  
2       States Government efforts, involving all United States  
3       departments and agencies with relevant capabilities,  
4       to prepare, plan for, and conduct reconstruction and  
5       stabilization operations.

6               (3) National Security Presidential Directive 44  
7       assigns to the Secretary, with the Coordinator's as-  
8       sistance, the lead role to develop reconstruction and  
9       stabilization strategies, ensure civilian interagency  
10      program and policy coordination, coordinate inter-  
11      agency processes to identify countries at risk of insta-  
12      bility, provide decision-makers with detailed options  
13      for an integrated United States Government response  
14      in connection with reconstruction and stabilization  
15      operations, and carry out a wide range of other ac-  
16      tions, including the development of a civilian surge  
17      capacity to meet reconstruction and stabilization  
18      emergencies. The Secretary and the Coordinator are  
19      also charged with coordinating with the Department  
20      of Defense on reconstruction and stabilization re-  
21      sponses, and integrating planning and implementing  
22      procedures.

23              (4) The Department of Defense issued Directive  
24      3000.05, which establishes that stability operations  
25      are a core United States military mission that the

1     *Department of Defense must be prepared to conduct*  
2     *and support, provides guidance on stability oper-*  
3     *ations that will evolve over time, and assigns respon-*  
4     *sibilities within the Department of Defense for plan-*  
5     *ning, training, and preparing to conduct and support*  
6     *stability operations.*

7     **SEC. 1603. DEFINITIONS.**

8     *In this title:*

9             (1) *ADMINISTRATOR.*—*The term “Adminis-*  
10            *trator” means the Administrator of the United States*  
11            *Agency for International Development.*

12            (2) *AGENCY.*—*The term “agency” means any en-*  
13            *tity included in chapter 1 of title 5, United States*  
14            *Code.*

15            (3) *APPROPRIATE CONGRESSIONAL COMMIT-*  
16            *TEES.*—*The term “appropriate congressional commit-*  
17            *tees” means the Committee on Foreign Affairs of the*  
18            *House of Representatives and the Committee on For-*  
19            *eign Relations of the Senate.*

20            (4) *DEPARTMENT.*—*Except as otherwise provided*  
21            *in this title, the term “Department” means the De-*  
22            *partment of State.*

23            (5) *PERSONNEL.*—*The term “personnel” means*  
24            *individuals serving in any service described in section*

1       2101 of title 5, United States Code, other than in the  
2       legislative or judicial branch.

3               (6) *SECRETARY.*—The term “Secretary” means  
4       the Secretary of State.

5       **SEC. 1604. AUTHORITY TO PROVIDE ASSISTANCE FOR RE-**  
6               **CONSTRUCTION AND STABILIZATION CRISES.**

7       Chapter 1 of part III of the Foreign Assistance Act  
8       of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting  
9       after section 617 the following new section:

10       **“SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STA-**  
11               **BILIZATION CRISIS.**

12       “(a) *ASSISTANCE.*—

13               “(1) *IN GENERAL.*—If the President determines  
14       that it is in the national security interests of the  
15       United States for United States civilian agencies or  
16       non-Federal employees to assist in reconstructing and  
17       stabilizing a country or region that is at risk of, in,  
18       or is in transition from, conflict or civil strife, the  
19       President may, in accordance with the provisions set  
20       forth in section 614(a)(3), subject to paragraph (2) of  
21       this subsection but notwithstanding any other provi-  
22       sion of law, and on such terms and conditions as the  
23       President may determine, furnish assistance to such  
24       country or region for reconstruction or stabilization  
25       using funds under paragraph (3).



1           “(2) *PRE-NOTIFICATION REQUIREMENT.*—*The*  
2           *President may not furnish assistance pursuant to*  
3           *paragraph (1) until five days (excepting Saturdays,*  
4           *Sundays, and legal public holidays) after the require-*  
5           *ments under section 614(a)(3) of this Act are carried*  
6           *out.*

7           “(3) *FUNDS.*—*The funds referred to in para-*  
8           *graph (1) are funds made available under any other*  
9           *provision of law and under other provisions of this*  
10          *Act, and transferred or reprogrammed for purposes of*  
11          *this section, and such transfer or reprogramming*  
12          *shall be subject to the procedures applicable to a noti-*  
13          *fication under section 634A of this Act.*

14          “(b) *LIMITATION.*—*The authority contained in this*  
15          *section may be exercised only during fiscal years 2008,*  
16          *2009, and 2010, except that the authority may not be exer-*  
17          *cised to furnish more than \$100,000,000 in any such fiscal*  
18          *year.”.*

19          **SEC. 1605. RECONSTRUCTION AND STABILIZATION.**

20          *Title I of the State Department Basic Authorities Act*  
21          *of 1956 (22 U.S.C. 2651a et seq.) is amended by adding*  
22          *at the end the following new section:*

23          **“SEC. 62. RECONSTRUCTION AND STABILIZATION.**

24          “(a) *OFFICE OF THE COORDINATOR FOR RECON-*  
25          *STRUCTION AND STABILIZATION.*—

1           “(1) *ESTABLISHMENT.*—*There is established*  
2           *within the Department of State the Office of the Coor-*  
3           *ordinator for Reconstruction and Stabilization.*

4           “(2) *COORDINATOR FOR RECONSTRUCTION AND*  
5           *STABILIZATION.*—*The head of the Office shall be the*  
6           *Coordinator for Reconstruction and Stabilization,*  
7           *who shall be appointed by the President, by and with*  
8           *the advice and consent of the Senate. The Coordinator*  
9           *shall report directly to the Secretary.*

10          “(3) *FUNCTIONS.*—*The functions of the Office of*  
11          *the Coordinator for Reconstruction and Stabilization*  
12          *shall include the following:*

13                 “(A) *Monitoring, in coordination with rel-*  
14                 *evant bureaus and offices of the Department of*  
15                 *State and the United States Agency for Inter-*  
16                 *national Development (USAID), political and*  
17                 *economic instability worldwide to anticipate the*  
18                 *need for mobilizing United States and inter-*  
19                 *national assistance for the reconstruction and*  
20                 *stabilization of a country or region that is at*  
21                 *risk of, in, or are in transition from, conflict or*  
22                 *civil strife.*

23                 “(B) *Assessing the various types of recon-*  
24                 *struction and stabilization crises that could*  
25                 *occur and cataloging and monitoring the non-*

1           *military resources and capabilities of agencies*  
2           *(as such term is defined in section 1603 of the*  
3           *Reconstruction and Stabilization Civilian Man-*  
4           *agement Act of 2008) that are available to ad-*  
5           *dress such crises.*

6           “(C) *Planning, in conjunction with*  
7           *USAID, to address requirements, such as demo-*  
8           *bilization, disarmament, rebuilding of civil soci-*  
9           *ety, policing, human rights monitoring, and*  
10          *public information, that commonly arise in re-*  
11          *construction and stabilization crises.*

12          “(D) *Coordinating with relevant agencies to*  
13          *develop interagency contingency plans and pro-*  
14          *cedures to mobilize and deploy civilian personnel*  
15          *and conduct reconstruction and stabilization op-*  
16          *erations to address the various types of such cri-*  
17          *ses.*

18          “(E) *Entering into appropriate arrange-*  
19          *ments with agencies to carry out activities under*  
20          *this section and the Reconstruction and Sta-*  
21          *bilization Civilian Management Act of 2008.*

22          “(F) *Identifying personnel in State and*  
23          *local governments and in the private sector who*  
24          *are available to participate in the Civilian Re-*  
25          *serve Corps established under subsection (b) or to*

1           *otherwise participate in or contribute to recon-*  
2           *struction and stabilization activities.*

3           “(G) *Taking steps to ensure that training*  
4           *and education of civilian personnel to perform*  
5           *such reconstruction and stabilization activities is*  
6           *adequate and is carried out, as appropriate,*  
7           *with other agencies involved with stabilization*  
8           *operations.*

9           “(H) *Taking steps to ensure that plans for*  
10          *United States reconstruction and stabilization*  
11          *operations are coordinated with and complemen-*  
12          *tary to reconstruction and stabilization activities*  
13          *of other governments and international and non-*  
14          *governmental organizations, to improve effective-*  
15          *ness and avoid duplication.*

16          “(I) *Maintaining the capacity to field on*  
17          *short notice an evaluation team consisting of*  
18          *personnel from all relevant agencies to undertake*  
19          *on-site needs assessment.*

20          “(b) *RESPONSE READINESS CORPS.—*

21                 “(1) *RESPONSE READINESS CORPS.—The Sec-*  
22                 *retary, in consultation with the Administrator of the*  
23                 *United States Agency for International Development*  
24                 *and the heads of other appropriate agencies of the*  
25                 *United States Government, may establish and main-*

1        *tain a Response Readiness Corps (referred to in this*  
2        *section as the ‘Corps’) to provide assistance in sup-*  
3        *port of reconstruction and stabilization operations in*  
4        *countries or regions that are at risk of, in, or are in*  
5        *transition from, conflict or civil strife. The Corps*  
6        *shall be composed of active and standby components*  
7        *consisting of United States Government personnel, in-*  
8        *cluding employees of the Department of State, the*  
9        *United States Agency for International Development,*  
10       *and other agencies who are recruited and trained*  
11       *(and employed in the case of the active component) to*  
12       *provide such assistance when deployed to do so by the*  
13       *Secretary to support the purposes of this Act.*

14                *“(2) CIVILIAN RESERVE CORPS.—The Secretary,*  
15        *in consultation with the Administrator of the United*  
16        *States Agency for International Development, may es-*  
17        *tablish a Civilian Reserve Corps for which purpose*  
18        *the Secretary is authorized to employ and train indi-*  
19        *viduals who have the skills necessary for carrying out*  
20        *reconstruction and stabilization activities, and who*  
21        *have volunteered for that purpose. The Secretary may*  
22        *deploy members of the Civilian Reserve Corps pursu-*  
23        *ant to a determination by the President under section*  
24        *618 of the Foreign Assistance Act of 1961.*

1           “(3) *MITIGATION OF DOMESTIC IMPACT.*—*The es-*  
2           *tablishment and deployment of any Civilian Reserve*  
3           *Corps shall be undertaken in a manner that will*  
4           *avoid substantively impairing the capacity and read-*  
5           *iness of any State and local governments from which*  
6           *Civilian Reserve Corps personnel may be drawn.*

7           “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
8           *authorized to be appropriated to the Secretary of State such*  
9           *sums as may be necessary for fiscal years 2007 through*  
10          *2010 for the Office and to support, educate, train, main-*  
11          *tain, and deploy a Response Readiness Corps and a Civil-*  
12          *ian Reserve Corps.*

13          “(d) *EXISTING TRAINING AND EDUCATION PRO-*  
14          *GRAMS.*—*The Secretary shall ensure that personnel of the*  
15          *Department, and, in coordination with the Administrator*  
16          *of USAID, that personnel of USAID, make use of the rel-*  
17          *evant existing training and education programs offered*  
18          *within the Government, such as those at the Center for Sta-*  
19          *bilization and Reconstruction Studies at the Naval Post-*  
20          *graduate School and the Interagency Training, Education,*  
21          *and After Action Review Program at the National Defense*  
22          *University.”.*

23          **SEC. 1606. AUTHORITIES RELATED TO PERSONNEL.**

24          “(a) *EXTENSION OF CERTAIN FOREIGN SERVICE BENE-*  
25          *FITS.*—*The Secretary, or the head of any agency with re-*

1 *spect to personnel of that agency, may extend to any indi-*  
2 *viduals assigned, detailed, or deployed to carry out recon-*  
3 *struction and stabilization activities pursuant to section 62*  
4 *of the State Department Basic Authorities Act of 1956 (as*  
5 *added by section 1605 of this title), the benefits or privileges*  
6 *set forth in sections 413, 704, and 901 of the Foreign Serv-*  
7 *ice Act of 1980 (22 U.S.C. 3973, 22 U.S.C. 4024, and 22*  
8 *U.S.C. 4081) to the same extent and manner that such bene-*  
9 *fits and privileges are extended to members of the Foreign*  
10 *Service.*

11 *(b) AUTHORITY REGARDING DETAILS.—The Secretary*  
12 *is authorized to accept details or assignments of any per-*  
13 *sonnel, and any employee of a State or local government,*  
14 *on a reimbursable or nonreimbursable basis for the purpose*  
15 *of carrying out this title, and the head of any agency is*  
16 *authorized to detail or assign personnel of such agency on*  
17 *a reimbursable or nonreimbursable basis to the Department*  
18 *of State for purposes of section 62 of the State Department*  
19 *Basic Authorities Act of 1956, as added by section 1605*  
20 *of this title.*

21 **SEC. 1607. RECONSTRUCTION AND STABILIZATION STRAT-**  
22 **EGY.**

23 *(a) IN GENERAL.—The Secretary of State, in consulta-*  
24 *tion with the Administrator of the United States Agency*  
25 *for International Development, shall develop an interagency*

1 *strategy to respond to reconstruction and stabilization oper-*  
2 *ations.*

3 (b) *CONTENTS.—The strategy required under sub-*  
4 *section (a) shall include the following:*

5 (1) *Identification of and efforts to improve the*  
6 *skills sets needed to respond to and support recon-*  
7 *struction and stabilization operations in countries or*  
8 *regions that are at risk of, in, or are in transition*  
9 *from, conflict or civil strife.*

10 (2) *Identification of specific agencies that can*  
11 *adequately satisfy the skills sets referred to in para-*  
12 *graph (1).*

13 (3) *Efforts to increase training of Federal civil-*  
14 *ian personnel to carry out reconstruction and sta-*  
15 *bilization activities.*

16 (4) *Efforts to develop a database of proven and*  
17 *best practices based on previous reconstruction and*  
18 *stabilization operations.*

19 (5) *A plan to coordinate the activities of agencies*  
20 *involved in reconstruction and stabilization oper-*  
21 *ations.*

22 **SEC. 1608. ANNUAL REPORTS TO CONGRESS.**

23 *Not later than 180 days after the date of the enactment*  
24 *of this Act and annually for each of the five years thereafter,*  
25 *the Secretary of State shall submit to the appropriate con-*



1 *gressional committees a report on the implementation of*  
2 *this title. The report shall include detailed information on*  
3 *the following:*

4           (1) *Any steps taken to establish a Response*  
5 *Readiness Corps and a Civilian Reserve Corps, pur-*  
6 *suant to section 62 of the State Department Basic*  
7 *Authorities Act of 1956 (as added by section 1605 of*  
8 *this title).*

9           (2) *The structure, operations, and cost of the Re-*  
10 *sponse Readiness Corps and the Civilian Reserve*  
11 *Corps, if established.*

12           (3) *How the Response Readiness Corps and the*  
13 *Civilian Reserve Corps coordinate, interact, and work*  
14 *with other United States foreign assistance programs.*

15           (4) *An assessment of the impact that deployment*  
16 *of the Civilian Reserve Corps, if any, has had on the*  
17 *capacity and readiness of any domestic agencies or*  
18 *State and local governments from which Civilian Re-*  
19 *serve Corps personnel are drawn.*

20           (5) *The reconstruction and stabilization strategy*  
21 *required by section 1607 and any annual updates to*  
22 *that strategy.*

23           (6) *Recommendations to improve implementa-*  
24 *tion of subsection (b) of section 62 of the State De-*  
25 *partment Basic Authorities Act of 1956, including*

1        *measures to enhance the recruitment and retention of*  
2        *an effective Civilian Reserve Corps.*

3            *(7) A description of anticipated costs associated*  
4        *with the development, annual sustainment, and de-*  
5        *ployment of the Civilian Reserve Corps.*

6        **DIVISION      B—MILITARY      CON-**  
7        **STRUCTION                      AUTHORIZA-**  
8        **TIONS**

9        **SEC. 2001. SHORT TITLE.**

10        *This division may be cited as the “Military Construc-*  
11        *tion Authorization Act for Fiscal Year 2009”.*

12        **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**  
13            **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
14            **LAW.**

15        *(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE*  
16        *YEARS.—Except as provided in subsection (b), all author-*  
17        *izations contained in titles XXI through XXVI and title*  
18        *XXIX for military construction projects, land acquisition,*  
19        *family housing projects and facilities, and contributions to*  
20        *the North Atlantic Treaty Organization Security Invest-*  
21        *ment Program (and authorizations of appropriations there-*  
22        *for) shall expire on the later of—*

23            *(1) October 1, 2011; or*



1 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 2 **ACQUISITION PROJECTS.**

3 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-  
 4 propriated pursuant to the authorization of appropriations  
 5 in section 2104(a)(1), the Secretary of the Army may ac-  
 6 quire real property and carry out military construction  
 7 projects for the installations or locations inside the United  
 8 States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Alabama .....	Anniston Army Depot .....	\$46,400,000
	Fort Rucker .....	\$6,800,000
Alaska .....	Fort Richardson .....	\$15,000,000
	Fort Wainwright .....	\$110,400,000
Arizona .....	Fort Huachuca .....	\$13,200,000
	Yuma Proving Ground .....	\$3,800,000
California .....	Fort Irwin .....	\$39,600,000
	Presidio, Monterey .....	\$15,000,000
	Sierra Army Depot .....	\$12,400,000
Colorado .....	Fort Carson .....	\$534,000,000
Georgia .....	Fort Benning .....	\$267,800,000
	Fort Stewart/Hunter Army Air Field .....	\$432,300,000
Hawaii .....	Pohakuloa Training Area .....	\$9,000,000
	Schofield Barracks .....	\$279,000,000
	Wahiawa .....	\$40,000,000
Kansas .....	Fort Leavenworth .....	\$4,200,000
	Fort Riley .....	\$158,000,000
Kentucky .....	Fort Campbell .....	\$108,113,000
Louisiana .....	Fort Polk .....	\$29,000,000
Missouri .....	Fort Leonard Wood .....	\$33,850,000
New Jersey .....	Picatinny Arsenal .....	\$9,900,000
New York .....	Fort Drum .....	\$96,900,000
	USMA, West Point .....	\$67,000,000
North Carolina .....	Fort Bragg .....	\$58,400,000
Oklahoma .....	Fort Sill .....	\$63,000,000
	McAlester Army Ammunition Plant .....	\$5,800,000
	Carlisle Barracks .....	\$13,400,000
Pennsylvania .....	Letterkenny Army Depot .....	\$7,500,000
	Toboyhanna Army Depot .....	\$15,000,000
	Fort Jackson .....	\$30,000,000
South Carolina .....	Camp Bullis .....	\$4,200,000
	Corpus Christi Army Depot .....	\$39,000,000
	Fort Bliss .....	\$1,044,300,000
	Fort Hood .....	\$49,500,000
	Fort Sam Houston .....	\$96,000,000
Texas .....	Red River Army Depot .....	\$6,900,000
	Fort Belvoir .....	\$7,200,000
	Fort Eustis .....	\$18,300,000
	Fort Lee .....	\$100,600,000
	Fort Myer .....	\$14,000,000
Washington .....	Fort Lewis .....	\$158,000,000

1           (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2104(a)(2), the Secretary of the Army may  
 4 acquire real property and carry out military construction  
 5 projects for the installations or locations outside the United  
 6 States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Afghanistan</i> .....	<i>Bagram Air Base</i> .....	\$67,000,000
<i>Germany</i> .....	<i>Katterbach</i> .....	\$19,000,000
	<i>Wiesbaden Air Base</i> .....	\$119,000,000
<i>Japan</i> .....	<i>Camp Zama</i> .....	\$2,350,000
	<i>Sagamihara</i> .....	\$17,500,000
<i>Korea</i> .....	<i>Camp Humphreys</i> .....	\$20,000,000

7 **SEC. 2102. FAMILY HOUSING.**

8           (a) *CONSTRUCTION AND ACQUISITION.*—Using  
 9 amounts appropriated pursuant to the authorization of ap-  
 10 propriations in section 2104(a)(5)(A), the Secretary of the  
 11 Army may construct or acquire family housing units (in-  
 12 cluding land acquisition and supporting facilities) at the  
 13 installations or locations, in the number of units, and in  
 14 the amounts set forth in the following table:

**Army: Family Housing**

<b>Country</b>	<b>Installation or Loca- tion</b>	<b>Units</b>	<b>Amount</b>
<i>Germany</i> .....	<i>Wiesbaden Air Base</i> .....	326 .....	\$133,000,000
<i>Korea</i> .....	<i>Camp Humphreys</i> .....	216 .....	\$125,000,000

15           (b) *PLANNING AND DESIGN.*—Using amounts appro-  
 16 priated pursuant to the authorization of appropriations in  
 17 section 2104(a)(5)(A), the Secretary of the Army may carry  
 18 out architectural and engineering services and construction

1 *design activities with respect to the construction or im-*  
2 *provement of family housing units in an amount not to*  
3 *exceed \$579,000.*

4 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
5 **UNITS.**

6 *Subject to section 2825 of title 10, United States Code,*  
7 *and using amounts appropriated pursuant to the author-*  
8 *ization of appropriations in section 2104(a)(5)(A), the Sec-*  
9 *retary of the Army may improve existing military family*  
10 *housing units in an amount not to exceed \$420,001,000.*

11 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

12 *(a) IN GENERAL.—Funds are hereby authorized to be*  
13 *appropriated for fiscal years beginning after September 30,*  
14 *2008, for military construction, land acquisition, and mili-*  
15 *tary family housing functions of the Department of the*  
16 *Army in the total amount of \$6,008,226,000 as follows:*

17 *(1) For military construction projects inside the*  
18 *United States authorized by section 2101(a),*  
19 *\$4,062,763,000.*

20 *(2) For military construction projects outside the*  
21 *United States authorized by section 2101(b),*  
22 *\$185,350,000.*

23 *(3) For unspecified minor military construction*  
24 *projects authorized by section 2805 of title 10, United*  
25 *States Code, \$23,000,000.*

1           (4) *For host nation support and architectural*  
2 *and engineering services and construction design*  
3 *under section 2807 of title 10, United States Code,*  
4 *\$175,823,000.*

5           (5) *For military family housing functions:*

6                 (A) *For construction and acquisition, plan-*  
7 *ning and design, and improvement of military*  
8 *family housing and facilities, \$646,580,000.*

9                 (B) *For support of military family housing*  
10 *(including the functions described in section*  
11 *2833 of title 10, United States Code),*  
12 *\$716,110,000.*

13           (6) *For the construction of increment 3 of a bar-*  
14 *racks complex at Fort Lewis, Washington, authorized*  
15 *by section 2101(a) of the Military Construction Au-*  
16 *thorization Act for Fiscal Year 2007 (division B of*  
17 *Public Law 109–364; 120 Stat. 2445), as amended by*  
18 *section 20814 of the Continuing Appropriations Reso-*  
19 *lution, 2007 (division B of Public Law 109–289), as*  
20 *added by section 2 of the Revised Continuing Resolu-*  
21 *tion, 2007 (Public Law 110–5; 121 Stat 41),*  
22 *\$102,000,000.*

23           (7) *For the construction of increment 2 of the*  
24 *United States Southern Command Headquarters at*  
25 *Miami Doral, Florida, authorized by section 2101(a)*

1       *of the Military Construction Authorization Act for*  
2       *Fiscal Year 2008 (division B of Public Law 110–181;*  
3       *122 Stat. 504, \$81,600,000.*

4           (8) *For the construction of increment 2 of the*  
5       *brigade complex operations support facility at*  
6       *Vicenza, Italy, authorized by section 2101(b) of the*  
7       *Military Construction Authorization Act for Fiscal*  
8       *Year 2008 (division B of Public Law 110–181; 122*  
9       *Stat. 505, \$7,500,000.*

10          (9) *For the construction of increment 2 of the*  
11       *brigade complex barracks and community support fa-*  
12       *cility at Vicenza, Italy, authorized by section 2101(b)*  
13       *of the Military Construction Authorization Act for*  
14       *Fiscal Year 2008 (division B of Public Law 110–181;*  
15       *122 Stat. 505, \$7,500,000.*

16       (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*  
17       *PROJECTS.—Notwithstanding the cost variations author-*  
18       *ized by section 2853 of title 10, United States Code, and*  
19       *any other cost variation authorized by law, the total cost*  
20       *of all projects carried out under section 2401 of this Act*  
21       *may not exceed the sum of the following:*

22           (1) *The total amount authorized to be appro-*  
23       *priated under paragraphs (1) and (2) of subsection*  
24       *(a).*



1           (2) \$59,500,000 (the balance of the amount au-  
2           thorized under section 2101(b) for the construction of  
3           a headquarters element in Wiesbaden, Germany).

4 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**  
5           **CERTAIN FISCAL YEAR 2008 PROJECTS.**

6           (a) *INSIDE THE UNITED STATES PROJECTS.*—The  
7           table in section 2101(a) of the Military Construction Au-  
8           thorization Act for Fiscal Year 2008 (division B of Public  
9           Law 110–181; 122 Stat. 504) is amended—

10           (1) in the item relating to Hawthorne Army  
11           Ammunition Plant, Nevada, by striking  
12           “\$11,800,000” in the amount column and inserting  
13           “\$7,300,000”;

14           (2) in the item relating to Fort Drum, New  
15           York, by striking “\$311,200,000” in the amount col-  
16           umn and inserting “\$304,600,000”; and

17           (3) in the item relating to Fort Bliss, Texas, by  
18           striking “\$118,400,000” in the amount column and  
19           inserting “\$111,900,000”.

20           (b) *CONFORMING AMENDMENTS.*—Section 2104(a) of  
21           that Act (122 Stat. 506) is amended—

22           (1) in the matter preceding paragraph (1), by  
23           striking “\$5,106,703,000” and inserting  
24           “\$5,089,103,000”; and

1           (2)    in paragraph (1), by striking  
2           “\$3,198,150,000” and inserting “\$3,180,550,000”.

3   **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**  
4                           **CERTAIN FISCAL YEAR 2007 PROJECTS.**

5           (a) *INSIDE THE UNITED STATES PROJECTS.*—The  
6 table in section 2101(a) of the Military Construction Au-  
7 thorization Act for Fiscal Year 2007 (division B of Public  
8 Law 109–364; 120 Stat. 2445), as amended by section  
9 20814 of the Continuing Appropriations Resolution, 2007  
10 (division B of Public Law 109–289) and section 2105(a)  
11 of the Military Construction Authorization Act for Fiscal  
12 Year 2008 (division B of Public Law 110–181; 122 Stat.  
13 507), is further amended in the item relating to Fort Bragg,  
14 North Carolina, by striking “\$96,900,000” in the amount  
15 column and inserting “\$75,900,000”.

16          (b) *OUTSIDE THE UNITED STATES PROJECTS.*—The  
17 table in section 2101(b) of the Military Construction Au-  
18 thorization Act for Fiscal Year 2007 (division B of Public  
19 Law 109–364; 120 Stat. 2446), as amended by section  
20 2106(a) of the Military Construction Authorization Act for  
21 Fiscal Year 2008 (division B of Public Law 110–181; 122  
22 Stat. 508), is further amended in the item relating to  
23 Vicenza, Italy, by striking “\$223,000,000” in the amount  
24 column and inserting “\$208,280,000”.

1           (c) *CONFORMING AMENDMENTS.*—Section 2104(a) of  
2 *the Military Construction Authorization Act for Fiscal Year*  
3 *2007 (division B of Public Law 109–364; 120 Stat. 2447),*  
4 *as amended by section 2105(b) of the Military Construction*  
5 *Authorization Act for Fiscal Year 2008 (division B of Pub-*  
6 *lic Law 110–181; 122 Stat. 508), is further amended—*

7           (1) *in the matter preceding paragraph (1), by*  
8 *striking “\$3,275,700,000” and inserting*  
9 *“\$3,239,980,000”;*

10           (2) *in paragraph (1), by striking*  
11 *“\$1,119,450,000” and inserting “\$1,098,450,000”;*  
12 *and*

13           (3) *in paragraph (2), by striking “\$510,582,00”*  
14 *and inserting “\$495,862,000”.*

15 **SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
16 **FISCAL YEAR 2006 PROJECTS.**

17           (a) *EXTENSION.*—Notwithstanding section 2701 of the  
18 *Military Construction Authorization Act for Fiscal Year*  
19 *2006 (division B of Public Law 109–163; 119 Stat. 3501),*  
20 *the authorizations set forth in the table in subsection (b),*  
21 *as provided in section 2101 of that Act (119 Stat. 3485),*  
22 *shall remain in effect until October 1, 2009, or the date*  
23 *of the enactment of an Act authorizing funds for military*  
24 *construction for fiscal year 2010, whichever is later.*

1 (b) TABLE.—The table referred to in subsection (a) is  
 2 as follows:

**Army: Extension of 2006 Project Authorizations**

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Hawaii</i> .....	<i>Pohakuloa</i> .....	<i>Tactical Vehicle Wash Facility</i> ....	\$9,207,000
		<i>Battle Area Complex</i> .....	\$33,660,000
<i>Virginia</i> .....	<i>Fort Belvoir</i> .....	<i>Defense Access Road</i> .....	\$18,000,000

3 **SEC. 2108. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 4 **FISCAL YEAR 2005 PROJECT.**

5 (a) EXTENSION.—Notwithstanding section 2701 of the  
 6 Military Construction Authorization Act for Fiscal Year  
 7 2005 (division B of Public Law 108–375; 118 Stat. 2116),  
 8 the authorization set forth in the table in subsection (b),  
 9 as provided in section 2101 of that Act (118 Stat. 2101)  
 10 and extended by section 2108 of the Military Construction  
 11 Authorization Act for Fiscal Year 2008 (division B of Pub-  
 12 lic Law 110–181; 122 Stat. 508), shall remain in effect  
 13 until October 1, 2009, or the date of the enactment of an  
 14 Act authorizing funds for military construction for fiscal  
 15 year 2010, whichever is later.

16 (b) TABLE.—The table referred to in subsection (a) is  
 17 as follows:

**Army: Extension of 2005 Project Authorization**

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Hawaii</i> .....	<i>Schofield Bar- racks.</i>	<i>Training Facility</i> .....	\$35,542,000

1

**TITLE XXII—NAVY**

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

*Sec. 2202. Family housing.*

*Sec. 2203. Improvements to military family housing units.*

*Sec. 2204. Authorization of appropriations, Navy.*

*Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project.*

*Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects.*

*Sec. 2207. Report on impacts of surface ship homeporting alternatives.*

2 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
 3 **ACQUISITION PROJECTS.**

4 (a) *INSIDE THE UNITED STATES.—Using amounts ap-*  
 5 *propriated pursuant to the authorization of appropriations*  
 6 *in section 2204(1), the Secretary of the Navy may acquire*  
 7 *real property and carry out military construction projects*  
 8 *for the installations or locations inside the United States,*  
 9 *and in the amounts, set forth in the following table:*

**Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Arizona .....	Marine Corps Air Station, Yuma .....	\$19,490,000
California .....	Marine Corps Logistics Base, Barstow .....	\$7,830,000
	Marine Corps Base, Camp Pendleton .....	\$799,870,000
	Naval Air Facility, El Centro .....	\$8,900,000
	Marine Corps Air Station, Miramar .....	\$48,770,000
	Naval Post Graduate School Monterey .....	\$9,900,000
	Naval Air Station, North Island .....	\$60,152,000
	Naval Facility, San Clemente Island .....	\$34,020,000
	Naval Station, San Diego .....	\$51,220,000
	Marine Corps Base, Twentynine Palms .....	\$155,310,000
Connecticut .....	Naval Submarine Base, Groton .....	\$46,060,000
District of Columbia ...	Naval Support Activity, Washington .....	\$24,220,000
Florida .....	Naval Air Station, Jacksonville .....	\$12,890,000
	Naval Station, Mayport .....	\$18,280,000
	Naval Support Activity, Tampa .....	\$29,000,000
Georgia .....	Marine Corps Logistics Base, Albany .....	\$15,320,000
	Naval Submarine Base Kings Bay .....	\$6,130,000
Hawaii .....	Pacific Missile Range, Barking Sands .....	\$28,900,000
	Marine Corps Base, Hawaii .....	\$28,200,000
	Naval Station, Pearl Harbor .....	\$80,290,000
Illinois .....	Recruit Training Command, Great Lakes ...	\$62,940,000
Maine .....	Naval Shipyard Portsmouth .....	\$9,980,000
Maryland .....	Naval Surface Warfare Center Carderock ....	\$6,980,000
	Naval Surface Warfare Center, Indian Head	\$25,980,000
Mississippi .....	Naval Construction Battalion Center, Gulf- port.	\$12,770,000
New Jersey .....	Naval Air Warfare Center, Lakehurst .....	\$15,440,000
North Carolina .....	Marine Corps Air Station, Cherry Point .....	\$77,420,000

*Inside the United States—Continued*

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
	<i>Marine Corps Air Station, New River .....</i>	<i>\$86,280,000</i>
	<i>Marine Corps Base, Camp Lejeune .....</i>	<i>\$353,090,000</i>
<i>Pennsylvania .....</i>	<i>Naval Support Activity, Philadelphia .....</i>	<i>\$22,020,000</i>
<i>Rhode Island .....</i>	<i>Naval Station, Newport .....</i>	<i>\$39,800,000</i>
<i>South Carolina .....</i>	<i>Marine Corps Air Station, Beaufort .....</i>	<i>\$5,940,000</i>
	<i>Marine Corps Recruit Depot, Parris Island</i>	<i>\$64,750,000</i>
<i>Texas .....</i>	<i>Naval Air Station Corpus Christi .....</i>	<i>\$3,500,000</i>
	<i>Naval Air Station Kingsville .....</i>	<i>\$11,580,000</i>
<i>Virginia .....</i>	<i>Marine Corps Base, Quantico .....</i>	<i>\$150,290,000</i>
	<i>Naval Station, Norfolk .....</i>	<i>\$73,280,000</i>
<i>Washington .....</i>	<i>Naval Air Station Whidbey Island .....</i>	<i>\$6,160,000</i>
	<i>Naval Base Kitsap .....</i>	<i>\$5,110,000</i>

1           **(b) OUTSIDE THE UNITED STATES.**—Using amounts  
2 appropriated pursuant to the authorization of appropri-  
3 ations in section 2204(2), the Secretary of the Navy may  
4 acquire real property and carry out military construction  
5 projects for the installation or location outside the United  
6 States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Cuba .....</i>	<i>Naval Air Station, Guantanamo Bay .....</i>	<i>\$20,600,000</i>
<i>Diego Garcia .....</i>	<i>Diego Garcia .....</i>	<i>\$35,060,000</i>
<i>Djibouti .....</i>	<i>Camp Lemonier .....</i>	<i>\$31,410,000</i>
<i>Guam .....</i>	<i>Naval Activities, Guam .....</i>	<i>\$88,430,000</i>

7           **(c) UNSPECIFIED WORLDWIDE.**—Using the amounts  
8 appropriated pursuant to the authorization of appropri-  
9 ations in section 2204(3), the Secretary of the Navy may  
10 acquire real property and carry out military construction  
11 projects for unspecified installations or locations in the  
12 amounts set forth in the following table:

**Navy: Unspecified Worldwide**

<b>Location</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Worldwide Unspecified ..</i>	<i>Unspecified Worldwide .....</i>	<i>\$94,020,000</i>

1 **SEC. 2202. FAMILY HOUSING.**

2 (a) *CONSTRUCTION AND ACQUISITION.*—Using  
 3 amounts appropriated pursuant to the authorization of ap-  
 4 propriations in section 2204(6)(A), the Secretary of the  
 5 Navy may construct or acquire family housing units (in-  
 6 cluding land acquisition and supporting facilities) at the  
 7 installations or locations, in the number of units, and in  
 8 the amount set forth in the following table:

**Navy: Family Housing**

<b>State</b>	<b>Installation or Lo- cation</b>	<b>Units</b>	<b>Amount</b>
<i>Guantanamo Bay .....</i>	<i>Naval Air Station, Guantanamo Bay.</i>	<i>146 .....</i>	<i>\$62,598,000</i>

9 (b) *PLANNING AND DESIGN.*—Using amounts appro-  
 10 priated pursuant to the authorization of appropriations in  
 11 section 2204(6)(A), the Secretary of the Navy may carry  
 12 out architectural and engineering services and construction  
 13 design activities with respect to the construction or im-  
 14 provement of family housing units in an amount not to  
 15 exceed \$2,169,000.

16 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 17 **UNITS.**

18 Subject to section 2825 of title 10, United States Code,  
 19 and using amounts appropriated pursuant to the author-  
 20 ization of appropriations in section 2204(6)(A), the Sec-  
 21 retary of the Navy may improve existing military family  
 22 housing units in an amount not to exceed \$318,011,000.

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 *Funds are hereby authorized to be appropriated for fis-*  
3 *cal years beginning after September 30, 2008, for military*  
4 *construction, land acquisition, and military family housing*  
5 *functions of the Department of the Navy in the total amount*  
6 *of \$3,996,449,000, as follows:*

7 (1) *For military construction projects inside the*  
8 *United States authorized by section 2201(a),*  
9 *\$2,518,152,000.*

10 (2) *For military construction projects outside the*  
11 *United States authorized by section 2201(b),*  
12 *\$175,500,000.*

13 (3) *For military construction projects at unspec-*  
14 *ified worldwide locations authorized by section*  
15 *2201(c), \$94,020,000.*

16 (4) *For unspecified minor military construction*  
17 *projects authorized by section 2805 of title 10, United*  
18 *States Code, \$13,670,000.*

19 (5) *For architectural and engineering services*  
20 *and construction design under section 2807 of title*  
21 *10, United States Code, \$247,128,000.*

22 (6) *For military family housing functions:*

23 (A) *For construction and acquisition, plan-*  
24 *ning and design, and improvement of military*  
25 *family housing and facilities, \$382,778,000.*



1           (B) For support of military family housing  
2           (including functions described in section 2833 of  
3           title 10, United States Code), \$376,062,000.

4           (7) For the construction of increment 2 of the  
5           wharf extension at Naval Forces Marianas Islands,  
6           Guam, authorized by section 2201(b) of the Military  
7           Construction Authorization Act for Fiscal Year 2008  
8           (division B of Public Law 110–181; 122 Stat. 510),  
9           \$50,912,000.

10          (8) For the construction of increment 2 of the  
11          submarine drive-in magnetic silencing facility at  
12          Naval Submarine Base, Pearl Harbor, Hawaii, au-  
13          thorized in section 2201(a) of the Military Construc-  
14          tion Authorization Act for Fiscal Year 2008 (division  
15          B of Public Law 110–181; 122 Stat. 510),  
16          \$41,088,000.

17          (9) For the construction of increment 3 of the  
18          National Maritime Intelligence Center, Suitland,  
19          Maryland, authorized by section 2201(a) of the Mili-  
20          tary Construction Authorization Act for Fiscal Year  
21          2007 (division B of Public Law 109–364; 120 Stat.  
22          2448), \$12,439,000.

23          (10) For the construction of increment 2 of hang-  
24          ar 5 recapitalizations at Naval Air Station, Whidbey  
25          Island, Washington, authorized by section 2201(a) of

1 *the Military Construction Authorization Act of Fiscal*  
2 *Year 2007 (division B of Public Law 109–364; 120*  
3 *Stat. 2448), \$34,000,000.*

4 (11) *For the construction of increment 5 of the*  
5 *limited area production and storage complex at Naval*  
6 *Submarine Base, Kitsap, Bangor, Washington (for-*  
7 *merly referred to as a project at the Strategic Weap-*  
8 *ons Facility Pacific, Bangor), authorized by section*  
9 *2201(a) of the Military Construction Authorization*  
10 *Act of Fiscal Year 2005 (division B of Public Law*  
11 *108–375; 118 Stat. 2106), as amended by section*  
12 *2206 of the Military Construction Authorization Act*  
13 *for Fiscal Year 2006 (division B of Public law 109–*  
14 *163; 119 Stat. 3493) and section 2206 of the Military*  
15 *Construction Authorization Act for Fiscal Year 2008*  
16 *(division B of Public Law 110–181; 122 Stat. 514)*  
17 *\$50,700,000.*

18 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**

19 **CERTAIN FISCAL YEAR 2005 PROJECT.**

20 *The table in section 2201(a) of the Military Construc-*  
21 *tion Authorization Act for Fiscal Year 2005 (division B*  
22 *of Public Law 108–375; 118 Stat. 2105), as amended by*  
23 *section 2206 of the Military Construction Authorization Act*  
24 *for Fiscal Year 2006 (division B of Public Law 109–163;*  
25 *119 Stat. 3493) and section 2206 of the Military Construc-*

1 *tion Authorization Act for Fiscal Year 2008 (division B*  
2 *of Public Law 110–181; 122 Stat.514), is further amend-*  
3 *ed—*

4           (1) *in the item relating to Strategic Weapons*  
5 *Facility Pacific, Bangor, Washington, by striking*  
6 *“\$295,000,000” in the amount column and inserting*  
7 *“\$311,670,000”; and*

8           (2) *by striking the amount identified as the total*  
9 *in the amount column and inserting*  
10 *“\$1,084,497,000”.*

11 **SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT**  
12 **CERTAIN FISCAL YEAR 2007 PROJECTS.**

13           (a) *MODIFICATIONS.—The table in section 2201(a) of*  
14 *the Military Construction Authorization Act for Fiscal Year*  
15 *2007 (division B of Public Law 109–364; 120 Stat. 2448),*  
16 *as amended by section 2205(a)(17) of the Military Con-*  
17 *struction Authorization Act for Fiscal Year 2008 (division*  
18 *B of Public Law 110–181; 122 Stat. 513) is further amend-*  
19 *ed—*

20           (1) *in the item relating to NMIC/Naval Support*  
21 *Activity, Suitland, Maryland, by striking*  
22 *“\$67,939,000” in the amount column and inserting*  
23 *“\$76,288,000”; and*

24           (2) *in the item relating to Naval Air Station,*  
25 *Whidbey Island, Washington, by striking*

1       “\$57,653,000” in the amount column and inserting  
2       “\$60,500,000”.

3       (b) *CONFORMING AMENDMENTS.*—Section 2204(b) of  
4 the *Military Construction Authorization Act for Fiscal Year*  
5 *2007* (division B of Public Law 109–364; 120 Stat. 2452),  
6 is amended—

7           (1) in paragraph (2), by striking “\$56,159,000”  
8       and inserting “\$64,508,000”; and

9           (2) in paragraph (3), by striking “\$31,153,000”  
10       and inserting “\$34,000,000”.

11 **SEC. 2207. REPORT ON IMPACTS OF SURFACE SHIP HOME-**  
12 **PORTING ALTERNATIVES.**

13       (a) *REPORT REQUIRED.*—The Secretary of the Navy  
14 shall not issue a record of decision for the proposed action  
15 of homeporting additional surface ships at Naval Station  
16 Mayport, Florida, until at least 30 days after the date on  
17 which the Secretary submits to Congress a report con-  
18 taining an analysis of the socio-economic impacts and an  
19 economic justification on each location from which a vessel  
20 is proposed to be removed for homeporting at Naval Station  
21 Mayport under the preferred alternative identified in the  
22 final environmental impact statement for the proposed ac-  
23 tion.

24       (b) *ADDITIONAL REPORTING REQUIREMENT.*—If the  
25 final environmental impact statement does not contain a

1 preferred alternative or if the Secretary intends to select  
 2 an alternative other than the preferred alternative in the  
 3 record of decision, then the Secretary shall submit to Con-  
 4 gress a report (in the case where no preferred alternative  
 5 is identified) or an additional report (in the case where  
 6 the preferred alternative is not selected) containing an anal-  
 7 ysis of the socio-economic impacts and an economic jus-  
 8 tification on each location from which a vessel is proposed  
 9 to be removed for homeporting at Naval Station Mayport.

## 10 **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.*

### 11 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 12 **LAND ACQUISITION PROJECTS.**

13 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-  
 14 propriated pursuant to the authorization of appropriations  
 15 in section 2304(1), the Secretary of the Air Force may ac-  
 16 quire real property and carry out military construction  
 17 projects for the installations or locations inside the United  
 18 States, and in the amounts, set forth in the following table:

#### ***Air Force: Inside the United States***

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Alabama</i> .....	<i>Maxwell Air Force Base</i> .....	<i>\$15,556,000</i>
<i>Alaska</i> .....	<i>Elmendorf Air Force Base</i> .....	<i>\$138,300,000</i>
<i>California</i> .....	<i>Edwards Air Force Base</i> .....	<i>\$9,100,000</i>
<i>Colorado</i> .....	<i>United States Air Force Academy</i> ..	<i>\$18,000,000</i>
<i>Delaware</i> .....	<i>Dover Air Force Base</i> .....	<i>\$19,000,000</i>
<i>Florida</i> .....	<i>Eglin Air Force Base</i> .....	<i>\$19,000,000</i>
	<i>MacDill Air Force Base</i> .....	<i>\$26,000,000</i>

**Air Force: Inside the United States—Continued**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
	<i>Tyndall Air Force Base</i> .....	\$11,600,000
<i>Georgia</i> .....	<i>Robins Air Force Base</i> .....	\$29,350,000
<i>Kansas</i> .....	<i>McConnell Air Force Base</i> .....	\$6,800,000
<i>Maryland</i> .....	<i>Andrews Air Force Base</i> .....	\$77,648,000
<i>Mississippi</i> .....	<i>Columbus Air Force Base</i> .....	\$8,100,000
<i>Missouri</i> .....	<i>Whiteman Air Force Base</i> .....	\$4,200,000
<i>Nevada</i> .....	<i>Crech Air Force Base</i> .....	\$48,500,000
	<i>Nellis Air Force Base</i> .....	\$53,300,000
<i>New Jersey</i> .....	<i>McGuire Air Force Base</i> .....	\$7,200,000
<i>New Mexico</i> .....	<i>Cannon Air Force Base</i> .....	\$8,300,000
	<i>Holloman Air Force Base</i> .....	\$25,450,000
<i>Ohio</i> .....	<i>Wright Patterson Air Force Base</i> .....	\$14,000,000
<i>Oklahoma</i> .....	<i>Tinker Air Force Base</i> .....	\$54,000,000
<i>South Carolina</i> .....	<i>Charleston Air Force Base</i> .....	\$4,500,000
	<i>Shaw Air Force Base</i> .....	\$9,900,000
<i>Texas</i> .....	<i>Fort Hood</i> .....	\$10,800,000
	<i>Lackland Air Force Base</i> .....	\$75,515,000
<i>Utah</i> .....	<i>Hill Air Force Base</i> .....	\$41,400,000
<i>Washington</i> .....	<i>McChord Air Force Base</i> .....	\$5,500,000
<i>Wyoming</i> .....	<i>Francis E. Warren Air Force Base</i> .....	\$8,600,000

1           (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
2      appropriated pursuant to the authorization of appropri-  
3      ations in section 2304(2), the Secretary of the Air Force may  
4      acquire real property and carry out military construction  
5      projects for the installations or locations outside the United  
6      States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Afghanistan</i> .....	<i>Bagram Airfield</i> .....	\$57,200,000
<i>Guam</i> .....	<i>Andersen Air Force Base</i> .....	\$10,600,000
<i>Kyrgyzstan</i> .....	<i>Manas Air Base</i> .....	\$6,000,000
<i>United Kingdom</i> .....	<i>Royal Air Force Lakenheath</i> .....	\$7,400,000

7           (c) *UNSPECIFIED WORLDWIDE.*—Using the amounts  
8      appropriated pursuant to the authorization of appropri-  
9      ations in section 2304(3), the Secretary of the Air Force may  
10     acquire real property and carry out military construction  
11     projects for unspecified installations or locations in the  
12     amounts set forth in the following table:

**Air Force: Unspecified Worldwide**

<b>Location</b>	<b>Installation or Location</b>	<b>Amount</b>
Worldwide Classified .....	Classified Location .....	\$891,000
Worldwide Unspecified .....	Unspecified Worldwide Locations .....	\$52,500,000

1 **SEC. 2302. FAMILY HOUSING.**

2 (a) **CONSTRUCTION AND ACQUISITION.**—Using  
3 amounts appropriated pursuant to the authorization of ap-  
4 propriations in section 2304(6)(A), the Secretary of the Air  
5 Force may construct or acquire family housing units (in-  
6 cluding land acquisition and supporting facilities) at the  
7 installations or locations, in the number of units, and in  
8 the amounts set forth in the following table:

**Air Force: Family Housing**

<b>State</b>	<b>Installation or Location</b>	<b>Purpose</b>	<b>Amount</b>
United Kingdom .....	Royal Air Force Lakenheath .....	182 Units .....	\$71,828,000

9 (b) **PLANNING AND DESIGN.**—Using amounts appro-  
10 priated pursuant to the authorization of appropriations in  
11 section 2304(6)(A), the Secretary of the Air Force may  
12 carry out architectural and engineering services and con-  
13 struction design activities with respect to the construction  
14 or improvement of family housing units in an amount not  
15 to exceed \$7,708,000.

16 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
17 **UNITS.**

18 Subject to section 2825 of title 10, United States Code,  
19 and using amounts appropriated pursuant to the author-

1 ization of appropriations in section 2304(6)(A), the Sec-  
2 retary of the Air Force may improve existing military fam-  
3 ily housing units in an amount not to exceed \$316,343,000.

4 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
5 **FORCE.**

6 *Funds are hereby authorized to be appropriated for fis-*  
7 *cal years beginning after September 30, 2008, for military*  
8 *construction, land acquisition, and military family housing*  
9 *functions of the Department of the Air Force in the total*  
10 *amount of \$1,966,868,000, as follows:*

11 (1) *For military construction projects inside the*  
12 *United States authorized by section 2301(a),*  
13 *\$749,619,000.*

14 (2) *For military construction projects outside the*  
15 *United States authorized by section 2301(b),*  
16 *\$81,200,000.*

17 (3) *For the military construction projects at un-*  
18 *specified worldwide locations authorized by section*  
19 *2301(c), \$53,391,000.*

20 (4) *For unspecified minor military construction*  
21 *projects authorized by section 2805 of title 10, United*  
22 *States Code, \$15,000,000.*

23 (5) *For architectural and engineering services*  
24 *and construction design under section 2807 of title*  
25 *10, United States Code, \$77,314,000.*



1 (6) *For military family housing functions:*

2 (A) *For construction and acquisition, plan-*  
 3 *ning and design, and improvement of military*  
 4 *family housing and facilities, \$395,879,000.*

5 (B) *For support of military family housing*  
 6 *(including functions described in section 2833 of*  
 7 *title 10, United States Code), \$594,465,000.*

8 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 9 **FISCAL YEAR 2006 PROJECTS.**

10 (a) *EXTENSION.*—*Notwithstanding section 2701 of the*  
 11 *Military Construction Authorization Act for Fiscal Year*  
 12 *2006 (division B of Public Law 109–163; 119 Stat. 3501),*  
 13 *authorizations set forth in the tables in subsection (b), as*  
 14 *provided in section 2302 of that Act, shall remain in effect*  
 15 *until October 1, 2009, or the date of the enactment of an*  
 16 *Act authorizing funds for military construction for fiscal*  
 17 *year 2010, whichever is later.*

18 (b) *TABLE.*—*The table referred to in subsection (a) is*  
 19 *as follows:*

***Air Force: Extension of 2006 Project Authorizations***

<b><i>State</i></b>	<b><i>Installation or Location</i></b>	<b><i>Project</i></b>	<b><i>Amount</i></b>
<i>Alaska .....</i>	<i>Eielson Air Force Base .....</i>	<i>Replace Family Housing (92 units) .....</i>	<i>\$37,650,000</i>
		<i>Purchase Build/Lease Housing (300 units)</i>	<i>\$18,144,000</i>
<i>California .....</i>	<i>Edwards Air Force Base ..</i>	<i>Replace Family Housing (226 units) .....</i>	<i>\$59,699,000</i>
<i>Florida .....</i>	<i>MacDill Air Force Base ....</i>	<i>Replace Family Housing (109 units) .....</i>	<i>\$40,982,000</i>
<i>Missouri .....</i>	<i>Whiteman Air Force Base</i>	<i>Replace Family Housing (111 units) .....</i>	<i>\$26,917,000</i>

**Air Force: Extension of 2006 Project Authorizations**—Continued

<b>State</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
North Carolina ...	Seymour Johnson Air Force Base .....	Replace Family Housing (255 units) .....	\$48,868,000
North Dakota .....	Grand Forks Air Force Base .....	Replace Family Housing (150 units) .....	\$43,353,000

1 **SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
2 **FISCAL YEAR 2005 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the  
4 *Military Construction Authorization Act for Fiscal Year*  
5 *2005 (division B of Public Law 108–375; 118 Stat. 2116),*  
6 *authorizations set forth in the table in subsection (b), as*  
7 *provided in section 2302 of that Act and extended by section*  
8 *2307 of the Military Construction Authorization Act for*  
9 *Fiscal Year 2008 (division B of Public Law 110–181; 122*  
10 *Stat. 519), shall remain in effect until October 1, 2009, or*  
11 *the date of the enactment of an Act authorizing funds for*  
12 *military construction for fiscal year 2010, whichever is*  
13 *later.*

14 (b) *TABLE.*—The table referred to in subsection (a) is  
15 *as follows:*

**Air Force: Extension of 2005 Project Authorizations**

<b>State/Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Arizona .....	Davis-Monthan Air Force Base .....	Replace Family Housing (250 units) .....	\$48,500,000
California .....	Vandenberg Air Force Base .....	Replace Family Housing (120 units) .....	\$30,906,000
Florida .....	MacDill Air Force Base .....	Construct Housing Maintenance Facility .....	\$1,250,000

***Air Force: Extension of 2005 Project Authorizations—Continued***

<b>State/Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
Missouri .....	Whiteman Air Force Base .....	Replace Family Housing (160 units) .....	\$37,087,000
North Carolina	Seymour Johnson Air Force Base ....	Replace Family Housing (167 units) .....	\$32,693,000
Germany .....	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center .....	\$24,204,000

1                                   **TITLE XXIV—DEFENSE**  
2                                   **AGENCIES**

*Subtitle A—Defense Agency Authorizations*

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

*Sec. 2402. Energy conservation projects.*

*Sec. 2403. Authorization of appropriations, Defense Agencies.*

*Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.*

*Sec. 2405. Modification of authority to carry out certain fiscal year 2005 projects.*

*Sec. 2406. Extension of authorization of certain fiscal year 2006 project.*

*Subtitle B—Chemical Demilitarization Authorizations*

*Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.*

*Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.*

*Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.*

*Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.*

3                                   **Subtitle A—Defense Agency**  
4                                   **Authorizations**

5   **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
6                                   **TION AND LAND ACQUISITION PROJECTS.**

7           (a) *INSIDE THE UNITED STATES.*—Using amounts ap-  
8   *propriated pursuant to the authorization of appropriations*  
9   *in section 2403(a)(1), the Secretary of Defense may acquire*  
10 *real property and carry out military construction projects*

- 1 for the installations or locations inside the United States,  
 2 and in the amounts, set forth in the following tables:

**Defense Education Activity**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Kentucky .....	Fort Campbell .....	\$21,400,000
North Carolina .....	Fort Bragg .....	\$78,471,000

**Defense Intelligence Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Illinois .....	Scott Air Force Base .....	\$13,977,000

**Defense Logistics Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Maryland .....	Fort Meade .....	\$14,000,000

**Special Operations Command**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
California .....	Naval Amphibious Base, Coronado .....	\$9,800,000
Florida .....	Eglin Air Force Base .....	\$40,000,000
	Hurlburt Field .....	\$8,900,000
	MacDill Air Force Base .....	\$10,500,000
Kentucky .....	Fort Campbell .....	\$15,000,000
New Mexico .....	Cannon Air Force Base .....	\$18,100,000
North Carolina .....	Fort Bragg .....	\$38,250,000
Virginia .....	Fort Story .....	\$11,600,000
Washington .....	Fort Lewis .....	\$38,000,000

**TRICARE Management Activity**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Alaska .....	Fort Richardson .....	\$6,300,000
Colorado .....	Buckley Air Force Base .....	\$3,000,000
Georgia .....	Fort Benning .....	\$3,900,000
Kansas .....	Fort Riley .....	\$52,000,000

**TRICARE Management Activity—Continued**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Kentucky</i> .....	<i>Fort Campbell</i> .....	\$24,000,000
<i>Maryland</i> .....	<i>Aberdeen Proving Ground</i> .....	\$430,000,000
<i>Missouri</i> .....	<i>Fort Leonard Wood</i> .....	\$22,000,000
<i>Oklahoma</i> .....	<i>Tinker Air Force Base</i> .....	\$65,000,000
<i>Texas</i> .....	<i>Fort Sam Houston</i> .....	\$13,000,000

**Washington Headquarters Services**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Virginia</i> .....	<i>Pentagon Reservation</i> .....	\$38,940,000

1           (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
2 appropriated pursuant to the authorization of appropri-  
3 ations in section 2403(a)(2), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations or locations outside the United  
6 States, and in the amounts, set forth in the following tables:

**Defense Logistics Agency**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Germany</i> .....	<i>Germersheim</i> .....	\$48,000,000
<i>Greece</i> .....	<i>Souda Bay</i> .....	\$8,000,000

**Special Operations Command**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Qatar</i> .....	<i>Al Udeid</i> .....	\$9,200,000

**TRICARE Management Activity**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Guam</i> .....	<i>Naval Activities</i> .....	\$30,000,000

7           (c) *UNSPECIFIED WORLDWIDE.*—Using the amounts  
8 appropriated pursuant to the authorization of appropri-  
9 ations in section 2403(a)(3), the Secretary of Defense may  
10 acquire real property and carry out military construction

1 *projects for unspecified installations or locations in the*  
 2 *amount set forth in the following table:*

***Defense Agencies: Unspecified Worldwide***

<b><i>Location</i></b>	<b><i>Installation or Location</i></b>	<b><i>Amount</i></b>
<i>Worldwide Classified .....</i>	<i>Classified Project .....</i>	<i>\$837,480,000</i>

3 ***SEC. 2402. ENERGY CONSERVATION PROJECTS.***

4 *Using amounts appropriated pursuant to the author-*  
 5 *ization of appropriations in section 2403(a)(7), the Sec-*  
 6 *retary of Defense may carry out energy conservation*  
 7 *projects under chapter 173 of title 10, United States Code,*  
 8 *in the amount of \$80,000,000.*

9 ***SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE***  
 10 ***AGENCIES.***

11 *(a) IN GENERAL.—Funds are hereby authorized to be*  
 12 *appropriated for fiscal years beginning after September 30,*  
 13 *2008, for military construction, land acquisition, and mili-*  
 14 *tary family housing functions of the Department of Defense*  
 15 *(other than the military departments) in the total amount*  
 16 *of \$1,510,550,000, as follows:*

17 *(1) For military construction projects inside the*  
 18 *United States authorized by section 2401(a),*  
 19 *\$767,511,000.*

20 *(2) For military construction projects outside the*  
 21 *United States authorized by section 2401(b),*  
 22 *\$95,200,000.*

1           (3) *For the military construction projects at un-*  
2 *specified worldwide locations authorized by section*  
3 *2401(c), \$101,160,000.*

4           (4) *For unspecified minor military construction*  
5 *projects under section 2805 of title 10, United States*  
6 *Code, \$28,853,000.*

7           (5) *For contingency construction projects of the*  
8 *Secretary of Defense under section 2804 of title 10,*  
9 *United States Code, \$10,000,000.*

10          (6) *For architectural and engineering services*  
11 *and construction design under section 2807 of title*  
12 *10, United States Code, \$133,025,000.*

13          (7) *For energy conservation projects authorized*  
14 *by section 2402 of this Act, \$80,000,000.*

15          (8) *For support of military family housing, in-*  
16 *cluding functions described in section 2833 of title 10,*  
17 *United States Code, and credits to the Department of*  
18 *Defense Family Housing Improvement Fund under*  
19 *section 2883 of title 10, United States Code, and the*  
20 *Homeowners Assistance Fund established under sec-*  
21 *tion 1013 of the Demonstration Cities and Metropoli-*  
22 *tan Development Act of 1966 (42 U.S.C. 3374),*  
23 *\$54,581,000.*

24          (9) *For the construction of increment 4 of the re-*  
25 *gional security operations center at Augusta, Georgia,*

1 *authorized by section 2401(a) of the Military Con-*  
2 *struction Authorization Act of Fiscal Year 2006 (divi-*  
3 *sion B of Public Law 109–163; 119 Stat. 3497), as*  
4 *amended by section 7016 of the Emergency Supple-*  
5 *mental Appropriation Act for Defense, the Global*  
6 *War on Terror, and Hurricane Recovery, 2006 (Pub-*  
7 *lic Law 109–234; 120 Stat. 485), \$100,220,000.*

8 *(10) For the construction of increment 2 of the*  
9 *Army Medical Research Institute of Infectious Dis-*  
10 *eases Stage 1 at Fort Detrick, Maryland, authorized*  
11 *by section 2401(a) of the Military Construction Au-*  
12 *thorization Act of Fiscal Year 2007 (division B of*  
13 *Public Law 109–364; 120 Stat. 2457), \$109,000,000.*

14 *(11) For the construction of increment 2 of the*  
15 *special operations forces operational facility at Dam*  
16 *Neck, Virginia, authorized by section 2401(a) of the*  
17 *Military Construction Authorization Act of Fiscal*  
18 *Year 2008 (division B of Public Law 110–181; 122*  
19 *Stat. 521), \$31,000,000.*

20 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*  
21 *PROJECTS.—Notwithstanding the cost variations author-*  
22 *ized by section 2853 of title 10, United States Code, and*  
23 *any other cost variation authorized by law, the total cost*  
24 *of all projects carried out under section 2401 of this Act*  
25 *may not exceed the sum of the following:*



1           (1) *The total amount authorized to be appro-*  
2           *priated under paragraphs (1), (2) and (3) of sub-*  
3           *section (a).*

4           (2) *\$100,000,000 (the balance of the amount au-*  
5           *thorized under section 2401(a) for the construction of*  
6           *the United States Army Medical Research Institute of*  
7           *Infectious Diseases Stage 1 at Fort Detrick, Mary-*  
8           *land).*

9           (3) *\$80,000,000 (the balance of the amount au-*  
10          *thorized under section 2401(c) for the construction of*  
11          *the Ballistic Missile Defense, European Interceptor*  
12          *Site).*

13          (4) *\$60,000,000 (the balance of the amount au-*  
14          *thorized under section 2401(c) for the construction of*  
15          *the Ballistic Missile Defense, European Midcourse*  
16          *Radar Site).*

17 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**  
18 **CERTAIN FISCAL YEAR 2007 PROJECT.**

19          (a) *MODIFICATION.*—*The table relating to the*  
20 *TRICARE Management Activity in section 2401(a) of the*  
21 *Military Construction Authorization Act for Fiscal Year*  
22 *2007 (division B of Public Law 109–364; 120 Stat. 2457)*  
23 *is amended in the item relating to Fort Detrick, Maryland,*  
24 *by striking “\$550,000,000” in the amount column and in-*  
25 *serting “\$683,000,000”.*

1           (b) *CONFORMING AMENDMENT.*—Section 2405(b)(3) of  
2 that Act (120 Stat. 2461) is amended by striking  
3 “\$521,000,000” and inserting “\$654,000,000”.

4 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**  
5 **CERTAIN FISCAL YEAR 2005 PROJECTS.**

6           (a) *MODIFICATION.*—The table in section 2401(a) of  
7 the Military Construction Authorization Act for Fiscal Year  
8 2005 (division B of Public Law 108–375; 118 Stat. 2112)  
9 is amended—

10           (1) by striking the item relating to Defense Fuel  
11 Support Point, Naval Air Station, Oceana, Virginia;  
12 and

13           (2) by striking the amount identified as the total  
14 in the amount column and inserting “\$485,193,000”.

15           (b) *CONFORMING AMENDMENTS.*—Section 2404(a) of  
16 that Act (118 Stat. 2113) is amended—

17           (1) in the matter preceding paragraph (1), by  
18 striking “\$1,055,663,000” and inserting  
19 “\$1,052,074,000”; and

20           (2) in paragraph (1), by striking  
21 “\$411,782,000” and inserting “\$408,193,000”.

22 **SEC. 2406. EXTENSION OF AUTHORIZATION OF CERTAIN**  
23 **FISCAL YEAR 2006 PROJECT.**

24           (a) *EXTENSION.*—Notwithstanding section 2701 of the  
25 Military Construction Authorization Act for Fiscal Year

1 2006 (division B of Public Law 109–163; 119 Stat. 3501),  
 2 authorizations set forth in the tables in subsection (b), as  
 3 provided in section 2401 of that Act, shall remain in effect  
 4 until October 1, 2009, or the date of the enactment of an  
 5 Act authorizing funds for military construction for fiscal  
 6 year 2010, whichever is later.

7 (b) TABLE.—The table referred to in subsection (a) is  
 8 as follows:

**Defense Logistics Agency: Extension of 2006 Project  
 Authorization**

<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Defense Logistics Agency .....</i>	<i>Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania.</i>	<i>\$6,500,000</i>

9 **Subtitle B—Chemical**  
 10 **Demilitarization Authorizations**

11 **SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION**  
 12 **PROGRAM CONSTRUCTION AND LAND ACQUI-**  
 13 **SITION PROJECTS.**

14 *Using amounts appropriated pursuant to the author-*  
 15 *ization of appropriations in section 2412(1), the Secretary*  
 16 *of Defense may acquire real property and carry out mili-*  
 17 *tary construction projects for the installations or locations*  
 18 *inside the United States, and in the amounts, set forth in*  
 19 *the following table:*

**Chemical Demilitarization Program: Inside the United States**

<i>Army</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Army .....</i>	<i>Blue Grass Army Depot, Kentucky .....</i>	<i>\$12,000,000</i>

1 **SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEM-**  
2 **ICAL DEMILITARIZATION CONSTRUCTION,**  
3 **DEFENSE-WIDE.**

4 *Funds are hereby authorized to be appropriated for fis-*  
5 *cal years beginning after September 30, 2008, for military*  
6 *construction and land acquisition for chemical demili-*  
7 *tarization in the total amount of \$134,278,000, as follows:*

8 (1) *For military construction projects inside the*  
9 *United States authorized by section 2411(a),*  
10 *\$12,000,000.*

11 (2) *For the construction of phase 10 of a muni-*  
12 *tions demilitarization facility at Pueblo Chemical Ac-*  
13 *tivity, Colorado, authorized by section 2401(a) of the*  
14 *Military Construction Authorization Act for Fiscal*  
15 *Year 1997 (division B of Public Law 104–201; 110*  
16 *Stat. 2775), as amended by section 2406 of the Mili-*  
17 *tary Construction Authorization Act for Fiscal Year*  
18 *2000 (division B of Public Law 106–65; 113 Stat.*  
19 *839) and section 2407 of the Military Construction*  
20 *Authorization Act for Fiscal Year 2003 (division B of*  
21 *Public Law 107–314; 116 Stat. 2698), \$65,060,000.*

22 (3) *For the construction of phase 9 of a muni-*  
23 *tions demilitarization facility at Blue Grass Army*  
24 *Depot, Kentucky, authorized by section 2401(a) of the*  
25 *Military Construction Authorization Act for Fiscal*  
26 *Year 2000 (division B of Public Law 106–65; 113*

1       *Stat. 835), as amended by section 2405 of the Mili-*  
2       *tary Construction Authorization Act for Fiscal Year*  
3       *2002 (division B of Public Law 107–107; 115 Stat.*  
4       *1298) and section 2405 of the Military Construction*  
5       *Authorization Act for Fiscal Year 2003 (division B of*  
6       *Public Law 107–314; 116 Stat. 2698), \$57,218,000.*

7       **SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT**  
8                               **CERTAIN FISCAL YEAR 1997 PROJECT.**

9       (a) *MODIFICATIONS.*—*The table in section 2401(a) of*  
10       *the Military Construction Authorization Act for Fiscal Year*  
11       *1997 (division B of Public Law 104–201; 110 Stat. 2775),*  
12       *as amended by section 2406 of the Military Construction*  
13       *Authorization Act for Fiscal Year 2000 (division B of Pub-*  
14       *lic Law 106–65; 113 Stat. 839) and section 2407 of the*  
15       *Military Construction Authorization Act for Fiscal Year*  
16       *2003 (division B of Public Law 107–314; 116 Stat. 2699),*  
17       *is amended—*

18               (1) *under the agency heading relating to the*  
19       *Chemical Demilitarization Program, in the item re-*  
20       *lating to Pueblo Army Depot, Colorado, by striking*  
21       *“\$261,000,000” in the amount column and inserting*  
22       *“\$484,000,000”; and*

23               (2) *by striking the amount identified as the total*  
24       *in the amount column and inserting “\$830,454,000”.*

1           (b) *CONFORMING AMENDMENT.*—Section 2406(b)(2) of  
2 *the Military Construction Authorization Act for Fiscal Year*  
3 *1997 (110 Stat. 2779), as so amended, is further amended*  
4 *by striking “\$261,000,000” and inserting “\$484,000,000”.*

5 **SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT**  
6 **CERTAIN FISCAL YEAR 2000 PROJECT.**

7           (a) *MODIFICATIONS.*—The table in section 2401(a) of  
8 *the Military Construction Authorization Act for Fiscal Year*  
9 *2000 (division B of Public Law 106–65; 113 Stat. 835),*  
10 *as amended by section 2405 of the Military Construction*  
11 *Authorization Act for Fiscal Year 2002 (division B of Pub-*  
12 *lic Law 107–107; 115 Stat. 1298) and section 2405 of the*  
13 *Military Construction Authorization Act for Fiscal Year*  
14 *2003 (division B of Public Law 107–314; 116 Stat. 2698),*  
15 *is amended—*

16           (1) *under the agency heading relating to Chem-*  
17 *ical Demilitarization, in the item relating to Blue*  
18 *Grass Army Depot, Kentucky, by striking*  
19 *“\$290,325,000” in the amount column and inserting*  
20 *“\$492,000,000”; and*

21           (2) *by striking the amount identified as the total*  
22 *in the amount column and inserting “\$949,920,000”.*

23           (b) *CONFORMING AMENDMENT.*—Section 2405(b)(3) of  
24 *the Military Construction Authorization Act for Fiscal Year*  
25 *2000 (division B of Public Law 106–65; 113 Stat. 839),*

1 *as amended by section 2405 of the Military Construction*  
2 *Authorization Act for Fiscal Year 2002 (division B of Pub-*  
3 *lic Law 107–107; 115 Stat. 1298) and section 2405 of the*  
4 *Military Construction Authorization Act for Fiscal Year*  
5 *2003 (division B of Public Law 107–314; 116 Stat. 2698),*  
6 *is further amended by striking “\$267,525,000” and insert-*  
7 *ing “\$469,200,000”.*

8 **TITLE XXV—NORTH ATLANTIC**  
9 **TREATY ORGANIZATION SE-**  
10 **CURITY INVESTMENT PRO-**  
11 **GRAM**

*Sec. 2501. Authorized NATO construction and land acquisition projects.*

*Sec. 2502. Authorization of appropriations, NATO.*

12 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
13 **ACQUISITION PROJECTS.**

14 *The Secretary of Defense may make contributions for*  
15 *the North Atlantic Treaty Organization Security Invest-*  
16 *ment Program as provided in section 2806 of title 10,*  
17 *United States Code, in an amount not to exceed the sum*  
18 *of the amount authorized to be appropriated for this pur-*  
19 *pose in section 2502 and the amount collected from the*  
20 *North Atlantic Treaty Organization as a result of construc-*  
21 *tion previously financed by the United States.*

22 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

23 *Funds are hereby authorized to be appropriated for fis-*  
24 *cal years beginning after September 30, 2008, for contribu-*

1 tions by the Secretary of Defense under section 2806 of title  
 2 10, United States Code, for the share of the United States  
 3 of the cost of projects for the North Atlantic Treaty Organi-  
 4 zation Security Investment Program authorized by section  
 5 2501, in the amount of \$240,867,000.

6 **TITLE XXVI—GUARD AND**  
 7 **RESERVE FORCES FACILITIES**

*Sec. 2601. Authorized Army National Guard construction and land acquisition projects.*

*Sec. 2602. Authorized Army Reserve construction and land acquisition projects.*

*Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.*

*Sec. 2604. Authorized Air National Guard construction and land acquisition projects.*

*Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.*

*Sec. 2606. Authorization of appropriations, National Guard and Reserve.*

*Sec. 2607. Extension of authorizations of certain fiscal year 2006 projects.*

*Sec. 2608. Extension of Authorization of certain fiscal year 2005 project.*

8 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**  
 9 **STRUCTION AND LAND ACQUISITION**  
 10 **PROJECTS.**

11 *Using amounts appropriated pursuant to the author-*  
 12 *ization of appropriations in section 2606(1)(A), the Sec-*  
 13 *retary of the Army may acquire real property and carry*  
 14 *out military construction projects for the Army National*  
 15 *Guard locations, and in the amounts, set forth in the fol-*  
 16 *lowing table:*

***Army National Guard***

<b><i>State</i></b>	<b><i>Location</i></b>	<b><i>Amount</i></b>
<i>Alabama .....</i>	<i>Fort McClellan .....</i>	<i>\$3,000,000</i>
<i>Arizona .....</i>	<i>Camp Navajo .....</i>	<i>\$13,000,000</i>
	<i>Florence .....</i>	<i>\$13,800,000</i>
	<i>Papago Military Reservation .....</i>	<i>\$24,000,000</i>



*Army National Guard—Continued*

<b>State</b>	<b>Location</b>	<b>Amount</b>
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
Indiana .....	Camp Atterbury .....	\$5,800,000
	Lawrence .....	\$21,000,000
	Muscatatuck .....	\$6,000,000
Iowa .....	Camp Dodge .....	\$1,500,000
	Davenport .....	\$1,550,000
	Mount Pleasant .....	\$1,500,000
Kentucky .....	London .....	\$7,191,000
Maine .....	Bangor .....	\$20,000,000
Maryland .....	Edgewood .....	\$28,000,000
	Salisbury .....	\$9,800,000
Massachusetts .....	Methuen .....	\$21,000,000
Michigan .....	Camp Grayling .....	\$4,000,000
Minnesota .....	Arden Hills .....	\$15,000,000
New York .....	Fort Drum .....	\$11,000,000
	Queensbury .....	\$5,900,000
Ohio .....	Camp Perry .....	\$2,000,000
	Ravenna .....	\$2,000,000
Pennsylvania .....	Honesdale .....	\$6,117,000
South Carolina .....	Anderson .....	\$12,000,000
	Beaufort .....	\$3,400,000
	Eastover .....	\$28,000,000
	Hemingway .....	\$4,600,000
South Dakota .....	Rapid City .....	\$29,000,000
Tennessee .....	Tullahoma .....	\$10,372,000
Utah .....	Camp Williams .....	\$17,500,000
Virginia .....	Arlington .....	\$15,500,000
	Fort Pickett .....	\$2,950,000
Washington .....	Fort Lewis (Gray Army Airfield) .....	\$32,000,000
West Virginia .....	Camp Dawson .....	\$9,000,000

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**2 **AND LAND ACQUISITION PROJECTS.**

3 *Using amounts appropriated pursuant to the author-*  
4 *ization of appropriations in section 2606(1)(B), the Sec-*  
5 *retary of the Army may acquire real property and carry*  
6 *out military construction projects for the Army Reserve lo-*  
7 *cations, and in the amounts, set forth in the following table:*

**Army Reserve**

<b>State</b>	<b>Location</b>	<b>Amount</b>
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

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**  
2 **CORPS RESERVE CONSTRUCTION AND LAND**  
3 **ACQUISITION PROJECTS.**

4 *Using amounts appropriated pursuant to the author-*  
5 *ization of appropriations in section 2606(2), the Secretary*  
6 *of the Navy may acquire real property and carry out mili-*  
7 *tary construction projects for the Navy Reserve and Marine*  
8 *Corps Reserve locations, and in the amounts, set forth in*  
9 *the following table:*

**Navy Reserve and Marine Corps Reserve**

<b>State</b>	<b>Location</b>	<b>Amount</b>
California .....	Lemoore .....	\$15,420,000
Delaware .....	Wilmington .....	\$11,530,000
Georgia .....	Marietta .....	\$7,560,000
Virginia .....	Norfolk .....	\$8,170,000
	Williamsburg .....	\$12,320,000

1 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**  
 2 **TION AND LAND ACQUISITION PROJECTS.**

3 *Using amounts appropriated pursuant to the author-*  
 4 *ization of appropriations in section 2606(3)(A), the Sec-*  
 5 *retary of the Air Force may acquire real property and*  
 6 *carry out military construction projects for the Air Na-*  
 7 *tional Guard locations, and in the amounts, set forth in*  
 8 *the following table:*

***Air National Guard***

<b><i>State</i></b>	<b><i>Location</i></b>	<b><i>Amount</i></b>
<i>Arkansas</i> .....	<i>Little Rock Air Force Base</i> .....	<i>\$4,000,000</i>
<i>Connecticut</i> .....	<i>Bradley International Airport</i> .....	<i>\$7,200,000</i>
<i>Delaware</i> .....	<i>New Castle County Airport</i> .....	<i>\$3,200,000</i>
<i>Georgia</i> .....	<i>Savannah Combat Readiness Training Center.</i>	<i>\$7,500,000</i>
<i>Indiana</i> .....	<i>Fort Wayne International Airport</i> .....	<i>\$5,600,000</i>
<i>Iowa</i> .....	<i>Fort Dodge</i> .....	<i>\$5,600,000</i>
<i>Maryland</i> .....	<i>Martin State Airport</i> .....	<i>\$7,900,000</i>
<i>Minnesota</i> .....	<i>Duluth</i> .....	<i>\$4,500,000</i>
	<i>Minneapolis-St. Paul</i> .....	<i>\$1,500,000</i>
<i>New Jersey</i> .....	<i>Atlantic City International Airport</i> .....	<i>\$8,400,000</i>
<i>New York</i> .....	<i>Gabreski Airport</i> .....	<i>\$7,500,000</i>
	<i>Hancock Field</i> .....	<i>\$10,400,000</i>
<i>Ohio</i> .....	<i>Springfield Air National Guard Base</i> .....	<i>\$12,800,000</i>
<i>South Dakota</i> .....	<i>Joe Foss Field</i> .....	<i>\$4,500,000</i>
<i>Texas</i> .....	<i>Ellington Field</i> .....	<i>\$7,600,000</i>
	<i>Fort Worth Naval Air Station Joint Reserve Base.</i>	<i>\$5,000,000</i>
<i>Vermont</i> .....	<i>Burlington International Airport</i> .....	<i>\$6,600,000</i>
<i>Washington</i> .....	<i>McChord Air Force Base</i> .....	<i>\$8,600,000</i>
<i>Wyoming</i> .....	<i>Cheyenne Municipal Airport</i> .....	<i>\$7,000,000</i>

9 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**  
 10 **TION AND LAND ACQUISITION PROJECTS.**

11 *Using amounts appropriated pursuant to the author-*  
 12 *ization of appropriations in section 2606(3)(B), the Sec-*  
 13 *retary of the Air Force may acquire real property and*  
 14 *carry out military construction projects for the Air Force*

1 *Reserve locations, and in the amounts, set forth in the fol-*  
 2 *lowing table:*

***Air Force Reserve***

<b><i>State</i></b>	<b><i>Location</i></b>	<b><i>Amount</i></b>
<i>Oklahoma .....</i>	<i>Tinker Air Force Base .....</i>	<i>\$9,900,000</i>
<i>New York .....</i>	<i>Niagara Falls Air Reserve Station .....</i>	<i>\$9,000,000</i>

3 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**  
 4 **TIONAL GUARD AND RESERVE.**

5 *Funds are hereby authorized to be appropriated for fis-*  
 6 *cal years beginning after September 30, 2008, for the costs*  
 7 *of acquisition, architectural and engineering services, and*  
 8 *construction of facilities for the Guard and Reserve Forces,*  
 9 *and for contributions therefor, under chapter 1803 of title*  
 10 *10, United States Code (including the cost of acquisition*  
 11 *of land for those facilities), in the following amounts:*

12 *(1) For the Department of the Army—*

13 *(A) for the Army National Guard of the*  
 14 *United States, \$628,668,000; and*

15 *(B) for the Army Reserve, \$282,607,000.*

16 *(2) For the Department of the Navy, for the*  
 17 *Navy and Marine Corps Reserve, \$57,045,000.*

18 *(3) For the Department of the Air Force—*

19 *(A) for the Air National Guard of the*  
 20 *United States, \$142,809,000; and*

21 *(B) for the Air Force Reserve, \$30,018,000.*

1 **SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2006 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the  
 4 *Military Construction Authorization Act for Fiscal Year*  
 5 *2006 (division B of Public Law 109–163; 119 Stat. 3501),*  
 6 *the authorizations set forth in the table in subsection (b),*  
 7 *as provided in section 2601 of that Act, shall remain in*  
 8 *effect until October 1, 2009, or the date of the enactment*  
 9 *of an Act authorizing funds for military construction for*  
 10 *fiscal year 2010, whichever is later.*

11 (b) *TABLE.*—The table referred to in subsection (a) is  
 12 *as follows:*

***Army National Guard: Extension of 2006 Project Authorizations***

<b><i>State</i></b>	<b><i>Installation or Location</i></b>	<b><i>Project</i></b>	<b><i>Amount</i></b>
<i>California</i> .....	<i>Camp Roberts</i> .....	<i>Urban Assault Course</i>	<i>\$1,485,000</i>
<i>Idaho</i> .....	<i>Gowen Field</i> .....	<i>Railhead, Phase 1</i> .....	<i>\$8,331,000</i>
<i>Mississippi</i> .....	<i>Biloxi</i> .....	<i>Readiness Center</i> .....	<i>\$16,987,000</i>
	<i>Camp Shelby</i> .....	<i>Modified Record Fire Range.</i>	<i>\$2,970,000</i>
<i>Montana</i> .....	<i>Townsend</i> .....	<i>Automated Qualification Training Range.</i>	<i>\$2,532,000</i>
<i>Pennsylvania</i> .....	<i>Philadelphia</i> .....	<i>Stryker Brigade Combat Team Readiness Center.</i>	<i>\$11,806,000</i>
		<i>Organizational Maintenance Shop #7.</i>	<i>\$6,144,930</i>

13 **SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 14 **FISCAL YEAR 2005 PROJECT.**

15 (a) *EXTENSION.*—Notwithstanding section 2701 of the  
 16 *Military Construction Authorization Act for Fiscal Year*  
 17 *2005 (division B of Public Law 108–375; 118 Stat. 2116),*  
 18 *the authorization set forth in the table in subsection (b),*

1 as provided in section 2601 of that Act, shall remain in  
 2 effect until October 1, 2009, or the date of the enactment  
 3 of an Act authorizing funds for military construction for  
 4 fiscal year 2010, whichever is later.

5 (b) *TABLE.*—The table referred to in subsection (a) is  
 6 as follows:

***Army National Guard: Extension of 2005 Project Authorization***

<b><i>State</i></b>	<b><i>Installation or Location</i></b>	<b><i>Project</i></b>	<b><i>Amount</i></b>
<i>California .....</i>	<i>Dublin .....</i>	<i>Readiness Center, Add/Alt (ADRS).</i>	<i>\$11,318,000</i>

7 ***TITLE XXVII—BASE CLOSURE***  
 8 ***AND REALIGNMENT ACTIVITIES***

*Subtitle A—Authorizations*

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

*Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.*

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

*Subtitle B—Amendments to Base Closure and Related Laws*

*Sec. 2711. Repeal of commission approach for development of recommendations in any future round of base closures and realignments.*

*Sec. 2712. Modification of annual base closure and realignment reporting requirements.*

*Sec. 2713. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.*

*Subtitle C—Other Matters*

*Sec. 2721. Conditions on closure of Walter Reed Army Medical Hospital and relocation of operations to National Naval Medical Center and Fort Belvoir.*

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

**Subtitle A—Authorizations**

**SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE  
CLOSURE AND REALIGNMENT ACTIVITIES  
FUNDED THROUGH DEPARTMENT OF DE-  
FENSE BASE CLOSURE ACCOUNT 1990.**

*Funds are hereby authorized to be appropriated for fis-  
cal years beginning after September 30, 2008, for base clo-  
sure and realignment activities, including real property ac-  
quisition 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 \$393,377,000, as follows:*

*(1) For the Department of the Army,  
\$72,855,000.*

*(2) For the Department of the Navy,  
\$178,700,000*

*(3) For the Department of the Air Force,  
\$139,155,000.*

*(4) For the Defense Agencies, \$2,667,000.*

1 **SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-**  
2 **MENT ACTIVITIES FUNDED THROUGH DE-**  
3 **PARTMENT OF DEFENSE BASE CLOSURE AC-**  
4 **COUNT 2005.**

5 *Using amounts appropriated pursuant to the author-*  
6 *ization of appropriations in section 2703, the Secretary of*  
7 *Defense may carry out base closure and realignment activi-*  
8 *ties, including real property acquisition and military con-*  
9 *struction projects, as authorized by the Defense Base Closure*  
10 *and Realignment Act of 1990 (part A of title XXIX of Pub-*  
11 *lic Law 101–510; 10 U.S.C. 2687 note) and funded through*  
12 *the Department of Defense Base Closure Account 2005 es-*  
13 *tablished by section 2906A of such Act, in the amount of*  
14 *\$7,138,021,000.*

15 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE**  
16 **CLOSURE AND REALIGNMENT ACTIVITIES**  
17 **FUNDED THROUGH DEPARTMENT OF DE-**  
18 **FENSE BASE CLOSURE ACCOUNT 2005.**

19 *Funds are hereby authorized to be appropriated for fis-*  
20 *cal years beginning after September 30, 2008, for base clo-*  
21 *sure and realignment activities, including real property ac-*  
22 *quisition and military construction projects, as authorized*  
23 *by the Defense Base Closure and Realignment Act of 1990*  
24 *(part A of title XXIX of Public Law 101–510; 10 U.S.C.*  
25 *2687 note) and funded through the Department of Defense*



1 *Base Closure Account 2005 established by section 2906A of*  
2 *such Act, in the total amount of \$9,065,386,000, as follows:*

3 (1) *For the Department of the Army,*  
4 *\$4,486,178,000.*

5 (2) *For the Department of the Navy,*  
6 *\$871,492,000.*

7 (3) *For the Department of the Air Force,*  
8 *\$1,072,925,000.*

9 (4) *For the Defense Agencies, \$2,634,791,000.*

10 ***Subtitle B—Amendments to Base***  
11 ***Closure and Related Laws***

12 ***SEC. 2711. REPEAL OF COMMISSION APPROACH FOR DEVEL-***  
13 ***OPMENT OF RECOMMENDATIONS IN ANY FU-***  
14 ***TURE ROUND OF BASE CLOSURES AND RE-***  
15 ***ALIGNMENTS.***

16 (a) *REPEAL OF PROVISIONS RELATED TO DEFENSE*  
17 *BASE CLOSURE AND REALIGNMENT COMMISSION.—Sec-*  
18 *tions 2902, 2903(d), 2912(d), and 2914 of the Defense Base*  
19 *Closure and Realignment Act of 1990 (part A of title XXIX*  
20 *of Public Law 101–510; 10 U.S.C. 2687 note) are repealed.*

21 (b) *CONFORMING AMENDMENTS.—Section 2903 of the*  
22 *Defense Base Closure and Realignment Act of 1990 (part*  
23 *A of title XXIX of Public Law 101–510; 10 U.S.C. 2687*  
24 *note) is amended—*

25 (1) *in subsection (c)—*

1           (A) in paragraph (1), by striking “and to  
2           the Commission”;

3           (B) in paragraph (2), by striking “and the  
4           Commission”;

5           (C) in paragraph (3)(C), by striking “the  
6           Commission and”;

7           (D) in paragraph (5)(A), by striking “or  
8           the Commission”; and

9           (E) by striking paragraph (6); and  
10          (2) in subsection (e)—

11           (A) in paragraph (1), by striking “the Com-  
12          mission makes recommendations under sub-  
13          section (d), transmit to the Commission and to  
14          the Congress a report containing the President’s  
15          approval or disapproval of the Commissions”  
16          and inserting “the Secretary makes recommenda-  
17          tions under subsection (c), transmit to the Con-  
18          gress a report containing the President’s ap-  
19          proval or disapproval of the Secretary’s”;

20           (B) in paragraphs (2), (4), and (5) and the  
21          second sentence of paragraph (3), by striking  
22          “the Commission” each place it appears and in-  
23          serting “the Secretary”;

24           (C) in the first sentence of paragraph (3),  
25          by striking “the Commission, in whole or in

1           *part, the President shall transmit to the Com-*  
2           *mission and” and inserting “the Secretary, in*  
3           *whole or in part, the President shall transmit to*  
4           *the”.*

5           *(c) EFFECT OF REPEAL.—The amendments made by*  
6           *this section do not affect the validity of the recommenda-*  
7           *tions submitted by the Defense Base Closure and Realign-*  
8           *ment Commission in the 2005 or earlier rounds of closures*  
9           *and realignments of military installations.*

10   **SEC. 2712. MODIFICATION OF ANNUAL BASE CLOSURE AND**  
11                           **REALIGNMENT REPORTING REQUIREMENTS.**

12           *(a) TERMINATION OF REPORTING REQUIREMENTS*  
13           *AFTER FISCAL YEAR 2014.—Section 2907 of the Defense*  
14           *Base Closure and Realignment Act of 1990 (part A of title*  
15           *XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is*  
16           *amended—*

17                   *(1) by striking “As part of the budget request for*  
18           *fiscal year 2007 and for each fiscal year thereafter”*  
19           *and inserting “(a) REPORTING REQUIREMENT.—As*  
20           *part of the budget request for fiscal year 2007 and for*  
21           *each fiscal year thereafter through fiscal year 2016”;*  
22           *and*

23                   *(2) by adding at the end the following new sub-*  
24           *section:*

1       “(b) *TERMINATION OF REPORTING REQUIREMENTS*  
 2 *RELATED TO REALIGNMENT ACTIONS.*—*The reporting re-*  
 3 *quirements under subsection (a) shall terminate with re-*  
 4 *spect to realignment actions after the report submitted with*  
 5 *the budget for fiscal year 2014.”.*

6       (b) *EXCLUSION OF DESCRIPTIONS OF REALIGNMENT*  
 7 *ACTIONS.*—*Subsection (a) of such section, as designated*  
 8 *and amended by subsection (a)(1) of this section, is further*  
 9 *amended—*

10           (1) *in paragraph (1), by striking “and realign-*  
 11 *ment” both places it appears;*

12           (2) *in paragraph (2), by striking “and realign-*  
 13 *ments”;* and

14           (3) *in paragraphs (3), (4), (5), (6), and (7), by*  
 15 *striking “or realignment” each place it appears.*

16 **SEC. 2713. TECHNICAL CORRECTIONS REGARDING AUTHOR-**  
 17 **IZED COST AND SCOPE OF WORK VARIATIONS**  
 18 **FOR MILITARY CONSTRUCTION AND MILI-**  
 19 **TARY FAMILY HOUSING PROJECTS RELATED**  
 20 **TO BASE CLOSURES AND REALIGNMENTS.**

21       (a) *CORRECTION OF CITATION IN AMENDATORY LAN-*  
 22 *GUAGE.*—

23           (1) *IN GENERAL.*—*Section 2704(a) of the Mili-*  
 24 *tary Construction Authorization Act for Fiscal Year*

1       2008 (division B of Public Law 110–181; 122 Stat.  
2       532) is amended—

3               (B) in subsection (a), by striking “Section  
4       2905A” and inserting “Section 2906A”; and

5               (C) in subsection (b), by striking “section  
6       2905A” and inserting “section 2906A”.

7       (2) *EFFECTIVE DATE.*—The amendments made  
8       by paragraph (1) shall take effect on January 28,  
9       2008, as if included in the enactment of section 2704  
10       of the Military Construction Authorization Act for  
11       Fiscal Year 2008.

12       (b) *CORRECTION OF SCOPE OR WORK VARIATION LIM-*  
13       *TATION.*—Subsection (f) of section 2906A of the Defense  
14       Base Closure and Realignment Act of 1990 (part A of title  
15       XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as  
16       added by section 2704(a) of the Military Construction Au-  
17       thorization Act for Fiscal Year 2008 (division B of Public  
18       Law 110–181; 122 Stat. 532) and amended by subsection  
19       (a), is amended by striking “20 percent or \$2,000,000,  
20       whichever is greater” and inserting “20 percent or  
21       \$2,000,000, whichever is less”.

**Subtitle C—Other Matters**

1                   **SEC. 2721. CONDITIONS ON CLOSURE OF WALTER REED**  
2                                   **ARMY MEDICAL HOSPITAL AND RELOCATION**  
3                                   **OF OPERATIONS TO NATIONAL NAVAL MED-**  
4                                   **ICAL CENTER AND FORT BELVOIR.**

5                   (a) *REQUIRED CERTIFICATION.*—*The Secretary of De-*  
6                   *fense may not commence the closure of Walter Reed Army*  
7                   *Medical Hospital or continue with the construction at the*  
8                   *National Naval Medical Center in Bethesda, Maryland, and*  
9                   *Fort Belvoir, Virginia, of replacement facilities beyond the*  
10                   *construction necessary to complete the foundations of the*  
11                   *replacement facilities until—*

12                                   (1) *the Secretary certifies to the congressional de-*  
13                   *fense committees that each of the conditions imposed*  
14                   *by this section has been satisfied; and*

15                                   (2) *a period of 7 days has expired following the*  
16                   *date on which the certification is received by the com-*  
17                   *mittees.*

18                   (b) *PROGRESS ON DESIGN FOR REPLACEMENT FACILI-*  
19                   *TIES.*—

20                                   (1) *PREPARATION.*—*The Secretary of Defense*  
21                   *shall replace the conceptual design prepared for the*  
22                   *new National Military Medical Center at the Na-*  
23                   *tional Naval Medical Center with a design for the fa-*  
24                   *ility that is certified as at least 90 percent complete*  
25

1       *by an engineer or architect registered in the State of*  
2       *Maryland.*

3               (2) *COLLABORATIVE DESIGN PROCESS.*—*The Sec-*  
4       *retary of Defense may not delegate the responsibility*  
5       *for the preparation of the design for the National*  
6       *Military Medical Center to the prime contractor se-*  
7       *lected for construction of the facility. The design for*  
8       *the National Military Medical Center shall be pre-*  
9       *pared through a collaborative process involving—*

10               (A) *personnel of the Department of Defense;*

11               (B) *representatives of premier health care*  
12       *facilities in the United States; and*

13               (C) *current and former patients of the mili-*  
14       *tary medical system.*

15       (c) *INDEPENDENT COST ESTIMATE.*—

16               (1) *PREPARATION.*—*The Cost Analysis Improve-*  
17       *ment Group of the Department of Defense shall pre-*  
18       *pare an independent cost estimate of the total cost to*  
19       *be incurred by the United States to close Walter Reed*  
20       *Army Medical Hospital, design and construct replace-*  
21       *ment facilities at the National Naval Medical Center*  
22       *and Fort Belvoir, and relocate operations to the re-*  
23       *placement facilities. In preparing the cost estimate,*  
24       *the Cost Analysis Improvement Group shall not con-*  
25       *sider the possibility of private funds being obtained to*

1       *construct the proposed traumatic brain injury treat-*  
2       *ment facility at the National Naval Medical Center.*

3           (2) *SUBMISSION.—The Secretary of Defense shall*  
4       *submit the resulting cost estimate to the congressional*  
5       *defense committees as soon as possible after the date*  
6       *of the enactment of this Act, but in no case later than*  
7       *the date on which the Secretary makes the certifi-*  
8       *cation under subsection (a) with regard to compliance*  
9       *with this subsection.*

10       (d) *MILESTONE SCHEDULE.—*

11           (1) *PREPARATION.—The Secretary of Defense*  
12       *shall prepare a complete milestone schedule for the*  
13       *closure of Walter Reed Army Medical Hospital, the*  
14       *design and construction of replacement facilities at*  
15       *the National Naval Medical Center and Fort Belvoir,*  
16       *and the relocation of operations to the replacement fa-*  
17       *ilities. The schedule shall include a detailed plan re-*  
18       *garding how the Department of Defense will carry out*  
19       *the transition of operations between Walter Reed*  
20       *Army Medical Hospital and the replacement facili-*  
21       *ties.*

22           (2) *SUBMISSION.—The Secretary of Defense shall*  
23       *submit the resulting milestone schedule and transition*  
24       *plan to the congressional defense committees as soon*  
25       *as possible after the date of the enactment of this Act,*



1        *but in no case later than the date on which the Sec-*  
 2        *retary makes the certification under subsection (a)*  
 3        *with regard to compliance with this subsection.*

4    **SEC. 2722. REPORT ON USE OF BRAC PROPERTIES AS SITES**  
 5                    **FOR REFINERIES OR NUCLEAR POWER**  
 6                    **PLANTS.**

7        *Not later than October 1, 2009, the Secretary of De-*  
 8        *fense shall submit to the congressional defense committees*  
 9        *a report evaluating the feasibility of using military instal-*  
 10       *lations selected for closure under the base closure and re-*  
 11       *alignment process as locations for the construction of petro-*  
 12       *leum or natural gas refineries or nuclear power plants.*

13    **TITLE XXVIII—MILITARY CON-**  
 14                    **STRUCTION GENERAL PROVI-**  
 15                    **SIONS**

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

- Sec. 2801. Incorporation of principles of sustainable design in documents sub-*  
*mitted as part of proposed military construction projects.*
- Sec. 2802. Extension of authority to use operation and maintenance funds for*  
*construction projects outside the United States.*
- Sec. 2803. Revision of maximum lease amount applicable to certain domestic*  
*Army family housing leases to reflect previously made annual*  
*adjustments in amount.*
- Sec. 2804. Use of military family housing constructed under build and lease au-*  
*thority to house members without dependents.*
- Sec. 2805. Lease of military family housing to the Secretary of Defense for use*  
*as residence.*
- Sec. 2806. Repeal of reporting requirement in connection with installation vul-*  
*nerability assessments.*
- Sec. 2807. Modification of alternative authority for acquisition and improvement*  
*of military housing.*
- Sec. 2808. Report on capturing housing privatization best practices.*

*Subtitle B—Real Property and Facilities Administration*

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

*Subtitle C—Provisions Related to Guam Realignment*

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

*Subtitle D—Energy Security*

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

*Subtitle E—Land Conveyances*

- Sec. 2851. Land conveyance, former Naval Air Station, Alameda, California.*
- Sec. 2852. Land conveyance, Norwalk Defense Fuel Supply Point, Norwalk, California.*
- Sec. 2853. Land conveyance, former Naval Station, Treasure Island, California.*
- Sec. 2854. Condition on lease involving Naval Air Station, Barbers Point, Hawaii.*
- Sec. 2855. Land conveyance, Sergeant First Class M.L. Downs Army Reserve Center, Springfield, Ohio.*
- Sec. 2856. Land conveyance, John Sevier Range, Knox County, Tennessee.*
- Sec. 2857. Land conveyance, Bureau of Land Management land, Camp Williams, Utah.*
- Sec. 2858. Land conveyance, Army property, Camp Williams, Utah.*
- Sec. 2859. Extension of Potomac Heritage National Scenic Trail through Fort Belvoir, Virginia.*

*Subtitle F—Other Matters*

- Sec. 2871. Revised deadline for transfer of Arlington Naval Annex to Arlington National Cemetery.*

*Sec. 2872. Decontamination and use of former bombardment area on island of Culebra.*

*Sec. 2873. Acceptance and use of gifts for construction of additional building at National Museum of the United States Air Force, Wright-Patterson Air Force Base.*

*Sec. 2874. Establishment of memorial to American Rangers at Fort Belvoir, Virginia.*

*Sec. 2875. Lease involving pier on Ford Island, Pearl Harbor Naval Base, Hawaii.*

*Sec. 2876. Naming of health facility, Fort Rucker, Alabama.*

1 **Subtitle A—Military Construction**  
 2 **Program and Military Family**  
 3 **Housing Changes**

4 **SEC. 2801. INCORPORATION OF PRINCIPLES OF SUSTAIN-**  
 5 **ABLE DESIGN IN DOCUMENTS SUBMITTED AS**  
 6 **PART OF PROPOSED MILITARY CONSTRUC-**  
 7 **TION PROJECTS.**

8 *(a) DEFINITION OF LIFE-CYCLE COST-EFFECTIVE.—*  
 9 *Subsection (c) of section 2801 of title 10, United States*  
 10 *Code, is amended—*

11 *(1) by transferring paragraph (4) to appear as*  
 12 *the first paragraph in the subsection and redesign-*  
 13 *ating such paragraph as paragraph (1);*

14 *(2) by redesignating the subsequent three para-*  
 15 *graphs as paragraphs (2), (4), and (5), respectively;*  
 16 *and*

17 *(3) by inserting after paragraph (2), as so redesi-*  
 18 *gnated, the following new paragraph:*

19 *“(3) The term ‘life-cycle cost-effective’, with re-*  
 20 *spect to a project, product, or measure, means that*

1       *the sum of the present values of investment costs, cap-*  
2       *ital costs, installation costs, energy costs, operating*  
3       *costs, maintenance costs, and replacement costs, as es-*  
4       *timated for the lifetime of the project, product, or*  
5       *measure, does not exceed the base case (current or*  
6       *standard) for the practice, product, or measure.”.*

7       ***(b) INCLUSION.***—*Section 2802 of such title is amended*  
8       *by adding at the end the following new subsection:*

9           *“(c) In determining the scope of a proposed military*  
10       *construction project, the Secretary concerned shall submit*  
11       *to the President such recommendations as the Secretary*  
12       *considers to be appropriate regarding the incorporation and*  
13       *inclusion of life-cycle cost-effective practices as an element*  
14       *in the project documents submitted to Congress in connec-*  
15       *tion with the budget submitted pursuant to section 1105*  
16       *of title 31 for the fiscal year in which a contract is proposed*  
17       *to be awarded for the project.”.*

18       ***SEC. 2802. EXTENSION OF AUTHORITY TO USE OPERATION***  
19                       ***AND MAINTENANCE FUNDS FOR CONSTRUC-***  
20                       ***TION PROJECTS OUTSIDE THE UNITED***  
21                       ***STATES.***

22       *Section 2808(a) of the Military Construction Author-*  
23       *ization Act for Fiscal Year 2004 (division B of Public Law*  
24       *108–136; 117 Stat. 1723), as amended by section 2810 of*  
25       *the Military Construction Authorization Act for Fiscal Year*

1 2005 (division B of Public Law 108–375; 118 Stat. 2128),  
2 section 2809 of the Military Construction Authorization Act  
3 for Fiscal Year 2006 (division B of Public Law 109–163;  
4 119 Stat. 3508), section 2802 of the Military Construction  
5 Authorization Act for Fiscal Year 2007 (division B of Pub-  
6 lic Law 109–364; 120 Stat. 2466), and section 2801(a) of  
7 the Military Construction Authorization Act for Fiscal Year  
8 2008 (division B of Public Law 110–181; 122 Stat. 538),  
9 is further amended by striking “2008” and inserting  
10 “2009”.

11 **SEC. 2803. REVISION OF MAXIMUM LEASE AMOUNT APPLI-**  
12 **CABLE TO CERTAIN DOMESTIC ARMY FAMILY**  
13 **HOUSING LEASES TO REFLECT PREVIOUSLY**  
14 **MADE ANNUAL ADJUSTMENTS IN AMOUNT.**

15 Section 2828(b)(7)(A) of title 10, United States Code,  
16 is amended by striking “\$18,620 per unit” and inserting  
17 “\$35,000 per unit”.

18 **SEC. 2804. USE OF MILITARY FAMILY HOUSING CON-**  
19 **STRUCTED UNDER BUILD AND LEASE AU-**  
20 **THORITY TO HOUSE MEMBERS WITHOUT DE-**  
21 **PENDENTS.**

22 (a) *IN GENERAL.*—Subchapter II of chapter 169 of  
23 title 10, United States Code, is amended by inserting after  
24 section 2835 the following new section:

1 **“§2835a. Use of military family housing constructed**  
2 **under build and lease authority to house**  
3 **other members**

4 “(a) *INDIVIDUAL ASSIGNMENT OF MEMBERS WITHOUT*  
5 *DEPENDENTS.—(1) To the extent that the Secretary con-*  
6 *cerned determines that military family housing constructed*  
7 *and leased under section 2835 of this title is not needed*  
8 *to house members of the armed forces eligible for assignment*  
9 *to military family housing, the Secretary may assign, with-*  
10 *out rental charge, members without dependents to the hous-*  
11 *ing.*

12 “(2) *A member without dependents who is assigned to*  
13 *housing pursuant to paragraph (1) shall be considered to*  
14 *be assigned to quarters pursuant to section 403(e) of title*  
15 *37.*

16 “(b) *CONVERSION TO LONG-TERM LEASING OF MILI-*  
17 *TARY UNACCOMPANIED HOUSING.—(1) If the Secretary*  
18 *concerned determines that military family housing con-*  
19 *structed and leased under section 2835 of this title is excess*  
20 *to the long-term needs of the family housing program of*  
21 *the Secretary, the Secretary may convert the lease contract*  
22 *entered into under subsection (a) of such section into a long-*  
23 *term lease of military unaccompanied housing.*

24 “(2) *The term of the lease contract for military unac-*  
25 *companied housing converted from military family housing*

1 *under paragraph (1) may not exceed the remaining term*  
2 *of the lease contract for the family housing so converted.*

3       “(c) *NOTICE AND WAIT REQUIREMENTS.—(1) The Sec-*  
4 *retary concerned may not convert military family housing*  
5 *to military unaccompanied housing under subsection (b)*  
6 *until—*

7               “(A) *the Secretary submits to the congressional*  
8 *defense committees a notice of the intent to undertake*  
9 *the conversion; and*

10              “(B) *a period of 21 days has expired following*  
11 *the date on which the notice is received by the com-*  
12 *mittees or, if earlier, a period of 14 days has expired*  
13 *following the date on which a copy of the notice is*  
14 *provided in an electronic medium pursuant to section*  
15 *480 of this title.*

16       “(2) *The notice required by paragraph (1) shall in-*  
17 *clude—*

18               “(A) *an explanation of the reasons for the con-*  
19 *version of the military family housing to military un-*  
20 *accompanied housing;*

21               “(B) *a description of the long-term lease to be*  
22 *converted;*

23               “(C) *amounts to be paid under the lease; and*

24               “(D) *the expiration date of the lease.*

1       “(d) *APPLICATION TO HOUSING LEASED UNDER*  
 2 *FORMER AUTHORITY.*—*This section also shall apply to*  
 3 *housing initially acquired or constructed under the former*  
 4 *section 2828(g) of this title (commonly known as the ‘Build*  
 5 *to Lease program’), as added by section 801 of the Military*  
 6 *Construction Authorization Act, 1984 (Public Law 98–115;*  
 7 *97 Stat 782).’.*”

8       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 9 *the beginning of such subchapter is amended by inserting*  
 10 *after the item relating to section 2835 the following new*  
 11 *item:*

*“2835a. Use of military family housing constructed under build and lease author-  
 ity to house other members.”.*

12 **SEC. 2805. LEASE OF MILITARY FAMILY HOUSING TO THE**  
 13 **SECRETARY OF DEFENSE FOR USE AS RESI-**  
 14 **DENCE.**

15       (a) *LEASE OF HOUSING AUTHORIZED .*—*Subchapter*  
 16 *II of chapter 169 of title 10, United States Code, is amended*  
 17 *by adding at the end the following new section:*

18 **“§2838. Lease of military family housing to the Sec-**  
 19 **retary of Defense for use as residence**

20       “(a) *LEASE AUTHORIZED.*—*The Secretary of a mili-*  
 21 *tary department may lease military family housing in the*  
 22 *National Capital Region (as such term is defined in section*  
 23 *2674 of this title) to the person serving as the Secretary*  
 24 *of Defense for the purpose of permitting the person to use*



1 *the housing as a personal residence while the person is serv-*  
2 *ing as Secretary of Defense. In determining the unit of mili-*  
3 *tary family housing to lease under this section, the Sec-*  
4 *retary of Defense and the Secretaries of the military depart-*  
5 *ments should first consider any units then available that*  
6 *are already substantially equipped for executive commu-*  
7 *nications and security.*

8       “(b) *RENTAL RATE.*—A lease under subsection (a) of  
9 a unit of military family housing shall provide for the pay-  
10 ment by the person serving as the Secretary of Defense of  
11 consideration in an amount equal to the higher of the fol-  
12 lowing:

13               “(1) 105 percent of the monthly rate for the basic  
14 allowance for housing prescribed under section 403(b)  
15 of title 37 for a member of the armed forces in the  
16 pay grade of O–10, with dependents, assigned to duty  
17 at the military installation on which the housing unit  
18 is located.

19               “(2) The assessed fair market value of the hous-  
20 ing unit, offset by the security and infrastructure sav-  
21 ings associated with housing the lessee on a military  
22 installation.

23       “(c) *TREATMENT OF PROCEEDS.*—(1) The Secretary of  
24 a military department shall deposit all money rentals re-  
25 ceived pursuant to a lease entered into by that Secretary

1 *under this section into a special account in the Treasury*  
 2 *established for such military department.*

3       “(2) *The proceeds deposited into a special account of*  
 4 *a military department pursuant to paragraph (1) shall be*  
 5 *available to the Secretary of that military department, in*  
 6 *such amounts as are provided in advance in appropriation*  
 7 *Acts, for maintenance, protection, alteration, repair, im-*  
 8 *provement, or restoration of military housing on the instal-*  
 9 *lation at which the housing leased pursuant to subsection*  
 10 *(a) is located.”.*

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

*“2838. Lease of military family housing to the Secretary of Defense for use as residence.”.*

14 **SEC. 2806. REPEAL OF REPORTING REQUIREMENT IN CON-**  
 15 **NECTION WITH INSTALLATION VULNER-**  
 16 **ABILITY ASSESSMENTS.**

17       *Section 2859 of title 10, United States Code, is amend-*  
 18 *ed—*

19               (1) *by striking subsection (c); and*

20               (2) *by redesignating subsection (d) as subsection*

21               (i).

1 **SEC. 2807. MODIFICATION OF ALTERNATIVE AUTHORITY**  
2 **FOR ACQUISITION AND IMPROVEMENT OF**  
3 **MILITARY HOUSING.**

4 (a) *PARTNERSHIP WITH ELIGIBLE ENTITY RE-*  
5 *QUIRED.*—Section 2871(5) of title 10, United States Code,  
6 *is amended by inserting before the period at the end the*  
7 *following: “that is prepared to enter into a contract as a*  
8 *partner with the Secretary concerned for the construction*  
9 *of military housing units and ancillary supporting facili-*  
10 *ties”.*

11 (b) *BONDING REQUIREMENTS FOR ELIGIBLE ENTI-*  
12 *TIES.*—Section 2872 of such title is amended—

13 (1) *by inserting “(a) AVAILABILITY OF ALTER-*  
14 *NATIVE AUTHORITIES.—” before “In addition”; and*

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

17 *“(b) BONDING REQUIREMENTS FOR ELIGIBLE ENTI-*  
18 *TIES.—The Secretary concerned shall ensure that an eligi-*  
19 *ble entity that will acquire or construct housing units or*  
20 *ancillary supporting facilities under this subchapter is fully*  
21 *bonded for the construction of the units or facilities by ob-*  
22 *taining payment and performance bonds in an amount not*  
23 *less than 100 percent of the maximum price allowable under*  
24 *the contract for the overall project.”.*

1       (c) *COMPETITIVE PROCESS FOR CONVEYANCE OR*  
 2 *LEASE OF PROPERTY.*—Section 2878 of such title is amend-  
 3 *ed—*

4           (1) *by redesignating subsections (c) and (d) as*  
 5 *subsections (d) and (e); respectively; and*

6           (2) *by inserting after subsection (b) the following*  
 7 *new subsection:*

8       “(c) *COMPETITIVE PROCESS.*—*The Secretary con-*  
 9 *cerned shall ensure that the time, method, and terms and*  
 10 *conditions of the conveyance or lease of property or facilities*  
 11 *under this section permit full and free competition con-*  
 12 *sistent with the value and nature of the property or facili-*  
 13 *ties involved.”.*

14       (d) *TREATMENT OF ACQUIRED OR CONSTRUCTED*  
 15 *HOUSING UNITS.*—

16           (1) *REPEAL OF SEPARATE ASSIGNMENT AUTHOR-*  
 17 *ITY.*—Section 2882 of such title is amended to read  
 18 *as follows:*

19 **“§2882. *Effect of assignment of members to housing***  
 20 ***units acquired or constructed under alter-***  
 21 ***native authority***

22       “(a) *TREATMENT AS QUARTERS OF THE UNITED*  
 23 *STATES.*—*Except as provided in subsection (b), housing*  
 24 *units acquired or constructed under this subchapter shall*  
 25 *be considered as quarters of the United States or a housing*

1 *facility under the jurisdiction of a uniformed service for*  
2 *purposes of section 403 of title 37.*

3       “(b) *AVAILABILITY OF BASIC ALLOWANCE FOR HOUS-*  
4 *ING.—A member of the armed forces who is assigned to a*  
5 *housing unit acquired or constructed under this subchapter*  
6 *that is not owned or leased by the United States shall be*  
7 *entitled to a basic allowance for housing under section 403*  
8 *of title 37.*”

9       “(c) *LEASE PAYMENTS THROUGH PAY ALLOT-*  
10 *MENTS.—The Secretary concerned may require members of*  
11 *the armed forces who lease housing in housing units ac-*  
12 *quired or constructed under this subchapter to make lease*  
13 *payments for such housing pursuant to allotments of the*  
14 *pay of such members under section 701 of title 37.*”

15               (2) *CLERICAL AMENDMENT.—The table of sec-*  
16 *tions at the beginning of subchapter IV of chapter 169*  
17 *of such title is amended by striking the item relating*  
18 *to section 2882 and inserting the following new item:*

“2882. *Effect of assignment of members to housing units acquired or constructed*  
*under alternative authority.*”

19       (e) *ANNUAL REPORT ON MAINTENANCE AND REPAIR*  
20 *TO PRIVATIZED GENERAL AND FLAG OFFICER QUAR-*  
21 *TERS.—Section 2884(b) of such title is amended by adding*  
22 *at the end the following new paragraph:*

23               “(7) *A report identifying each family housing*  
24 *unit acquired or constructed under this subchapter*



1           ***Subtitle B—Real Property and***  
2           ***Facilities Administration***

3   **SEC. 2811. CLARIFICATION OF EXCEPTIONS TO CONGRES-**  
4                   **SIONAL REPORTING REQUIREMENTS FOR**  
5                   **CERTAIN REAL PROPERTY TRANSACTIONS.**

6           *Section 2662(c) of title 10, United States Code, is*  
7   *amended—*

8                   (1) *by striking “river and harbor projects or*  
9                   *flood control projects” and inserting “Army civil*  
10                   *works water resource development projects”; and*

11                   (2) *by striking “acquisition specifically author-*  
12                   *ized in a Military Construction Authorization Act”*  
13                   *and inserting “transaction specifically authorized in*  
14                   *a Military Construction Authorization Act or other*  
15                   *Act authorizing or directing activities of the Depart-*  
16                   *ment of Defense”.*

17   **SEC. 2812. AUTHORITY TO LEASE NON-EXCESS PROPERTY**  
18                   **OF MILITARY DEPARTMENTS AND DEFENSE**  
19                   **AGENCIES.**

20           (a) *CONSOLIDATION OF SEPARATE AUTHORITIES.—*

21                   (1) *ESTABLISHMENT OF SINGLE AUTHORITY.—*

22           *Subsection (a) of section 2667 of title 10, United*  
23           *States Code, is amended to read as follows:*

24           “(a) *LEASE AUTHORITY.—Whenever the Secretary*  
25           *concerned considers it advantageous to the United States,*

1 *the Secretary concerned may lease to such lessee and upon*  
2 *such terms as the Secretary concerned considers will pro-*  
3 *mote the national defense or to be in the public interest,*  
4 *real or personal property that—*

5           “(1) *is under the control of the Secretary con-*  
6           *cerned;*

7           “(2) *is not for the time needed for public use;*  
8           *and*

9           “(3) *is not excess property, as defined by section*  
10           *102 of title 40.”*

11           (2) *SECRETARY CONCERNED DEFINED.—Sub-*  
12           *section (i) of such section is amended by adding at*  
13           *the end the following new paragraph:*

14           “(4) *The term ‘Secretary concerned’ means—*

15                   “(A) *the Secretary of a military depart-*  
16                   *ment, with respect to matters concerning that*  
17                   *military department; and*

18                   “(B) *the Secretary of Defense, with respect*  
19                   *to matters concerning the Defense Agencies.”*

20           (b) *LIMITATION ON DURATION OF LEASE.—Subsection*  
21           *(b)(1) of such section is amended by inserting “, but not*  
22           *to exceed 50 years,” after “longer period”.*

23           (c) *PROHIBITION ON LEASEBACK WITH EXCESSIVE*  
24           *ANNUAL PAYMENTS.—Subsection (b) of such section is*  
25           *amended—*



1           (1) by striking “and” at the end of paragraph  
2           (5);

3           (2) by striking the period at the end of para-  
4           graph (6) and inserting “; and”; and

5           (3) by adding at the end the following new para-  
6           graph:

7           “(7) may not provide for a leaseback by the Sec-  
8           retary concerned with an annual payment in excess  
9           of \$500,000.”.

10          (d) *IMPROVED CONGRESSIONAL NOTIFICATION RE-*  
11 *QUIREMENTS.*—Paragraph (4) of subsection (c) of such sec-  
12 *tion is amended to read as follows:*

13          “(4)(A) Not later than 30 days before issuing a con-  
14 *tract solicitation or other lease offering under this section*  
15 *for a lease whose annual payment, including any in-kind*  
16 *consideration to be accepted under subsection (b)(5) or this*  
17 *subsection, will exceed \$500,000, the Secretary concerned*  
18 *shall submit to the congressional defense committees a re-*  
19 *port containing—*

20                 “(i) a description of the proposed lease, includ-  
21                 ing the proposed duration of the lease;

22                 “(ii) a description of the authorities to be used  
23                 in entering the lease and the intended participation  
24                 of the United States in the lease, including a jus-  
25                 tification of the intended method of participation;

1           “(iii) a statement of the scored cost of the lease,  
2           determined using the scoring criteria of the Office of  
3           Management and Budget;

4           “(iv) a determination that the property involved  
5           in the lease is not excess property, as required by sub-  
6           section (a)(3), including the basis for the determina-  
7           tion; and

8           “(v) a determination that the lease is directly  
9           compatible with the mission of the military installa-  
10          tion or Defense Agency whose property is to be subject  
11          to the lease and the anticipated long-term use of the  
12          property at the conclusion of the lease.

13          “(B) In the case of a lease described in subparagraph  
14          (A), the Secretary concerned also shall submit to the con-  
15          gressional defense committees a report at least 30 days be-  
16          fore the date on which the Secretary concerned enters into  
17          a lease the following information:

18                 “(i) A copy of the report submitted under sub-  
19                 paragraph (A).

20                 “(ii) A description of the differences between the  
21                 report submitted under that subparagraph and the  
22                 new report.

23                 “(iii) A description of the agreement reached  
24                 with the local municipality on taxation issues and

1        *other development issues related to the proposed*  
2        *project, including payments-in-lieu-of taxes.*

3            *“(iv) A description of the lessee payment re-*  
4        *quired under this section.”.*

5        *(e) PROHIBITION ON ACCEPTANCE OF IN-KIND TO*  
6        *SUPPORT CERTAIN MWR PROJECTS.—Subsection (c) of*  
7        *such section is amended by adding at the end the following*  
8        *new paragraph:*

9            *“(5) The Secretary concerned may not accept in-kind*  
10        *consideration under paragraph (1) with respect to a lease*  
11        *under this section to support the development of a project*  
12        *for a nonappropriated fund activity of the Department of*  
13        *Defense conducted for the morale, welfare, and recreation*  
14        *of members of the armed forces if the revenues estimated*  
15        *to be generated from the resulting facility would generally*  
16        *cover the operating expenses of the facility.”.*

17        *(f) CONFORMING AMENDMENTS TO REFERENCES TO*  
18        *MILITARY DEPARTMENTS AND INSTALLATIONS.—*

19            *(1) COMMUNITY SUPPORT FACILITIES AND COM-*  
20        *MUNITY SUPPORT SERVICES.—Subsection (d) of such*  
21        *section is amended—*

22            *(A) in paragraph (2), by striking “Sec-*  
23        *retary of a military department” and inserting*  
24        *“Secretary concerned”; and*

1           (B) in paragraphs (3), (4), and (6), by  
2 striking “of the military department” each place  
3 it appears.

4           (2) *DEPOSIT AND USE OF PROCEEDS.*—Sub-  
5 section (e) of such section is amended—

6           (A) in paragraph (1)(A)—

7           (i) in the matter preceding clause (i)—

8           (I) by striking “Secretary of a  
9 military department” and inserting  
10 “Secretary concerned”; and

11           (II) by striking “such military de-  
12 partment” and inserting “that Sec-  
13 retary”;

14           (ii) in clause (iii), by striking “mili-  
15 tary department” and inserting “Sec-  
16 retary”

17           (B) in paragraph (1)(B)(i), by striking  
18 “Secretary of a military department” and in-  
19 serting “Secretary concerned”;

20           (C) in paragraph (1)(C), by striking “of a  
21 military department pursuant to subparagraph  
22 (A) shall be available to the Secretary of that  
23 military department” and inserting “established  
24 for the Secretary concerned shall be available to  
25 the Secretary”;

1                   (D) in paragraph (1)(D)—

2                   (i) by striking “of a military depart-  
3                   ment under subparagraph (A)” and insert-  
4                   ing “established for the Secretary con-  
5                   cerned”; and

6                   (ii) by inserting “or Defense Agency lo-  
7                   cation” after “military installation”;

8                   (E) in paragraph (1)(E), by striking “in-  
9                   stallation” and inserting “military installation  
10                  or Defense Agency location”; and

11                  (F) in paragraph (3), by striking “Sec-  
12                  retary of a military department” and inserting  
13                  “Secretary concerned”.

14                  (3) *BASE CLOSURE PROPERTY.*—Subsection  
15                  (g)(1) of such section is amended by striking “Sec-  
16                  retary of a military department” and inserting “Sec-  
17                  retary concerned”.

18                  (g) *REPEAL OF SEPARATE DEFENSE AGENCY AU-*  
19                  *THORITY.*—

20                  (1) *REPEAL.*—Section 2667a of such title is re-  
21                  pealed.

22                  (2) *EFFECT ON EXISTING CONTRACTS.*—The re-  
23                  peal of section 2667a of title 10, United States Code,  
24                  shall not affect the validity or terms of any lease with  
25                  respect to property of a Defense Agency entered into

1 *by the Secretary of Defense under such section before*  
2 *the date of the enactment of this Act.*

3 (3) *TREATMENT OF MONEY RENTS.*—*Amounts in*  
4 *any special account established for a Defense Agency*  
5 *pursuant to subsection (d) of section 2667a of title 10,*  
6 *United States Code, before repeal of such section by*  
7 *paragraph (1), and amounts that would be deposited*  
8 *in such an account in connection with a lease referred*  
9 *to in paragraph (2), shall—*

10 (A) *remain available until expended for the*  
11 *purposes specified in such subsection, notwith-*  
12 *standing the repeal of such section by paragraph*  
13 *(1); or*

14 (B) *to the extent provided in appropria-*  
15 *tions Acts, be transferred to the special account*  
16 *required for the Secretary of Defense by sub-*  
17 *section (e) of section 2667 of such title, as*  
18 *amended by subsection (f)(2) of this section.*

19 (h) *CLERICAL AMENDMENTS.*—

20 (1) *SECTION HEADING.*—*The heading of section*  
21 *2667 of such title is amended to read as follows:*

22 **“§2667. Leases: non-excess property of military de-**  
23 **partments and Defense Agencies”.**

24 (2) *TABLE OF SECTIONS.*—*The table of sections*  
25 *at the beginning of chapter 159 of such title is*

1        *amended by striking the items relating to sections*  
2        *2667 and 2667a and inserting the following new*  
3        *item:*

      “2667. Leases: non-excess property of military departments and Defense Agencies.”.

4    **SEC. 2813. MODIFICATION OF UTILITY SYSTEM CONVEY-**  
5                                    **ANCE AUTHORITY.**

6        *(a) CONVEYANCE OF UTILITY SYSTEM INFRASTRUC-*  
7        *TURE.—Section 2688 of title 10, United States Code, is*  
8        *amended—*

9                    *(1) by redesignating subsections (i) and (j) as*  
10                   *subsections (j) and (k), respectively; and*

11                   *(2) by inserting after subsection (h) the following*  
12                   *new subsection (i):*

13        *“(i) CONVEYANCE OF UTILITY INFRASTRUCTURE*  
14        *AFTER PRIVATIZATION OF UTILITY SYSTEM.—(1) The Sec-*  
15        *retary concerned may convey all right, title, and interest*  
16        *of the United States, or such lesser estate as the Secretary*  
17        *considers appropriate, in and to utility system infrastruc-*  
18        *ture under the jurisdiction of the Secretary to the entity*  
19        *to which a utility system has been conveyed under sub-*  
20        *section (a) if the infrastructure will be used as part of the*  
21        *utility system.*

22                   *“(2) In making a conveyance under paragraph (1), the*  
23        *Secretary concerned may use other than competitive proce-*  
24        *dures. As consideration for the conveyance, the Secretary*

1 *concerned shall receive an amount equal to the fair market*  
2 *value of the conveyed utility infrastructure, determined in*  
3 *the same manner as the consideration the Secretary could*  
4 *require under subsection (c) for the conveyance of a utility*  
5 *system under subsection (a).”.*

6 *(b) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR RE-*  
7 *PLACEMENT OF UTILITY INFRASTRUCTURE.—Subsection*  
8 *(h) of such section is amended—*

9 *(1) in the subsection heading, by striking “SYS-*  
10 *TEMS.—” and inserting “SYSTEMS OR INFRASTRUC-*  
11 *TURE.—(1)”;* and

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

14 *“(2) In lieu of carrying out a military construction*  
15 *project to construct, repair, or replace utility infrastructure*  
16 *to be used with a utility system conveyed under subsection*  
17 *(a), the Secretary concerned may provide, from amounts*  
18 *authorized and appropriated for the project for fiscal year*  
19 *2009 or subsequent fiscal years, funds to the entity to which*  
20 *the utility system has been conveyed for use by the entity*  
21 *to construct, repair, or replace the utility infrastructure if*  
22 *the infrastructure will be used as part of the utility system.*  
23 *As consideration for the provision of such funds, the Sec-*  
24 *retary may require a reduction in charges for utility serv-*  
25 *ices in the same manner as a reduction in charges may*



1 *be required under subsection (c) for the conveyance of a util-*  
2 *ity system under subsection (a).”.*

3 **SEC. 2814. PERMANENT AUTHORITY TO PURCHASE MUNIC-**  
4 **IPAL SERVICES FOR MILITARY INSTALLA-**  
5 **TIONS IN THE UNITED STATES.**

6 *(a) PERMANENT AUTHORITY.—Chapter 146 of title 10,*  
7 *United States Code, is amended by inserting after section*  
8 *2465 the following new section:*

9 **“§2465a. Contracts for procurement of municipal**  
10 **services for military installations in the**  
11 **United States**

12 *“(a) CONTRACT AUTHORITY.—Subject to section 2465*  
13 *of this title, the Secretary a military department may enter*  
14 *into a contract for the procurement of municipal services*  
15 *described in subsection (b) for a military installation in*  
16 *the United States under the jurisdiction of the Secretary*  
17 *from a county or municipal government for the geographic*  
18 *area in which the installation is located.*

19 *“(b) COVERED MUNICIPAL SERVICES.—Only the fol-*  
20 *lowing municipal services may be procured for a military*  
21 *installation under the authority of this section:*

22 *“(1) Refuse collection.*

23 *“(2) Refuse disposal.*

1       “(c) *EXCEPTION FROM COMPETITIVE PROCEDURES.*—

2       *The Secretary may enter in a contract under subsection (a)*

3       *using procedures other than competitive procedures if—*

4               “(1) *the term of the proposed contract does not*  
5       *exceed five years;*

6               “(2) *the Secretary determines that the price for*  
7       *the municipal services to be provided under the con-*  
8       *tract is fair and reasonable and represents the least*  
9       *cost to the Federal Government; and*

10              “(3) *the business case supporting the Secretary’s*  
11       *determination under paragraph (2)—*

12                      “(A) *describes the availability, benefits, and*  
13       *drawbacks of alternative sources; and*

14                      “(B) *establishes that performance by the*  
15       *county or municipal government will not in-*  
16       *crease costs to the Federal government, when*  
17       *compared to the cost of continued performance*  
18       *by the current provider of the services.*

19       “(d) *LIMITATION ON DELEGATION.*—*The authority to*  
20       *make the determination described in subsection (c)(2) may*  
21       *not be delegated to a level lower than a Deputy Assistant*  
22       *Secretary for Installations and Environment or another of-*  
23       *ficial of the Department of Defense at an equivalent level.*

24       “(e) *CONGRESSIONAL NOTIFICATION.*—*The Secretary*  
25       *may not enter into a contract under subsection (a) for the*

1 *procurement of municipal services until the Secretary noti-*  
2 *fies the congressional defense committees of the proposed*  
3 *contract and a period of 14 days elapses from the date the*  
4 *notification is received by the committees. The notification*  
5 *shall include a summary of the business case and an expla-*  
6 *nation of how the adverse impact, if any, on civilian em-*  
7 *ployees of the Department will be minimized.*

8       “(f) *GUIDANCE.—The Secretary of Defense shall issue*  
9 *guidance to address the implementation of this section.*”.

10       (b) *CLERICAL AMENDMENT.—The table of sections at*  
11 *the beginning of such chapter is amended by inserting after*  
12 *the item relating to section 2465 the following new item:*

*“2465a. Contracts for purchase of municipal services for military installations in  
the United States.”.*

13       (c) *TERMINATION OF PILOT PROGRAM.—Section 325*  
14 *of the Ronald W. Reagan National Defense Authorization*  
15 *Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C.*  
16 *2461 note) is repealed. The repeal of such section shall not*  
17 *affect the terms or validity of any contract entered into be-*  
18 *fore the date of the enactment of this Act under the pilot*  
19 *program authorized by such section.*

20 **SEC. 2815. DEFENSE ACCESS ROADS.**

21       (a) *BASIS FOR TRANSPORTATION NEEDS ASSESS-*  
22 *MENT.—Section 210(a) of title 23, United States Code, is*  
23 *amended—*

24               (1) *by striking “(a)” and inserting “(a)(1)”;* and



1 *shall meet the requirements of Secretary-approved real*  
2 *property acquisition plans.*

3 (b) *WILLING SELLERS.*—*The Secretary of Defense or*  
4 *the Secretary of a military department shall not be pre-*  
5 *cluded from acquiring real property from willing sellers so*  
6 *long as the real property offered meet the requirements of*  
7 *Secretary-approved real property acquisition plans*

8 ***Subtitle C—Provisions Related to***  
9 ***Guam Realignment***

10 ***SEC. 2821. GUAM DEFENSE POLICY REVIEW INITIATIVE AC-***  
11 ***COUNT.***

12 (a) *ESTABLISHMENT OF ACCOUNT.*—*There is estab-*  
13 *lished on the books of the Treasury an account to be known*  
14 *as the “Guam Defense Policy Review Initiative Account”*  
15 *(in this section referred to as the “account”).*

16 (b) *CREDITS TO ACCOUNT.*—

17 (1) *AMOUNTS IN FUND.*—*There shall be credited*  
18 *to the account all contributions received during fiscal*  
19 *year 2009 and subsequent fiscal years under section*  
20 *2350k of title 10, United States Code, for the realign-*  
21 *ment of military installations and the relocation of*  
22 *military personnel on Guam.*

23 (2) *NOTICE OF RECEIPT OF CONTRIBUTIONS.*—  
24 *The Secretary of Defense shall submit to the congres-*  
25 *sional defense committees written notice of the receipt*

1 *of contributions referred to in paragraph (1), includ-*  
2 *ing the amount of the contributions, not later than 30*  
3 *days after receiving the contributions.*

4 *(c) USE OF ACCOUNT.—*

5 *(1) AUTHORIZED USES.—Subject to paragraph*  
6 *(2), to the extent provided in advance in appropri-*  
7 *ations Acts, amounts in the account may be used as*  
8 *follows:*

9 *(A) To carry out or facilitate the carrying*  
10 *out of a transaction authorized by this section in*  
11 *connection with the realignment of military in-*  
12 *stallations and the relocation of military per-*  
13 *sonnel on Guam, including military construc-*  
14 *tion, military family housing, unaccompanied*  
15 *housing, general facilities constructions for mili-*  
16 *tary forces, and utilities improvements.*

17 *(B) To carry out improvements of property*  
18 *or facilities on Guam as part of such a trans-*  
19 *action.*

20 *(C) To obtain property support services for*  
21 *property or facilities on Guam resulting from*  
22 *such a transaction.*

23 *(D) To develop military facilities or train-*  
24 *ing ranges in the Commonwealth of the Northern*  
25 *Mariana Islands.*

1           (2) *COMPLIANCE WITH GUAM MASTER PLAN.*—  
2           *Transactions authorized by paragraph (1) shall be*  
3           *consistent with the Guam Master Plan, as incor-*  
4           *porated in decisions made in the manner provided in*  
5           *section 102 of the National Environmental Policy Act*  
6           *of 1969 (42 U.S.C. 4332).*

7           (3) *LIMITATION REGARDING MILITARY HOUS-*  
8           *ING.*—*To extent that the authorities provided under*  
9           *subchapter IV of chapter 169 of title 10, United*  
10          *States Code, are available to the Secretary of Defense,*  
11          *the Secretary shall use such authorities to acquire,*  
12          *construct, or improve family housing units, military*  
13          *unaccompanied housing units, or ancillary sup-*  
14          *porting facilities in connection with the relocation of*  
15          *military personnel on Guam.*

16          (4) *SPECIAL REQUIREMENTS REGARDING USE OF*  
17          *CONTRIBUTIONS.*—

18                 (A) *TREATMENT OF CONTRIBUTIONS.*—*Ex-*  
19                 *cept as provided in subparagraph (C), the use of*  
20                 *contributions referred to in subsection (b)(1)*  
21                 *shall not subject to conditions imposed on the use*  
22                 *of appropriated funds by chapter 169 of title 10,*  
23                 *United States Code, or contained in annual*  
24                 *military construction appropriations Acts.*

1           (B) *NOTICE OF OBLIGATION.*—Contribu-  
2           tions referred to in subsection (b)(1) may not be  
3           obligated for a transaction authorized by para-  
4           graph (1) until the Secretary of Defense submits  
5           to the congressional defense committees notice of  
6           the transaction, including a detailed cost esti-  
7           mate, and a period of 21 days has elapsed after  
8           the date on which the notification is received by  
9           the committees or, if earlier, a period of 14 days  
10          has elapsed after the date on which a copy of the  
11          notification is provided in an electronic medium.

12          (C) *COST AND SCOPE OF WORK VARI-*  
13          *ATIONS.*—Section 2853 of title 10, United States  
14          Code, shall apply to the use of contributions re-  
15          ferred to in subsection (b)(1).

16          (D) *COMPLIANCE WITH WAGE RATE RE-*  
17          *QUIREMENTS.*—Subchapter IV of chapter 31 of  
18          title 40, United States Code, shall apply to the  
19          use of contributions referred to in subsection  
20          (b)(1).

21          (d) *TRANSFER AUTHORITY.*—

22                  (1) *TRANSFER TO HOUSING FUNDS.*—The Sec-  
23                  retary of Defense may transfer funds from the Guam  
24                  Defense Policy Review Initiative Account to the fol-  
25                  lowing funds:



1           (A) *The Department of Defense Family*  
2           *Housing Improvement Fund established by sec-*  
3           *tion 2883(a)(1) of title 10, United States Code.*

4           (B) *The Department of Defense Military*  
5           *Unaccompanied Housing Improvement Fund es-*  
6           *tablished by section 2883(a)(2) of such title.*

7           (2) *TREATMENT OF TRANSFERRED AMOUNTS.—*  
8           *Amounts transferred under paragraph (1) to a fund*  
9           *referred to in that paragraph shall be available in ac-*  
10          *cordance with the provisions of section 2883 of title*  
11          *10, United States Code for activities on Guam au-*  
12          *thorized under subchapter IV of chapter 169 of such*  
13          *title.*

14          (e) *REPORT REGARDING GUAM MILITARY CONSTRUC-*  
15          *TION.—Not later than February 15 of each year, the Sec-*  
16          *retary of Defense shall submit to Congress a report con-*  
17          *taining information on each military construction project*  
18          *included in the budget submission for the next fiscal year*  
19          *related to the realignment of military installations and the*  
20          *relocation of military personnel on Guam. The Secretary*  
21          *shall present the information in manner consistent with the*  
22          *presentation of projects in the military construction ac-*  
23          *counts for each of the military departments in the budget*  
24          *submission. The report shall also include projects associated*  
25          *with the realignment of military installations and reloca-*

1 *tion of military personnel on Guam that are included in*  
2 *the future-years defense program pursuant to section 221*  
3 *of title 10, United States Code.*

4 **SEC. 2822. SENSE OF CONGRESS REGARDING USE OF SPE-**  
5 **CIAL PURPOSE ENTITIES FOR MILITARY**  
6 **HOUSING RELATED TO GUAM REALIGNMENT.**

7 *(a) NATURE OF SPECIAL PURPOSE ENTITIES.—It is*  
8 *the sense of Congress that any Special Purpose Entity es-*  
9 *tablished to assist in the provision of military family hous-*  
10 *ing in connection with the realignment of military installa-*  
11 *tions and the relocation of military personnel on Guam*  
12 *should—*

13 *(1) be operated, to the extent practicable, in the*  
14 *manner provided for public-private ventures under*  
15 *subchapter IV of chapter 169 of title 10, United*  
16 *States Code; and*

17 *(2) be conducted as joint ventures between Japa-*  
18 *nese and United States private firms, except that any*  
19 *military family housing venture carried out by such*  
20 *a joint venture should be primarily managed by a*  
21 *United States private firm.*

22 *(b) SCOPE OF ACTIVITIES.—It is the sense of Congress*  
23 *that funding for such a Special Purpose Entity should not*  
24 *be limited to only utility improvements and the construc-*  
25 *tion of military family housing in connection with the re-*

1 *alignment of military installations and the relocation of*  
2 *military personnel on Guam.*

3 (c) *UTILITY INFRASTRUCTURE IMPROVEMENTS.—It is*  
4 *the sense of Congress that funding for such a Special Pur-*  
5 *pose Entity should support proposed utility infrastructure*  
6 *improvements on Guam that incorporate the civilian and*  
7 *military infrastructure into a single grid to realize and*  
8 *maximize the effectiveness of the overall utility system.*

9 (d) *MILITARY FAMILY HOUSING.—It is the sense of*  
10 *Congress that the building requirements imposed for any*  
11 *military family housing constructed by such a Special Pur-*  
12 *pose Entity in connection with the realignment of military*  
13 *installations and the relocation of military personnel on*  
14 *Guam should be established by the Department of Defense*  
15 *in accordance with current building standards that are*  
16 *used with other projects.*

17 (e) *SPECIAL PURPOSE ENTITY DEFINED.—In this sec-*  
18 *tion, the term “Special Purpose Entity” means a wholly*  
19 *independent entity established for a specific and limited*  
20 *purpose to facilitate the realignment of military installa-*  
21 *tions and the relocation of military personnel on Guam.*

22 **SEC. 2823. SENSE OF CONGRESS REGARDING FEDERAL AS-**  
23 **SISTANCE TO GUAM.**

24 (a) *SENSE OF CONGRESS.—It is the sense of Congress*  
25 *that the Secretary of Defense, in coordination with the*

1 *Interagency Group on Insular Areas, should enter into a*  
2 *memorandum of understanding with the Government of*  
3 *Guam to identify, before the realignment of military instal-*  
4 *lations and the relocation of military personnel on Guam,*  
5 *local funding requirements for civilian infrastructure devel-*  
6 *opment and other needs related to the realignment and relo-*  
7 *cation. The memorandum of understanding would stipulate*  
8 *the commitment of Federal agencies to assist the Govern-*  
9 *ment of Guam in carrying out the Guam realignment in*  
10 *a responsible and consistent manner.*

11 (b) *INTERAGENCY GROUP ON INSULAR AREAS DE-*  
12 *FINED.*—*In this section, the term “Interagency Group on*  
13 *Insular Areas” means the interagency group established by*  
14 *Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg.*  
15 *25477; 48 U.S.C. note prec. 1451). The term includes any*  
16 *sub-group or working group of that interagency group.*

17 **SEC. 2824. COMPTROLLER GENERAL REPORT REGARDING**  
18 **INTERAGENCY REQUIREMENTS RELATED TO**  
19 **GUAM REALIGNMENT.**

20 (a) *REPORT REQUIRED.*—*Not later than 180 days*  
21 *after the date of the enactment of this Act, the Comptroller*  
22 *General shall submit to Congress a report on the status of*  
23 *interagency coordination through the Interagency Group on*  
24 *Insular Areas of budgetary requests to assist the Govern-*  
25 *ment of Guam with its budgetary requirements related to*

1 *the realignment of military forces on Guam. The report*  
2 *shall address to what extent and how the Interagency Group*  
3 *on Insular Areas will be able to coordinate interagency*  
4 *budgets so the realignment of military forces on Guam will*  
5 *meet the 2014 completion date as stipulated in the May*  
6 *2006 security agreement between the United States and*  
7 *Japan.*

8       (b) *INTERAGENCY GROUP ON INSULAR AREAS DE-*  
9 *FINED.*—*In this section, the term “Interagency Group on*  
10 *Insular Areas” means the interagency group established by*  
11 *Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg.*  
12 *25477; 48 U.S.C. note prec. 1451). The term includes any*  
13 *sub-group or working group of that interagency group.*

14 **SEC. 2825. ENERGY AND ENVIRONMENTAL DESIGN INITIA-**  
15 **TIVES IN GUAM MILITARY CONSTRUCTION**  
16 **AND INSTALLATIONS.**

17       (a) *LEADERSHIP IN ENERGY AND ENVIRONMENTAL*  
18 *DESIGN PRINCIPLES.*—*With respect to all new military*  
19 *construction projects on Guam and military housing to be*  
20 *constructed on Guam related to the realignment of military*  
21 *forces on Guam, the Secretary of Defense shall require the*  
22 *incorporation of design criteria promulgated in the Leader-*  
23 *ship in Energy and Environmental Design Green Building*  
24 *Rating System, as developed by the United States Green*  
25 *Building Council, to achieve not less than the silver stand-*

1 *ard. This requirement shall apply regardless of the source*  
2 *of funds for the project.*

3       **(b) RENEWABLE ENERGY GOAL.**—*The Secretary of De-*  
4 *fense shall establish a goal for the use of renewable energy*  
5 *sources on all military installations on Guam. Not later*  
6 *than one year after the date of the enactment of this Act,*  
7 *the Secretary shall submit to the congressional defense com-*  
8 *mittees a report containing the plan of the Secretary to*  
9 *achieve the renewable energy goal. The report shall identify*  
10 *the renewable sources of energy that will be utilized and*  
11 *describe how the renewable sources will be utilized and in-*  
12 *stalled at military installations on Guam.*

13 **SEC. 2826. DEPARTMENT OF DEFENSE INSPECTOR GEN-**  
14 **ERAL REPORT REGARDING GUAM REALIGN-**  
15 **MENT.**

16       *Not later than 180 days after the date of the enactment*  
17 *of this Act, the Inspector General of the Department of De-*  
18 *fense shall submit to the congressional defense committees*  
19 *a report on the efforts of the Inspector General to address*  
20 *potential waste and fraud associated with the realignment*  
21 *of military forces on Guam.*

1 **SEC. 2827. ELIGIBILITY OF THE COMMONWEALTH OF THE**  
2 **NORTHERN MARIANA ISLANDS FOR MILITARY**  
3 **BASE REUSE STUDIES AND COMMUNITY**  
4 **PLANNING ASSISTANCE.**

5 (a) *INCLUSION IN DEFINITION OF MILITARY INSTALLA-*  
6 *TION.*—Section 2687(e)(1) of title 10, United States Code,  
7 is amended by inserting after “Virgin Islands,” the fol-  
8 lowing: “the Commonwealth of the Northern Mariana Is-  
9 lands,”.

10 (b) *INCLUSION OF FACILITIES OWNED AND OPERATED*  
11 *BY COMMONWEALTH.*—Section 2391(d)(1) of title 10,  
12 United States Code, is amended by inserting after “Guam,”  
13 the following: “the Commonwealth of the Northern Mariana  
14 Islands,”.

15 **SEC. 2828. PREVAILING WAGE APPLICABLE TO GUAM.**

16 (a) *IN GENERAL.*—Subchapter I of chapter 169 of title  
17 10, United States Code, is amended by adding at the end  
18 the following new section:

19 **“§2816. Application of prevailing wage for construc-**  
20 **tion on Guam**

21 “Subchapter IV of chapter 31 of title 40, United States  
22 Code, shall apply to any military construction authorized  
23 under this chapter of any facilities on Guam. In order to  
24 carry out the requirements of this section, the Secretary of  
25 Labor shall have the authority and functions set forth in

1 *Reorganization Plan Number 14 of 1950 and section 3145*  
 2 *of title 40, United States Code.”.*

3 (b) *CLERICAL AMENDMENT.—The table of sections at*  
 4 *the beginning of such subchapter is amended by adding at*  
 5 *the end the following new item:*

*“2816. Application of prevailing wage for construction on Guam.”.*

6 ***Subtitle D—Energy Security***

7 ***SEC. 2841. CERTIFICATION OF ENHANCED USE LEASES FOR***  
 8 ***ENERGY-RELATED PROJECTS.***

9 *Section 2667(h) of title 10, United States Code, is*  
 10 *amended by adding at the end the following new paragraph:*

11 *“(5) If a proposed lease under subsection (a) involves*  
 12 *a project related to energy production and the term of the*  
 13 *lease exceeds 20 years, the Secretary concerned may not*  
 14 *enter into the lease until at least 30 days after the date*  
 15 *on which the Secretary of Defense submits to the congres-*  
 16 *sional defense committees a certification that the lease is*  
 17 *consistent with the Department of Defense performance*  
 18 *goals and plan required by section 2911 of this title.”.*

19 ***SEC. 2842. ANNUAL REPORT ON DEPARTMENT OF DEFENSE***  
 20 ***INSTALLATIONS ENERGY MANAGEMENT.***

21 *Section 2925(a) of title 10, United States Code, is*  
 22 *amended—*

23 (1) *by striking the subsection heading and in-*  
 24 *serting the following: “ANNUAL REPORT RELATED TO*  
 25 *INSTALLATIONS ENERGY MANAGEMENT.—”*



1           (2) in paragraph (1), by inserting “, the Energy  
2       *Independence and Security Act of 2007 (Public Law*  
3       *110–140),” after “58)”*; and

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

6           “(6) *A description and estimate of the progress*  
7       *made by the military departments to meet the certifi-*  
8       *cation requirements for sustainable green-building*  
9       *standards in construction and major renovations.”.*

## 10       ***Subtitle E—Land Conveyances***

### 11       ***SEC. 2851. LAND CONVEYANCE, FORMER NAVAL AIR STA-*** 12       ***TION, ALAMEDA, CALIFORNIA.***

13       (a) *CONVEYANCE REQUIRED.—The Secretary of the*  
14       *Navy shall convey to the redevelopment authority for the*  
15       *former Naval Air Station Alameda, California (in this sec-*  
16       *tion referred to as the “redevelopment authority”), all right,*  
17       *title and interest of the United States in and to the real*  
18       *and personal property comprising Naval Air Station Ala-*  
19       *meda, except those parcels identified for public benefit con-*  
20       *veyance and certain surplus lands at the Naval Air Station*  
21       *Alameda described in the Federal Register on November 5,*  
22       *2007. In this section, the real and personal property to be*  
23       *conveyed under this section is referred to as the “NAS Prop-*  
24       *erty”.*

1       (b) *MULTIPLE CONVEYANCES.*—*The conveyance of the*  
2 *NAS Property may be conducted through multiple parcel*  
3 *transfers.*

4       (c) *CONSIDERATION OPTIONS.*—*As consideration for*  
5 *the conveyance of the NAS Property under subsection (a),*  
6 *the Secretary of the Navy and the redevelopment authority*  
7 *shall agree upon one of the following options:*

8           (1) *Not later than nine months after the date of*  
9 *the enactment of this Act, the redevelopment authority*  
10 *shall accept the consideration terms described in the*  
11 *document negotiated between the redevelopment au-*  
12 *thority and the Secretary of the Navy known as the*  
13 *draft “Summary of Acquisition Terms and Condi-*  
14 *tions” and dated September 18, 2006, as such lan-*  
15 *guage may be amended, with value to be determined*  
16 *for the portion of the NAS Property known as Parcel*  
17 *3, and subsequently make payments to the Secretary*  
18 *in accordance with such document.*

19           (2)(A) *The redevelopment authority shall ensure*  
20 *that the entity that acquires title to the NAS Property*  
21 *for development (in this paragraph referred to as the*  
22 *“development entity”)* *submits to the Secretary of the*  
23 *Navy a down payment of \$10,000,000 dollars at the*  
24 *time the initial portion of the NAS Property is con-*  
25 *veyed to the development entity.*

1           (B) *In addition, the redevelopment entity shall*  
2           *submit to the Secretary 12 percent of all gross resi-*  
3           *dential and commercial building sales to the first*  
4           *bona-fide, arms-length third-party buyer, whether as*  
5           *new construction or the sale of rehabilitated existing*  
6           *structures. In the event that the development entity*  
7           *transfers all or any portion of the NAS Property to*  
8           *a third party, including any subsidiaries, before the*  
9           *completion of new or rehabilitated construction, the*  
10          *development entity shall satisfy the payment require-*  
11          *ment as prescribed in this paragraph at such time as*  
12          *the NAS Property is conveyed to a bona-fide, arms-*  
13          *length third-party buyer. This obligation shall not*  
14          *apply to the sale of any buildings on land held in the*  
15          *public trust by the State of California or sales of land*  
16          *or buildings for the purposes of constructing or other-*  
17          *wise providing affordable housing, as determined by*  
18          *the Secretary.*

19           (3)(A) *The redevelopment authority shall submit*  
20          *80 percent of the gross proceeds received by the rede-*  
21          *velopment authority from the redevelopment*  
22          *authority's competitive solicitation of any portion of*  
23          *the NAS Property not encumbered by the public trust.*

24           (B) *To comply with this paragraph, the redevel-*  
25          *opment authority shall—*

1           (i) prepare, for review and approval by the  
2           Secretary of the Navy, commercially reasonable  
3           solicitation materials consisting of a request for  
4           qualifications and a request for proposals for the  
5           conveyance or lease of the NAS Property, as ap-  
6           propriate, in accordance with established con-  
7           tract principles, and such approval by the Sec-  
8           retary shall not be unreasonably withheld; and

9           (ii) pay to the Secretary the required share  
10          of monies received by the redevelopment author-  
11          ity by reason of any contract or agreement exe-  
12          cuted as a result of the solicitation.

13          (d) *EXISTING USES.*—During the three-year period be-  
14          ginning on the date on which the first conveyance under  
15          this section is made, the redevelopment authority shall make  
16          reasonable efforts to accommodate the continued use by the  
17          United States of those portions of the NAS Property covered  
18          by a request for Federal Land Transfer so long as the ac-  
19          commodation of such use is at no cost or expense to the  
20          redevelopment authority. Such accommodations shall pro-  
21          vide adequate protection for the endangered California  
22          Least Tern in accordance with the requirements of the exist-  
23          ing Biological Opinion for Naval Air Station Alameda  
24          dated March 22, 1999, and any future amendments to the  
25          Biological Opinion.

1           (e) *REMEDIATION.*—*The Secretary of the Navy shall,*  
2 *to the extent practicable, remediate the NAS Property to*  
3 *the standard included by the Secretary and the redevelop-*  
4 *ment authority in the document referred to in subsection*  
5 *(c)(1).*

6           (f) *SAVINGS PROVISION.*—*Nothing in this section shall*  
7 *be construed to affect or limit the application of, or any*  
8 *obligation to comply with, any environmental law, includ-*  
9 *ing the Comprehensive Environmental Response, Com-*  
10 *ensation, and Liability Act of 1980 (42 U.S.C. 9601 et*  
11 *seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901*  
12 *et seq.).*

13           (g) *DESCRIPTION OF PROPERTY.*—*The exact acreage*  
14 *and legal description of the real property to be conveyed*  
15 *under this section shall be determined by a survey satisfac-*  
16 *tory to the Department.*

17           (h) *MASTER LEASE.*—*The Lease in Furtherance of*  
18 *Conveyance, dated June 2000, as amended, between the Sec-*  
19 *retary of the Navy and the redevelopment authority shall*  
20 *remain in full force and effect until conveyance of the NAS*  
21 *Property in accordance with this section, and a lease*  
22 *amendment recognizing this section shall be offered by the*  
23 *Secretary.*

24           (i) *TREATMENT OF AMOUNTS RECEIVED.*—*Amounts*  
25 *received by the United States under this section shall be*

1 *credited to the fund or account intended to receive proceeds*  
2 *from the disposal of the NAS Property pursuant to the De-*  
3 *fense Base Closure and Realignment Act of 1990 (part A*  
4 *of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).*

5 (j) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
6 *retary of the Navy may require such additional terms and*  
7 *conditions in connection with the conveyance under sub-*  
8 *sections (a) as the Secretary considers appropriate to pro-*  
9 *tect the interests of the United States.*

10 **SEC. 2852. LAND CONVEYANCE, NORWALK DEFENSE FUEL**  
11 **SUPPLY POINT, NORWALK, CALIFORNIA.**

12 (a) *CONVEYANCE AUTHORIZED.—The Secretary of the*  
13 *Air Force may convey, without consideration, to the City*  
14 *of Norwalk, California (in this section referred to as the*  
15 *“City”), all right, title, and interest of the United States*  
16 *in and to a parcel of real property, including improvements*  
17 *thereon, consisting of approximately 10 acres of the Nor-*  
18 *walk Defense Fuel Supply Point in Norwalk, California,*  
19 *for the purpose of permitting the City to utilize the property*  
20 *for recreational purposes as an addition to the adjacent*  
21 *Holifield Park. In connection with the conveyance, the Sec-*  
22 *retary may make a payment to the City to assist the City*  
23 *in making municipal upgrades in the vicinity of the Nor-*  
24 *walk Defense Fuel Supply Point.*

1       (b) *ENVIRONMENTAL REMEDIATION.*—*The Secretary*  
2 *shall manage and carry out environmental remediation ac-*  
3 *tivities with respect to the property to be conveyed under*  
4 *subsection (a) that, at a minimum, achieve the standard*  
5 *sufficient to allow the property to be used for the purposes*  
6 *specified in such subsection. The Secretary shall endeavor*  
7 *to enter into an agreement with the holder of an easement*  
8 *on the property to ensure that the easement holder partici-*  
9 *pates in the remediation of the property.*

10       (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*  
11 *and legal description of the real property to be conveyed*  
12 *under subsection (a) shall be determined by a survey satis-*  
13 *factory to the Secretary.*

14       (d) *PAYMENT OF COSTS OF CONVEYANCES.*—

15           (1) *PAYMENT REQUIRED.*—*The Secretary shall*  
16 *require the City to cover costs to be incurred by the*  
17 *Secretary, or to reimburse the Secretary for costs in-*  
18 *curring by the Secretary, to carry out the conveyance*  
19 *under subsection (a), including survey costs, costs re-*  
20 *lated to environmental documentation, and other ad-*  
21 *ministrative costs related to the conveyance. If*  
22 *amounts are collected from the City in advance of the*  
23 *Secretary incurring the actual costs, and the amount*  
24 *collected exceeds the costs actually incurred by the*

1        *Secretary to carry out the conveyance, the Secretary*  
2        *shall refund the excess amount to the City.*

3            (2) *TREATMENT OF AMOUNTS RECEIVED.—*  
4        *Amounts received as reimbursements under para-*  
5        *graph (1) shall be credited to the fund or account that*  
6        *was used to cover the costs incurred by the Secretary*  
7        *in carrying out the conveyance. Amounts so credited*  
8        *shall be merged with amounts in such fund or account*  
9        *and shall be available for the same purposes, and sub-*  
10       *ject to the same conditions and limitations, as*  
11       *amounts in such fund or account.*

12        (e) *SAVINGS PROVISION.—Nothing in this section shall*  
13       *be construed to affect or limit the application of, or any*  
14       *obligation to comply with, any environmental law, includ-*  
15       *ing the Comprehensive Environmental Response, Com-*  
16       *ensation, and Liability Act of 1980 (42 U.S.C. 9601 et*  
17       *seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901*  
18       *et seq.).*

19        (f) *ADDITIONAL TERM AND CONDITIONS.—The Sec-*  
20       *retary may require such additional terms and conditions*  
21       *in connection with the conveyance under subsection (a) as*  
22       *the Secretary considers appropriate to protect the interests*  
23       *of the United States.*



1 **SEC. 2853. LAND CONVEYANCE, FORMER NAVAL STATION,**  
2 **TREASURE ISLAND, CALIFORNIA.**

3 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
4 *Navy shall convey to the redevelopment authority for former*  
5 *Naval Station, Treasure Island, California (in this section*  
6 *referred to as the “redevelopment authority”), all right,*  
7 *title, and interest of the United States in and to a parcel*  
8 *of real property consisting of those portions of the former*  
9 *Naval Station still retained by the Navy as of the date of*  
10 *the enactment of this Act and personal property and related*  
11 *utilities and improvements thereon.*

12 (b) *CONSIDERATION.*—*As consideration for the convey-*  
13 *ance of the property under subsection (a), the Secretary and*  
14 *the redevelopment authority shall agree upon at least one*  
15 *of the following options:*

16 (1) *Subject to subsection (c), the redevelopment*  
17 *authority shall assume the remaining obligations of*  
18 *the Department of Defense to address releases or*  
19 *threatened releases of hazardous substances and petro-*  
20 *leum and its constituents, to the extent necessary to*  
21 *obtain regulatory closure from relevant California*  
22 *and Federal environmental regulatory agencies, in-*  
23 *cluding a CERCLA covenant deferral by the Governor*  
24 *of the State of California.*

25 (2) *The redevelopment authority shall pay the*  
26 *United States a share of the gross revenues that the*

1        *redevelopment authority receives from third-party*  
2        *buyers or lessees from sales and long-term leases of the*  
3        *conveyed property.*

4        *(c) ENVIRONMENTAL REMEDIATION EXCEPTIONS.—*  
5        *Under the consideration option provided by subsection*  
6        *(b)(1), the redevelopment authority shall not be required to*  
7        *accept any responsibility for—*

8                *(1) ordnance, explosives, munitions or similar*  
9                *devices or materials located on the conveyed property;*

10               *(2) radiological materials located on the con-*  
11               *veyed property, where those materials were not identi-*  
12               *fied before the conveyance under subsection (a) and*  
13               *were authorized to remain in place subject to the es-*  
14               *tablishment of institutional controls enforced by a*  
15               *covenant with the California Department of Toxic*  
16               *Substances Control and deed restrictions to the prop-*  
17               *erty recipient;*

18               *(3) chemical or biological weapons or constitu-*  
19               *ents thereof located on the conveyed property; and*

20               *(4) releases of hazardous substances and petro-*  
21               *leum and its constituents located on the conveyed*  
22               *property, if the release of the hazardous substances or*  
23               *petroleum and its constituents was not discovered at*  
24               *the time of the conveyance and the costs of remedi-*  
25               *ation of such unknown releases is not covered by envi-*

1        *ronmental insurance procured by or benefitting the*  
2        *redevelopment authority.*

3        *(d) PAYMENT OF COSTS OF CONVEYANCES.—*

4                *(1) PAYMENT REQUIRED.—The Secretary shall*  
5        *require the redevelopment authority to cover costs to*  
6        *be incurred by the Secretary, or to reimburse the Sec-*  
7        *retary for costs incurred by the Secretary, to carry*  
8        *out the conveyance under subsection (a), including*  
9        *survey costs, appraisal costs, and other costs related*  
10       *to the conveyance. If amounts are collected from the*  
11       *redevelopment authority in advance of the Secretary*  
12       *incurring the actual costs, and the amount collected*  
13       *exceeds the costs actually incurred by the Secretary to*  
14       *carry out the conveyance, the Secretary shall refund*  
15       *the excess amount to the redevelopment authority.*

16               *(2) TREATMENT OF AMOUNTS RECEIVED.—*  
17       *Amounts received under paragraph (1) as reimburse-*  
18       *ment for costs incurred by the Secretary to carry out*  
19       *the conveyance under subsection (a), and not refunded*  
20       *under such paragraph, shall be—*

21               *(A) counted toward the consideration other-*  
22               *wise required from the redevelopment authority*  
23               *under subsection (b); and*

1           (B) credited to the fund or account that was  
2           used to cover the costs incurred by the Secretary  
3           in carrying out the conveyance.

4           (3) *USE OF AMOUNTS RECEIVED.*—Amounts  
5           credited to a fund or account under paragraph (2)(B)  
6           shall be merged with amounts in the fund or account  
7           and shall be available for the same purposes, and sub-  
8           ject to the same conditions and limitations, as  
9           amounts in such fund or account.

10          (e) *SAVINGS PROVISION.*—Nothing in this section shall  
11          be construed to affect or limit the application of, or any  
12          obligation to comply with, any environmental law, includ-  
13          ing the *Comprehensive Environmental Response, Com-  
14          pensation, and Liability Act of 1980 (42 U.S.C. 9601 et  
15          seq.)* and the *Solid Waste Disposal Act (42 U.S.C. 6901  
16          et seq.)*.

17          (f) *DESCRIPTION OF PROPERTY.*—The exact acreage  
18          and legal description of the real property to be conveyed  
19          under subsection (a) shall be determined by a survey satis-  
20          factory to the Secretary.

21          (g) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-  
22          retary may require such additional terms and conditions  
23          in connection with the conveyance under subsections (a) as  
24          the Secretary considers appropriate to protect the interests  
25          of the United States, so long as such additional terms and

1 *conditions do not materially change the terms and condi-*  
2 *tions of this section, including the consideration to be pro-*  
3 *vided the United States under subsection (b).*

4 **SEC. 2854. CONDITION ON LEASE INVOLVING NAVAL AIR**  
5 **STATION, BARBERS POINT, HAWAII.**

6 *As a condition of any lease executed by the Secretary*  
7 *of the Navy pursuant to section 2843 of the Military Con-*  
8 *struction Authorization Act for Fiscal Year 2007 (division*  
9 *B of Public Law 109–364; 120 Stat. 2482) with Ford Is-*  
10 *land Properties/Hunt Development involving the former*  
11 *Naval Air Station, Barbers Point, Hawaii, the Secretary*  
12 *of the Navy shall require that Ford Island Properties/Hunt*  
13 *Development enter into a memorandum of understanding*  
14 *with the Hawaii Community Development Authority to en-*  
15 *sure that the development plan for the real property covered*  
16 *by the lease conforms with the final Kalaeloa Master Plan*  
17 *and appropriate land use controls of the Hawaii Commu-*  
18 *nity Development Authority.*

19 **SEC. 2855. LAND CONVEYANCE, SERGEANT FIRST CLASS**  
20 **M.L. DOWNS ARMY RESERVE CENTER,**  
21 **SPRINGFIELD, OHIO.**

22 *(a) CONVEYANCE AUTHORIZED.—At such time as the*  
23 *Army Reserve vacates the Sergeant First Class M.L. Downs*  
24 *Army Reserve Center at 1515 West High Street in Spring-*  
25 *field, Ohio, the Secretary of the Army may convey, without*

1 *consideration, to the City of Springfield, Ohio (in this sec-*  
2 *tion referred to as the “City”), all right, title, and interest*  
3 *of the United States in and to the parcel of real property,*  
4 *including improvements thereon, containing the Reserve*  
5 *Center for the purpose of permitting the City to utilize the*  
6 *property for municipal government activities.*

7       **(b) REVERSIONARY INTEREST.**—*If the Secretary deter-*  
8 *mines at any time that the real property conveyed under*  
9 *subsection (a) is not being used in accordance with the pur-*  
10 *pose of the conveyance, all right, title, and interest in and*  
11 *to such real property, including any improvements and ap-*  
12 *purtenant easements thereto, shall, at the option of the Sec-*  
13 *retary, revert to and become the property of the United*  
14 *States, and the United States shall have the right of imme-*  
15 *diate entry onto such real property. A determination by the*  
16 *Secretary under this subsection shall be made on the record*  
17 *after an opportunity for a hearing.*

18       **(c) DESCRIPTION OF PROPERTY.**—*The exact acreage*  
19 *and legal description of the real property to be conveyed*  
20 *under subsection (a) shall be determined by a survey satis-*  
21 *factory to the Secretary.*

22       **(d) PAYMENT OF COSTS OF CONVEYANCES.**—

23               **(1) PAYMENT REQUIRED.**—*The Secretary shall*  
24 *require the City to cover costs to be incurred by the*  
25 *Secretary, or to reimburse the Secretary for costs in-*

1        *curred by the Secretary, to carry out the conveyance*  
2        *under subsection (a), including survey costs, costs re-*  
3        *lated to environmental documentation, and other ad-*  
4        *ministrative costs related to the conveyance. If*  
5        *amounts are collected from the City in advance of the*  
6        *Secretary incurring the actual costs, and the amount*  
7        *collected exceeds the costs actually incurred by the*  
8        *Secretary to carry out the conveyance, the Secretary*  
9        *shall refund the excess amount to the City.*

10            (2) *TREATMENT OF AMOUNTS RECEIVED.—*  
11        *Amounts received as reimbursements under para-*  
12        *graph (1) shall be credited to the fund or account that*  
13        *was used to cover the costs incurred by the Secretary*  
14        *in carrying out the conveyance. Amounts so credited*  
15        *shall be merged with amounts in such fund or account*  
16        *and shall be available for the same purposes, and sub-*  
17        *ject to the same conditions and limitations, as*  
18        *amounts in such fund or account.*

19            (e) *ADDITIONAL TERM AND CONDITIONS.—The Sec-*  
20        *retary may require such additional terms and conditions*  
21        *in connection with the conveyance under subsection (a) as*  
22        *the Secretary considers appropriate to protect the interests*  
23        *of the United States.*

1 **SEC. 2856. LAND CONVEYANCE, JOHN SEVIER RANGE, KNOX**  
2 **COUNTY, TENNESSEE.**

3 (a) *CONVEYANCE AUTHORIZATION.*—*The Secretary of*  
4 *the Army may convey, without consideration, to the State*  
5 *of Tennessee all right, title, and interest of the United States*  
6 *in and to a parcel of real property, including any improve-*  
7 *ments thereon and appurtenant easements thereto, con-*  
8 *sisting of approximately 124 acres known as the John*  
9 *Sevier Range in Knox County, Tennessee, if the State agrees*  
10 *to use such real property as a public firing range and for*  
11 *associated recreational activities.*

12 (b) *REVERSIONARY INTEREST.*—*If the Secretary deter-*  
13 *mines at any time that the real property conveyed under*  
14 *subsection (a) is not being used in accordance with the*  
15 *terms of the conveyance, all right, title, and interest in and*  
16 *to such real property, including any improvements and ap-*  
17 *purtenant easements thereto, shall, at the option of the Sec-*  
18 *retary, revert to and become the property of the United*  
19 *States, and the United States shall have the right of imme-*  
20 *diate entry onto such real property. A determination by the*  
21 *Secretary under this subsection shall be made on the record*  
22 *after an opportunity for a hearing.*

23 (c) *ADMINISTRATIVE EXPENSES.*—*In accordance with*  
24 *section 2695 of title 10, United State Code, the Secretary*  
25 *may accept amounts provided by the State to cover admin-*  
26 *istrative expenses incurred by the Secretary with respect to*



1 *the conveyance authorized under subsection (a), including*  
2 *survey expenses, expenses related to environmental docu-*  
3 *mentation, and other administrative expenses related to*  
4 *such conveyance. Such amounts shall be credited, pursuant*  
5 *to subsection (c) of section 2695 of such title, to the appro-*  
6 *priation, fund, or account from which such expenses were*  
7 *paid. If amounts are collected from the State in advance*  
8 *of the Secretary incurring such expenses, and the amount*  
9 *collected exceeds the expenses actually incurred by the Sec-*  
10 *retary, the Secretary shall refund the excess amount to the*  
11 *State.*

12       *(d) DESCRIPTION OF PROPERTY.—The exact acreage*  
13 *and legal description of the real property authorized to be*  
14 *conveyed under subsection (a) shall be determined by a sur-*  
15 *vey satisfactory to the Secretary and the State.*

16       *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
17 *retary may require such additional terms and conditions*  
18 *in connection with the conveyance authorized under sub-*  
19 *section (a) as the Secretary considers appropriate to protect*  
20 *the interests of the United States.*

21 **SEC. 2857. LAND CONVEYANCE, BUREAU OF LAND MANAGE-**  
22 **MENT LAND, CAMP WILLIAMS, UTAH.**

23       *(a) CONVEYANCE REQUIRED.—Not later than 120 days*  
24 *after the date of the enactment of this Act, the Secretary*  
25 *of the Interior, acting through the Bureau of Land Manage-*

1 *ment, shall convey, without consideration, to the State of*  
2 *Utah all right, title, and interest of the United States in*  
3 *and to certain lands comprising approximately 431 acres,*  
4 *as generally depicted on a map entitled “Proposed Camp*  
5 *Williams Land Transfer” and dated March 7, 2008, which*  
6 *are located within the boundaries of the public lands cur-*  
7 *rently withdrawn for military use by the Utah National*  
8 *Guard and known as Camp Williams, Utah, for the purpose*  
9 *of permitting the Utah National Guard to use the conveyed*  
10 *land as provided in subsection (c).*

11 *(b) REVOCATION OF EXECUTIVE ORDER.—Executive*  
12 *Order No. 1922 of April 24, 1914, as amended by section*  
13 *907 of the Camp W.G. Williams Land Exchange Act of*  
14 *1989 (title IX of Public Law 101–628; 104 Stat. 4501),*  
15 *shall be revoked, only insofar as it affects the lands identi-*  
16 *fied for conveyance to the State of Utah under subsection*  
17 *(a).*

18 *(c) REVERSIONARY INTEREST.—The lands conveyed to*  
19 *the State of Utah under subsection (a) shall revert to the*  
20 *United States if the Secretary of the Interior determines*  
21 *that the land, or any portion thereof, is sold or attempted*  
22 *to be sold, or that the land, or any portion thereof, is used*  
23 *for non-National Guard or non-national defense purposes.*  
24 *Any determination by the Secretary of the Interior under*  
25 *this subsection shall be made in consultation with the Sec-*

1 *retary of Defense and the Governor of Utah and on the*  
2 *record after an opportunity for comment.*

3       (d) *HAZARDOUS MATERIALS.*—*With respect to any*  
4 *portion of the land conveyed under subsection (a) that the*  
5 *Secretary of the Interior determines is subject to reversion*  
6 *under subsection (c), if the Secretary of the Interior also*  
7 *determines that the portion of the conveyed land contains*  
8 *hazardous materials, the State of Utah shall pay the United*  
9 *States an amount equal to the fair market value of that*  
10 *portion of the land, and the reversionary interest shall not*  
11 *apply to that portion of the land.*

12 **SEC. 2858. LAND CONVEYANCE, ARMY PROPERTY, CAMP**  
13 **WILLIAMS, UTAH.**

14       (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
15 *Army may convey, without consideration, to the State of*  
16 *Utah on behalf of the Utah National Guard (in this section*  
17 *referred to as the “State”) all right, title, and interest of*  
18 *the United States in and to two parcels of real property,*  
19 *including any improvements thereon, that are located with-*  
20 *in the boundaries of Camp Williams, Utah, consist of ap-*  
21 *proximately 608 acres and 308 acres, respectively, and are*  
22 *identified in the Utah National Guard master plan as being*  
23 *necessary acquisitions for future missions of the Utah Na-*  
24 *tional Guard.*

1           **(b) REVERSIONARY INTEREST.**—*If the Secretary deter-*  
2 *mines at any time that the real property conveyed under*  
3 *subsection (a), or any portion thereof, has been sold or is*  
4 *being used solely for non-defense, commercial purposes, all*  
5 *right, title, and interest in and to the property shall revert,*  
6 *at the option of the Secretary, to the United States, and*  
7 *the United States shall have the right of immediate entry*  
8 *onto the property. It is not a violation of the reversionary*  
9 *interest for the State to lease the property, or any portion*  
10 *thereof, to private, commercial, or governmental interests*  
11 *if the lease facilitates the construction and operation of*  
12 *buildings, facilities, roads, or other infrastructure that di-*  
13 *rectly supports the defense missions of the Utah National*  
14 *Guard. Any determination of the Secretary under this sub-*  
15 *section shall be made on the record after an opportunity*  
16 *for a hearing.*

17           **(c) PAYMENT OF COSTS OF CONVEYANCE.**—

18           **(1) PAYMENT REQUIRED.**—*The Secretary shall*  
19 *require the State to cover costs to be incurred by the*  
20 *Secretary, or to reimburse the Secretary for costs in-*  
21 *curring by the Secretary, to carry out the conveyance*  
22 *under subsection (a), including survey costs, costs re-*  
23 *lated to environmental documentation, and other ad-*  
24 *ministrative costs related to the conveyance. If*  
25 *amounts are collected from the State in advance of the*

1        *Secretary incurring the actual costs, and the amount*  
2        *collected exceeds the costs actually incurred by the*  
3        *Secretary to carry out the conveyance, the Secretary*  
4        *shall refund the excess amount to the State.*

5            (2) *TREATMENT OF AMOUNTS RECEIVED.—*  
6        *Amounts received as reimbursements under para-*  
7        *graph (1) shall be credited to the fund or account that*  
8        *was used to cover the costs incurred by the Secretary*  
9        *in carrying out the conveyance. Amounts so credited*  
10       *shall be merged with amounts in such fund or account*  
11       *and shall be available for the same purposes, and sub-*  
12       *ject to the same conditions and limitations, as*  
13       *amounts in such fund or account.*

14           (d) *DESCRIPTION OF REAL PROPERTY.—The exact*  
15       *acreage and legal description of the real property to be con-*  
16       *veyed under subsection (a) shall be determined by a survey*  
17       *satisfactory to the Secretary.*

18           (e) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
19       *retary may require such additional terms and conditions*  
20       *in connection with the conveyance under subsection (a) as*  
21       *the Secretary considers appropriate to protect the interests*  
22       *of the United States.*

1 **SEC. 2859. EXTENSION OF POTOMAC HERITAGE NATIONAL**  
2 **SCENIC TRAIL THROUGH FORT BELVOIR, VIR-**  
3 **GINIA.**

4 (a) *AGREEMENT AUTHORITY.*—*The Secretary of the*  
5 *Army may enter into a revocable at will easement with the*  
6 *Secretary of the Interior to provide land along the perimeter*  
7 *of Fort Belvoir, Virginia, to be used as a segment the Poto-*  
8 *mac Heritage National Scenic Trail.*

9 (b) *SELECTION CRITERIA.*—*In determining the extent*  
10 *of the easement, the Secretary of the Army shall provide*  
11 *for a single trail, and select alignments of the trail, along*  
12 *the perimeter of Fort Belvoir. In making that determina-*  
13 *tion, the Secretary shall consider—*

14 (1) *the perimeter security requirements to protect*  
15 *the assets, people, and agency missions located at Fort*  
16 *Belvoir;*

17 (2) *the appropriate setback from adjacent road-*  
18 *ways to provide for a safe and enjoyable experience*  
19 *for users of the trail; and*

20 (3) *any planned future expansion of roadways,*  
21 *including United States Route 1, so that the trail will*  
22 *not be adversely impacted by roadway construction.*

23 (c) *TRAIL ADMINISTRATION AND MANAGEMENT.*—*Any*  
24 *segment of the Potomac Heritage National Scenic Trail*  
25 *along the perimeter of Fort Belvoir shall be administered*  
26 *by the Secretary of the Interior, acting through the National*

1 *Park Service, and shall be managed by the Secretary of the*  
2 *Army, by an appropriate local agency, or by any other*  
3 *party mutually acceptable to the Secretary of the Army and*  
4 *the National Park Service. A written agreement confirming*  
5 *this management arrangement shall be co-signed by the*  
6 *parties to the easement agreement.*

## 7 ***Subtitle F—Other Matters***

### 8 ***SEC. 2871. REVISED DEADLINE FOR TRANSFER OF ARLING-*** 9 ***TON NAVAL ANNEX TO ARLINGTON NATIONAL*** 10 ***CEMETERY.***

11 *Section 2881(h)(1) of the Military Construction Au-*  
12 *thorization Act for Fiscal Year 2000 (division B of Public*  
13 *Law 106–65; 113 Stat. 879), as amended by section 2871*  
14 *of the Military Construction Authorization Act for Fiscal*  
15 *Year 2008 (division B of Public Law 110–181; 122 Stat.*  
16 *561), is further amended by striking “January 1, 2011”*  
17 *and inserting “January 1, 2012”.*

### 18 ***SEC. 2872. DECONTAMINATION AND USE OF FORMER BOM-*** 19 ***BARDMENT AREA ON ISLAND OF CULEBRA.***

20 *Section 204 of the Military Construction Authoriza-*  
21 *tion Act, 1974 (Public Law 93–166; 87 Stat. 668) is*  
22 *amended by striking subsection (c).*

1 **SEC. 2873. ACCEPTANCE AND USE OF GIFTS FOR CON-**  
2 **STRUCTION OF ADDITIONAL BUILDING AT**  
3 **NATIONAL MUSEUM OF THE UNITED STATES**  
4 **AIR FORCE, WRIGHT-PATTERSON AIR FORCE**  
5 **BASE.**

6 (a) *ACCEPTANCE AUTHORIZED.*—*The Secretary of the*  
7 *Air Force may accept from the Air Force Museum Founda-*  
8 *tion, a private nonprofit corporation, gifts in the form of*  
9 *cash, treasury instruments, or comparable United States se-*  
10 *curities for the purpose of paying the costs of design and*  
11 *construction of a fourth building for the National Museum*  
12 *of the United States Air Force at Wright-Patterson Air*  
13 *Force Base, Ohio. In making a gift, the Air Force Museum*  
14 *Foundation may specify that all or part of the amount of*  
15 *the gift be utilized solely for the purpose of the design and*  
16 *construction of a particular portion of the building.*

17 (b) *ESCROW ACCOUNT.*—

18 (1) *DEPOSIT OF GIFTS.*—*The Secretary of the*  
19 *Air Force, acting through the Director of Financial*  
20 *Management of the Air Force Materiel Command (in*  
21 *this section referred to as the “Director”), shall de-*  
22 *posit the amount of any gift accepted under sub-*  
23 *section (a) in an escrow account established for that*  
24 *purpose.*

25 (2) *INVESTMENT.*—*Amounts in the escrow ac-*  
26 *count not required to meet current requirements of the*



1     *account shall be invested in public debt securities*  
2     *with maturities suitable to the needs of the account,*  
3     *as determined by the Director, and bearing interest at*  
4     *rates that take into consideration current market*  
5     *yields on outstanding marketable obligations of the*  
6     *United States of comparable securities. The income on*  
7     *such investments shall be credited to and form a part*  
8     *of the account.*

9             (3) *LIQUIDATION.*—*Upon final payment of all*  
10     *invoices and claims associated with the design and*  
11     *construction of the building described in subsection*  
12     *(a), the Secretary shall terminate the escrow account.*  
13     *Any amounts remaining in the account upon termi-*  
14     *nation shall be available to the Secretary, in such*  
15     *amounts as are provided in advance in appropria-*  
16     *tions Acts, for such purposes as the Secretary con-*  
17     *siders appropriate.*

18             (c) *USE OF GIFTS.*—

19             (1) *DESIGN AND CONSTRUCTION.*—*The Director*  
20     *shall use amounts in the escrow account, including*  
21     *income on investments, to pay the costs of the design*  
22     *and construction of a fourth building for the National*  
23     *Museum of the United States Air Force, including*  
24     *progress payments for such design and construction,*  
25     *subject to any conditions imposed by the Air Force*

1 *Museum Foundation under subsection (a). Amounts*  
2 *in the account shall be available to the Director, in*  
3 *such amounts as are provided in advance in appro-*  
4 *propriations Acts, until expended.*

5 (2) *TIME FOR PAYMENT.*—*Amounts shall be pay-*  
6 *able under paragraph (1) upon receipt by the Direc-*  
7 *tor of a notification from the technical representative*  
8 *of the contracting officer that construction activities*  
9 *for which such amounts are payable under paragraph*  
10 *(1) have been undertaken. To the maximum extent*  
11 *practicable consistent with good business practice, the*  
12 *Director shall limit payment of amounts from the ac-*  
13 *count in order to maximize the return on investment*  
14 *of amounts in the account.*

15 (d) *LIMITATION ON CONTRACTS.*—*The Secretary of the*  
16 *Air Force may not initiate a contract for the design or con-*  
17 *struction of a particular portion of the building described*  
18 *in subsection (a) until amounts in the escrow account are*  
19 *sufficient to cover the amount of the contract.*

20 **SEC. 2874. ESTABLISHMENT OF MEMORIAL TO AMERICAN**  
21 **RANGERS AT FORT BELVOIR, VIRGINIA.**

22 (a) *AUTHORITY TO ESTABLISH MEMORIAL.*—*The Sec-*  
23 *retary of the Army may permit the American Ranger Me-*  
24 *morial Association, Inc., to establish and maintain, at a*  
25 *suitable location on Fort Belvoir, Virginia, a national me-*

1 *morial to honor the sacrifice and service of American Rang-*  
2 *ers during their almost four hundred years of existence.*

3       **(b) LOCATION AND DESIGN.**—*The actual location and*  
4 *final design of the memorial authorized by subsection (a)*  
5 *shall be subject to the approval of the Secretary. In selecting*  
6 *the location, the Secretary shall seek to maximize visitor*  
7 *access to the resulting memorial.*

8       **(c) MAINTENANCE.**—*The maintenance of the memorial*  
9 *authorized by subsection (a) by the American Ranger Me-*  
10 *morial Association, Inc., shall be subject to such conditions*  
11 *regarding access to the memorial, and such other conditions,*  
12 *as the Secretary considers appropriate to protect the inter-*  
13 *ests of the United States.*

14       **(d) LIMITATION ON PAYMENT OF EXPENSES.**—*The*  
15 *United States Government shall not pay any expense for*  
16 *the establishment or maintenance of the memorial author-*  
17 *ized by subsection (a).*

18 **SEC. 2875. LEASE INVOLVING PIER ON FORD ISLAND, PEARL**

19                   **HARBOR NAVAL BASE, HAWAII.**

20       **(a) LEASE.**—*The Secretary of the Navy shall enter*  
21 *into a lease with the USS Missouri Memorial Association*  
22 *to authorize the USS Missouri Memorial Association to use*  
23 *the pier Foxtrot Five and related real property on Ford*  
24 *Island, Pearl Harbor Naval Base, Hawaii, during calendar*  
25 *years 2009 and 2010.*

1       (b) *CONSIDERATION.*—*The lease required by subsection*  
2 *(a) shall be made without consideration.*

3       (c) *CONDITION ON USE OF LEASED PROPERTY.*—*As*  
4 *a condition on the lease under subsection (a), the USS Mis-*  
5 *souri Memorial Association shall agree to preserve and*  
6 *maintain the USS Missouri for education purposes, historic*  
7 *preservation, and community outreach.*

8       (d) *EFFECT OF VIOLATION.*—*If the Secretary deter-*  
9 *mines at any time that the USS Missouri Memorial Asso-*  
10 *ciation is not in compliance with the condition imposed*  
11 *by subsection (c), the Secretary may terminate the lease re-*  
12 *ferred to in subsection (a). Any determination of the Sec-*  
13 *retary under this subsection shall be made on the record*  
14 *after an opportunity for a hearing.*

15 **SEC. 2876. NAMING OF HEALTH FACILITY, FORT RUCKER,**

16 **ALABAMA.**

17       *The health facility located at 301 Andrews Avenue in*  
18 *Fort Rucker, Alabama, shall be known and designated as*  
19 *the “Lyster Army/VA Health Clinic”. Any reference in a*  
20 *law, map, regulation, document, paper, or other record of*  
21 *the United States to such facility shall be deemed to be a*  
22 *reference to the Lyster Army/VA Health Clinic.*

1 **TITLE XXIX—ADDITIONAL WAR-**  
 2 **RELATED AND EMERGENCY**  
 3 **MILITARY CONSTRUCTION**  
 4 **AUTHORIZATIONS FOR FIS-**  
 5 **CAL YEAR 2008**

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

*Sec. 2902. Authorized Navy construction and land acquisition projects.*

*Sec. 2903. Authorized Air Force construction and land acquisition projects.*

*Sec. 2904. Authorized Defense Agencies construction and land acquisition projects.*

*Sec. 2905. Termination of authority to carry out fiscal year 2008 Army projects for which funds were not appropriated.*

6 **SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 7 **ACQUISITION PROJECTS.**

8 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-  
 9 propriated pursuant to the authorization of appropriations  
 10 in subsection (c)(1), the Secretary of the Army may acquire  
 11 real property and carry out military construction projects  
 12 for the installations or locations inside the United States,  
 13 and in the amounts, set forth in the following table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Alaska .....	Fort Wainwright .....	\$17,000,000
California .....	Fort Irwin .....	\$11,800,000
Colorado .....	Fort Carson .....	\$8,400,000
Georgia .....	Fort Benning .....	\$30,500,000
.....	Fort Gordon .....	\$39,800,000
Hawaii .....	Schofield Barracks .....	\$12,500,000
Kentucky .....	Fort Campbell .....	\$9,900,000
.....	Fort Knox .....	\$7,400,000
Missouri .....	Fort Leonard Wood .....	\$50,000,000
North Carolina .....	Fort Bragg .....	\$8,500,000
Oklahoma .....	Fort Sill .....	\$9,000,000
South Carolina .....	Fort Jackson .....	\$27,000,000
Texas .....	Fort Bliss .....	\$17,300,000
.....	Fort Hood .....	\$7,200,000
.....	Fort Sam Houston .....	\$54,000,000
Virginia .....	Fort Eustis .....	\$50,000,000
.....	Fort Lee .....	\$7,400,000

1       (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in subsection (c)(2), the Secretary of the Army may  
 4 acquire real property and carry out military construction  
 5 projects for the installations or locations outside the United  
 6 States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Afghanistan</i> .....	<i>Various Locations</i> .....	\$54,000,000
<i>Iraq</i> .....	<i>Baghdad</i> .....	\$13,000,000
.....	<i>Camp Adder</i> .....	\$13,200,000
.....	<i>Camp Ramadi</i> .....	\$6,200,000
.....	<i>Falujah</i> .....	\$5,500,000

7       (c) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are  
 8 hereby authorized to be appropriated on or after the date  
 9 of the enactment of this Act for military construction, land  
 10 acquisition, and military family housing functions of the  
 11 Department of the Army in the total amount of  
 12 \$440,700,000 as follows:

13           (1) *For military construction projects inside the*  
 14 *United States authorized by subsection (a),*  
 15 *\$367,700,000.*

16           (2) *For military construction projects outside the*  
 17 *United States authorized by subsection (b),*  
 18 *\$67,000,000.*

19           (3) *For architectural and engineering services*  
 20 *and construction design under section 2807 of title*  
 21 *10, United States Code, \$6,000,000.*

1 **SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
 2 **ACQUISITION PROJECTS.**

3 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-  
 4 propriated pursuant to the authorization of appropriations  
 5 in subsection (c)(1), the Secretary of the Navy may acquire  
 6 real property and carry out military construction projects  
 7 for the installations or locations inside the United States,  
 8 and in the amounts, set forth in the following table:

**Navy: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
California .....	Camp Pendleton .....	\$9,270,000
.....	China Lake .....	\$7,210,000
.....	Point Mugu .....	\$7,250,000
.....	San Diego .....	\$12,299,000
.....	Twentynine Palms .....	\$11,250,000
Florida .....	Elgin Air Force Base .....	\$780,000
Mississippi .....	Gulfport .....	\$6,570,000
North Carolina .....	Camp Lejeune .....	\$27,980,000
Virginia .....	Yorktown .....	\$8,070,000

9 (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
 10 appropriated pursuant to the authorization of appropria-  
 11 tions in subsection (c)(2), the Secretary of the Navy may  
 12 acquire real property and carry out military construction  
 13 projects for the installations or locations outside the United  
 14 States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Djibouti .....	Camp Lemonier .....	\$22,390,000

15 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Subject to  
 16 section 2825 of title 10, United States Code, funds are here-  
 17 by authorized to be appropriated on or after the date of

1 *the enactment of this Act for military construction, land*  
2 *acquisition, and military family housing functions of the*  
3 *Department of the Navy in the total amount of \$94,731,000*  
4 *as follows:*

5           (1) *For military construction projects inside the*  
6 *United States authorized by subsection (a),*  
7 *\$90,679,000.*

8           (2) *For military construction projects outside the*  
9 *United States authorized by subsection (b),*  
10 *\$22,390,000.*

11           (3) *For architectural and engineering services*  
12 *and construction design under section 2807 of title*  
13 *10, United States Code, \$4,052,000.*

14           (4) *For construction and acquisition, planning*  
15 *and design, and improvement of military family*  
16 *housing and facilities, \$11,766,000.*

17 **SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
18 **LAND ACQUISITION PROJECTS.**

19           (a) *INSIDE THE UNITED STATES.—Using amounts ap-*  
20 *propriated pursuant to the authorization of appropriations*  
21 *in subsection (c)(1), the Secretary of the Air Force may ac-*  
22 *quire real property and carry out military construction*  
23 *projects for the installations or locations inside the United*  
24 *States, and in the amounts, set forth in the following table:*



***Air Force: Inside the United States***

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>California</i> .....	<i>Beale Air Force Base</i> .....	\$17,600,000
<i>Florida</i> .....	<i>Eglin Air Force Base</i> .....	\$11,000,000
<i>New Jersey</i> .....	<i>McGuire Air Force Base</i> .....	\$6,200,000
<i>New Mexico</i> .....	<i>Cannon Air Force Base</i> .....	\$8,000,000

1           **(b) OUTSIDE THE UNITED STATES.**—Using amounts  
2   *appropriated pursuant to the authorization of appropria-*  
3   *tions in subsection (c)(2), the Secretary of the Air Force*  
4   *may acquire real property and carry out military construc-*  
5   *tion projects for the installations or locations outside the*  
6   *United States, and in the amounts, set forth in the following*  
7   *table:*

***Air Force: Outside the United States***

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Oman</i> .....	<i>Masirah Air Base</i> .....	\$6,300,000
<i>Qatar</i> .....	<i>Al Udeid</i> .....	\$100,400,000

8           **(c) AUTHORIZATION OF APPROPRIATIONS.**—Funds are  
9   *hereby authorized to be appropriated on or after the date*  
10   *of the enactment of this Act for military construction, land*  
11   *acquisition, and military family housing functions of the*  
12   *Department of the Air Force in the total amount of*  
13   *\$150,927,000, as follows:*

14           **(1)** *For military construction projects inside the*  
15    *United States authorized by subsection (a),*  
16    *\$42,800,000.*

1           (2) *For military construction projects outside the*  
 2           *United States authorized by subsection (b),*  
 3           *\$106,700,000.*

4           (3) *For architectural and engineering services*  
 5           *and construction design under section 2807 of title*  
 6           *10, United States Code, \$1,427,000.*

7   **SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRU-**  
 8                                   **CTION AND LAND ACQUISITION PROJECTS.**

9           (a) *INSIDE THE UNITED STATES.*—*Using amounts ap-*  
 10          *propriated pursuant to the authorization of appropriations*  
 11          *in subsection (b)(1), the Secretary of Defense may acquire*  
 12          *real property and carry out military construction projects*  
 13          *for the installations or locations inside the United States,*  
 14          *and in the amounts, set forth in the following table:*

***Defense Agencies: Inside the United States***

<b><i>Country</i></b>	<b><i>Installation or Location</i></b>	<b><i>Amount</i></b>
<i>Georgia .....</i>	<i>Fort Benning .....</i>	<i>\$350,000,000</i>
<i>Kansas .....</i>	<i>Fort Riley .....</i>	<i>\$404,000,000</i>
<i>North Carolina</i>	<i>Camp Lejeune .....</i>	<i>\$122,000,000</i>

15          (b) *AUTHORIZATION OF APPROPRIATIONS.*—*Funds are*  
 16          *hereby authorized to be appropriated on or after the date*  
 17          *of the enactment of this Act for military construction, land*  
 18          *acquisition, and military family housing functions of the*  
 19          *Department of Defense (other than the military depart-*  
 20          *ments) in the total amount of \$956,000,000, as follows:*

1           (1) *For military construction projects inside the*  
2 *United States authorized by subsection (a),*  
3 *\$876,000,000.*

4           (2) *For architectural and engineering services*  
5 *and construction design under section 2807 of title*  
6 *10, United States Code, \$80,000,000.*

7 **SEC. 2905. TERMINATION OF AUTHORITY TO CARRY OUT**  
8 **FISCAL YEAR 2008 ARMY PROJECTS FOR**  
9 **WHICH FUNDS WERE NOT APPROPRIATED.**

10       *The table in section 2901(b) of the Military Construc-*  
11 *tion Authorization Act for Fiscal Year 2008 (division B*  
12 *of Public Law 110–181; 122 Stat. 570) is amended—*

13           (1) *in the item relating to Bagram Air Base, Af-*  
14 *ghanistan, by striking “\$249,600,000” in the amount*  
15 *column and inserting “\$195,600,000”;*

16           (2) *in the item relating to Camp Adder, Iraq, by*  
17 *striking “\$80,650,000” in the amount column and in-*  
18 *serting “\$75,800,000”;*

19           (3) *in the item relating to Camp Anaconda,*  
20 *Iraq, by striking “\$53,500,000” in the amount col-*  
21 *umn and inserting “\$10,500,000”;*

22           (4) *in the item relating to Camp Victory, Iraq,*  
23 *by striking “\$65,400,000” in the amount column and*  
24 *inserting “\$60,400,000”;*

1           (5) *by striking the item relating to Tikrit, Iraq;*  
2           *and*

3           (6) *in the item relating to Camp Speicher, Iraq,*  
4           *by striking “\$83,900,000” in the amount column and*  
5           *inserting “\$74,100,000”.*

6   ***DIVISION C—DEPARTMENT OF***  
7   ***ENERGY NATIONAL SECURITY***  
8   ***AUTHORIZATIONS AND***  
9   ***OTHER AUTHORIZATIONS***  
10 ***TITLE XXXI—DEPARTMENT OF***  
11 ***ENERGY NATIONAL SECURITY***  
12 ***PROGRAMS***

*Subtitle A—National Security Programs Authorizations*

*Sec. 3101. National Nuclear Security Administration.*

*Sec. 3102. Defense environmental cleanup.*

*Sec. 3103. Other defense activities.*

*Sec. 3104. Defense nuclear waste disposal.*

*Sec. 3105. Energy security and assurance.*

*Subtitle B—Program Authorizations, Restrictions, and Limitations*

*Sec. 3111. Utilization of international contributions to the Russian plutonium disposition program.*

*Sec. 3112. Extension of deadline for Comptroller General report on Department of Energy protective force management.*

13           ***Subtitle A—National Security***  
14           ***Programs Authorizations***

15   ***SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-***  
16           ***TION.***

17           ***(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are***  
18           *hereby authorized to be appropriated to the Department of*  
19           *Energy for fiscal year 2009 for the activities of the National*

1 *Nuclear Security Administration in carrying out programs*  
2 *necessary for national security in the amount of*  
3 *\$9,301,922,000, to be allocated as follows:*

4 (1) *For weapons activities, \$6,609,639,000.*

5 (2) *For defense nuclear nonproliferation activi-*  
6 *ties, \$1,455,148,000.*

7 (3) *For naval reactors, \$828,054,000.*

8 (4) *For the Office of the Administrator for Nu-*  
9 *clear Security, \$409,081,000.*

10 (b) *AUTHORIZATION OF NEW PLANT PROJECTS.—*

11 *From funds referred to in subsection (a) that are available*  
12 *for carrying out plant projects, the Secretary of Energy*  
13 *may carry out new plant projects for the National Nuclear*  
14 *Security Administration as follows:*

15 (1) *For readiness in technical base and facilities,*  
16 *the following new plant projects:*

17 *Project 09–D–404, Test Capabilities Revi-*  
18 *talization, Phase 2, Sandia National Labora-*  
19 *tories, New Mexico, \$3,000,000.*

20 *Project 08–D–806, Ion Beam Laboratory*  
21 *Refurbishment, Sandia National Laboratories,*  
22 *New Mexico, \$10,014,000.*

23 (2) *For naval reactors, the following new plant*  
24 *projects:*

1                    *Project 09–D–902, Naval Reactor Facilities*  
2                    *Production Support Complex, Naval Reactors*  
3                    *Facility, Idaho, \$8,300,000.*

4                    *Project 09–D–190, KAPL Infrastructure*  
5                    *Upgrades, Schenectady, New York, \$1,000,000.*

6

7 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

8                    *Funds are hereby authorized to be appropriated to the*  
9                    *Department of Energy for fiscal year 2009 for defense envi-*  
10                   *ronmental cleanup activities in carrying out programs nec-*  
11                   *essary for national security in the amount of*  
12                   *\$5,317,256,000.*

13 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

14                   *Funds are hereby authorized to be appropriated to the*  
15                   *Department of Energy for fiscal year 2009 for other defense*  
16                   *activities in carrying out programs necessary for national*  
17                   *security in the amount of \$1,321,461,000, of which*  
18                   *\$487,008,000 is for construction of the Mixed Oxide Fuel*  
19                   *Fabrication Facility at the Savannah River Site, South*  
20                   *Carolina, and associated program activities and functions.*

21 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

22                   *Funds are hereby authorized to be appropriated to the*  
23                   *Department of Energy for fiscal year 2009 for defense nu-*  
24                   *clear waste disposal for payment to the Nuclear Waste Fund*  
25                   *established in section 302(c) of the Nuclear Waste Policy*

1 *Act of 1982 (42 U.S.C. 10222(c)) in the amount of*  
2 *\$247,371,000.*

3 **SEC. 3105. ENERGY SECURITY AND ASSURANCE.**

4 *Funds are hereby authorized to be appropriated to the*  
5 *Department of Energy for fiscal year 2009 for energy secu-*  
6 *rity and assurance programs necessary for national secu-*  
7 *rity in the amount of \$7,622,000.*

8 **Subtitle B—Program Authoriza-**  
9 **tions, Restrictions, and Limita-**  
10 **tions**

11 **SEC. 3111. UTILIZATION OF INTERNATIONAL CONTRIBU-**  
12 **TIONS TO THE RUSSIAN PLUTONIUM DIS-**  
13 **POSITION PROGRAM.**

14 *(a) IN GENERAL.—The Secretary of Energy may, in*  
15 *consultation with the Secretary of State, enter into one or*  
16 *more agreements with any person (including a foreign gov-*  
17 *ernment, international organization, or multinational enti-*  
18 *ty) that the Secretary of Energy considers appropriate,*  
19 *under which the person contributes funds for the effective*  
20 *and transparent disposition of excess weapon-grade Rus-*  
21 *sian plutonium in the Russian Federation, known as the*  
22 *Russian Plutonium Disposition Program.*

23 *(b) RETENTION AND USE OF AMOUNTS.—Subject to*  
24 *the availability of appropriations, the Secretary of Energy*  
25 *may retain and use amounts contributed under an agree-*

1 *ment under subsection (a) for purposes of the Russian Plu-*  
2 *tonium Disposition Program. Amounts so contributed shall*  
3 *be retained in a separate fund established in the Treasury*  
4 *for such purposes, subject to the availability of appropria-*  
5 *tions, consistent with an agreement under subsection (a).*

6       (c) *RETURN OF AMOUNTS NOT USED WITHIN 5*  
7 *YEARS.—If an amount contributed under an agreement*  
8 *under subsection (a) is not used under this section within*  
9 *5 years after it was contributed, the Secretary of Energy*  
10 *shall return that amount to the person who contributed it.*

11       (d) *NOTICE TO APPROPRIATE CONGRESSIONAL COM-*  
12 *MITTEES.—Not later than 30 days after the receipt of an*  
13 *amount contributed under subsection (b), the Secretary of*  
14 *Energy shall submit to the appropriate congressional com-*  
15 *mittees a notice specifying the purpose and value of the con-*  
16 *tribution and identifying the person who contributed it. The*  
17 *Secretary may not use such amount until 15 days after the*  
18 *notice is submitted.*

19       (e) *ANNUAL REPORT.—Not later than October 31 of*  
20 *each year, beginning in the fiscal year in which the first*  
21 *contributions are retained under subsection (b), the Sec-*  
22 *retary of Energy shall submit to the appropriate congres-*  
23 *sional committees a report on the receipt and use of*  
24 *amounts under this section during the preceding fiscal year.*  
25 *Each report for a fiscal year shall set forth—*



1           (1) *a statement of any amounts received under*  
2 *this section, including, for each such amount, the*  
3 *value of the contribution and the person who contrib-*  
4 *uted it;*

5           (2) *a statement of any amounts used under this*  
6 *section, including, for each such amount, the purposes*  
7 *for which the amount was used; and*

8           (3) *a statement of the amounts retained but not*  
9 *used under this section including, for each such*  
10 *amount, the purposes (if known) for which the Sec-*  
11 *retary intends to use the amount.*

12       (f) *EXPIRATION.*—*The authority to accept, retain, and*  
13 *use contributions under this section shall expire on Decem-*  
14 *ber 31, 2013.*

15       (g) *APPROPRIATE CONGRESSIONAL COMMITTEES DE-*  
16 *FINED.*—*In this section, the term “appropriate congres-*  
17 *sional committees” means—*

18           (1) *the Committee on Armed Services, the Com-*  
19 *mittee on Appropriations, and the Committee on For-*  
20 *oreign Affairs of the House of Representatives; and*

21           (2) *the Committee on Armed Services, the Com-*  
22 *mittee on Appropriations, and the Committee on For-*  
23 *oreign Relations of the Senate.*

1 **SEC. 3112. EXTENSION OF DEADLINE FOR COMPTROLLER**  
 2 **GENERAL REPORT ON DEPARTMENT OF EN-**  
 3 **ERGY PROTECTIVE FORCE MANAGEMENT.**

4 *Section 3124(a)(1) of the National Defense Authoriza-*  
 5 *tion Act for Fiscal Year 2008 (Public Law 110–181; 122*  
 6 *Stat. 580) is amended by striking “Not later than 180 days*  
 7 *after the date of the enactment of this Act,” and inserting*  
 8 *“No later than March 1, 2009,”.*

9 **TITLE XXXII—DEFENSE NU-**  
 10 **CLEAR FACILITIES SAFETY**  
 11 **BOARD**

*Sec. 3201. Authorization.*

12 **SEC. 3201. AUTHORIZATION.**

13 *There are authorized to be appropriated for fiscal year*  
 14 *2009, \$25,499,000 for the operation of the Defense Nuclear*  
 15 *Facilities Safety Board under chapter 21 of the Atomic En-*  
 16 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

17 **TITLE XXXIV—NAVAL**  
 18 **PETROLEUM RESERVES**

*Sec. 3401. Authorization of appropriations.*

19 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

20 *(a) AMOUNT.—There are hereby authorized to be ap-*  
 21 *propriated to the Secretary of Energy \$19,099,000 for fiscal*  
 22 *year 2009 for the purpose of carrying out activities under*  
 23 *chapter 641 of title 10, United States Code, relating to the*  
 24 *naval petroleum reserves.*

1           (b) *PERIOD OF AVAILABILITY.*—*Funds appropriated*  
 2 *pursuant to the authorization of appropriations in sub-*  
 3 *section (a) shall remain available until expended.*

4                           ***TITLE XXXV—MARITIME***  
 5                           ***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.*

6   ***SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-***  
 7                           ***CAL YEAR 2009.***

8           *Funds are hereby authorized to be appropriated for fis-*  
 9 *cal year 2009, to be available without fiscal year limitation*  
 10 *if so provided in appropriations Acts, for the use of the De-*  
 11 *partment of Transportation for the Maritime Administra-*  
 12 *tion as follows:*

13                   (1) *For expenses necessary for operations and*  
 14 *training activities, \$117,848,000, of which—*

15                           (A) *\$8,150,000 shall remain available until*  
 16 *expended for capital improvements at the United*  
 17 *States Merchant Marine Academy, and*

18                           (B) *\$8,306,000 shall remain available until*  
 19 *expended for maintenance and repair of school*  
 20 *ships of the State Maritime Academies.*

1           (2) *For expenses to maintain and preserve a*  
2 *United States-flag merchant fleet to serve the national*  
3 *security needs of the United States under chapter 531*  
4 *of title 46, United States Code, \$193,500,000, of which*  
5 *\$19,500,000 will be available for costs associated with*  
6 *the maintenance reimbursement pilot program under*  
7 *section 3517 of the Maritime Security Act of 2003 (46*  
8 *U.S.C 53101 note).*

9           (4) *For assistance to small shipyards and mari-*  
10 *time communities under section 54101 of title 46,*  
11 *United States Code, \$25,000,000.*

12           (5) *For expenses to dispose of obsolete vessels in*  
13 *the National Defense Reserve Fleet, \$18,000,000.*

14           (6) *For the cost (as defined in section 502(5) of*  
15 *the Federal Credit Reform Act of 1990 (2 U.S.C.*  
16 *661a(5)) of loan guarantees under the program au-*  
17 *thorized by chapter 537 of title 46, United States*  
18 *Code, \$30,000,000.*

19           (7) *For administrative expenses related to the*  
20 *implementation of the loan guarantee program under*  
21 *chapter 537 of title 46, United States Code, adminis-*  
22 *trative expenses related to implementation of the re-*  
23 *imbursement program under section 3517 of the Mar-*  
24 *itime Security Act of 2003 (46 U.S.C. 53101 note),*  
25 *and administrative expenses related to the implemen-*

1        *tation of the small shipyards and maritime commu-*  
2        *nities assistance program under section 54101 of title*  
3        *46, United States Code, \$3,531,000.*

4        **SEC. 3502. LIMITATION ON EXPORT OF VESSELS OWNED BY**  
5                                **THE GOVERNMENT OF THE UNITED STATES**  
6                                **FOR THE PURPOSE OF DISMANTLING, RECY-**  
7                                **CLING, OR SCRAPPING.**

8        *(a) IN GENERAL.—Except as provided in subsection*  
9        *(b), no vessel that is owned by the Government of the United*  
10        *States shall be approved for export to a foreign country for*  
11        *purposes of dismantling, recycling, or scrapping.*

12        *(b) EXCEPTION.—Subsection (a) shall not apply with*  
13        *respect to a vessel if the Administer of the Maritime Admin-*  
14        *istration certifies that—*

15                                *(1) a compelling need for dismantling, recycling,*  
16        *or scrapping the vessel exists;*

17                                *(2) there is no available capacity in the United*  
18        *States to conduct the dismantling, recycling, or scrap-*  
19        *ping of the vessel;*

20                                *(3) any dismantling, recycling, or scrapping of*  
21        *the vessel in a foreign country will be conducted in*  
22        *full compliance with environmental, safety, labor, and*  
23        *health requirements for ship dismantling, recycling,*  
24        *or scrapping that are equivalent to the laws of the*  
25        *United States; and*

1           (4) *the export of the vessel under this section will*  
2           *only be for dismantling, recycling, or scrapping of the*  
3           *vessel.*

4           (c) *CERTIFICATION.—The certification required in*  
5           *subsection (b) must be provided to the Committee on Armed*  
6           *Services of the House of Representatives and the Committee*  
7           *on Commerce, Science, and Transportation of the Senate*  
8           *at least 90 days before any vessel is approved for transport*  
9           *to a foreign country for purposes of dismantling, recycling,*  
10          *or scrapping.*

11          (d) *UNITED STATES DEFINED.—In this section the*  
12          *term “United States” means the States of the United States,*  
13          *Puerto Rico, and Guam.*

14          **SEC. 3503. STUDENT INCENTIVE PAYMENT AGREEMENTS.**

15          *Section 51509(b) of title 46, United States Code, is*  
16          *amended—*

17                  (1) *by striking “\$4,000” and inserting “\$8,000”;*

18                  (2) *by inserting “tuition,” after “uniforms,”;*

19                  *and*

20                  (3) *by inserting “before the start of each aca-*  
21                  *demic year” after “and be paid”.*

22          **SEC. 3504. RIDING GANG MEMBER REQUIREMENTS.**

23          *Section 1018 of the John Warner National Defense Au-*  
24          *thorization Act for Fiscal Year 2007 (Public Law 109–364;*  
25          *120 Stat. 2380) is amended to read as follows:*

1 **“SEC. 1018. RIDING GANG MEMBER REQUIREMENTS.**

2       “(a) *IN GENERAL.*—*The Secretary of Defense may not*  
3 *award, renew, extend, or exercise an option to extend any*  
4 *charter of a vessel documented under chapter 121 of title*  
5 *46, United States Code, for the Department of Defense, or*  
6 *any contract for the carriage of cargo by a vessel docu-*  
7 *mented under that chapter for the Department of Defense,*  
8 *unless the charter or contract, respectively, includes provi-*  
9 *sions that—*

10               “(1) *subject to paragraph (2), allow riding gang*  
11 *members to perform work on the vessel during the ef-*  
12 *fective period of the charter or contract only under*  
13 *terms, conditions, restrictions, and requirements as*  
14 *provided in section 8106 of title 46, United States*  
15 *Code; and*

16               “(2) *require that riding gang members hold a*  
17 *merchant mariner’s document issued under chapter*  
18 *73 of title 46, United States Code, or a transportation*  
19 *security card issued under section 70105 of such title.*

20       “(b) *EXEMPTION.*—

21               “(1) *IN GENERAL.*—*In accordance with regula-*  
22 *tions issued by the Secretary of Defense, an indi-*  
23 *vidual shall not be treated as a riding gang member*  
24 *for the purposes of section 8106 of title 46, United*  
25 *States Code, and this section if—*

1           “(A) *the individual is aboard a vessel that*  
2 *is under charter or contract for the carriage of*  
3 *cargo for the Department of Defense, for purposes*  
4 *other than engaging in the operation or mainte-*  
5 *nance of the vessel; and*

6           “(B) *the individual—*

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

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

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

15                “(iv) *is otherwise required by the Sec-*  
16 *retary of Defense to be aboard the vessel.*

17           “(2) *BACKGROUND CHECK.—*

18                “(A) *IN GENERAL.—This section shall not*  
19 *apply to an individual unless—*

20                “(i) *the name and other necessary*  
21 *identifying information for the individual*  
22 *is submitted to the Secretary for a back-*  
23 *ground check; and*

24                “(ii) *except as provided in subpara-*  
25 *graph (B), the individual successfully passes*



1           *a background check by the Secretary prior*  
2           *to going aboard the vessel.*

3           “(B) *WAIVER.—The Secretary may waive*  
4           *the application of subparagraph (A)(ii) for an*  
5           *individual who holds a merchant mariner’s doc-*  
6           *ument issued under chapter 73 of title 46,*  
7           *United States Code, or a transportation security*  
8           *card issued under section 70105 of such title.*

9           “(3) *EXEMPTED INDIVIDUAL NOT TREATED AS IN*  
10          *ADDITION TO THE CREW.—An individual who, under*  
11          *paragraph (1), is not treated as a riding gang mem-*  
12          *ber shall not be counted as an individual in addition*  
13          *to the crew for the purposes of section 3304 of title*  
14          *46, United States Code.”.*

15 **SEC. 3505. MAINTENANCE AND REPAIR REIMBURSEMENT**  
16                   **PROGRAM FOR THE MARITIME SECURITY**  
17                   **FLEET.**

18          *Section 3517(a) of the Maritime Security Act of 2003*  
19          *(46 U.S.C. 53101 note; as amended by section 3503 of the*  
20          *National Defense Authorization Act for Fiscal Year 2006*  
21          *(119 Stat. 3548)) is amended by adding at the end the fol-*  
22          *lowing:*

23           “(3) *EXISTING OPERATING AGREEMENTS.—The*  
24           *Secretary of Transportation shall, subject to the avail-*  
25           *ability of appropriations, seek to enter into an agree-*



1           (3) shall terminate not later than 6 months after  
2           the termination of contract authority under sub-  
3           section (d).

4           (c) *LIMITATION ON NUMBER OF CONTRACTORS.*—In  
5           awarding contracts under the program, the Maritime Ad-  
6           ministrators shall ensure that not more than 25 individuals  
7           actively provide services in any one academic trimester, or  
8           equivalent, as contractors under the program.

9           (d) *TERMINATION OF CONTRACTING AUTHORITY.*—The  
10          authority to award contracts under the program shall ter-  
11          minate upon the expiration of December 31, 2009.

12          (e) *EXISTING CONTRACTS.*—Any contract entered into  
13          before the effective date of this section for the services of an  
14          adjunct professor at the Academy shall remain in effect for  
15          the trimester (or trimesters) for which the services were con-  
16          tracted.

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

18                 (1) *ACADEMY.*—The term “Academy” means the  
19                 United States Merchant Marine Academy.

20                 (2) *MARITIME ADMINISTRATOR.*—The term  
21                 “Maritime Administrator” means the Administrator  
22                 of the Maritime Administration, or a designee of the  
23                 Administrator.

24                 (3) *PROGRAM.*—The term “program” means the  
25                 program established under subsection (a).

Amend the title so as to read: “A bill 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.”.



Union Calendar No. 413

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5658**

[Report No. 110-652]

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## **A BILL**

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

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MAY 16, 2008

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed